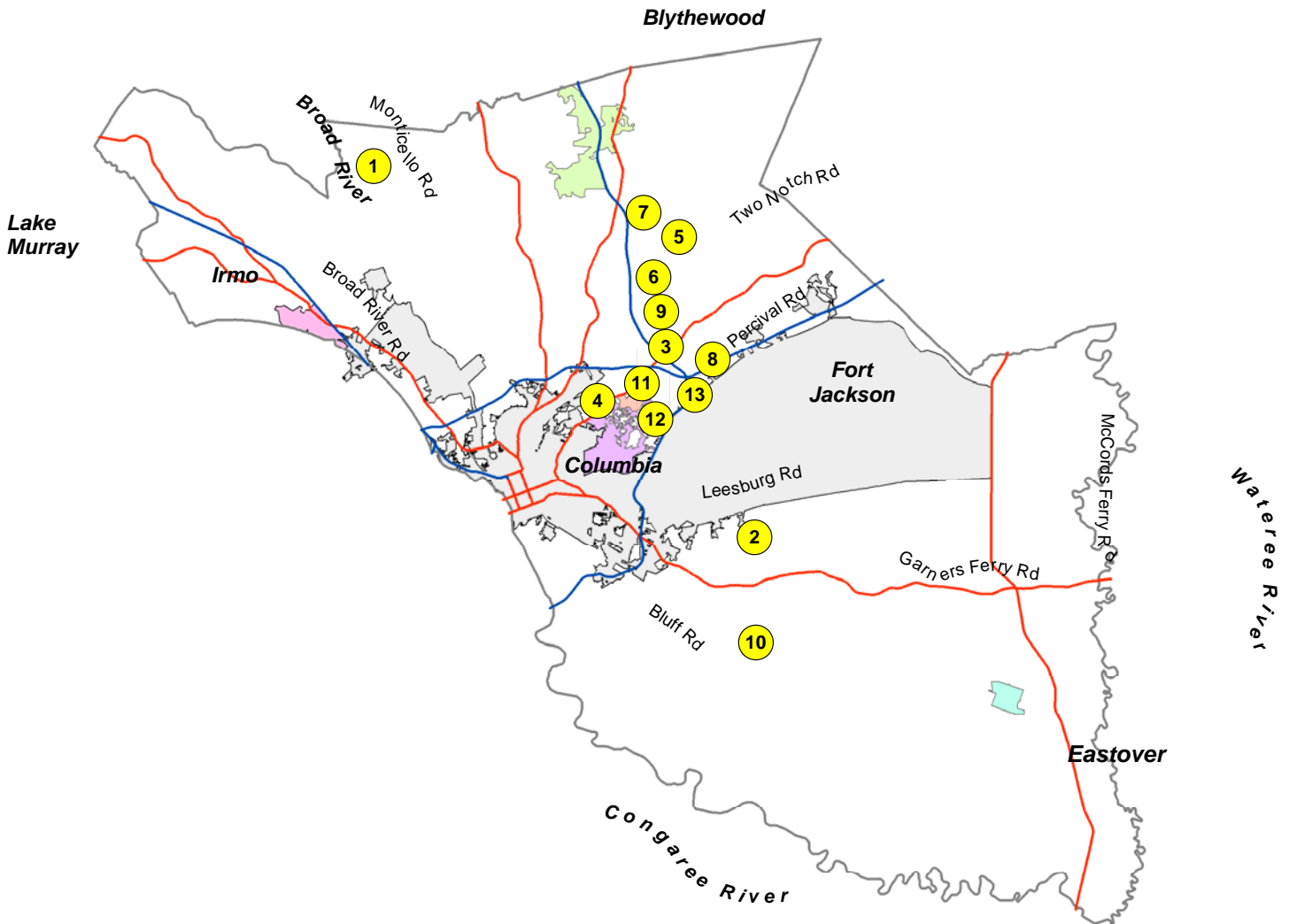


RICHLAND COUNTY
BOARD OF
ZONING APPEALS



Wednesday, February 2, 2005
1:00 p.m.
Council Chambers

RICHLAND COUNTY BOARD OF ZONING APPEALS PUBLIC HEARING FEBRUARY 2, 2005



CASE NO.	APPLICANT	TMS NO.	ADDRESS	DISTRICT
1. 05-24 SE	Jonathan Yates	05600-01-13	Monticello Road	Dickerson
2. 05-30 SE	Elicia Sinkler	22011-03-01	101 Moore Cross Drive	Mizzell
3. 05-32 V	Thomas Mackey	17113-01-07	8401 Two Notch Road	McEachern
4. 05-35 SE	Dianne Austin Nwokolo	14205-03-02	1842 Malcolm Drive	Jeter
5. 05-44 SE	Bette Kelson	20301-04-05	401 Sagamare Road	Dickerson
6. 05-45 SE	Denise Johnson	17300-02-21	9501 Farrow Road	McEachern
7. 05-46 V	Jack Carter	17500-03-42	Longtown Road	McEachern
8. 05-47 V	Jack Carter	19811-01-02	NW/S Polo Road	Montgomery
9. 05-48 SE	Veronica Argo	17210-01-03	Flintlake Road	McEachern
10. 05-49 SE	Jonathan Yates	21600-02-03	5690 Lower Richland Boulevard	Scott
11. 05-50 V	Patrick Palmer	17010-02-05	7450 Two Notch Road	Montgomery
12. 05-51 V	Patrick Palmer	17005-03-11	7356 Two Notch Road	Montgomery
13. 05-52 V	Patrick Palmer	17010-02-05	7450 Two Notch Road	Montgomery

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
PUBLIC HEARING
FEBRUARY 2, 2005, 1:00 P.M.**

**2020 HAMPTON STREET
2nd FLOOR COUNTY COUNCIL CHAMBER**

AGENDA

- | | | |
|-------------|---------------------------------------|---|
| I. | CALL TO ORDER & RECOGNITION OF QUORUM | NAPOLEON TOLBERT,
CHAIRMAN |
| II. | RULES OF ORDER | BRAD FARRAR,
DEPUTY COUNTY
ATTORNEY |
| III. | PUBLIC HEARING | GEONARD PRICE,
ASSISTANT ZONING
ADMINISTRATOR |

OPEN PUBLIC HEARING

- | | | |
|-----------------------|--|--|
| A | 05-23 SE
Wanda Wright
3221 Padgett Rd.
22011-05-39 | WITHDRAWN |
| B
7 | 05-24 SE
Jonathan Yates
Monticello Rd.
05600-01-13 | Requests special exception for the construction of a communication tower on property zoned rural (RU) |
| C
21 | 05-30 SE
Elicia Sinkler
101 Moore Cross Dr.
22011-03-01 | Requests a special exception for the establishment of a family day care on property zoned single family residential (RS-2) |
| D
33 | 05-32 V
Thomas Mackey
8401 Two Notch Rd.
17113-01-07 | Requests a variance to reduce the parking from 21 spaces 18 on property zoned general commercial (C-3) |

E 41	05-35 SE Dianne Austin Nwokolo 1842 Malcolm Drive 14205-03-02	Requests a special exception for the establishment of a family day care on property zoned single family residential (RS-2)
F 53	05-44 SE Bette Kelson 401 Sagamore Rd. 20301-04-05	Requests a special exception for the establishment of a family day care on property zoned single family residential (RS-2)
G 61	05-45 SE Denise Johnson 9501 Farrow Rd. 17300-02-21	Requests a special exception for the establishment of a family day care on property zoned single family residential (RS-3)
H 73	05-46 V Jack Carter Longtown Road 17500-03-42	Request a variance to reduce the number of parking spaces from 234 to 170 on property zoned planned unit development 2 (PUD-2)
I 81	05-47 V Jack Carter NW/S Polo Road 19811-01-02	Request a variance to reduce the number of parking spaces from 234 to 172 on property zoned commercial (C-1)
J 89	05- 48 SE Veronica Argo Flintlake Rd. 17210-01-03	Request a special exception to place a mobile home on property zoned general residential (RG-2)
K 97	05-49 SE Johnathan Yates 5690 Lower Richland Blvd. 21600-02-03	Requests a special exception for the construction of a communications tower on property zoned rural (RU)
L 111	05-50 V Patrick Palmer 7450 Two Notch Rd. 17010-02-05	Requests a variance to reduce the front setback on property zoned commercial (C-3)
M 119	05-51 V Patrick Palmer 7356 Two Notch Rd. 17005-03-11	Requests a variance to reduce the front setback on property zoned commercial (C-3)

N 05-52 V
127 Patrick Palmer
7450 Two Notch Rd.
17010-02-05

Requests a variance to reduce the amount of parking required to 33 on property zoned commercial (C-3)

IV. APPROVAL OF MINUTES
January 5, 2005

V. OTHER BUSINESS

A. Election of Officers

B. Review and Approval of By-laws and Rules of Procedures

VI. ADJOURNMENT



5 January 2005
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-24 Special Exception

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the construction of a communication tower in a RU (Rural) district.

GENERAL INFORMATION

Applicant

Jonathan Yates

Tax Map Number

05600-01-13

Location

N/S Monticello Road

Existing Zoning

RU (Rural District)

Parcel Size

95.83 acre tract

Existing Land Use

Vacant

Existing Status of the Property

It is undeveloped and heavily wooded.

Proposed Status of the Property

The applicant proposes to erect a 300-foot self-support tower, within a 10,000 square foot leased compound.

Immediate Adjacent Zoning and Land Use

- North - RU; undeveloped
- South - RU; undeveloped/residential
- East - RU; undeveloped/residential
- West - RU; undeveloped/residential

Character of the Area

The subject property is located on a two-lane road. The surrounding area is a mixture of heavily wooded, undeveloped parcels and large tracts with residential structures. The adjacent parcels west, east, and south of the property are primarily developed residentially. The northern parcels are primarily heavily wooded and undeveloped.

ZONING ORDINANCE CITATION

Section 26-61.4(4) of the Zoning Ordinance authorizes the Board of Zoning Appeals to authorize radio, television and all other types of communications towers subject to the provisions of section 26-94A.

CRITERIA FOR SPECIAL EXCEPTIONS

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

1. Traffic impact.

N/A

2. Vehicle and pedestrian safety.

N/A

3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.

The lights of the communication tower could pose a potential impact on adjoining properties. The applicant has addressed these concerns in previous applications.

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

The depth of the structure within the heavily wooded parcel should serve to help minimize the aesthetic impact of the communication tower on the environs.

5. Orientation and spacing of improvements or buildings.

The submitted site plan does not seem to necessitate any changes.

(9) Special exception requirements (as found in section 26-94):

(a) In addition to the requirements for special exceptions found in section 26-602.2c, the zoning board of adjustment shall consider the following:

(1) Will the proposed structure endanger the health and safety of residents, employees or travelers, including but not limited to the likelihood of the failure of such structures.

To be addressed by the applicant.

(2) Is the proposed tower located in an area where it will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.

To be addressed by the applicant.

(3) Is the proposed structure necessary to provide a service that is beneficial to the surrounding community.

To be addressed by the applicant.

(4) Does the proposed use meet the setback requirements of the underlying zoning district in which it is located.

The site plan indicates that the proposed tower meets all required setbacks, however, the site plan review phase will ensure that all requirements have been met.

- (5) **Is the proposed tower within one thousand (1,000) feet of another tower unless on the same property.**

To be addressed by the applicant.

- (6) **Has the applicant attempted to collocate on existing communication towers and is the applicant willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure and proper compensation from the additional user.**

To be addressed by the applicant.

DISCUSSION

The applicant proposes to erect a 300-foot self-support tower tower, within a 10,000 square foot leased compound.

Staff visited the site.

The criteria for a special exception in section 26-602 indicates that applicant has taken necessary measures to minimize the impact of a communication tower on the surrounding area. Staff believes that this request will not impair the dwellings or properties in the immediate or surrounding area.

The applicant must address before the Board the special exception requirements of section 26-94.

CONDITIONS

1. The setback requirements, as measured from the lease area, must be met, unless, as stated in section 26-94A (2), a special exception is granted by the Board of Zoning Appeals.

26-602.2(d)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

OTHER RELEVANT SECTIONS

Due to consideration for health, safety impact on neighboring properties and aesthetics, any such uses proposed for the county shall comply with the following supplemental requirements:

- (1) At the time of application for a special exception or zoning permit satisfactory evidence shall be submitted that alternative towers, building or other structures do not exist within the applicant's tower site search area that are structurally capable of

supporting the intended antenna or meeting the applicant's necessary height criteria or provide a location free from interference of any nature, or are otherwise not available for use.

(2) When a proposed site for a communication tower adjoins a residential zoning district, or property on which an inhabited residence is situated, the minimum setback from the property line(s) adjoining the residential zoning district or residential use shall be fifty (50) feet. For towers over fifty (50) feet in height, the set back shall increase one (1) foot for each one (1) foot of tower height in excess of fifty (50) feet; with the maximum required separation being two hundred fifty (250) feet.

When the separation requirement as set forth herein from a residential zoning district or residential use cannot be met, such location may be permitted by a special exception approval from the zoning board of adjustment subject to the provisions of section 26-94A below.

(3) Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agencies. However, no nighttime strobe lighting shall be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agency.

(4) Each communications tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.

(5) Each tower site shall be landscaped in accordance with the requirements of Article 5 of the county landscape ordinance.

(6) No signage of any nature may be attached to any portion of a communications tower.

(7) Communications towers shall have a maximum height of three hundred (300) feet.

(8) A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

(9) Special exception requirements:

(a) In addition to the requirements for special exceptions found in section 26-602.2c, the zoning board of adjustment shall consider the following:

(1) Will the proposed structure endanger the health and safety of residents, employees or travelers, including but not limited to the likelihood of the failure of such structures.

(2) Is the proposed tower located in an area where it will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.

(3) Is the proposed structure necessary to provide a service that is beneficial to the surrounding community.

(4) Does the proposed use meet the setback requirements of the underlying zoning district in which it is located.

(5) Is the proposed tower within one thousand (1,000) feet of another tower unless on the same property.

(6) Has the applicant attempted to collocate on existing communication towers and is the applicant willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure and proper compensation from the additional user.

(b) A site plan, elevation drawing(s), photographs and other appropriate documentation must be submitted with the request for special exception which provide the following information:

(1) Site plan must include the location of the tower(s), guy anchors (if any), transmission building and other accessory uses, parking, access, fences and adjacent land use. Landscaping and required buffering must also be shown.

(2) Elevation drawings must clearly show the design of the tower and materials to be used.

(3) Photographs must show the proposed site and the immediate area.

(4) Submittal of other detailed information, such as topography and aerial views, which support the request are encouraged at the option of the applicant.

(Ord. No. 048-95HR, § I, 9-5-95; Ord. No. 012-99HR, § III, 4-20-99)

ATTACHMENTS

- Site plan

CASE HISTORY

No record of previous special exception or variance request.

Paid \$ _____

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
SPECIAL EXCEPTION**

Filed _____

NOTICE TO APPLICANTS

No application for a special exception will be processed unless the following conditions are met no later than the first (1ST) day of the month prior to the date of the Board meeting, which is generally held the first Wednesday of each month:

- a. All questions on this application have been fully answered;
- b. The application has been signed by the owner or his/her agent with the written authorization of the owner;
- c. A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted an 8½" x 11" size pieces of paper.

1. Location: N/S Monticello Rd Columbia, SC 29169 (091-438)
TMS #: Page R05600 Block 01 Lot 13 Zoning District G2 RU
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting: wireless communications tower.
3. The Board of Zoning Appeals is authorized to grant or deny a special exception of this specific nature in Section 26-94A Zoning Ordinance.

PROPOSED NEW CONSTRUCTION

1. Free standing structure () Addition to an existing structure ()
2. Use Communication tower Number of square footage 2400
3. Answer only if a commercial or manufacturing use:
 - a. Total number of parking spaces on parcel: N/A
 - b. Number of trucks: 0 size(s): N/A
 - c. Number of signs: proposed N/A existing N/A
 - d. Number of employees working of premises: N/A - unmanned

EXISTING USES AND STRUCTURES ON LOT

1. Number of existing uses/structures: None
2. Size and use:

a. Use <u>Residential</u>	square footage _____
b. Use _____	square footage _____
c. Use _____	square footage _____
d. Use _____	square footage _____

<u>[Signature]</u> Appellant's Signature	<u>151 Meeting St., Ste 600</u> Address	<u>843-853-5200</u> Telephone Number
<u>Cingular Wireless/Jonathon Yates</u> Printed (typed) Name	<u>Charleston, SC 29401</u> City, State, Zip Code	_____ Alternate Number

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law
151 Meeting Street / Sixth Floor / Charleston, South Carolina 29401-2239
Tel: 843.853.5200 Fax: 843.722.8700
www.nelsonmullins.com

Brian A. Hellman
843.534.4416
brian.hellman@nelsonmullins.com

November 3, 2004

Via Federal Express

Mr. Geonard Price
Richland County Planning Department
2020 Hampton Street
Columbia, SC 29202
(803) 576-2180

RE: Cingular Wireless / #091-438A Hutcherson / TMS # R05600-01-13 / N/S Monticello
Rd, Columbia, SC 29169
Our file number: 21772/09461

Dear Mr. Price:

On behalf of our client, Cingular Wireless, Inc., I am enclosing for your review the following details regarding compliance of the above site with the Richland County Zoning Ordinance Section 26-94A.

For Section 26-94A – Supplemental Requirements

- (1) At the time of application for a special exception or zoning permit satisfactory evidence shall be submitted that alternative towers, building or other structures do not exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria or provide a location free from interference of any nature, or are otherwise not available for use.

Cingular is in the business of providing cellular communications and does not engage in building towers. As such, Cingular only builds these towers as a last resort. The first thing Cingular looks for in placing its equipment is an existing structure or tower that will allow us to provide coverage in the designated area. In this case, there are no structures or towers under the control of Cingular or other entities that could be used. If such sites were available, Cingular would use those sites.

- (2) When a proposed site for a communication tower adjoins a residential zoning district, or property on which an inhabited residence is situated, the minimum setback from

Atlanta • Charleston • Charlotte • Columbia • Greenville • Myrtle Beach • Raleigh • Winston-Salem • Washington, DC

the property line(s) adjoining the residential zoning district or residential use shall be fifty (50) feet. For towers over fifty (50) feet in height, the set back shall increase one (1) foot for each one (1) foot of tower height in excess of fifty (50) feet; with the maximum required separation being two hundred fifty (250) feet.

This 300' tower will be located at least the maximum required separation of two hundred fifty (250) feet from property adjoining a residential zoning district, or property on which an inhabited residence is situated.

- (3) Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agencies. However, no night time strobe lighting shall be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agency.

This 300 foot towers will be illuminated; however, Cingular will employ the use of a very sophisticated illumination package which involves an intermittent white light during the day and at night, the white light will turn into a soft red light. This light is designed to channel the light above the horizontal to aid air navigation but not to be noticeable from the ground. At night, the light has the same effect on the ground as a forty watt patio bulb.

- (4) Each communications tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.

This tower and associated buildings are enclosed and secured by a security fence at least seven (7) feet in height.

- (5) Each tower site shall be landscaped in accordance with the requirements of Article 5 of the county landscape ordinance.

This tower site shall be landscaped in accordance with the requirements of Article 5 of the county landscape ordinance.

- (6) No signage of any nature may be attached to any portion of a communications tower.

No signage of any nature may be attached to any portion of this communications tower.

- (7) Communications towers shall have a maximum height of three hundred (300) feet.

This proposed wireless communications tower is a 300' self support (lattice) design.

- (8) A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

Cingular Wireless has agreed to remove the tower and/or antenna within 90 days after cessation of use as is provided in the enclosed letter by South Carolina counsel, Jonathan L. Yates, attached as Exhibit B.

Special exception requirements:

a. requirements for special exceptions found in section 26-602.2c

i. Traffic impact;

Upon completion of construction, this facility will be unmanned and only visited 8-10 times per year, having virtually no traffic impact.

ii. Vehicle and pedestrian safety.

Due to the inherent safety features of wireless communication devices, this wireless communications facility will have a positive impact on vehicle and pedestrian safety.

iii. Potential impact of noise, lights, fumes or obstruction of air flow on adjoining property

This tower is unlighted, and will have no impact with respect to noise, fumes, or obstruction of air flow on adjoining property.

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

The tower will be finished in a galvanized gray finish which quickly oxidizes to a dull gray patina and will be non-reflective and omit no glare. Also, this tower site shall be landscaped in accordance with the requirements of Article 5 of the county landscape ordinance.

v. Orientation and spacing of improvements or buildings.

There are no other improvements or buildings on this site.

(1) Will the proposed structure endanger the health and safety of residents, employees or travelers, including but not limited to the likelihood of the failure of such structures.

Due to the inherent safety features of wireless communication devices, this wireless communications facility will be a beneficial addition not only to the health and safety of residents, employees or travelers, but to law enforcement personnel as well. The proposed tower is set back from all property lines a distance equal to or greater than its proposed height so that in the event of structural failure, the health and safety of residents, employees or travelers will not be compromised.

- (2) Is the proposed tower located in an area where it will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.

The proposed communications tower is being placed in a rural section of Richland County. The proposed tower is being placed on the property of Roy Huffstetler, Jr., which is zoned RU. The subject property is perfect for this proposed tower in that it is a reasonably large, odd-shaped piece of densely wooded property. With our placement on the subject property, we will be able to effectively cover Highways 215 and 269 and surrounding areas with a minimum visual impact to the surrounding area. In addition, the tower will be finished in a galvanized gray finish which quickly oxidizes to a dull gray patina and will be non-reflective and omit no glare.

- (3) Is the proposed structure necessary to provide a service that is beneficial to the surrounding community.

Wireless devices are enabled by communications towers. With their inherent safety features, wireless devices and the towers that enable their use provide a service that is beneficial to the surrounding community, residents, travelers, and law enforcement.

- (4) Does the proposed use meet the setback requirements of the underlying zoning district in which it is located.

The underlying zoning district (RU) setbacks are forty (40) feet for front yards, twenty (20) feet for side yards, and fifty (50) feet for rear yards. The setback line is the same as the depth or width of any required yard. This communications tower will be set back at least 289' from any property line, or 5.8 to 14.5 times the minimum required by the underlying zoning district.

- (5) Is the proposed tower within one thousand (1,000) feet of another tower unless on the same property.

The tower will not be located within 1,000 feet of any existing tower or antenna.

- (6) Has the applicant attempted to collocate on existing communication towers and is the applicant willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure and proper compensation from the additional user.

Cingular always attempts to co-locate its equipment on an existing tower. Cingular has investigated all nearby publicly and privately owned sites and was unable to find a suitable site.

Mr. Geonard Price
November 3, 2004
Page 5

- b. A site plan, elevation drawing(s), photographs and other appropriate documentation must be submitted with the request for special exception which provides information required by this ordinance section:

A copy of the site plan incorporating the typical specification for this structure is attached hereto, as Exhibit A.

- (1) Site plan must include the location of the tower(s), guy anchors (if any), transmission building and other accessory uses, parking, access, fences and adjacent land use. Landscaping and required buffering must also be shown.

A copy of the site plan incorporating these requirements is attached hereto, as Exhibit A.

There is a sense of urgency to us in getting this special exception approved; therefore any assistance you can give us is very much appreciated. Please contact me at 843-534-4416 or brian.hellman@nelsonmullins.com once the hearing date has been set, or if you have any questions or concerns that I may answer or address.

Very truly yours,

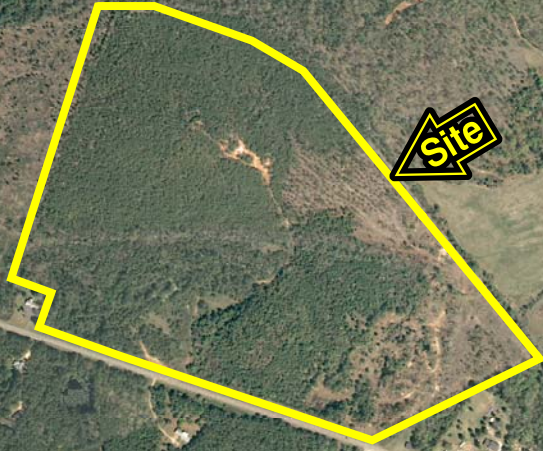


Brian A. Hellman

Enclosures

cc: Jonathan L. Yates, Esq.
Brad Odell, Cingular Wireless

05-24 SE
JONATHAN YATES
TMS 05600-01-13



Site





2 February 2005
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-30 Special Exception

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of family daycare on property zoned RS-2 (single family residential).

GENERAL INFORMATION

Applicant

Elicia Sinkler

Tax Map Number

22011-03-01

Location

101 Moone Cross Dr.

Existing Zoning

RS-2 (Single Family Residential)

Parcel Size

.33± acre tract

Existing Land Use

Residential

Existing Status of the Property

The subject property has an existing single-family residential structure. The parcel is located on the corner of Moone Cross Drive and Padgett Road. The rear of the property is enclosed by a fence.

Proposed Status of the Property

The applicant proposes to establish a family daycare for a maximum of six (6) children. The ages of the children would range from newborn to 13 years old. The proposed hours of operation are have not been clearly stated. The days of operation are proposed to be Monday to Friday.

Immediate Adjacent Zoning and Land Use

North - RS-2; residential

South - RS-2; residential

East - RS-2; residential

West - RS-2; residential

Character of the Area

The subject property is located within a subdivision of single-family residential structures (Winchester Subdivision – phase III).

ZONING ORDINANCE CITATION

Section 26-63.4(5) authorizes the Board to permit day nurseries and kindergartens as special exception subject to the provisions of Section 26-84. Section 26-84 requires that, before granting such a special exception, the Board will ensure that the Department of Special Services has approved the daycare facility. The applicant has submitted a letter from DSS.

CRITERIA FOR SPECIAL EXCEPTIONS

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

1. Traffic impact.

The average weekday trips per day for a single-family residential structure is approximately 9.5 (based on the Addendum to the Long Range Major Street Plan for Richland County – adopted by the Richland County Planning Commission - Oct.1993). The establishment of this daycare would generate approximately twelve (12) additional trips per day.

2. Vehicle and pedestrian safety.

There is a concern of vehicular traffic backing onto Moone Cross Drive.

3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.

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

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

The proposed use does not impose an adverse impact on the aesthetic character of the environs and does not require screening.

5. Orientation and spacing of improvements or buildings.

The size of the lot and the location of the existing structure precludes the need for changes in orientation and spacing of improvements or buildings.

DISCUSSION

Staff visited the site.

The applicant is proposing to operate a daycare for six (6) children. Staff did not observe any conditions or factors that would negatively impact this community by the establishment of a family daycare.

The applicant is required to provide loading and unloading in an area other than the right-of-way. Staff believes that the incline of Moone Cross Drive and the parcels proximity to Padgett Road, a road with increasing traffic volume, adversely affects the ability of vehicular traffic when backing out of the property. The visibility of the driver could possibly be compromised.

Staff did not observe an area on the property where an alternative means, other than backing onto Moone Cross Drive, could be met.

If the Board finds that this request has merit, staff asks that the following conditions be applied.

CONDITIONS

1. Vacancy, abandonment or discontinuance for any period of twelve (12) months (as verified by a business license) will void the special exception.
2. An alternative means (circular driveway, turnaround are, etc.) to enter and exit the property.

26-602.2(d)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

OTHER RELEVANT SECTIONS

Sec. 26-84. Child day care facilities.

Child day care facilities are permitted as special exceptions in RS-1, RS-1A, RS-2, RS-2, RR, RG-1, RG-2, MH-1, MH-2 and MH-3 districts, and as permitted uses in C-1, C-2, C-3, D-1 and RU districts subject to the following provisions:

26-84.1 General requirements.

a. Permitted Uses--Before granting a zoning permit for the establishment of a child day-care center or a group day-care home, the zoning administrator will ensure that the applicant has applied to the South Carolina Department of Social Services (DSS) for a license to operate the facility and has received a letter from the regulatory agency (DSS) that the facility in question is suitable to accommodate the maximum number of children to be cared for. Prior to issuing a zoning permit for the establishment of a family day-care home, the zoning administrator will ensure that the applicant has applied to DSS for registration of the day-care home.

b. Special Exceptions--Before granting a special exception for the establishment of a child day-care facility, the board of adjustment will ensure that the action outlined in paragraph a. above has been accomplished.

26-84.2 Fencing.

Fencing shall be as prescribed by DSS, but in no case less than 4 feet in height, cyclone type or equivalent.

26-84.3 Play equipment.

No play equipment shall be closer than 20 feet to any residential lot line.

26-84.4 Loading and unloading.

An adequate area to accommodate the loading and unloading of children shall be provided and such area shall not be located within any public right-of-way.

26-84.5 Space.

Indoor and outdoor space shall be as prescribed by relation for child day-care facilities published by DSS.

26-84.6 Signs.

Signs are permitted in accordance with Article 8, "Regulation of Signs" as applied to the district in which the child day-care facility is located.

(Ord. No. 1027-83, § 1, 4-5-83; Ord. No. 1191-44, § IV, 9-4-84; Ord. No. 055-00HR, § XI, 10-3-00)

ATTACHMENTS

- DSS letter
- Plat
- Day nursery information sheet
- Pictures of subject property

CASE HISTORY

No record of previous special exception or variance request.



Rear of property

Rcpt # 368396
Paid \$ 50.00

Application # _____
Filed 11-4-04

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
SPECIAL EXCEPTION APPEAL**

NOTICE TO APPLICANTS
No application for special exception will be processed unless the following conditions are met no later than the first (1st) day of the month prior to the date of the Board meeting, which is held the first Wednesday of each month:
a. All questions on this application have been fully answered;
b. The application has been signed by the owner or his agent with the written authorization of the owner;
c. A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted on an 8 1/2" X 11" size pieces of paper.

1. Location: 101 MOONE CROSS DR COLA, SC 29209
TMS #: Page 22011 Block 03 Lot 01 Zoning District 2N16e
RS-2
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting : (nature of special exception) Home Day Care Center
3. The Board of Zoning Appeals is authorized to grant or deny special exception of this specific nature in Section _____ of the Zoning Ordinance.

PROPOSED NEW CONSTRUCTION

1. Free Standing Structure Addition to an existing building ()
2. Use DAY CARE in Home Number of square footage _____
3. Answer only if a commercial or manufacturing use :
a. Total number of parking spaces on lot _____
b. Number of trucks _____ size _____
c. Number of proposed and existing signs _____
Size of proposed or existing signs _____
d. Number of employees working on premises _____

EXISTING USES AND STRUCTURES ON LOT

1. Number of existing uses / structures 1
2. Size and use:
a. Square footage 16,000 Use _____
b. Square footage _____ Use _____
c. Square footage _____ Use _____

[Signature]
Appellant's Signature
ELICIA I SINKLER
Print Name

101 MOONE CROSS DR COLA, SC 29209
Address, City, State & Zip Code
7768010
8837766
Telephone Number



RICHLAND COUNTY, SOUTH CAROLINA
PLANNING & DEVELOPMENT SERVICES DEPARTMENT
 Zoning & Land Development Division
 2020 Hampton Street
 Columbia, SC 29202
 Ph. 803-576-2178 Fax 803-576-2182

DAY NURSERIES

How many children? 6

What ages would the children be? Infant (6 wks) - 1.3 yrs

What would the hours of operation be? 12hrs Day Mon-Fri

How many employees would there be? 2

Is the rear yard fenced? Yes No (If no, what provisions are being made?)

Are there provisions for the loading and unloading of children off of the public right-of-way?

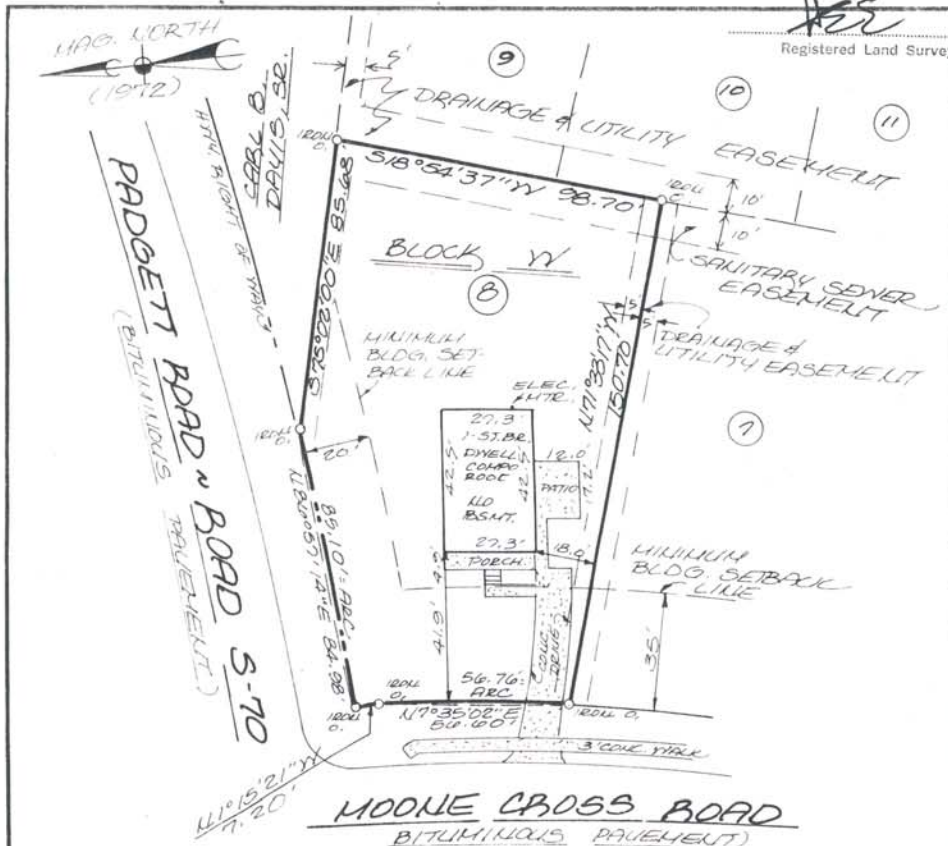
Yes (if yes, please describe)
pull up in front of home. Walk up
Drive Way, pick children up and
walk back down driveway to car.

No (if no, what provisions are being made?)

WE HEREBY CERTIFY THAT THIS PROPERTY DOES NOT LIE WITHIN A CURRENTLY DESIGNATED FLOOD PLAIN OR FLOOD HAZARD AREA.

B. P. Barber & Associates, Inc. - Engineers

I hereby certify that this plat depicts only existing parcels of lots of which were platted and recorded in the Office of Mesne Conveyance prior to the survey upon which this plat is based, having substantially the same shape and dimensions as shown hereon, and that no new divisions creating new or different lots or tracts were made in preparing this plat or appear hereon:



PROPERTY SURVEYED FOR
DELBERT T. LUCAS & CYNTHIA V. LUCAS
 NEAR COLUMBIA, S.C.



We certify the above survey of property to be based on the following data:

Description of property LOT 8, BLOCK IV - DINE LAKES -
PARCEL 6 - REV. OCT. 20, 1975

Shown on plat by B. P. BARBER & ASSOC., INC. Dated NOV. 7, 1978

Plat recorded in office of Clerk of Court for RICHLAND County, S. C. In plat book X page 5A30

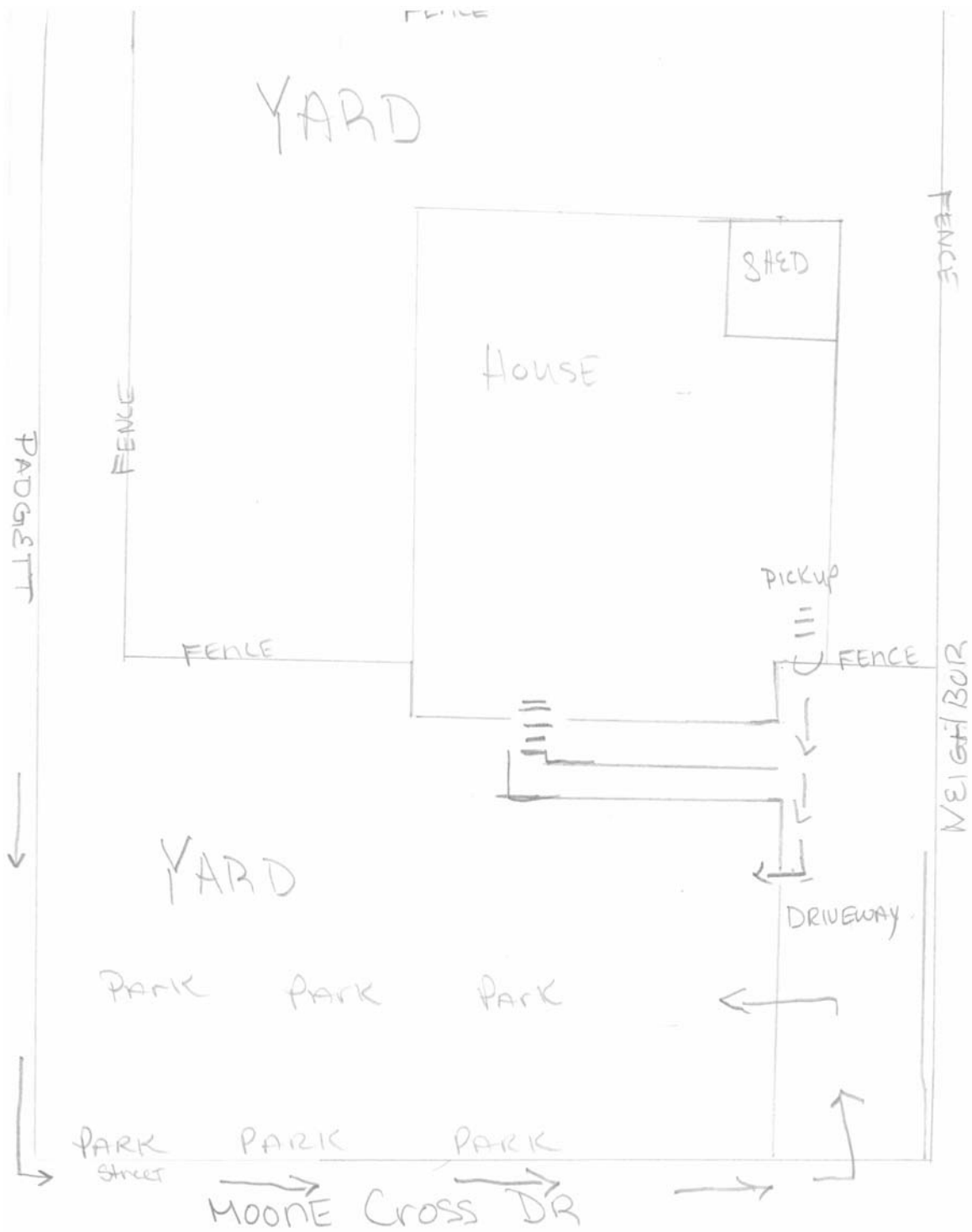
We further certify that the measurements as shown above are correct and there are no encroachments or projections other than shown.

B. P. BARBER & ASSOCIATES, ENGINEERS - COLUMBIA, S. C. - MAR 21, 1984

Scale: 1"=40' By H. E. Edwards Regis. Surveyor No. 2046

NIB1141 PG4A
 10,053-B15

20,478-A7



05-30 SE
ELICIA SINKLER
TMS 22011-03-01

Hickory Forest

Worrall

padgett



Site

Moone Cross

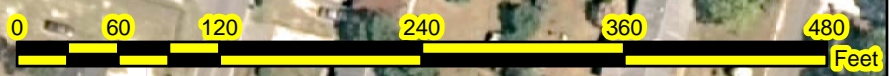
Quail Hills

Bitternut



Ragsdale

Pinefield





5 January 2005
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-32 Variance

REQUEST

The applicant is requesting the Board of Appeals to grant a special exception to reduce the number of required parking spaces in a C-3 (general commercial) zoned district

GENERAL INFORMATION

Applicant

Thomas Mackey

Tax Map Number

17113-01-07

Location

8401 Two Notch Road

Existing Zoning

C-3 (General Commercial)

Parcel Size

.44± acre tract

Existing Land Use

Commercial

Existing Status of the Property

The subject property has a 7360 square foot commercial structure that was built in 1984.

Proposed Status of the Property

The applicant proposes to build a 1986 square foot addition that would increase the required off-street parking to 21 spaces.

Immediate Adjacent Zoning and Land Use

North - C-3; commercial

South - C-3; commercial

East - C-3; commercial

West - C-3; commercial

Character of the Area

The surrounding properties are dedicated to a mixture of commercial uses.

ZONING ORDINANCE CITATION

Section 26-602.3 of the Zoning Ordinance authorizes the Board of Zoning Appeals to grant variances from the strict interpretation of the Zoning Ordinance that are not contrary to the public interest when literal enforcement would result in unnecessary hardship.

Under no circumstances shall the Board grant a variance to permit a use not generally or by special exception permitted in the district involved. No nonconforming use of neighboring lands or structures in the same district or in other districts shall be grounds for the issuance of a variance. Under no circumstances shall the Board grant a variance to permit a decrease in minimum lot size, minimum lot width or in any other manner create a nonconforming lot.

CRITERIA FOR VARIANCE

The board of zoning appeals may grant a variance in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

- (a) That there are extraordinary and exceptional conditions pertaining to the particular piece of property.**
The parcel is irregularly shaped.
- (b) That these conditions do not result from the actions of the applicant.**
Records, dating back as far as 1977, indicate that the parcel has retained the same dimensions as its current configuration.
- (c) That these conditions do not generally apply to other property in the vicinity.**
The surrounding parcels vary in shape.
- (d) 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.**
Because of the shape of the lot application of this chapter would prohibit expansion of the structure. The shape of the lot doesn't provide an adequate area to meet the off-street parking requirements. Unless the applicant is able to meet the required setbacks, the proposed expansion cannot occur.
- (e) That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.**
The granting of this variance will not create a detriment to the adjacent property, the public good, or the character of the district.

DISCUSSION

Staff visited the site.

The applicant is requesting a variance to reduce the number of required parking spaces from 21 to 18. The proposed expansion of the existing facility requires the increase in the number of parking spaces.

Staff observed that the current configuration of the parcel, coupled with the existing structures, does not provide for an area that would meet the requirements of section 26-78.4.

CONDITIONS

N/A

26-602.2(c)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the variance is granted shall void the variance.

OTHER RELEVANT SECTIONS

26-78.4 Other regulations relating to off-street parking.

- (1) Required Improvements for Off-Street Parking Areas:

Off-street parking areas developed to meet minimum requirements of this ordinance, shall be within properly graded, marked and improved parking lots or within parking structures.

- (2) Design of Parking Area:

All off-street parking areas with the exception of parking areas for one- and two-family detached dwellings shall be so designed that vehicles will not be required to back onto a public street when leaving the premises.

- (3) Size of Required Parking Spaces and Aisle Widths:

- a. For purposes of this ordinance the minimum size of one (1) parking space shall be nine (9) feet in width and eighteen (18) feet in length. The parking length may be reduced to sixteen (16) feet if two-foot overhangs are used. A maximum of twenty-five (25) percent of the total number of parking spaces may be nine (9) feet in width and sixteen (16) feet in length if they are designated for use by compact cars.

- b. The minimum aisle width shall be as follows:

1. For 90-degree parking: 25 feet.
2. For 60-degree parking: 20 feet.
3. For 45-degree parking: 15 feet.

- c. The minimum setback from property lines shall be as follows: Off-street parking areas must be set back ten (10) feet from front and secondary front property lines.

ATTACHMENTS

- Plat.

CASE HISTORY

There are no records of this property previously requesting a special exception or variance.



RICHLAND COUNTY
 PLANNING AND DEVELOPMENT SERVICES
 P.O. BOX 192
 2020 HAMPTON STREET
 COLUMBIA, SOUTH CAROLINA 29202

BOARD OF ZONING APPEALS
 VARIANCE APPEAL

Appeal # _____ Fee _____ Application # _____
 Filed _____ Receipt # _____ Filed _____

No application for a variance will be received for inclusion on the Board of Zoning Appeal's Agenda unless the following conditions are met not later than the first day of the month prior to the date of the Board meeting, which is held on the first Wednesday of each month.

(a) All questions on this application have been fully answered.
 (b) The application has been signed by the owner or his agent with the written authorization of the owner.
 (c) A plat plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and locations on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted.
 (d) The Zoning Administrator has certified that the proposed use and/or construction plans comply with all provisions of the Zoning Ordinance except those for which a variance has been requested.

***If the Zoning Administrator finds that the requirements of the Zoning Code for a variance have not been met, the application will be rejected.**

1. Location 8401 Two Notch Road
2. Lot 01 Block 07 Page 17113 Zoning District C-3
3. Applicant hereby appeals to the Zoning Board of Appeals for a variance from the strict application to the property as described in the provisions of Section _____ of the Richland County Zoning Ordinance.
4. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows: Parking variance From Required 21 to 18
5. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Sec. 26-602.3b(1) of the Richland County Zoning Code are met by the following facts.
 - a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as following: see attached
 - b) Describe how the conditions listed above were created: see attached
 - c) These conditions do not generally apply to other property in the vicinity as shown by: see 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 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 attached
6. 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)

PROPOSED NEW CONSTRUCTION

1. Free-standing structure () Addition to an existing building (X)
2. Use Lighting sales No. of sq. 1186-storage
800 Retail
3. Maximum height of building above finished grade 22' No. of stories 2
4. Total parking spaces on lot (See Sec. 7-1.4) 16 Existing, 2 additional
5. Answer only if a commercial or manufacturing use:
 - a. No. and size of trucks 1
 - b. No. of employees working on premises 8
 - c. No. and size of proposed and existing signs as shown on plot plan 1 - 6' Long 2' wide - 15' Tall

EXISTING USES AND BUILDINGS ON LOT

No. of existing buildings 1
 Sq. ft. 3000 Use Retail sales
 Sq. ft. 4000 Use storage
 Sq. ft. _____ Use _____

Appellant: THOMAS MACKAY Sr
Gene HULLICH
 Address: 160 Stony Point Ln Chapin SC 29034 Phone Number: 803-749-1339

The use and construction as proposed herein complies with the terms of the Zoning Ordinance except for the variances

 Zoning Administrator

FOR USE OF BOARD OF ZONING APPEALS

1. Landmarks commission referral required:
 Yes No
 Date referred _____ Date returned _____
2. Other referrals: Agency _____
 Date referral _____ Date returned _____
3. Any previous requests for same variance/special exception Yes No
 If "yes", Appeal No. _____ Date _____
4. Public hearing set for _____ Date posted _____
5. Advertised in _____ Date _____
6. Public hearing held _____ Appellant appeared Yes No
7. Findings of Board of Zoning Appeals:
 - a. The requirements of Section 26-602.3b(1) have been met by the applicant:
 Yes No
 - b. The reasons set forth in the application on the reverse side justify the granting of the variance, and the variance as granted is the minimum variance that will make possible the reasonable use of the land, building, or structure:
 Yes No
 - c. The granting of this variance will be in harmony with the general purpose and intent of the ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare: Yes No
8. Requested variance is granted with the following conditions and safeguards:

9. Requested variance is denied for the following reasons:

Record of Vote: (1) _____ (2) _____
 (3) _____ (4) _____ (5) _____
 (6) _____ (7) _____

Date _____ Board of Zoning Appeals Chairperson _____

The Lite House N.E., Inc.
8401 Two Notch Road
Columbia, S.C. 29223
803-788-3213

Answers to Question 5 of variance appeal.

- a. Over 50% of our business is done with Builders and Electricians over the phone. The majority of this merchandise is delivered to the job site and the rest is picked up at our loading dock and does not require parking.
- b. From proposed expansion of current building.
- c. We currently have extra parking due to our delivery service and use of telephone in our sales.
- d. Would not allow owner to increase size of addition to maximize use of property.
- e. Addition would not increase our parking needs as it would not change that our builders and electricians will continue to call for delivery of product.



2 February 2005
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-35 Special Exception

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of family daycare on property zoned RS-2 (single family residential).

GENERAL INFORMATION

Applicant

Dianne Austin Nwokolo

Tax Map Number

14205-03-02

Location

1842 Malcolm Drive

Existing Zoning

RS-2 (Single Family Residential)

Parcel Size

.23 acre tract

Existing Land Use

Residential

Existing Status of the Property

The subject property has an existing single-family residential structure, which is located at the end of Malcolm Drive (a dead end). There is not a distinguished driveway. A fence encloses approximately three-fourths of the property (the front property is not fenced).

Proposed Status of the Property

The applicant proposes to establish a family daycare for a maximum of six (6) children. The ages of the children would range from newborn to twelve (12) years old. The proposed hours of operation are 2:30pm to 7:30am.

Immediate Adjacent Zoning and Land Use

- North - M-1; undeveloped/industrial
- South - RS-2; residential
- East - M-1; undeveloped
- West - RS-2; residential

Character of the Area

The subject property is located within a community of single-family residential structures

ZONING ORDINANCE CITATION

Section 26-63.4(5) authorizes the Board to permit day nurseries and kindergartens as special exception subject to the provisions of Section 26-84. Section 26-84 requires that, before granting such a special exception, the Board will ensure that the Department of Special Services has approved the daycare facility. The applicant has submitted a letter from DSS.

CRITERIA FOR SPECIAL EXCEPTIONS

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

1. Traffic impact.

The average weekday trips per day for a single-family residential structure is approximately 9.5 (based on the Addendum to the Long Range Major Street Plan for Richland County – adopted by the Richland County Planning Commission - Oct.1993). The establishment of this daycare would generate approximately twelve (12) additional trips per day.

2. Vehicle and pedestrian safety.

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

3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.

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

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

The proposed use does not impose an adverse impact on the aesthetic character of the environs and does not require screening.

5. Orientation and spacing of improvements or buildings.

The size of the lot and the location of the existing structure precludes the need for changes in orientation and spacing of improvements or buildings.

DISCUSSION

Staff visited the site.

The subject parcel is located just past the corner of Malcolm and McCaw.

The applicant is proposing to operate a daycare for six (6) children. Staff did not observe any conditions or factors that would negatively impact this community by the establishment of a family daycare.

The applicant is required to provide loading and unloading in an area other than the right-of-way. Staff believes the lack of a distinguishable driveway doesn't prevent the applicant from providing the required loading and unloading area. The location of the site at a dead end significantly minimizes any potential traffic impact.

If the Board finds that this request has merit, staff asks that the following conditions be applied.

CONDITIONS

1. Vacancy, abandonment or discontinuance for any period of twelve (12) months (as verified by a business license) will void the special exception.

26-602.2(d)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

OTHER RELEVANT SECTIONS

Sec. 26-84. Child day care facilities.

Child day care facilities are permitted as special exceptions in RS-1, RS-1A, RS-2, RS-3, RR, RG-1, RG-2, MH-1, MH-2 and MH-3 districts, and as permitted uses in C-1, C-2, C-3, D-1 and RU districts subject to the following provisions:

26-84.1 General requirements.

a. Permitted Uses--Before granting a zoning permit for the establishment of a child day-care center or a group day-care home, the zoning administrator will ensure that the applicant has applied to the South Carolina Department of Social Services (DSS) for a license to operate the facility and has received a letter from the regulatory agency (DSS) that the facility in question is suitable to accommodate the maximum number of children to be cared for. Prior to issuing a zoning permit for the establishment of a family day-care home, the zoning administrator will ensure that the applicant has applied to DSS for registration of the day-care home.

b. Special Exceptions--Before granting a special exception for the establishment of a child day-care facility, the board of adjustment will ensure that the action outlined in paragraph a. above has been accomplished.

26-84.2 Fencing.

Fencing shall be as prescribed by DSS, but in no case less than 4 feet in height, cyclone type or equivalent.

26-84.3 Play equipment.

No play equipment shall be closer than 20 feet to any residential lot line.

26-84.4 Loading and unloading.

An adequate area to accommodate the loading and unloading of children shall be provided and such area shall not be located within any public right-of-way.

26-84.5 Space.

Indoor and outdoor space shall be as prescribed by relation for child day-care facilities published by DSS.

26-84.6 Signs.

Signs are permitted in accordance with Article 8, "Regulation of Signs" as applied to the district in which the child day-care facility is located.

(Ord. No. 1027-83, § 1, 4-5-83; Ord. No. 1191-44, § IV, 9-4-84; Ord. No. 055-00HR, § XI, 10-3-00)

ATTACHMENTS

- DSS letter
- Plat
- Day nursery information sheet
- Pictures of subject property

CASE HISTORY

No record of previous special exception or variance request.

Rcpt # _____

Application # _____

Paid \$ _____

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
SPECIAL EXCEPTION APPEAL**

Filed _____

NOTICE TO APPLICANTS

No application for special exception will be processed unless the following conditions are met no later than the first (1st) day of the month prior to the date of the Board meeting, which is held the first Wednesday of each month:

- a. All questions on this application have been fully answered;
- b. The application has been signed by the owner or his agent with the written authorization of the owner;
- c. A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted on an 8 1/2" X 11" size pieces of paper.

1. Location: 1842 Malcolm Drive
TMS #: Page 14205 Block 03 Lot 02 Zoning District RS-2
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting : (nature of special exception) Family Daycare
3. The Board of Zoning Appeals is authorized to grant or deny special exception of this specific nature in Section _____ of the Zoning Ordinance.

PROPOSED NEW CONSTRUCTION

1. Free Standing Structure () Addition to an existing building ()
2. Use _____ Number of square footage _____
3. Answer only if a commercial or manufacturing use :
 - a. Total number of parking spaces on lot _____
 - b. Number of trucks _____ size _____
 - c. Number of proposed and existing signs _____
Size of proposed or existing signs _____
 - d. Number of employees working on premises _____

EXISTING USES AND STRUCTURES ON LOT

1. Number of existing uses / structures 1
2. Size and use:

a. Square footage <u>1893</u>	Use <u>residential</u>
b. Square footage _____	Use _____
c. Square footage _____	Use _____

Dianne Austin-Nwokolo
Appellant's Signature
Dianne Austin-Nwokolo
Print Name

1842 Malcolm Dr Columbia SC 29204
Address, City, State & Zip Code

803 954-9440
Telephone Number



Serving Children and Families

KIM S. AYDLETTE, STATE DIRECTOR

November 23, 2004

Mr. John Hicks
Richland County Zoning Division
2020 Hampton Street
P.O. Box 192
Columbia, SC 29202

Re: Ms. Dianne Austin-Nwokolo
1842 Malcolm Drive
Columbia, SC 29204

Dear Mr. Hicks:

The Division of Child Day Care Licensing and Regulatory Services of the South Carolina Department of Social Services has received an inquiry from the above-named individual to operate a Family Day Care Home, providing daycare for a maximum of 6 children. In order to complete the application process, we require verification from your office that zoning requirements have been met. If additional information is needed, please contact me at 929-2740. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink that reads 'Marilyn Hager'.

Marilyn Hager
Senior Day Care Regulatory Specialist, Region V



RICHLAND COUNTY, SOUTH CAROLINA
PLANNING & DEVELOPMENT SERVICES DEPARTMENT
 Zoning & Land Development Division
 2020 Hampton Street
 Columbia, SC 29202
 Ph. 803-576-2178 Fax 803-576-2182

DAY NURSERIES

How many children? 6 children

What ages would the children be? 0-12 yrs

What would the hours of operation be? 2:30pm - 7:30am

How many employees would there be? 1

Is the rear yard fenced? Yes No (If no, what provisions are being made?)
partial

Are there provisions for the loading and unloading of children off of the public right-of-way?

Yes (if yes, please describe)
Large driveway at at dead-end Street.

No (if no, what provisions are being made?)





05-35 SE
DIANNE AUSTIN NWOKOLO
TMS 14205-03-02





2 February 2005
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-44 Special Exception

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of family daycare on property zoned RS-2 (single family residential).

GENERAL INFORMATION

Applicant

Bette Kelson

Tax Map Number

20301-04-05

Location

401 Sagamare Road

Existing Zoning

RS-2 (Single Family Residential)

Parcel Size

.29± acre tract

Existing Land Use

Residential

Existing Status of the Property

The subject property has an existing single-family residential structure. The subject property has an existing single-family residential structure, with a single car driveway that leads to a garage. A fence encloses the rear of the property.

Proposed Status of the Property

The applicant proposes to establish a family daycare for a maximum of six (6) children. The ages of the children would range from newborn to 13 years old. The proposed hours of operation are Monday and Tuesday – 12am-9pm; Wednesday - 8am-6pm; Thursday – 8am-7pm; and Friday – 8am-12pm.

Immediate Adjacent Zoning and Land Use

North - RS-2; residential

South - RS-2; residential

East - RS-2; residential

West - RS-2; residential

Character of the Area

The subject property is located within a subdivision of single-family residential structures (Winslow Subdivision – phase 1C).

ZONING ORDINANCE CITATION

Section 26-63.4(5) authorizes the Board to permit day nurseries and kindergartens as special exception subject to the provisions of Section 26-84. Section 26-84 requires that, before granting such a special exception, the Board will ensure that the Department of Special Services has approved the daycare facility. The applicant has submitted a letter from DSS.

CRITERIA FOR SPECIAL EXCEPTIONS

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

1. Traffic impact.

The average weekday trips per day for a single-family residential structure is approximately 9.5 (based on the Addendum to the Long Range Major Street Plan for Richland County – adopted by the Richland County Planning Commission - Oct.1993). The establishment of this daycare would generate approximately twelve (12) additional trips per day.

2. Vehicle and pedestrian safety.

There were no obstacles or conditions present that seem to present vehicle or pedestrian safety. The site is located within a cul-de-sac, which should serve to limit traffic.

3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.

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

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

The proposed use does not impose an adverse impact on the aesthetic character of the environs and does not require screening.

5. Orientation and spacing of improvements or buildings.

The size of the lot and the location of the existing structure precludes the need for changes in orientation and spacing of improvements or buildings.

DISCUSSION

Staff visited the site.

The applicant is proposing to operate a daycare for six (6) children. Staff did not observe any conditions or factors that would negatively impact this community by the establishment of a family daycare.

The applicant is required to provide loading and unloading in an area other than the right-of-way. According to the applicant, three (3) of the children kept are her grandchildren and two (2) are neighbors that are located within the same cul-de-sac. Based on this information, the establishment of this daycare would only introduce two other vehicles into the community. However, the Board would need to impose stipulations if the approval is based on this information.

If the Board finds that this request (without limitations from where the children will come) has merit, staff asks that the following conditions be applied:

CONDITIONS

1. Vacancy, abandonment or discontinuance for any period of twelve (12) months (as verified by a business license) will void the special exception.
2. An alternative means (circular driveway, turnaround are, etc.) to enter and exit the property.

26-602.2(d)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

OTHER RELEVANT SECTIONS

Sec. 26-84. Child day care facilities.

Child day care facilities are permitted as special exceptions in RS-1, RS-1A, RS-2, RS-2, RR, RG-1, RG-2, MH-1, MH-2 and MH-3 districts, and as permitted uses in C-1, C-2, C-3, D-1 and RU districts subject to the following provisions:

26-84.1 General requirements.

a. Permitted Uses--Before granting a zoning permit for the establishment of a child day-care center or a group day-care home, the zoning administrator will ensure that the applicant has applied to the South Carolina Department of Social Services (DSS) for a license to operate the facility and has received a letter from the regulatory agency (DSS) that the facility in question is suitable to accommodate the maximum number of children to be cared for. Prior to issuing a zoning permit for the establishment of a family day-care home, the zoning administrator will ensure that the applicant has applied to DSS for registration of the day-care home.

b. Special Exceptions--Before granting a special exception for the establishment of a child day-care facility, the board of adjustment will ensure that the action outlined in paragraph a. above has been accomplished.

26-84.2 Fencing.

Fencing shall be as prescribed by DSS, but in no case less than 4 feet in height, cyclone type or equivalent.

26-84.3 Play equipment.

No play equipment shall be closer than 20 feet to any residential lot line.

26-84.4 Loading and unloading.

An adequate area to accommodate the loading and unloading of children shall be provided and such area shall not be located within any public right-of-way.

26-84.5 Space.

Indoor and outdoor space shall be as prescribed by relation for child day-care facilities published by DSS.

26-84.6 Signs.

Signs are permitted in accordance with Article 8, "Regulation of Signs" as applied to the district in which the child day-care facility is located.

(Ord. No. 1027-83, § 1, 4-5-83; Ord. No. 1191-44, § IV, 9-4-84; Ord. No. 055-00HR, § XI, 10-3-00)

ATTACHMENTS

- DSS letter
- Plat
- Pictures of subject property

CASE HISTORY

No record of previous special exception or variance request.





05-44 SE
BETTE KELSON
TMS 20301-04-05





2 February 2005
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-45 Special Exception

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of family daycare on property zoned RS-3 (single family residential).

GENERAL INFORMATION

Applicant

Denise Johnson

Tax Map Number

17300-02-21

Location

9501 Farrow Road

Existing Zoning

RS-3 (Single Family Residential)

Parcel Size

.30± acre tract

Existing Land Use

Residential

Existing Status of the Property

The subject property has an existing single-family residential structure, with a single car driveway that leads to a garage. A fence encloses one-half of the rear of the property.

Proposed Status of the Property

The applicant proposes to establish a family daycare for a maximum of six (6) children. The ages of the children would range from newborn to three (3) years old. The proposed hours of operation are 6:00am to 6:00pm.

Immediate Adjacent Zoning and Land Use

North - RS-3/PUD; residential

South - C-1/RG-2; residential

East - PUD-1R/M-1/RU; residential//undeveloped

West - RS-3/RG-2; residential

Character of the Area

The subject property is located amongst a community of single-family residential structures. The abutting parcel east of the site has been rezoned (PUD-1R) for residential development.

ZONING ORDINANCE CITATION

Section 26-63.4(5) authorizes the Board to permit day nurseries and kindergartens as special exception subject to the provisions of Section 26-84. Section 26-84 requires that, before granting such a special exception, the Board will ensure that the Department of Special Services has approved the daycare facility. The applicant has submitted a letter from DSS.

CRITERIA FOR SPECIAL EXCEPTIONS

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

1. Traffic impact.

The establishment of a daycare for six (6) children should generate an estimated 12 additional trips per day. The average trips per day for a single-family residential structure is approximately 9.5 (based on the Addendum to the Long Range Major Street Plan for Richland County – adopted by the Richland County Planning Commission - Oct.1993).

The additional traffic impact should be minimal.

2. Vehicle and pedestrian safety.

The proximity of the site to an intersection (Farrow Road and North Brickyard Road / Providence Plantation) poses a potential safety hazard for vehicles exiting the site.

3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.

There should be a minimal, if any, impact of fumes or obstruction of airflow by the establishment of a family daycare.

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

The proposed use does not impose an adverse impact on the aesthetic character of the environs and does not require screening.

5. Orientation and spacing of improvements or buildings.

The size of the lot and the location of the existing structure precludes the need for changes in orientation and spacing of improvements or buildings.

DISCUSSION

Staff visited the site.

The applicant is proposing to operate a daycare for six (6) children. Staff did not observe any conditions or factors that would negatively impact this community by the establishment of a family daycare.

There are concerns by staff about the proximity of the site to an intersection. The site, located along Farrow Road, is abutted on the left by the entrance for a subdivision (Providence Plantation) and is across the street from North Brickyard Road. At this time, a signal light does not service the area.

The applicant is required to provide loading and unloading in an area other than the right-of-way. Staff believes that it is imperative that a means to allow traffic to exit the

property that is void of backing onto Farrow Road (a minor arterial that changes to a collector near the site) be established.

If the Board finds that this request has merit, staff asks that the following conditions be applied:

CONDITIONS

1. An alternative means (circular driveway, turnaround are, etc.) to enter and exit the property.
2. Vacancy, abandonment or discontinuance for any period of twelve (12) months (as verified by a business license) will void the special exception.

26-602.2(d)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

OTHER RELEVANT SECTIONS

Sec. 26-84. Child day care facilities.

Child day care facilities are permitted as special exceptions in RS-1, RS-1A, RS-2, RS-1, RR, RG-1, RG-2, MH-1, MH-2 and MH-3 districts, and as permitted uses in C-1, C-2, C-3, D-1 and RU districts subject to the following provisions:

26-84.1 General requirements.

a. Permitted Uses--Before granting a zoning permit for the establishment of a child day-care center or a group day-care home, the zoning administrator will ensure that the applicant has applied to the South Carolina Department of Social Services (DSS) for a license to operate the facility and has received a letter from the regulatory agency (DSS) that the facility in question is suitable to accommodate the maximum number of children to be cared for. Prior to issuing a zoning permit for the establishment of a family day-care home, the zoning administrator will ensure that the applicant has applied to DSS for registration of the day-care home.

b. Special Exceptions--Before granting a special exception for the establishment of a child day-care facility, the board of adjustment will ensure that the action outlined in paragraph a. above has been accomplished.

26-84.2 Fencing.

Fencing shall be as prescribed by DSS, but in no case less than 4 feet in height, cyclone type or equivalent.

26-84.3 Play equipment.

No play equipment shall be closer than 20 feet to any residential lot line.

26-84.4 Loading and unloading.

An adequate area to accommodate the loading and unloading of children shall be provided and such area shall not be located within any public right-of-way.

26-84.5 Space.

Indoor and outdoor space shall be as prescribed by relation for child day-care facilities published by DSS.

26-84.6 Signs.

Signs are permitted in accordance with Article 8, "Regulation of Signs" as applied to the district in which the child day-care facility is located.

(Ord. No. 1027-83, § 1, 4-5-83; Ord. No. 1191-44, § IV, 9-4-84; Ord. No. 055-00HR, § XI, 10-3-00)

ATTACHMENTS

- DSS letter
- Day nursery information sheet
- Pictures of subject property

CASE HISTORY

No record of previous special exception or variance request.





Rcpt # 368629
Paid \$ 50.00

Application # 05-045 SE
Filed 12-20-04

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
SPECIAL EXCEPTION APPEAL**

NOTICE TO APPLICANTS

No application for special exception will be processed unless the following conditions are met no later than the first (1st) day of the month prior to the date of the Board meeting, which is held the first Wednesday of each month:

- a. All questions on this application have been fully answered;
- b. The application has been signed by the owner or his agent with the written authorization of the owner;
- c. A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted on an 8 1/2" X 11" size pieces of paper.

1. Location: 9501 Farrow Road Columbia, S.C. 29203
TMS #: Page R17300 Block 02 Lot 21 Zoning District R5-3
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting : (nature of special exception) In Home Day Care
3. The Board of Zoning Appeals is authorized to grant or deny special exception of this specific nature in Section _____ of the Zoning Ordinance.

PROPOSED NEW CONSTRUCTION

1. Free Standing Structure () Addition to an existing building ()
2. Use _____ Number of square footage _____
3. Answer only if a commercial or manufacturing use :
 - a. Total number of parking spaces on lot _____
 - b. Number of trucks _____ size _____
 - c. Number of proposed and existing signs _____
Size of proposed or existing signs _____
 - d. Number of employees working on premises _____

EXISTING USES AND STRUCTURES ON LOT

1. Number of existing uses / structures 2
2. Size and use:
 - a. Square footage 1360 Use living
 - b. Square footage 96 Use storage
 - c. Square footage _____ Use _____

Appellant's Signature _____
Denise Johnson
Print Name

9501 Farrow Road
Address, City, State & Zip Code

736-6020
Telephone Number



Serving Children and Families

KIM S. AYDLETTE, STATE DIRECTOR

December 3, 2004

Mr. John Hicks
Richland County Zoning Division
Post Office Box 192
2020 Hampton Street
Columbia, SC 29202

Re: Ms. Denise Johnson
9501 Farrow Road
Columbia, SC 29203

Dear Mr. Hicks:

The Division of Child Day Care Licensing and Regulatory Services of the South Carolina Department of Social Services have received an inquiry on the above-named individual to operate a Family Day Care Home, providing daycare for a maximum of 6 children. In order to complete the application process, we require verification from your office that zoning requirements have been met. If additional information is needed, please contact me at 929-2740. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Medea O. Galloway".

Medea O. Galloway
Senior Child Care Regulatory Specialist, Region V



RICHLAND COUNTY, SOUTH CAROLINA
PLANNING & DEVELOPMENT SERVICES DEPARTMENT
 Zoning & Land Development Division
 2020 Hampton Street
 Columbia, SC 29202
 Ph. 803-576-2178 Fax 803-576-2182

DAY NURSERIES

How many children? 6

What ages would the children be? infants to 3 years olds

What would the hours of operation be? 6:00 am - 6:00 pm

How many employees would there be? 1

Is the rear yard fenced? Yes No (If no, what provisions are being made?)
I'm in the process of putting up a fence in
the back yard.

Are there provisions for the loading and unloading of children off of the public right-of-way?

Yes (if yes, please describe)
Parent will be able to drive in, drop
kids off and drive away through the
exits.

No (if no, what provisions are being made?)

05-45 SE
DENISE JOHNSON
TMS 17300-02-21





2 February 2005
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-46 Variance

REQUEST

The applicant is requesting the Board of Appeals to grant a special exception to reduce the number of required parking spaces in a PUD-2 (Planned Unit Development) zoned district.

GENERAL INFORMATION

Applicant

Jack Carter

Tax Map Number

17500-03-42

Location

Longtown Road

Existing Zoning

PUD-2 (Planned Unit Development)

Parcel Size

917± acre tract

Existing Land Use

Undeveloped

Existing Status of the Property

The subject property is currently being developed for a mixed-use development.

Proposed Status of the Property

The applicant proposes to reduce the required off-street parking to 21 spaces from 234 to 170.

Immediate Adjacent Zoning and Land Use

- North - C-3; residential
- South - C-3; mixed use
- East - C-3; residential/institutional
- West - C-3; mixed use

Character of the Area

The surrounding properties are dedicated to a mixture of residential, commercial, and institutional uses.

ZONING ORDINANCE CITATION

Section 26-602.3 of the Zoning Ordinance authorizes the Board of Zoning Appeals to grant variances from the strict interpretation of the Zoning Ordinance that are not

contrary to the public interest when literal enforcement would result in unnecessary hardship.

Under no circumstances shall the Board grant a variance to permit a use not generally or by special exception permitted in the district involved. No nonconforming use of neighboring lands or structures in the same district or in other districts shall be grounds for the issuance of a variance. Under no circumstances shall the Board grant a variance to permit a decrease in minimum lot size, minimum lot width or in any other manner create a nonconforming lot.

CRITERIA FOR VARIANCE

The board of zoning appeals may grant a variance in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

- (a) That there are extraordinary and exceptional conditions pertaining to the particular piece of property.**

Staff observed no extraordinary and exceptional conditions to the property.

- (b) That these conditions do not result from the actions of the applicant.**

N/A

- (c) That these conditions do not generally apply to other property in the vicinity.**

Staff was unable to confirm or refute that these condition apply to other properties.

- (d) 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.**

Applying the required setback requirements would not unreasonably restrict the utilization of the property.

- (e) That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.**

The granting of this variance will not create a detriment to the adjacent property, the public good, or the character of the district.

DISCUSSION

Staff visited the site.

The applicant is requesting a variance to reduce the number of required parking spaces from 234 to 170. The proposed construction of the facility requires the increase in the number of parking spaces.

CONDITIONS

N/A

26-602.2(c)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the variance is granted shall void the variance.

OTHER RELEVANT SECTIONS

26-78.4 Other regulations relating to off-street parking.

- (1) Required Improvements for Off-Street Parking Areas:

Off-street parking areas developed to meet minimum requirements of this ordinance, shall be within properly graded, marked and improved parking lots or within parking structures.

- (2) Design of Parking Area:

All off-street parking areas with the exception of parking areas for one- and two-family detached dwellings shall be so designed that vehicles will not be required to back onto a public street when leaving the premises.

- (3) Size of Required Parking Spaces and Aisle Widths:

a. For purposes of this ordinance the minimum size of one (1) parking space shall be nine (9) feet in width and eighteen (18) feet in length. The parking length may be reduced to sixteen (16) feet if two-foot overhangs are used. A maximum of twenty-five (25) percent of the total number of parking spaces may be nine (9) feet in width and sixteen (16) feet in length if they are designated for use by compact cars.

- b. The minimum aisle width shall be as follows:

1. For 90-degree parking: 25 feet.
2. For 60-degree parking: 20 feet.
3. For 45-degree parking: 15 feet.

c. The minimum setback from property lines shall be as follows: Off-street parking areas must be set back ten (10) feet from front and secondary front property lines.

ATTACHMENTS

- Plat.

CASE HISTORY

There are no records of this property previously requesting a special exception or variance.



RICHLAND COUNTY
 PLANNING AND DEVELOPMENT SERVICES
 P.O. BOX 192
 2020 HAMPTON STREET
 COLUMBIA, SOUTH CAROLINA 29202

BOARD OF ZONING APPEALS
 VARIANCE APPEAL

Appeal # _____ Fee \$100.00 Application # _____
 Filed _____ Receipt # 368684 Filed 31 Dec. 2004

No application for a variance will be received for inclusion on the Board of Zoning Appeal's Agenda unless the following conditions are met not later than the first day of the month prior to the date of the Board meeting, which is held on the first Wednesday of each month.

- (a) All questions on this application have been fully answered.
- (b) The application has been signed by the owner of his agent with the written authorization of the owner.
- (c) A plat plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted.
- (d) The Zoning Administrator has certified that the proposed use and/or construction plans comply with all provisions of the Zoning Ordinance except those for which a variance has been requested.

***If the Zoning Administrator finds that the requirements of the Zoning Code for a variance have not been met, the application will be rejected.**

1. Location oLongtown Road at Lee Road
2. Lot 03 Block 42 Page 17500 Zoning District PUD-2
3. Applicant hereby appeals to the Zoning Board of Appeals for a variance from the strict application to the property as described in the provisions of Section 26-78 of the Richland County Zoning Ordinance.
4. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows:
Elementary school for Richland County School District Two - reduction in parking from 234 to 170
5. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Sec. 26-602.3b(1) of the Richland County Zoning Code are met by the following facts.
 - a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as following:
Area available for parking is limited.
 - b) Describe how the conditions listed above were created:
(1) Community interests such as buffers and landscaping. (2) Storm water detention areas. (3) School district and SCDOT requirements of a separate bus loop and student drop-off loop with stacking area.
 - c) These conditions do not generally apply to other property in the vicinity as shown by:
There are no other elementary schools in the vicinity and the elementary school has been planned for some time at this location.
 - 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:
Application of the ordinance to the parking at the proposed site would prohibit the school from being constructed as programmed by the school district and as required by SCDOT.
 - 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:
(1) Less parking produces less runoff. (2) Allows more existing natural buffers to remain. (3) Provides for more green space areas.
6. 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)

PROPOSED NEW CONSTRUCTION

1. Free-standing structure Addition to an existing building
2. Use Elementary School No. of sq. 94,830
3. Maximum height of building above finished grade 35 feet No. of stories 1
4. Total parking spaces on lot (See Sec. 7-1.4) 170
5. Answer only if a commercial or manufacturing use:
- a. No. and size of trucks N/A
- b. No. of employees working on premises N/A
- c. No. and size of proposed and existing signs as shown on plot plan N/A

EXISTING USES AND BUILDINGS ON LOT

- No. of existing buildings N/A
- Sq. ft. _____ Use _____
- Sq. ft. _____ Use _____
- Sq. ft. _____ Use _____

Appellant _____ Address _____ Phone Number _____

The use and construction as proposed herein complies with the terms of the Zoning Ordinance except for the variances.

Zoning Administrator

FOR USE OF BOARD OF ZONING APPEALS

1. Landmarks commission referral required:
() Yes () No
Date referred _____ Date returned _____

2. Other referrals: Agency _____
Date referred _____ Date returned _____

3. Any previous requests for same variance/special exception () Yes () No
If "yes", Appeal No. _____ Date _____

4. Public hearing set for _____ Date posted _____

5. Advertised in _____ Date _____

6. Public hearing held _____ Appellant appeared () Yes () No

7. Findings of Board of Zoning Appeals:

a. The requirements of Section 26-602.3b(1) have been met by the applicant:
() Yes () No

b. The reasons set forth in the application on the reverse side justify the granting of the variance, and the variance as granted is the minimum variance that will make possible the reasonable use of the land, building, or structure:
() Yes () No

c. The granting of this variance will be in harmony with the general purpose and intent of the ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare: () Yes () No

8. () Requested variance is granted with the following conditions and safeguards:

9. () Requested variance is denied for the following reasons:

Record of Vote: (1) _____ (2) _____
(3) _____ (4) _____ (5) _____
(6) _____ (7) _____

Date Board of Zoning Appeals Chairperson



2 February 2005
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-47 Variance

REQUEST

The applicant is requesting the Board of Appeals to grant a special exception to reduce the number of required parking spaces in a C-3 (General Commercial) zoned district.

GENERAL INFORMATION

Applicant

Jack Carter

Tax Map Number

19811-01-02

Location

NW/S Polo Road

Existing Zoning

C-3 (General Commercial)

Parcel Size

26± acre tract

Existing Land Use

Undeveloped

Existing Status of the Property

The subject property is currently being developed for a mixed-use development.

Proposed Status of the Property

The applicant proposes to reduce the required off-street parking to 21 spaces from 234 to 170.

Immediate Adjacent Zoning and Land Use

- North - C-1; undeveloped
- South - C-3/M-1; undeveloped/industrial
- East - M-1; interstate
- West - C-1; undeveloped

Character of the Area

The surrounding area is comprised primarily of undeveloped parcels.

ZONING ORDINANCE CITATION

Section 26-602.3 of the Zoning Ordinance authorizes the Board of Zoning Appeals to grant variances from the strict interpretation of the Zoning Ordinance that are not contrary to the public interest when literal enforcement would result in unnecessary hardship.

Under no circumstances shall the Board grant a variance to permit a use not generally or by special exception permitted in the district involved. No nonconforming use of neighboring lands or structures in the same district or in other districts shall be grounds for the issuance of a variance. Under no circumstances shall the Board grant a variance to permit a decrease in minimum lot size, minimum lot width or in any other manner create a nonconforming lot.

CRITERIA FOR VARIANCE

The board of zoning appeals may grant a variance in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

(a) That there are extraordinary and exceptional conditions pertaining to the particular piece of property.

Staff observed no extraordinary and exceptional conditions to the property.

(b) That these conditions do not result from the actions of the applicant.

N/A

(c) That these conditions do not generally apply to other property in the vicinity.

Staff was unable to confirm or refute that these condition apply to other properties.

(d) 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.

Applying the required setback requirements would not unreasonably restrict the utilization of the property.

(e) That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The granting of this variance will not create a detriment to the adjacent property, the public good, or the character of the district.

DISCUSSION

Staff visited the site.

The applicant is requesting a variance to reduce the number of required parking spaces from 234 to 172. The proposed construction of the facility requires the increase in the number of parking spaces.

The rezoning request has been made by the applicant to rezone the parcel to C-1 (Office and Institutional). This is necessary because the C-3 zoning district prohibits elementary or high schools (26-67.5 (3)).

If the Board finds that this request has merit, staff asks that the following conditions be applied:

CONDITIONS

1. Failure to have the property rezoned before 1 July 2005 will void the special exception.

26-602.2(c)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the variance is granted shall void the variance.

OTHER RELEVANT SECTIONS

26-78.4 Other regulations relating to off-street parking.

- (1) Required Improvements for Off-Street Parking Areas:

Off-street parking areas developed to meet minimum requirements of this ordinance, shall be within properly graded, marked and improved parking lots or within parking structures.

- (2) Design of Parking Area:

All off-street parking areas with the exception of parking areas for one- and two-family detached dwellings shall be so designed that vehicles will not be required to back onto a public street when leaving the premises.

- (3) Size of Required Parking Spaces and Aisle Widths:

a. For purposes of this ordinance the minimum size of one (1) parking space shall be nine (9) feet in width and eighteen (18) feet in length. The parking length may be reduced to sixteen (16) feet if two-foot overhangs are used. A maximum of twenty-five (25) percent of the total number of parking spaces may be nine (9) feet in width and sixteen (16) feet in length if they are designated for use by compact cars.

- b. The minimum aisle width shall be as follows:

1. For 90-degree parking: 25 feet.
2. For 60-degree parking: 20 feet.
3. For 45-degree parking: 15 feet.

c. The minimum setback from property lines shall be as follows: Off-street parking areas must be set back ten (10) feet from front and secondary front property lines.

ATTACHMENTS

- Plat.

CASE HISTORY

There are no records of this property previously requesting a special exception or variance.



RICHLAND COUNTY
 PLANNING AND DEVELOPMENT SERVICES
 P.O. BOX 192
 2020 HAMPTON STREET
 COLUMBIA, SOUTH CAROLINA 29202

BOARD OF ZONING APPEALS
 VARIANCE APPEAL

Appeal # _____ Fee 100.00 Application # _____
 Filed 31 Dec. 2004 Receipt # 368685 Filed _____

No application for a variance will be received for inclusion on the Board of Zoning Appeal's Agenda unless the following conditions are met not later than the first day of the month prior to the date of the Board meeting, which is held on the first Wednesday of each month.

- (a) All questions on this application have been fully answered.
- (b) The application has been signed by the owner or his agent with the written authorization of the owner.
- (c) A plat plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted.
- (d) The Zoning Administrator has certified that the proposed use and/or construction plans comply with all provisions of the Zoning Ordinance except those for which a variance has been requested.

*If the Zoning Administrator finds that the requirements of the Zoning Code for a variance have not been met, the application will be rejected.

1. Location NW/S Polo Road
2. Lot 01 Block 02 Page 19811 Zoning District C-1
3. Applicant hereby appeals to the Zoning Board of Appeals for a variance from the strict application to the property as described in the provisions of Section 26-78 of the Richland County Zoning Ordinance.
4. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows:
Elementary school for Richland County School District Two - reduction of parking from 234 to 172
5. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Sec. 26-602.3b(1) of the Richland County Zoning Code are met by the following facts.
 - a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as following:
Steep topography and the area available for parking is limited.
 - b) Describe how the conditions listed above were created:
(1) Community interests such as buffers and landscaping. (2) Storm water detention areas.
(3) School district and SCDOT requirements of a separate bus loop and student drop-off loop with stacking area.
 - c) These conditions do not generally apply to other property in the vicinity as shown by:
There are no other elementary schools in the vicinity.
 - 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:
Application of the ordinance to the parking at the proposed site would prohibit the school from being constructed as programmed by the school district and as required by SCDOT.
 - 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:
(1) Less parking produces less runoff. (2) Allows more existing natural buffers to remain.
(3) Provides for more green space areas.
6. 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)

PROPOSED NEW CONSTRUCTION

1. Free-standing structure Addition to an existing building
2. Use Elementary School No. of sq. 94,830
3. Maximum height of building above finished grade 35 feet No. of stories 1
4. Total parking spaces on lot (See Sec. 7-1.4) 172
5. Answer only if a commercial or manufacturing use:
 - a. No. and size of trucks N/A
 - b. No. of employees working on premises N/A
 - c. No. and size of proposed and existing signs as shown on plot plan N/A

EXISTING USES AND BUILDINGS ON LOT

- No. of existing buildings N/A
- Sq. ft. _____ Use _____
- Sq. ft. _____ Use _____
- Sq. ft. _____ Use _____

Appellant _____ Address _____ Phone Number _____

The use and construction as proposed herein complies with the terms of the Zoning Ordinance except for the variances.

Zoning Administrator

FOR USE OF BOARD OF ZONING APPEALS

1. Landmarks commission referral required:
() Yes () No
Date referred _____ Date returned _____
2. Other referrals: Agency _____
Date referred _____ Date returned _____
3. Any previous requests for same variance/special exception () Yes () No
If "yes", Appeal No. _____ Date _____
4. Public hearing set for _____ Date posted _____
5. Advertised in _____ Date _____
6. Public hearing held _____ Appellant appeared () Yes () No
7. Findings of Board of Zoning Appeals:
 - a. The requirements of Section 26-602.3b(1) have been met by the applicant:
() Yes () No
 - b. The reasons set forth in the application on the reverse side justify the granting of the variance, and the variance as granted is the minimum variance that will make possible the reasonable use of the land, building, or structure:
() Yes () No
 - c. The granting of this variance will be in harmony with the general purpose and intent of the ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare: () Yes () No
8. () Requested variance is granted with the following conditions and safeguards:

9. () Requested variance is denied for the following reasons:

Record of Vote: (1) _____ (2) _____
(3) _____ (4) _____ (5) _____
(6) _____ (7) _____

Date Board of Zoning Appeals Chairperson



2 February 2005
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-48 Special Exception

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of a manufactured home on property zoned RG-2 (general residential).

GENERAL INFORMATION

Applicant

Veronica Argo

Tax Map Number

17210-01-03

Location

Flintlake Road

Existing Zoning

RG-2 (General Residential)

Parcel Size

.20 acre tract

Existing Land Use

Vacant

Existing Status of the Property

The subject property is vacant and undeveloped.

Proposed Status of the Property

The applicant proposes to place a manufactured home.

Immediate Adjacent Zoning and Land Use

- North - RG-2; residential
- South - RS-1; undeveloped/residential
- East - RS-2; residential
- West - M-2/RG-2; undeveloped/industrial/residential

Character of the Area

The surrounding area is a mixture of single-family dwellings and manufactured/mobile homes and undeveloped parcels.

ZONING ORDINANCE CITATION

Section 26-63.4(3) of the Zoning Ordinance authorizes the Board of Zoning Appeals to permit manufactured home subject to the requirements of section 26-86.

CRITERIA FOR SPECIAL EXCEPTIONS

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

1. Traffic impact.

The average weekday trips per day for a single-family residential structure is approximately 9.5 (based on the Addendum to the Long Range Major Street Plan for Richland County – adopted by the Richland County Planning Commission - Oct.1993).

2. Vehicle and pedestrian safety.

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

3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.

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

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

The proposed use does not impose an adverse impact on the aesthetic character of the environs and does not require screening.

5. Orientation and spacing of improvements or buildings.

The size of the lot and the location of the existing structure precludes the need for changes in orientation and spacing of improvements or buildings.

DISCUSSION

Staff visited the site.

The applicant proposes to place an 84x14 manufactured home on the parcel.

Staff believes that this project will not adversely impact the dwellings or properties in the surrounding area.

CONDITIONS

N/A

26-602.2(d)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

OTHER RELEVANT SECTIONS

Sec. 26-86. Manufactured homes on individual lots.

Manufactured homes placed on individual lots shall comply with the following requirements.

a. *Manufactured home stands:* The manufactured home stand shall be improved to provide adequate support for the placement and tiedown of the manufactured home. The stand shall not heave, shift or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. Anchors or tie-downs, such as cast-in-place concrete "dead-men," eyelets imbedded in concrete, screw augers or arrowhead anchors shall be placed in each corner of the manufactured home stand and at intervals of at least 20 feet. Each device shall be able to sustain a minimum load of 4,800 pounds.

b. *Skirting:* In order to receive a release for electricity, any manufactured home placed on or after January 1, 1990, shall be skirted, entirely enclosing the bottom section. Such skirting shall be fire resistant or an equal substitute.

However, any manufactured home in place prior to January 1, 1990, shall not be required to be skirted, unless such manufactured home is moved to a new location.

c. *[Nonconforming use permits:]* Temporary nonconforming use permits, relieving the property owner from complying with this section 26-86 may be granted, pursuant to section 26-51.5, of the county Code of Ordinances, but such permits may not exceed thirty (30) days. The county administrator, however, may grant an additional extension for a period not to exceed eleven (11) months.

(Ord. No. 1967-90, § I, 4-3-90; Ord. No. 054-00HR, § IV, 10-3-00)

ATTACHMENTS

- Plat

CASE HISTORY

No record of previous special exception or variance request.

Rcpt # 368686
Paid \$ 50.00

Application # _____
Filed 31 Dec. 2004

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
SPECIAL EXCEPTION APPEAL**

NOTICE TO APPLICANTS

No application for special exception will be processed unless the following conditions are met no later than the first (1st) day of the month prior to the date of the Board meeting, which is held the first Wednesday of each month:

- a. All questions on this application have been fully answered;
- b. The application has been signed by the owner or his agent with the written authorization of the owner;
- c. A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted on an 8 1/2" X 11" size pieces of paper.

1. Location: s/s Flintlake Rd
TMS #: Page 17210 Block 01 Lot 03 Zoning District 26-2
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting: (nature of special exception) For Mobile Home
3. The Board of Zoning Appeals is authorized to grant or deny special exception of this specific nature in Section _____ of the Zoning Ordinance.

PROPOSED NEW CONSTRUCTION

1. Free Standing Structure (4) Addition to an existing building ()
2. Use Resident Number of square footage 84 X 14 Mobile
3. Answer only if a commercial or manufacturing use :
a. Total number of parking spaces on lot _____
b. Number of trucks _____ size _____
c. Number of proposed and existing signs _____
Size of proposed or existing signs _____
d. Number of employees working on premises _____

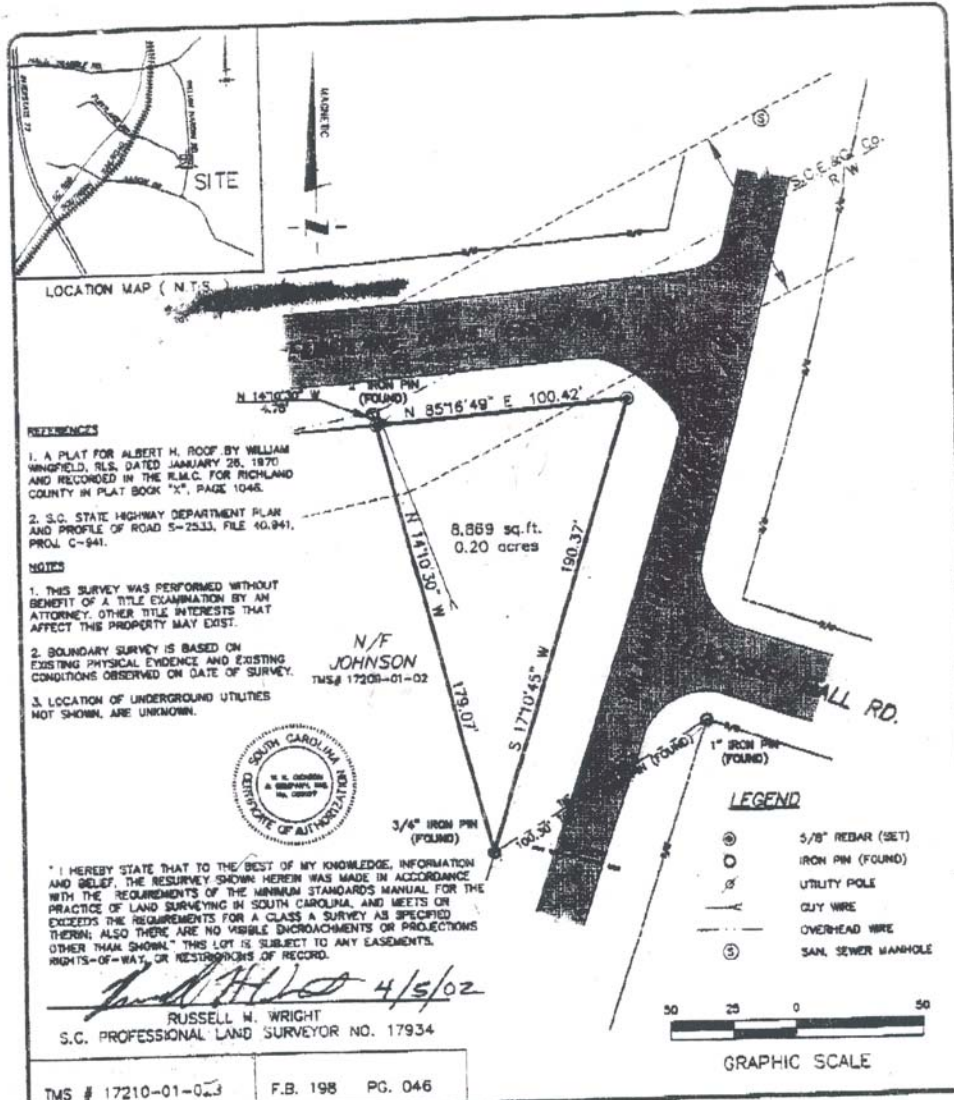
EXISTING USES AND STRUCTURES ON LOT

1. Number of existing uses / structures ~~1~~ 0
2. Size and use:
a. Square footage _____ Use _____
b. Square footage _____ Use _____
c. Square footage _____ Use _____

Veraice Argo
Appellant's Signature
Veraice Argo
Print Name

412 Maingate Dr.
Columbia, SC 29223
Address, City, State & Zip Code

803-699-4856
Telephone Number



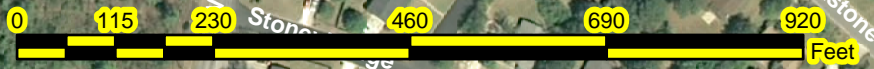
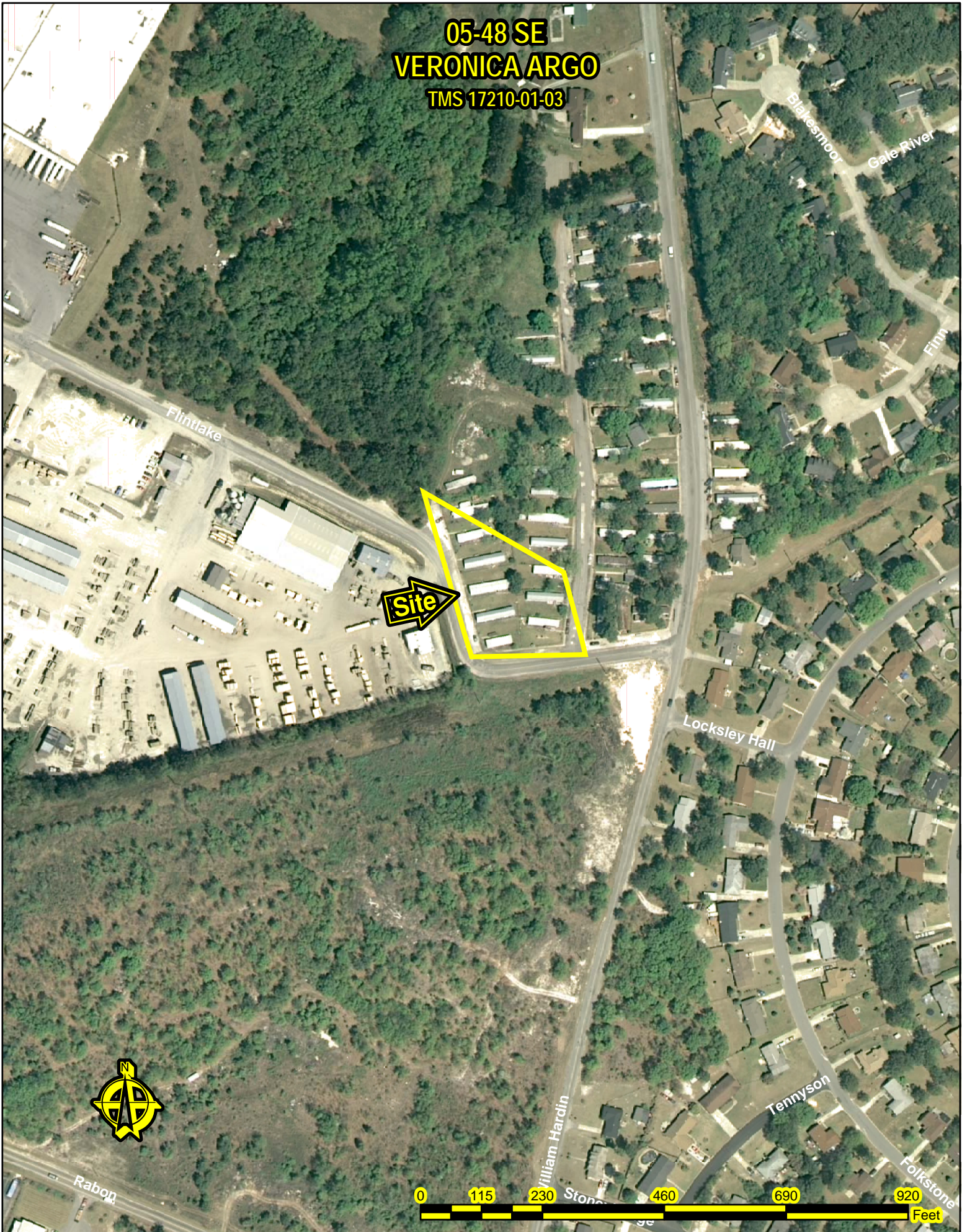
DRAWING SCALE 1" = 50' PROJECT DATE 3/27/02 PROJECT NUMBER 20144-15.CA FILE NAME 20144-13.DWG DRAWN BY WDR	WK DICKSON Surveyors • Planners • Engineers Landmark Collaborators	501 CORPORATE BLVD. #200 COLUMBIA, SC 29202 (803) 792-1800 MEMPHIS, TN CHARLOTTE, NC COLUMBIA, SC
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BOUNDARY SURVEY
 FOR THE
MIDLAND HOLDING CORPORATION
 RICHLAND COUNTY, NEAR COLUMBIA, SOUTH CAROLINA

A-3991



05-48 SE
VERONICA ARGO
TMS 17210-01-03





2 February 2005
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-49 Special Exception

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the construction of a communication tower in a RU (Rural) district.

GENERAL INFORMATION

Applicant

Jonathan Yates

Tax Map Number

21600-02-03

Location

Lower Richland Blvd.

Existing Zoning

RU (Rural District)

Parcel Size

43.89 acre tract

Existing Land Use

Undeveloped

Existing Status of the Property

It is undeveloped and heavily wooded.

Proposed Status of the Property

The applicant proposes to erect a 225-foot self-support tower, within a 10,000 square foot leased compound.

Immediate Adjacent Zoning and Land Use

- North - RU; residential
- South - RU; commercial/residential
- East - RU; residential
- West - RU; undeveloped/church

Character of the Area

The subject property is amongst a community of residential structures, undeveloped parcels, commercial and institutional uses.

ZONING ORDINANCE CITATION

Section 26-61.4(4) of the Zoning Ordinance authorizes the Board of Zoning Appeals to authorize radio, television and all other types of communications towers subject to the provisions of section 26-94A.

CRITERIA FOR SPECIAL EXCEPTIONS

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

1. Traffic impact.

N/A

2. Vehicle and pedestrian safety.

N/A

3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.

The lights of the communication tower could pose a potential impact on adjoining properties. The applicant has addressed these concerns in previous applications.

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

The depth of the structure within the heavily wooded parcel should serve to help minimize the aesthetic impact of the communication tower on the environs.

5. Orientation and spacing of improvements or buildings.

The submitted site plan does not seem to necessitate any changes.

(9) Special exception requirements (as found in section 26-94):

(a) In addition to the requirements for special exceptions found in section 26-602.2c, the zoning board of adjustment shall consider the following:

(1) Will the proposed structure endanger the health and safety of residents, employees or travelers, including but not limited to the likelihood of the failure of such structures.

To be addressed by the applicant.

(2) Is the proposed tower located in an area where it will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.

To be addressed by the applicant.

(3) Is the proposed structure necessary to provide a service that is beneficial to the surrounding community.

To be addressed by the applicant.

(4) Does the proposed use meet the setback requirements of the underlying zoning district in which it is located.

The site plan indicates that the proposed tower meets all required setbacks, however, the site plan review phase will ensure that all requirements have been met.

(5) Is the proposed tower within one thousand (1,000) feet of another tower unless on the same property.

To be addressed by the applicant.

- (6) **Has the applicant attempted to collocate on existing communication towers and is the applicant willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure and proper compensation from the additional user.**

To be addressed by the applicant.

DISCUSSION

The applicant proposes to erect a 225-foot self-support tower tower, within a 10,000 square foot leased compound.

Staff visited the site.

The criteria for a special exception in section 26-602 indicates that applicant has taken necessary measures to minimize the impact of a communication tower on the surrounding area. Staff believes that this request will not impair the dwellings or properties in the immediate or surrounding area.

The applicant must address before the Board the special exception requirements of section 26-94.

CONDITIONS

1. The setback requirements, as measured from the lease area, must be met, unless, as stated in section 26-94A (2), a special exception is granted by the Board of Zoning Appeals.

26-602.2(d)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

OTHER RELEVANT SECTIONS

Due to consideration for health, safety impact on neighboring properties and aesthetics, any such uses proposed for the county shall comply with the following supplemental requirements:

- (1) At the time of application for a special exception or zoning permit satisfactory evidence shall be submitted that alternative towers, building or other structures do not exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria or provide a location free from interference of any nature, or are otherwise not available for use.

(2) When a proposed site for a communication tower adjoins a residential zoning district, or property on which an inhabited residence is situated, the minimum setback from the property line(s) adjoining the residential zoning district or residential use shall be fifty (50) feet. For towers over fifty (50) feet in height, the set back shall increase one (1) foot for each one (1) foot of tower height in excess of fifty (50) feet; with the maximum required separation being two hundred fifty (250) feet.

When the separation requirement as set forth herein from a residential zoning district or residential use cannot be met, such location may be permitted by a special exception approval from the zoning board of adjustment subject to the provisions of section 26-94A below.

(3) Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agencies. However, no nighttime strobe lighting shall be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agency.

(4) Each communications tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.

(5) Each tower site shall be landscaped in accordance with the requirements of Article 5 of the county landscape ordinance.

(6) No signage of any nature may be attached to any portion of a communications tower.

(7) Communications towers shall have a maximum height of three hundred (300) feet.

(8) A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

(9) Special exception requirements:

(a) In addition to the requirements for special exceptions found in section 26-602.2c, the zoning board of adjustment shall consider the following:

(1) Will the proposed structure endanger the health and safety of residents, employees or travelers, including but not limited to the likelihood of the failure of such structures.

(2) Is the proposed tower located in an area where it will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.

(3) Is the proposed structure necessary to provide a service that is beneficial to the surrounding community.

(4) Does the proposed use meet the setback requirements of the underlying zoning district in which it is located.

(5) Is the proposed tower within one thousand (1,000) feet of another tower unless on the same property.

(6) Has the applicant attempted to collocate on existing communication towers and is the applicant willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure and proper compensation from the additional user.

(b) A site plan, elevation drawing(s), photographs and other appropriate documentation must be submitted with the request for special exception which provide the following information:

(1) Site plan must include the location of the tower(s), guy anchors (if any), transmission building and other accessory uses, parking, access, fences and adjacent land use. Landscaping and required buffering must also be shown.

(2) Elevation drawings must clearly show the design of the tower and materials to be used.

(3) Photographs must show the proposed site and the immediate area.

(4) Submittal of other detailed information, such as topography and aerial views, which support the request are encouraged at the option of the applicant.

(Ord. No. 048-95HR, § I, 9-5-95; Ord. No. 012-99HR, § III, 4-20-99)

ATTACHMENTS

- Site plan

CASE HISTORY

No record of previous special exception or variance request.

Paid \$ _____

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
SPECIAL EXCEPTION**

Filed _____

NOTICE TO APPLICANTS

No application for a special exception will be processed unless the following conditions are met no later than the first (1ST) day of the month prior to the date of the Board meeting, which is generally held the first Wednesday of each month:

- a. All questions on this application have been fully answered;
- b. The application has been signed by the owner or his/her agent with the written authorization of the owner;
- c. A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted an 8½" x 11" size pieces of paper.

1. Location: Stackleather Road, Lugoff SC 29078
TMS #: Page R3790 Block 01 Lot 01 Zoning District RU
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting:
A wireless communications tower.
3. The Board of Zoning Appeals is authorized to grant or deny a special exception of this specific nature in Section 26-94A Zoning Ordinance.


PROPOSED NEW CONSTRUCTION

1. Free standing structure Addition to an existing structure
2. Use Comm. tower Number of square footage 2400
3. Answer only if a commercial or manufacturing use:
 - a. Total number of parking spaces on parcel: N/A
 - b. Number of trucks: 0 size(s): _____
 - c. Number of signs: proposed 0 existing 0
 - d. Number of employees working of premises: 0

EXISTING USES AND STRUCTURES ON LOT

1. Number of existing uses/structures: 0
2. Size and use:

a. Use <u>Residential</u>	square footage _____
b. Use _____	square footage _____
c. Use _____	square footage _____
d. Use _____	square footage _____



 Appellant's Signature
 Cingular Wireless/JLYates
 Printed (typed) Name

151 Meeting St.

 Address
Charleston, SC 29401

 City, State, Zip Code

843-853-5200

 Telephone Number

 Alternate Number

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
151 Meeting Street / Sixth Floor / Charleston, South Carolina 29401-2239
Tel: 843.853.5200 Fax: 843.722.8700
www.nelsonmullins.com



Jonathan L. Yates
843.534.4240
jonathan.yates@nelsonmullins.com

November 5, 2004

Mr. Geonard Price
Richland County Planning Department
2020 Hampton Street
Columbia, SC 29202
(803) 576-2180

RE: Cingular Wireless / # 091-292 Elise Grant / TMS # R37900-01-01 / 147
Stackleather Road, Lugoff, SC 29078
Application for Special Exception
Our file number: 21772/09497

Dear Mr. Price:

Regarding a 295 foot lattice tower to be located at the address indicated above in Lugoff, South Carolina, TMS # R37900-01-01, Cingular Wireless hereby agrees to remove the said tower and/or antenna within 90 days after cessation of use.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Yates".

Jonathan L. Yates
Counsel for Cingular Wireless

JLY:dls

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law

151 Meeting Street / Sixth Floor / Charleston, South Carolina 29401-2239

Tel: 843.853.5200 Fax: 843.722.8700

www.nelsonmullins.com

Brian A. Hellman

843.534.4416

brian.hellman@nelsonmullins.com

November 10, 2004

Via Federal Express

Mr. Geonard Price
Richland County Planning Department
2020 Hampton Street
Columbia, SC 29202
(803) 576-2180

RE: Cingular Wireless / # 091-292 Elise Grant / TMS # R37900-01-01 / 147
Stackleather Road, Lugoff, SC 29078
Application for Special Exception
Our file number: 21772/09497

Dear Mr. Price:

On behalf of our client, Cingular Wireless, Inc., I am enclosing for your review the requisite applications and the following supporting details regarding compliance of the above site with the Richland County Zoning Ordinance Section 26-94A.

For Section 26-94A – Supplemental Requirements

- (1) At the time of application for a special exception or zoning permit satisfactory evidence shall be submitted that alternative towers, building or other structures do not exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria or provide a location free from interference of any nature, or are otherwise not available for use.

Cingular is in the business of providing cellular communications and does not engage in building towers. As such, Cingular only builds these towers as a last resort. The first thing Cingular looks for in placing its equipment is an existing structure or tower that will allow us to provide coverage in the designated area. In this case, there are no structures or towers under the control of Cingular or other entities that could be used. If such sites were available, Cingular would use those sites.

Atlanta • Charleston • Charlotte • Columbia • Greenville • Myrtle Beach • Raleigh • Winston-Salem • Washington, DC

- (2) When a proposed site for a communication tower adjoins a residential zoning district, or property on which an inhabited residence is situated, the minimum setback from the property line(s) adjoining the residential zoning district or residential use shall be fifty (50) feet. For towers over fifty (50) feet in height, the set back shall increase one (1) foot for each one (1) foot of tower height in excess of fifty (50) feet; with the maximum required separation being two hundred fifty (250) feet.

When the separation requirement as set forth herein from a residential zoning district or residential use cannot be met, such location may be permitted by a special exception approval from the zoning board of adjustment subject to the provisions of section 26-94A below.

This 295' tower will be located at least 95' 8" from any adjoining property line, which are zoned RU (Timber Land, Agricultural, and Commercial). The underlying zoning district (RU) setbacks are forty (40) feet for front yards, twenty (20) feet for side yards, and fifty (50) feet for rear yards. The setback line is the same as the depth or width of any required yard. This communications tower will be set back at least 95' 8" from any property line, or 1.9 to 4.75 times the minimum required by the underlying zoning district.

- (3) Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agencies. However, no night time strobe lighting shall be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agency.

The tower will be finished in a galvanized gray finish which quickly oxidizes to a dull gray patina and will be non-reflective and omit no glare. This tower will be illuminated; however, Cingular will employ the use of a very sophisticated illumination package which involves an intermittent white light during the day and at night, the white light will turn into a soft red light. This light is designed to channel the light above the horizontal to aid air navigation but not to be noticeable from the ground. At night, the light has the same effect on the ground as a forty watt patio bulb.

- (4) Each communications tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.

This tower and associated buildings are enclosed and secured by a security fence at least seven (7) feet in height.

- (5) Each tower site shall be landscaped in accordance with the requirements of Article 5 of the county landscape ordinance.

This tower site shall be landscaped in accordance with the requirements of Article 5 of the county landscape ordinance.

- (6) No signage of any nature may be attached to any portion of a communications tower.

No signage of any nature may be attached to any portion of this communications tower.

- (7) Communications towers shall have a maximum height of three hundred (300) feet.

This proposed wireless communications tower is a 295' lattice design.

- (8) A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

Cingular Wireless has agreed to remove the tower and/or antenna within 90 days after cessation of use as is provided in the enclosed letter by South Carolina counsel, Jonathan L. Yates, attached as Exhibit B.

Special exception requirements:

- a. requirements for special exceptions found in section 26-602.2c

- i. Traffic impact;

Upon completion of construction, this facility will be unmanned and only visited 8-10 times per year, having virtually no traffic impact.

- ii. Vehicle and pedestrian safety.

Due to the inherent safety features of wireless communication devices, this wireless communications facility will have a positive impact on vehicle and pedestrian safety.

- iii. Potential impact of noise, lights, fumes or obstruction of air flow on adjoining property

This tower is lighted as required by the FAA (see section 3, above), and will have no impact with respect to noise, fumes, or obstruction of air flow on adjoining property.

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

The tower will be finished in a galvanized gray finish which quickly oxidizes to a dull gray patina and will be non-reflective and omit no glare. Also, this tower site shall be landscaped in accordance with the requirements of Article 5 of the county landscape ordinance.

- v. Orientation and spacing of improvements or buildings.

There are no other improvements or buildings on this parcel.

- (1) Will the proposed structure endanger the health and safety of residents, employees or travelers, including but not limited to the likelihood of the failure of such structures.

Due to the inherent safety features of wireless communication devices, this wireless communications facility will be a beneficial addition not only to the health and safety of residents, employees or travelers, but to law enforcement personnel as well. The proposed tower is set back from all property lines a distance equal to or greater than its proposed height so that in the event of structural failure, the health and safety of residents, employees or travelers will not be compromised.

- (2) Is the proposed tower located in an area where it will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.

The proposed communications tower is being placed in a rural section of Lugoff in Richland County. The proposed tower is being placed on the property of Homer Stackleather, which is zoned RU. The subject property is perfect for this proposed tower in that it is a rather small, odd-shaped piece of property, that people have dumped organic detritus in the past. With our placement on the subject property, we will be able to effectively cover Highway 601 and surrounding areas with a minimum visual impact to the surrounding area. In addition, the tower will be finished in a galvanized gray finish which quickly oxidizes to a dull gray patina and will be non-reflective and omit no glare.

- (3) Is the proposed structure necessary to provide a service that is beneficial to the surrounding community.

Wireless devices are enabled by communications towers. With their inherent safety features, wireless devices and the towers that enable their use provide a service that is beneficial to the surrounding community, residents, travelers, and law enforcement.

- (4) Does the proposed use meet the setback requirements of the underlying zoning district in which it is located.

The underlying zoning district (RU) setbacks are forty (40) feet for front yards, twenty (20) feet for side yards, and fifty (50) feet for rear yards. The setback line is the same as the depth or width of any required yard. This communications tower will be set back at least 95' from any property line, or 1.9 to 4.75 times the minimum required by the underlying zoning district.

Mr. Geonard Price
November 10, 2004
Page 5

- (5) Is the proposed tower within one thousand (1,000) feet of another tower unless on the same property.

The tower will not be located within 1,000 feet of any existing tower or antenna.

- (6) Has the applicant attempted to collocate on existing communication towers and is the applicant willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure and proper compensation from the additional user.

Cingular always attempts to co-locate its equipment on an existing tower. Cingular has investigated all nearby publicly and privately owned sites and was unable to find a suitable site.

- b. A site plan, elevation drawing(s), photographs and other appropriate documentation must be submitted with the request for special exception which provides information required by this ordinance section:


A copy of the site plan incorporating the typical specification for this structure is attached hereto, as Exhibit A.

- (1) Site plan must include the location of the tower(s), guy anchors (if any), transmission building and other accessory uses, parking, access, fences and adjacent land use. Landscaping and required buffering must also be shown.

A copy of the site plan incorporating these requirements is attached hereto, as Exhibit A.

There is a sense of urgency to us in getting this special exception approved; therefore any assistance you can give us is very much appreciated. Please contact me at 843-534-4416 or brian.hellman@nelsonmullins.com once the hearing date has been set, or if you have any questions or concerns that I may answer or address.

Very truly yours,



Brian A. Hellman

Enclosures

cc: Jonathan L. Yates, Esq.



2 February 2005
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-50 Variance

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a variance to reduce the required front yard setback for parking in a C-3 (general commercial) zoned district.

GENERAL INFORMATION

Applicant

Patrick Palmer

Tax Map Number

17010-02-05

Location

7450 Two Notch Road

Existing Zoning

C-3 (General Commercial)

Parcel Size

.71± acre tract

Existing Land Use

Vacant Building

Existing Status of the Property

The subject property has an existing, 3756 square foot commercial structure that was built in 1967.

Proposed Status of the Property

The applicant proposes to demolish the existing building and construct an 11,325 square foot building dedicated for retail use.

Immediate Adjacent Zoning and Land Use

North - C-3; commercial

South - C-3; commercial

East - C-3; commercial

West - C-3; commercial

Character of the Area

The subject property is located along Two Notch Road. The surrounding properties are dedicated to a mixture of commercial uses.

ZONING ORDINANCE CITATION

Section 26-602.3 of the Zoning Ordinance authorizes the Board of Zoning Appeals to grant variances from the strict interpretation of the Zoning Ordinance that are not

contrary to the public interest when literal enforcement would result in unnecessary hardship.

Under no circumstances shall the Board grant a variance to permit a use not generally or by special exception permitted in the district involved. No nonconforming use of neighboring lands or structures in the same district or in other districts shall be grounds for the issuance of a variance. Under no circumstances shall the Board grant a variance to permit a decrease in minimum lot size, minimum lot width or in any other manner create a nonconforming lot.

CRITERIA FOR VARIANCE

The board of zoning appeals may grant a variance in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

(a) That there are extraordinary and exceptional conditions pertaining to the particular piece of property.

The parcel is irregularly shaped. There is a 34.44-foot difference between the lengths of the side property lines.

(b) That these conditions do not result from the actions of the applicant.

Although the parcels has been subdivided, records, dating back as far as 1977, indicate that the parcel has retained the same depth dimension.

(c) That these conditions do not generally apply to other property in the vicinity.

The surrounding parcels have parking that encroaches into the required front yard off-street parking setback.

(d) 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.

Because of the conditions present, application of the parking requirements would require additional variance requests and/or an extreme reduction of the square footage of the proposed building.

(e) That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The granting of this variance will not create a detriment to the adjacent property, the public good, or the character of the district.

DISCUSSION

Staff visited the site.

The applicant is requesting a variance to encroach into the required ten (10) foot setback for off-street parking (section 26-78.4 (3) c) by ten (10) feet.

The granting of this variance will allow the applicant to meet the other parking requirements of the zoning ordinance (with an additional variance).

The applicant proposes to establish the off-street parking for this development at the front property line. There is approximately a thirteen (13) foot area (right-of-way comprised of grass and sidewalk) between the pavement and the property line.

Staff conducted a preliminary test and found that the parking proposed by the applicant does not hinder the visibility during ingress/egress.

If the Board finds that this request has merit, staff asks that the following conditions be applied:

CONDITIONS

1. Widening of Two Notch Road will void the special exception.

26-602.2(c)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the variance is granted shall void the variance.

OTHER RELEVANT SECTIONS

26-78.4 Other regulations relating to off-street parking.

- (1) Required Improvements for Off-Street Parking Areas:

Off-street parking areas developed to meet minimum requirements of this ordinance, shall be within properly graded, marked and improved parking lots or within parking structures.

- (2) Design of Parking Area:

All off-street parking areas with the exception of parking areas for one- and two-family detached dwellings shall be so designed that vehicles will not be required to back onto a public street when leaving the premises.

- (3) Size of Required Parking Spaces and Aisle Widths:

- a. For purposes of this ordinance the minimum size of one (1) parking space shall be nine (9) feet in width and eighteen (18) feet in length. The parking length may be reduced to sixteen (16) feet if two-foot overhangs are used. A maximum of twenty-five (25) percent of the total number of parking spaces may be nine (9) feet in width and sixteen (16) feet in length if they are designated for use by compact cars.

- b. The minimum aisle width shall be as follows:

1. For 90-degree parking: 25 feet.
2. For 60-degree parking: 20 feet.
3. For 45-degree parking: 15 feet.

- c. The minimum setback from property lines shall be as follows: Off-street parking areas must be set back ten (10) feet from front and secondary front property lines.

ATTACHMENTS

- Plat.

CASE HISTORY

There are no records of this property previously requesting a special exception or variance.



RICHLAND COUNTY
 PLANNING AND DEVELOPMENT SERVICES
 P.O. BOX 192
 2020 HAMPTON STREET
 COLUMBIA, SOUTH CAROLINA 29202

BOARD OF ZONING APPEALS
 VARIANCE APPEAL

Appeal # _____ Fee _____ Application # _____
 Filed _____ Receipt # _____ Filed _____

No application for a variance will be received for inclusion on the Board of Zoning Appeal's Agenda unless the following conditions are met not later than the first day of the month prior to the date of the Board meeting, which is held on the first Wednesday of each month.

(a) All questions on this application have been fully answered.
 (b) The application has been signed by the owner or his agent with the written authorization of the owner.
 (c) A plat plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and locations on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted.
 (d) The Zoning Administrator has certified that the proposed use and/or construction plans comply with all provisions of the Zoning Ordinance except those for which a variance has been requested.

***If the Zoning Administrator finds that the requirements of the Zoning Code for a variance have not been met, the application will be rejected.**

1. Location 7450 TWO NOTCH ROAD, COLUMBIA, SC
2. Lot 5 Block 2 Page 17010 Zoning District C-3
3. Applicant hereby appeals to the Zoning Board of Appeals for a variance from the strict application to the property as described in the provisions of Section _____ of the Richland County Zoning Ordinance.
4. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows: TO REDUCE THE FRONT SETBACK SO AS TO ALLOW THE PARKING LOT TO COME UP TO THE FRONT PROPERTY LINE
5. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Sec. 26-602.3b(1) of the Richland County Zoning Code are met by the following facts.
 - a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as following: SEE ATTACHED EXHIBIT
 - b) Describe how the conditions listed above were created: SEE ATTACHED EXHIBIT
 - c) These conditions do not generally apply to other property in the vicinity as shown by: SEE ATTACHED EXHIBIT
 - 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 ATTACHED EXHIBIT
 - 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 ATTACHED EXHIBIT
6. The following documents are submitted in support of this application [a site plan must be submitted]:
 - a) SKETCH PLAN
 - b)
 - c)

(Attach additional pages if necessary)

PROPOSED NEW CONSTRUCTION

1. Free-standing structure (X) Addition to an existing building ()
 Use RETAIL No. of sq. 11,325
 2. Maximum height of building above finished grade ? No. of stories 1
 3. Total parking spaces on lot (See Sec. 7-1.4) 33
 4. Answer only if a commercial or manufacturing use:
 a. No. and size of trucks NONE
 b. No. of employees working on premises ?
 c. No. and size of proposed and existing signs as shown on plot plan ?

EXISTING USES AND BUILDINGS ON LOT

- No. of existing buildings 1
 Sq. ft. 2,810 Use SERVICE STATION
 Sq. ft. _____ Use _____
 Sq. ft. _____ Use _____
 Appellant _____ Address _____ Phone Number _____

The use and construction as proposed herein complies with the terms of the Zoning Ordinance except for the variances

Zoning Administrator

FOR USE OF BOARD OF ZONING APPEALS

1. Landmarks commission referral required:
 Yes No
 Date referred _____ Date returned _____
2. Other referrals: Agency _____
 Date referral _____ Date returned _____
3. Any previous requests for same variance/special exception Yes No
 If "yes", Appeal No. _____ Date _____
4. Public hearing set for _____ Date posted _____
5. Advertised in _____ Date _____
6. Public hearing held _____ Appellant appeared Yes No
7. Findings of Board of Zoning Appeals:
 a. The requirements of Section 26-602.3b(1) have been met by the applicant:
 Yes No
 b. The reasons set forth in the application on the reverse side justify the granting of the variance, and the variance as granted is the minimum variance that will make possible the reasonable use of the land, building, or structure:
 Yes No
 c. The granting of this variance will be in harmony with the general purpose and intent of the ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare: Yes No
8. Requested variance is granted with the following conditions and safeguards:

9. Requested variance is denied for the following reasons:

- Record of Vote: (1) _____ (2) _____
 (3) _____ (4) _____ (5) _____
 (6) _____ (7) _____
- Date _____ Board of Zoning Appeals Chairperson _____

EXHIBIT A

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

- a) It is a particularly narrow piece of property that is bordered on the front by a five-lane road, Two Notch Road, and on the rear of the property by a Railroad track.
- b) The Highway department and CSX Railroad Company created the conditions listed above.
- c) The surrounding locations on Two Notch Road all appear to not have 10 foot setbacks in the front.
- d) It is important to keep the size of building the way it is drawn out on the sketch plan in order for it to be marketable for retail use. If relief were not given for the 10-foot setback, then it would greatly hamper the ability of the shopping center to be built.
- e) Reasons:
 - 1) The same company owns this property and the adjacent property to the east.
 - 2) The property to west is an existing Automobile service facility that appears to not have a 10-foot setback as well.



2 February 2005
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-51 Variance

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a variance to reduce the required front yard setback for parking in a C-3 (general commercial) zoned district.

GENERAL INFORMATION

Applicant

Patrick Palmer

Tax Map Number

17005-03-11

Location

7356 Two Notch Road

Existing Zoning

C-3 (General Commercial)

Parcel Size

.41± acre tract

Existing Land Use

Undeveloped

Existing Status of the Property

The subject property is undeveloped and vacant.

Proposed Status of the Property

The applicant proposes to construct a 6,242 square foot building dedicated for retail use.

Immediate Adjacent Zoning and Land Use

North - C-3; commercial

South - C-3; commercial

East - C-3; commercial

West - C-3; commercial

Character of the Area

The subject property is located along Two Notch Road. The surrounding properties are dedicated to a mixture of commercial uses.

ZONING ORDINANCE CITATION

Section 26-602.3 of the Zoning Ordinance authorizes the Board of Zoning Appeals to grant variances from the strict interpretation of the Zoning Ordinance that are not contrary to the public interest when literal enforcement would result in unnecessary hardship.

Under no circumstances shall the Board grant a variance to permit a use not generally or by special exception permitted in the district involved. No nonconforming use of neighboring lands or structures in the same district or in other districts shall be grounds for the issuance of a variance. Under no circumstances shall the Board grant a variance to permit a decrease in minimum lot size, minimum lot width or in any other manner create a nonconforming lot.

CRITERIA FOR VARIANCE

The board of zoning appeals may grant a variance in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

- (a) That there are extraordinary and exceptional conditions pertaining to the particular piece of property.**

Staff observed no extraordinary and exceptional conditions to the property.

- (b) That these conditions do not result from the actions of the applicant.**

N/A

- (c) That these conditions do not generally apply to other property in the vicinity.**

The surrounding parcels have parking that encroaches into the required front yard off-street parking setback.

- (d) 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.**

Application of the parking requirements would require additional variance requests and/or an extreme reduction of the square footage of the proposed building.

- (e) That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.**

The granting of this variance will not create a detriment to the adjacent property, the public good, or the character of the district.

DISCUSSION

Staff visited the site.

The applicant is requesting a variance to encroach into the required ten (10) foot setback for off-street parking (section 26-78.4 (3) c) by ten (10) feet.

The granting of this variance will allow the applicant to meet the other parking requirements of the zoning ordinance.

The applicant proposes to establish the off-street parking for this development at the front property line. There is approximately a thirteen (13) foot area (right-of-way comprised of grass and sidewalk) between the pavement and the property line.

Staff conducted a preliminary test and found that the parking proposed by the applicant does not hinder the visibility during ingress/egress.

If the Board finds that this request has merit, staff asks that the following conditions be applied:

CONDITIONS

1. Widening of Two Notch Road will void the special exception.

26-602.2(c)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the variance is granted shall void the variance.

OTHER RELEVANT SECTIONS

26-78.4 Other regulations relating to off-street parking.

- (1) Required Improvements for Off-Street Parking Areas:

Off-street parking areas developed to meet minimum requirements of this ordinance, shall be within properly graded, marked and improved parking lots or within parking structures.

- (2) Design of Parking Area:

All off-street parking areas with the exception of parking areas for one- and two-family detached dwellings shall be so designed that vehicles will not be required to back onto a public street when leaving the premises.

- (3) Size of Required Parking Spaces and Aisle Widths:

- a. For purposes of this ordinance the minimum size of one (1) parking space shall be nine (9) feet in width and eighteen (18) feet in length. The parking length may be reduced to sixteen (16) feet if two-foot overhangs are used. A maximum of twenty-five (25) percent of the total number of parking spaces may be nine (9) feet in width and sixteen (16) feet in length if they are designated for use by compact cars.

- b. The minimum aisle width shall be as follows:

1. For 90-degree parking: 25 feet.
2. For 60-degree parking: 20 feet.
3. For 45-degree parking: 15 feet.

- c. The minimum setback from property lines shall be as follows: Off-street parking areas must be set back ten (10) feet from front and secondary front property lines.

ATTACHMENTS

- Plat.

CASE HISTORY

There are no records of this property previously requesting a special exception or variance.



RICHLAND COUNTY
 PLANNING AND DEVELOPMENT SERVICES
 P.O. BOX 192
 2020 HAMPTON STREET
 COLUMBIA, SOUTH CAROLINA 29202

BOARD OF ZONING APPEALS
 VARIANCE APPEAL

Appeal # _____ Fee _____ Application # _____
 Filed _____ Receipt # _____ Filed _____

No application for a variance will be received for inclusion on the Board of Zoning Appeal's Agenda unless the following conditions are met not later than the first day of the month prior to the date of the Board meeting, which is held on the first Wednesday of each month.

(a) All questions on this application have been fully answered.
 (b) The application has been signed by the owner or his agent with the written authorization of the owner.
 (c) A plat plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and locations on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted.
 (d) The Zoning Administrator has certified that the proposed use and/or construction plans comply with all provisions of the Zoning Ordinance except those for which a variance has been requested.

***If the Zoning Administrator finds that the requirements of the Zoning Code for a variance have not been met, the application will be rejected.**

1. Location 7356 TWO NOTCH ROAD

2. Lot 11 Block 3 Page 17005 Zoning District C-3

3. Applicant hereby appeals to the Zoning Board of Appeals for a variance from the strict application to the property as described in the provisions of Section _____ of the Richland County Zoning Ordinance.

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

TO REDUCE THE FRONT SETBACK SO AS TO ALLOW THE
PARKING LOT TO COME UP TO THE FRONT PROPERTY LINE

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

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

b) Describe how the conditions listed above were created:
SEE ATTACHED EXHIBIT

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

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 ATTACHED EXHIBIT

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 ATTACHED EXHIBIT

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

a) SKETCH PLAN

b)

c)

(Attach additional pages if necessary)

PROPOSED NEW CONSTRUCTION

1. Free-standing structure Addition to an existing building
2. Use RETAIL No. of sq. 6,242
3. Maximum height of building above finished grade ? No. of stories 1
4. Total parking spaces on lot (See Sec. 7-1.4) 21
5. Answer only if a commercial or manufacturing use:
 - a. No. and size of trucks NONE
 - b. No. of employees working on premises ?
 - c. No. and size of proposed and existing signs as shown on plot plan ?

EXISTING USES AND BUILDINGS ON LOT

- No. of existing buildings NONE
- Sq. ft. _____ Use _____
- Sq. ft. _____ Use _____
- Sq. ft. _____ Use _____

Appellant _____ Address _____ Phone Number _____

The use and construction as proposed herein complies with the terms of the Zoning Ordinance except for the variances

Zoning Administrator

FOR USE OF BOARD OF ZONING APPEALS

1. Landmarks commission referral required:
 Yes No
 Date referred _____ Date returned _____
2. Other referrals: Agency _____
 Date referral _____ Date returned _____
3. Any previous requests for same variance/special exception Yes No
 If "yes", Appeal No. _____ Date _____
4. Public hearing set for _____ Date posted _____
5. Advertised in _____ Date _____
6. Public hearing held _____ Appellant appeared Yes No
7. Findings of Board of Zoning Appeals:
 - a. The requirements of Section 26-602.3b(1) have been met by the applicant:
 Yes No
 - b. The reasons set forth in the application on the reverse side justify the granting of the variance, and the variance as granted is the minimum variance that will make possible the reasonable use of the land, building, or structure:
 Yes No
 - c. The granting of this variance will be in harmony with the general purpose and intent of the ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare: Yes No
8. Requested variance is granted with the following conditions and safeguards:

9. Requested variance is denied for the following reasons:

Record of Vote: (1) _____ (2) _____
 (3) _____ (4) _____ (5) _____
 (6) _____ (7) _____

Date _____ Board of Zoning Appeals Chairperson _____

EXHIBIT A

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

- a) It is a particularly narrow piece of property that is bordered on the front by a five-lane road, Two Notch Road, and on the rear of the property by a Railroad track.
- b) The Highway department and CSX Railroad Company created the conditions listed above.
- c) The surrounding locations on Two Notch Road all appear to not have 10 foot setbacks in the front.
- d) It is important to keep the size of building the way it is drawn out on the proposed plan in order for it to be marketable for retail use. If relief were not given for the 10-foot setback, then it would greatly hamper the ability of the shopping center to be built.
- e) Reasons:
 - 1) The same company owns this property and the adjacent property on both sides.



2 February 2005
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-52 Variance

REQUEST

The applicant is requesting the Board of Appeals to grant a special exception to reduce the number of required parking spaces in a C-3 (general commercial) zoned district.

GENERAL INFORMATION

Applicant

Patrick Palmer

Tax Map Number

17010-02-05

Location

7450 Two Notch Road

Existing Zoning

C-3 (General Commercial)

Parcel Size

.71± acre tract

Existing Land Use

Vacant Building

Existing Status of the Property

The subject property has an existing, 3756 square foot commercial structure that was built in 1967.

Proposed Status of the Property

The applicant proposes to demolish the existing building and construct an 11,325 square foot building dedicated for retail use. The applicant proposes to reduce the required number of parking spaces from 38 to 33 (a reduction of 14%).

Immediate Adjacent Zoning and Land Use

North - C-3; commercial

South - C-3; commercial

East - C-3; commercial

West - C-3; commercial

Character of the Area

The subject property is located along Two Notch Road. The surrounding properties are dedicated to a mixture of commercial uses.

ZONING ORDINANCE CITATION

Section 26-602.3 of the Zoning Ordinance authorizes the Board of Zoning Appeals to grant variances from the strict interpretation of the Zoning Ordinance that are not

contrary to the public interest when literal enforcement would result in unnecessary hardship.

Under no circumstances shall the Board grant a variance to permit a use not generally or by special exception permitted in the district involved. No nonconforming use of neighboring lands or structures in the same district or in other districts shall be grounds for the issuance of a variance. Under no circumstances shall the Board grant a variance to permit a decrease in minimum lot size, minimum lot width or in any other manner create a nonconforming lot.

CRITERIA FOR VARIANCE

The board of zoning appeals may grant a variance in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

(a) That there are extraordinary and exceptional conditions pertaining to the particular piece of property.

The parcel is irregularly shaped. There is a 34.44-foot difference between the lengths of the side property lines.

(b) That these conditions do not result from the actions of the applicant.

Although the parcel has been subdivided, records, dating back as far as 1977, indicate that the parcel has retained the same depth dimension.

(c) That these conditions do not generally apply to other property in the vicinity.

Staff was unable to confirm or refute that these condition apply to other properties.

(d) 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.

Application of the parking requirements would require additional variance requests and/or an extreme reduction of the square footage of the proposed building.

(e) That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The granting of this variance will not create a detriment to the adjacent property, the public good, or the character of the district.

DISCUSSION

Staff visited the site.

The applicant is requesting a variance to reduce the required parking from 38 spaces to 33.

The granting of this variance will allow the applicant to meet the other parking requirements of the zoning ordinance (with an additional variance).

CONDITIONS

N/A

26-602.2(c)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the variance is granted shall void the variance.

OTHER RELEVANT SECTIONS

26-78.4 Other regulations relating to off-street parking.

(1) Required Improvements for Off-Street Parking Areas:

Off-street parking areas developed to meet minimum requirements of this ordinance, shall be within properly graded, marked and improved parking lots or within parking structures.

(2) Design of Parking Area:

All off-street parking areas with the exception of parking areas for one- and two-family detached dwellings shall be so designed that vehicles will not be required to back onto a public street when leaving the premises.

(3) Size of Required Parking Spaces and Aisle Widths:

a. For purposes of this ordinance the minimum size of one (1) parking space shall be nine (9) feet in width and eighteen (18) feet in length. The parking length may be reduced to sixteen (16) feet if two-foot overhangs are used. A maximum of twenty-five (25) percent of the total number of parking spaces may be nine (9) feet in width and sixteen (16) feet in length if they are designated for use by compact cars.

b. The minimum aisle width shall be as follows:

1. For 90-degree parking: 25 feet.
2. For 60-degree parking: 20 feet.
3. For 45-degree parking: 15 feet.

c. The minimum setback from property lines shall be as follows: Off-street parking areas must be set back ten (10) feet from front and secondary front property lines.

ATTACHMENTS

- Plat.

CASE HISTORY

There are no records of this property previously requesting a special exception or variance.



RICHLAND COUNTY
 PLANNING AND DEVELOPMENT SERVICES
 P.O. BOX 192
 2020 HAMPTON STREET
 COLUMBIA, SOUTH CAROLINA 29202

BOARD OF ZONING APPEALS
 VARIANCE APPEAL

Appeal # _____ Fee _____ Application # _____
 Filed _____ Receipt # _____ Filed _____

No application for a variance will be received for inclusion on the Board of Zoning Appeal's Agenda unless the following conditions are met not later than the first day of the month prior to the date of the Board meeting, which is held on the first Wednesday of each month.

(a) All questions on this application have been fully answered.
 (b) The application has been signed by the owner or his agent with the written authorization of the owner.
 (c) A plat plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and locations on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted.
 (d) The Zoning Administrator has certified that the proposed use and/or construction plans comply with all provisions of the Zoning Ordinance except those for which a variance has been requested.

***If the Zoning Administrator finds that the requirements of the Zoning Code for a variance have not been met, the application will be rejected.**

1. Location 7450 TWO NOTCH ROAD, COLUMBIA, SC
2. Lot 5 Block 2 Page 17010 Zoning District C-3
3. Applicant hereby appeals to the Zoning Board of Appeals for a variance from the strict application to the property as described in the provisions of Section _____ of the Richland County Zoning Ordinance.
4. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows: TO REDUCE THE AMOUNT OF PARKING REQUIRED TO 33
5. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Sec. 26-602.3b(1) of the Richland County Zoning Code are met by the following facts.
 - a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as following:
SEE ATTACHED EXHIBIT
 - b) Describe how the conditions listed above were created:
SEE ATTACHED EXHIBIT
 - c) These conditions do not generally apply to other property in the vicinity as shown by:
SEE ATTACHED EXHIBIT
 - 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 ATTACHED EXHIBIT
 - 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 ATTACHED EXHIBIT
6. The following documents are submitted in support of this application [a site plan must be submitted]:
 - a) SKETCH PLAN
 - b)
 - c)

(Attach additional pages if necessary)

PROPOSED NEW CONSTRUCTION

1. Free-standing structure Addition to an existing building ()
2. Use RETAIL No. of sq. 11,325
3. Maximum height of building above finished grade ? No. of stories 1
4. Total parking spaces on lot (See Sec. 7-1.4) 33
5. Answer only if a commercial or manufacturing use:
 - a. No. and size of trucks NONE
 - b. No. of employees working on premises ?
 - c. No. and size of proposed and existing signs as shown on plot plan ?

EXISTING USES AND BUILDINGS ON LOT

- No. of existing buildings 1
- Sq. ft. 2,810 Use SERVICE STATION
- Sq. ft. _____ Use _____
- Sq. ft. _____ Use _____

Appellant _____ Address _____ Phone Number _____

The use and construction as proposed herein complies with the terms of the Zoning Ordinance except for the variances

Zoning Administrator

FOR USE OF BOARD OF ZONING APPEALS

1. Landmarks commission referral required:
 () Yes () No
 Date referred _____ Date returned _____
2. Other referrals: Agency _____
 Date referral _____ Date returned _____
3. Any previous requests for same variance/special exception () Yes () No
 If "yes", Appeal No. _____ Date _____
4. Public hearing set for _____ Date posted _____
5. Advertised in _____ Date _____
6. Public hearing held _____ Appellant appeared () Yes () No
7. Findings of Board of Zoning Appeals:
 - a. The requirements of Section 26-602.3b(1) have been met by the applicant:
 () Yes () No
 - b. The reasons set forth in the application on the reverse side justify the granting of the variance, and the variance as granted is the minimum variance that will make possible the reasonable use of the land, building, or structure:
 () Yes () No
 - c. The granting of this variance will be in harmony with the general purpose and intent of the ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare: () Yes () No
8. () Requested variance is granted with the following conditions and safeguards:

9. () Requested variance is denied for the following reasons:

Record of Vote: (1) _____ (2) _____
 (3) _____ (4) _____ (5) _____
 (6) _____ (7) _____

Date _____ Board of Zoning Appeals Chairperson _____