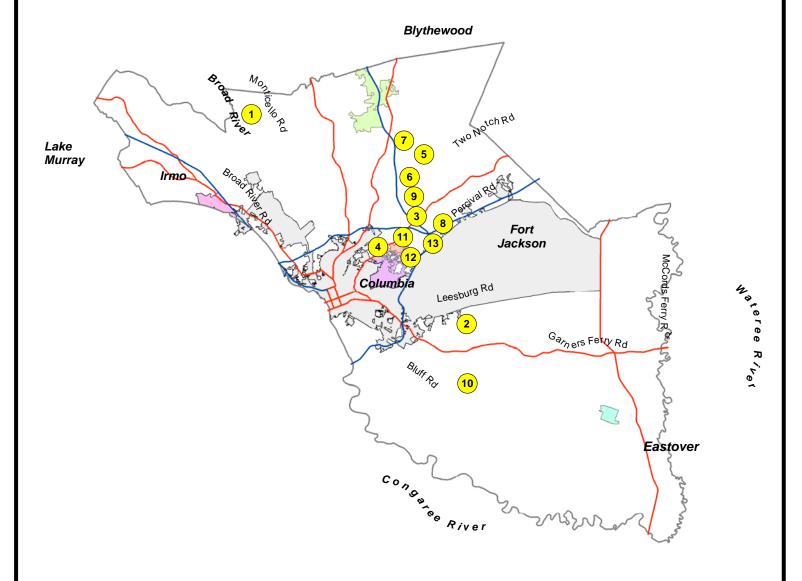
RICHLAND COUNTY BOARD OF ZONING APPEALS



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

l.	CALL TO ORDER & RECO	GNITION OF NAPOLEON TOLBER CHAIRMAI	•
II.	RULES OF ORDER	BRAD FARRAF DEPUTY COUNT ATTORNE	ſΫ́
III.	PUBLIC HEARING	GEONARD PRICE ASSISTANT ZONING ADMINISTRATOR	g
<u>OPE</u>	N PUBLIC HEARING		
Α	05-23 SE Wanda Wright 3221 Padgett Rd. 22011-05-39	WITHDRAWN	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 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 establishme family day care on property zoned single family residential (RS-2)	nt of a
D 33	05-32 V Thomas Mackey 8401 Two Notch Rd. 17113-01-07	Requests a variance to reduce the parking from 2 spaces 18 on property zoned general commercia	

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 Sagamare 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



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 larges 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.

	RICHLAND COUNTY
Paid \$	BOARD OF ZONING APPEAL
	CDECIAL EVOCEDTION

S SPECIAL EXCEPTION

Filed _

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;

- 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.

Location: N/S Monti	cello Rd Columbia, SC 29169 (091-43)	8)
TMS #: Page <u>R 0 5 6 00</u>	Block D/ Lot /3 Zoning District C-2	20
The Board of Zoning Appeals i	is requested to consider the granting of a special exception permitting:	
a vireless communic	cations tower.	
The Board of Zoning Appeals is	is authorized to grant or deny a special exception of this specific nature i	
Section 26-944	Zoning Ordinares	n
200	Zonning Ordinance.	
	PROPOSED NEW CONSTRUCTION	
F		
Free standing structure (☐)	Addition to an existing structure (□)	
Use Communication tou	Number of square footage 2400	
Answer only if a commercial or	r manufacturing use:	
a Total number of parking	General Ath	
b. Novel 54 - 1	g spaces on parcel: _N/~	
b. Number of trucks:	size(s): N/A	
 c. Number of signs: propos 	osed N/A existing N/A	
d. Number of employees we	vorking of premises: N/A - Un manned	
	EXISTING USES AND STRUCTURES ON LOT	
Number of existing uses/structu	ures: None	
Size and use:		
a. Use Residential	square footage	
a. Use Residential b. Use	square footage	
a. Use Residential b. Use	square footagesquare footage	
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4/20/2004 5:20

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.

 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.

 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 than 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.

> 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 $\underline{\text{Exhibit }}\underline{A}$.

(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.

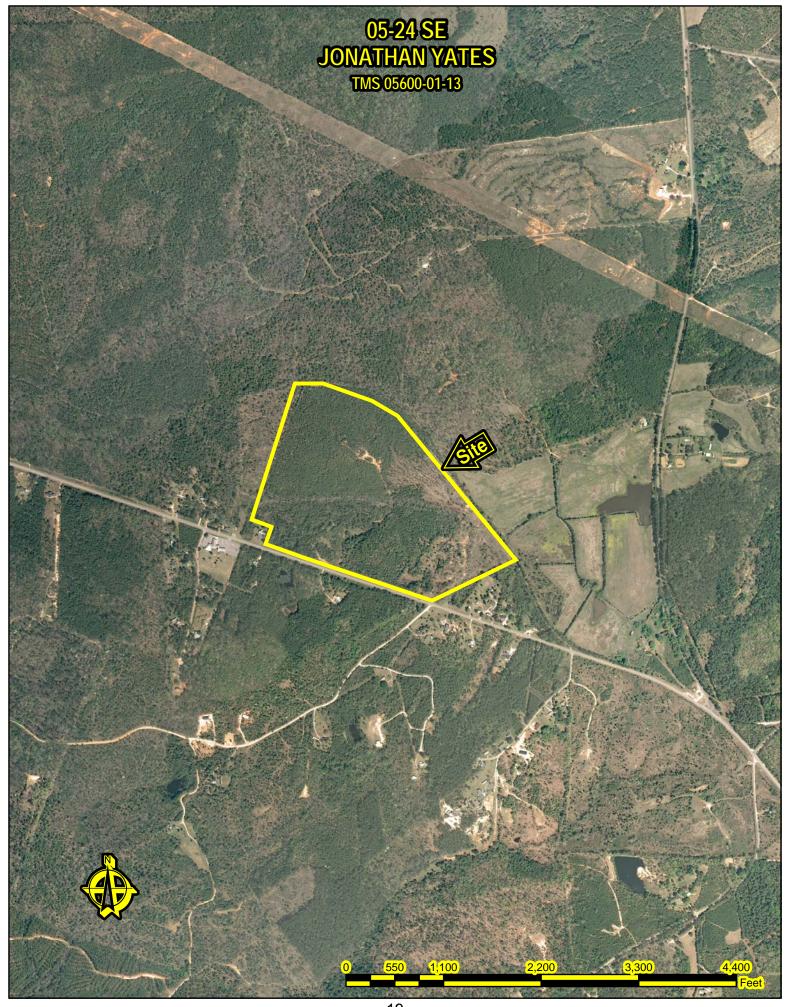
There is a sense of urgency to us in getting this special exception approved; therefore any assistance you can give us is very much appreciated. Please contact me at 843-534-4416 or brian.hellman@nelsonmullins.com once the hearing date has been set, or if you have any questions or concerns that I may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

Very truly yours,

Brian A. Hellman

Enclosures

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





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

Parcel Size

Existing Land Use

RS-2 (Single Family Residential)

.33± acre tract

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

RICHLAND COUNTY BOARD OF ZONING APPEALS SPECIAL EXCEPTION APPEAL

Applica	tion #
Filed _	11-4-04

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

nth:
a. All questions on this application have been fully answered;
The application has been signed by the owner or his agent with the written authorization of the owner;

b. The application has been signed by the owner of his agent with the wind of the lot, the exact size and 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 ½" X 11" size pieces of paper.
1. Location: 101 MOONE Cross Dr Cola, & 29209
TMS #: Page 220 1\ Block 03 Lot 0 Zoning District 206
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting: (nature of special exception) 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 DAY (ARE IN HOW Number of square footage)
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. Size and use: a. Square footage b. Square footage c. Square footage Use Use
7168010 #37700 Telephone Number
Appellant's Signature LOI Mome Cross Mr Cola, Scapag
Print Name Address, City, State & Zip Code



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

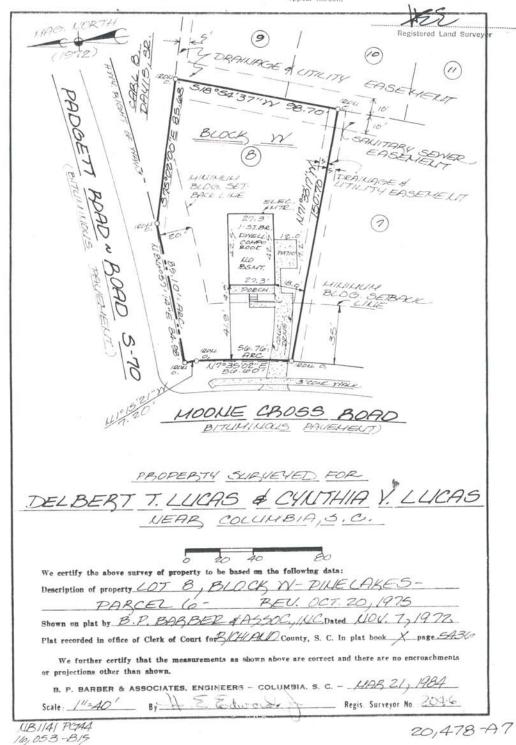
DAY NURSERIES

How many children?
What ages would the children be? In Pant (6 WRs) - 13405
What would the hours of operation be? 12hr's Day Mon-Fr
How many employees would there be?
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) Of the Walk up to the Children, type and 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 hereb rtify that this plat dee I hereby this, that this plat deplets 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 came 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:









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

Tax Map Number

Thomas Mackey

17113-01-07

Location

8401 Two Notch Road

Existing Zoning

Parcel Size

.44± acre tract

Existing Land Use

Commercial

Existing Status of the Property

C-3 (General Commercial)

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 currents 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 twofamily 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 #	
		Receipt #	Filed	
No app Agenda he dat	olication for a variance a unless the following te of the Board meeting	will be received for in conditions are met no g, which is held on the	nclusion on the Board of Zoning A ot later that the first day of the mo e first Wednesday of each month.	
(c) A p and all i (d) The con	I locations on the lot of required parking space	f all buildings and signs has been submitted that the	dimensions and shape of the lot, ns existing and proposed, and th d. proposed use and/or construction ance except those for which a val	on plans
	*If the Zoning Admin	istrator finds that the	ne requirements of the Zoning ation will be rejected.	Code for a
	ation_ 8401 T			
. Loc	ation 8101	7 7 1711	•	
			3 Zoning District C-3 als for a variance from the strict applicat	
Ord	perty as described in the pi linance.	rovisions of Section		
App as f	olicant requests a variance follows:	to allow use of the prope	rty in a manner shown on the attached on Required 21 to	18
26-	There are extraordinary a	nd exceptional conditions	ary hardship, and the standards for a venet by the following facts. pertaining to the particular piece of pro-	
	see attached	V		
b)	Describe how the condition	ons listed above were cre	ated:	
	see attached	d		
	These conditions do not 0	generally apply to other pr	roperty in the vicinity as shown by:	
C)	see aftache	2	27 g7	
d)	would effectively prohibit	or unreasonably restrict	ordinance to the particular piece of pro the utilization of the property as follows:	perty
	see attach	ed		
e)	good, and the character of reasons:	of the district will not be in	stantial detriment to the adjacent prope armed by the granting of the variance fo	erty or to the publi or the following
			po ago as Possobolou seem	haritted?
		submitted in support of t	his application [a site plan must be su	pmitteuj:
	Siteplan			
b)				
c)			2 To 10 M	
	h additional pages if neces	sary) C:\WINNT\Profi	les\PRICEG\Personal\VA II.doc	Pa
CWN	12/10/02			

		-	PROPOSED NEW CONSTRUCTION	
		tanding structure ()		
6 5	Use	Lighting	Sales No. of sq. 800 Retail	
3. Maximum height of building above finished grade ZZ No. of stories Z 4. Total parking spaces on lot (See Sec. 7-1.4) //6 Existing Z additional				
	a.	No. and size of truc	cks	
	b.	No. of employees v	working on premises	
	c.	No. and size of pro	posed and existing signs as shown on plot plan	
		1-6'L	ong 2 wide-15 Tall	
		EXI	ISTING USES AND BUILDINGS ON LOT	
		buildings\	Use Retail sales	
		3000		
Sq. ft		4000	Use Storage	
Sq. ft.	. 111	LOVEY Sa	160 Stoney Point 13 Photo Number 749-1339	
MAS	140	Million	160 Stoney Point Lot 803-749=1339	
ppella	HY NC	un	Address Phone Number	
The us	e and co	nstruction as proposed	therein complies with the terms of the Zoning Ordinance except for the variances	
			Zoning Administrator	
			R USE OF BOARD OF ZONING APPEALS	
1.44	Landn	narks commission re	eferral required:	
	() Ye	es ()No		
		Date referred	Date returned	
2.	Other	referrals: Agency	2004	
		Date referral	Date returned () No	
3.	Any p		Same variance special exception (1)	
		If "yes", Appeal No		
4.		c hearing set for	Date posted	
	Advertised in			
5.		With a state of the state of the		
6.	Public	c hearing held	Appellant appeared () Yes ()No	
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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.
- 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.



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

Tax Map Number

Dianne Austin Nwokolo

14205-03-02

Location

1842 Malcolm Drive

Existing Zoning

Parcel Size

Existing Land Use

.23 acre tract

Residential

Existing Status of the Property

RS-2 (Single Family Residential)

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, \S 1, 4-5-83; Ord. No. 1191-44, \S IV, 9-4-84; Ord. No. 055-00HR, \S 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.

2 ant #	DICHI AND COUNTY	Application #
	BOARD OF ZONING APPEALS	Filed
	SPECIAL EXCEPTION APPEAL	
first (d the mat reduced by a second
b	 All questions on this application have been fully allowered, The application has been signed by the owner or his agent with the w A plot plan drawn to scale, showing the actual dimensions and shape location on the lot of all buildings and signs existing and proposed, a parking spaces has been submitted on an 8 ½" X 11" size pieces of p 	nd the location of all required
1.	Location: 1842 Malcolm Drive	-
	TMS #: Page 14205 Block 03 Lot 62	Zoning District 20-2
2.	The Board of Zoning Appeals is requested to consider the exception permitting: (nature of special exception)	granting of a special
3.	The Board of Zoning Appeals is authorized to grant or dense specific nature in Section of the Zonian of the Zonia	oning Ordinance.
	PROPOSED NEW CONSTRUCTION	
1.	Free Standing Structure () Addition to an existing	
2.	Use Number of square for	otage
3.	Answer only if a commercial or manufacturing use : a. Total number of parking spaces on lot b. Number of trucks size	
	a. Total number of parking spaces on lot	
	c. Number of proposed and existing signs Size of proposed or existing signs	
	d. Number of employees working on premises	
	EXISTING USES AND STRUCTURES OF	
1.	Number of existing uses / structures	
2.	h Square footage Use	esidental
	anne austu Luoledo	803 754-9440 Telephone Number
App	pellant's Signature	mbia S.C 29204
Drin	pellant's Signature anne Austin-Nwokolo Address, City, State & Zip Cod	9



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,

Marilyn Hager

Marilyn Hager

Senior Day Care Regulatory Specialist, Region V

SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES, 2638 TWO NOTCH ROAD, SUITE 220, COLUMBIA, S.C. 29204 DIVISION OF CHILD CARE LICENSING AND REGULATORY SERVICES, REGION II & V WEB SITE: www.state.sc.us/dss



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? (o children
What ages would the children be? O- 12 yrs
What would the hours of operation be? 330 pm - n30 km
How many employees would there be?
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) Large Arweway at at dead end Street. No (if no, what provisions are being made?)











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

Tax Map Number

Bette Kelson

20301-04-05

Location

401 Sagamare Road

Existing Zoning

Parcel Size

Existing Land Use

RS-2 (Single Family Residential)

.29± acre tract

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.











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

Tax Map Number

Denise Johnson

17300-02-21

Location

9501 Farrow Road

Existing Zoning

Parcel Size

Existing Land Use

RS-3 (Single Family Residential)

.30± acre tract

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

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

Application # US-45 SE

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

nth:
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 ½" X 11" size pieces of paper.
1.	Location: 9501 Farrow hoad Columbia S.C. 29203
	TMS #: Page \(\lambda \lambda \) Block \(\O \Delta \) Lot \(\Delta \lambda \) Zoning District \(\lambda \S - \Begin{array}{c} \lambda \S - \Begin{array}{c} \lambda \lambda \\ \ \ \ \ \ \end{array}
2.	The Board of Zoning Appeals is requested to consider the granting of a special exception permitting: (nature of special exception)
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
	EXISTING USES AND STRUCTURES ON LOT
1.	Number of existing uses / structures
2.	Size and use: a. Square footage b. Square footage c. Square footage Use Use
App	Dellant's Signature Telephone Number
Pri	nt Name Address, City, State & Zip Code



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,

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?
What ages would the children be? Infants to 3 years olds
What would the hours of operation be? 1000 am - 6'.000 m
How many employees would there be?\
Is the rear yard fenced? I Yes No (If no, what provisions are being made?) When in the spress of publing 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)
Horant will be able to drive in drag
did att and drive away brough the
exits.
□ No (if no, what provisions are being made?)





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

Parcel Size

Existing Land Use

917± acre tract

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

PUD-2 (Planned Unit Development)

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. $\ensuremath{\text{N/A}}$
- (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 twofamily 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

d '	Receipt	# 368684	Filed	31 Dec, 200	24
ess the following co	inditions are met not	later than the	first day of th		
The application ha	nis application have to s been signed by the	peen fully ans owner of his	wered. agent with the	written author	ization of the
A plat plan drawn to location on the lot required parking s The Zoning Admin	of all buildings and s paces has been sub- istrator has certified	signs existing mitted. that the prop	and proposed osed use and/	I, and the location or construction	plans comply
*If the Zoning A	dministrator finds the	at the require			
Location oLongtov	wn Road at Lee Road				
Lot 03	Block 42	Page	17500	Zoning Distric	t PUD-2
described as follows Elementary school f	s: for Richland County Sc				The state of the s
by Sec. 26-602.3b(1 a) There are extra following:	of the Richland Coul aordinary and exception	nty Zoning Co	de are met by th	ne following facts	3.
(1) Community	interests such as buff	ers and landso	aping. (2) Storr		
There are no o	ther elementary school				
effectively proh Application of t	hibit or unreasonably re he ordinance to the pa	estrict the utiliz arking at the pr	ation of the pro oposed site wo	perty as follows: uld prohibit the s	
public good, an following reaso	nd the character of the ons: g produces less runoff	district will not	be harmed by	the granting of the	ne variance for th
(3) Provides for	r more green space ar	cuo.			
\	r more green space ar		application [a	site plan must l	pe submitted]:
6	All questions on the The application on the lot required parking s. The Zoning Admin with all provisions *If the Zoning Admin with all provisions Applicant been met, the control of the property as described as follows Elementary school for 23 4 to 170 The application of the by Sec. 26-602.3b(1) a) There are extra following:	application for a variance will be received sess the following conditions are met not red meeting, which is held on the first We All questions on this application have to the application has been signed by the owner. A plat plan drawn to scale, showing the location on the lot of all buildings and sequired parking spaces has been subto the Zoning Administrator has certified with all provisions of the Zoning Ordina and the Zoning Administrator finds the not been met, the application will be to a location oLongtown Road at Lee Road Lot on the Zoning Administrator finds the not been met, the application will be property as described in the provisions of Applicant hereby appeals to the Zoning Boroperty as described in the provisions of Applicant requests a variance to allow use described as follows: Elementary school for Richland County Soc 234 to 170 The application of the ordinance will result by Sec. 26-602.3b(1) of the Richland County Soc 234 to 170 The application of the ordinance will result by Sec. 26-602.3b(1) of the Richland County Soc 234 to 170 The application of the ordinance will result by Sec. 26-602.3b(1) of the Richland County Soc 234 to 170 The application of the ordinance will result by Sec. 26-602.3b(1) of the Richland County Soc 234 to 170 The application of the ordinance will result by Sec. 26-602.3b(1) of the Richland County Soc 234 to 170 The application of the ordinance will result by Sec. 26-602.3b(1) of the Richland County Soc 234 to 170 The application of the ordinance will result by Sec. 26-602.3b(1) of the Richland County Soc 234 to 170 The application of the ordinance will result by Sec. 26-602.3b(1) of the Richland County Soc 234 to 170 The application of the ordinance to the pactor of the sec 25 to 170 the Richland County Soc 25 to 170 the Richland County Soc 25 the Sec 25 the Se	application for a variance will be received for inclusions as the following conditions are met not later than the rrd meeting, which is held on the first Wednesday of each of the property of the property as described as follows: Elementary school for Richland County School District To application of the ordinance will result in unnecessa by Sec. 26-602.3b(1) of the Richland County Zoning Cordinance (3) School district and SCDOT requirements of a sestacking area. C) These conditions do not generally apply to other property are no other elementary schools in the viciniti for some time at this location. d) Because of these conditions, the application of the effectively prohibit or unreasonably restrict the utiliz Application of the ordinance to the parking at the processors of the property and the property and second the property and the property as described as follows: Elementary school for Richland County School District To 170. The application of the ordinance will result in unnecessa by Sec. 26-602.3b(1) of the Richland County Zoning County School district and SCDOT requirements of a sestacking area. c) These conditions do not generally apply to other property are no other elementary schools in the viciniti for some time at this location. d) Because of these conditions, the application of the effectively prohibit or unreasonably restrict the utiliz Application of the ordinance to the parking at the property application of the ordinance to the parking at the property application of the ordinance to the parking at the property application of the ordinance to the parking at the property application of the ordinance to the parking at the property application of the ordinance to the parking at the property application of the ordinance to the parking at the property application of the ordinance to the parking at the property application of the ordinance to the parking at the property application of the ordinance to the parking at the property application of the ordinance to the parking at the property applic	application for a variance will be received for inclusion on the Board ses the following conditions are met not later than the first day of the rid meeting, which is held on the first Wednesday of each month. All questions on this application have been fully answered. The application has been signed by the owner of his agent with the owner. A plat plan drawn to scale, showing the actual dimensions and shallocation on the lot of all buildings and signs existing and proposed required parking spaces has been submitted. The Zoning Administrator has certified that the proposed use and/with all provisions of the Zoning Ordinance except those for which a vital all provisions of the Zoning Ordinance except those for which a vital and the application will be rejected. Location oLongtown Road at Lee Road Lot 03 Block 42 Page 17500 Applicant hereby appeals to the Zoning Board of Appeals for a variance property as described in the provisions of Section 26-78 of the Richland Applicant requests a variance to allow use of the property in a manner sequence of the property in a manner sequence of the property in a manner sequence of the property of the Richland County School District Two 170 The application of the ordinance will result in unnecessary hardship, and by Sec. 26-602.3b(1) of the Richland County Zoning Code are met by the 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 (3) School district and SCDOT requirements of a separate bus loop stacking area. c) These conditions do not generally apply to other property in the vic There are no other elementary schools in the vicinity and the elementary school of the ordinance to the effectively prohibit or unreasonably restrict the utilization of the proposed site works constructed as programmed by the school district and as required in the authorization of the ordinance to the parking at the proposed site worksuched as programmed by the schoo	application for a variance will be received for inclusion on the Board of Zoning Appses the following conditions are met not later than the first day of the month prior to meeting, which is held on the first Wednesday of each month. All questions on this application have been fully answered. The application has been signed by the owner of his agent with the written author owner. A plat plan drawn to scale, showing the actual dimensions and shape of the lot, the location on the lot of all buildings and signs existing and proposed, and the location required parking spaces has been submitted. The Zoning Administrator has certified that the proposed use and/or construction with all provisions of the Zoning Ordinance except those for which a variance has *If the Zoning Administrator finds that the requirements of the Zoning Code for not been met, the application will be rejected. Location oLongtown Road at Lee Road Lot 03 Block 42 Page 17500 Zoning District Applicant hereby appeals to the Zoning Board of Appeals for a variance from the strict a property as described in the provisions of Section 26-78 of the Richland County Zoning Applicant requests a variance to allow use of the property in a manner shown on the attricted as follows: Elementary school for Richland County School District Two - reduction of the ordinance will result in unnecessary hardship, and the standards by Sec. 26-602.3b(1) of the Richland County Zoning Code are met by the following facts and the standards of the conditions are such as buffers and landscaping. (2) Storm water detention (3) School district and SCDOT requirements of a separate bus loop and student drastacking area. c) These conditions do not generally apply to other property in the vicinity as shown be There are no other elementary schools in the vicinity and the elementary school has for some time at this location. d) Because of these conditions, the application of the ordinance to the particular piece effectively prohibit or unreasonably restrict the utilization of the

PROPOSED NEW CONSTRUCTION

1.	Free-star	nding structure 🛛	Addition to an	existing building
2.	Use E	lementary School	No. of sq.	94,830
3.	Maximum	n height of building above finished grade	35 feet	No. of stories 1
4.	Total par	king spaces on lot (See Sec. 7-1.4) 170)	Control of the last services and the services are the services and the services and the services are the services are the services and the services are the ser
5.		only if a commercial or manufacturing use:		
٥.		and size of trucks N/A		
		484 72 222		
		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.		Use		
Oq.				
App	ellant	Address		Phone Number
The	use and co	enstruction as proposed herein complies with the	e terms of the Zoning Or	dinance except for the variances.
			Zoning Administrator	
		FOR USE OF BOARD O	F ZONING APPEALS	
4	Lawden			
1.		arks commission referral required: () No		
	() 165	Date referred	Date returned	
2.	Other	referrals: Agency		More and to malestand and a se
		Date referred		mining parties of the second
3.	Any pre	evious requests for same variance/special exce	eption () Yes	() No
		If "yes", Appeal No	Date	maleonies on selff (p.
4.		haring set for	Date posted	Broomlist
5.		sed in	Date	AEROS AND SERVICE
6.		hearing held	Appellant appeared () Yes () No
7.		s of Board of Zoning Appeals: The requirements of Section 26-602.3b(1) have	so been met by the applic	Commonly Managed
	a.	() Yes () No	re been met by the applic	ant.
	b.	The reasons set forth in the application on the	reverse side justify the o	granting of the variance, and the
		variance as granted is the minimum variance building, or structure: () Yes () No	that will make possible th	e reasonable use of the land,
	C.	The granting of this variance will be in harmor will not be injurious to the neighborhood, or ot		
8.	()	Requested variance is granted with the follow		
		The second second	FOR THE STREET, STREET	
9.	()	Requested variance is denied for the following	reasons:	
Rec	ord of Vote:	: (1)	(2)	The second secon
NO.		(4)	(5)	DATE OF BRIDE OF
(6)_	The same of	(7)		Waltergroup Beauty Co.
Date		HIP CONTRACTOR OF THE PARTY OF	Board of Zoning Appe	eals Chairperson



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

Parcel Size
26± acre tract

Existing Land Use

Undeveloped

Existing Status of the Property

C-3 (General Commercial)

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. $\ensuremath{\mathsf{N}/\mathsf{A}}$
- (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 twofamily 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

App	eal #	#	Fee	100,00	Application #
File	d _	= 31 Dec. 2004	Receipt #	368685	Filed
unl	ess t		re met not la	ter than the f	on the Board of Zoning Appeal's Agenda irst day of the month prior to the date of the ch month.
(a) (b)	The	questions on this applicate application has been signer.			ered. gent with the written authorization of the
SALES.	A p	plat plan drawn to scale, shation on the lot of all build juired parking spaces has	lings and sig been submi	ins existing a tted.	ions and shape of the lot, the exact size and nd proposed, and the location of all
(d)	The	e Zoning Administrator ha h all provisions of the Zon	s certified the ing Ordinan	ce except the	sed use and/or construction plans comply see for which a variance has been requested.
	*	If the Zoning Administrate not been met, the application			ents of the Zoning Code for a variance have
1.	Loc	ation NW/S Polo Road			
2.	Lot	01 Block	02	Page _	19811 Zoning District C-1
3.					for a variance from the strict application to the the Richland County Zoning Ordinance.
4.	des	scribed as follows: mentary school for Richland			in a manner shown on the attached site plan, - reduction of parking from
	2	34 to 172			
5.		Sec. 26-602.3b(1) of the Ric	hland County	Zoning Code	hardship, and the standards for a variance set are met by the following facts. ertaining to the particular piece of property as
		following: Steep topography and the	area availabl	e for parking i	s limited.
	b)		uch as buffers	s and landsca	d: oing. (2) Storm water detention areas. arate bus loop and student drop-off loop with
	c)	These conditions do not go There are no other elemen			erty in the vicinity as shown by:
	d)	effectively prohibit or unrea	asonably rest ce to the park	rict the utilizating at the prop	dinance to the particular piece of property would ion of the property as follows: posed site would prohibit the school from being as required by SCDOT.
	e)	public good, and the chara following reasons:	less runoff. (strict will not b	ntial detriment to the adjacent property or to the e harmed by the granting of the variance for the e existing natural buffers to remain.
6.	The a) b)	e following documents are su Site plan.	ubmitted in su	upport of this a	pplication [a site plan must be submitted]:
	c)				
(Att	ach a	additional pages if necessar	y)		
CW	d	12/19/02	CANA	NINT\Profiles\PD	CEGIPorconall\/A II dos

PROPOSED NEW CONSTRUCTION

1. F	ree-sta	nding structure 🖂	Addition to an existing building	
2. L	lse E	Elementary School	No. of sq. 94,830	
3. N	1aximur	n height of building above finished grade	35 feet No. of stories 1	
		rking spaces on lot (See Sec. 7-1.4) 172		
		only if a commercial or manufacturing use:		
а		and size of trucks N/A		
b	. No.	of employees working on premises N/A	With the second section and the first second section and the second section se	0
C	. No.	and size of proposed and existing signs as	shown on plot plan N/A	
	-	EXISTING USES AND E	BUILDINGS ON LOT	
No. of	existing	g buildings N/A		
Sq. ft.		Use		
Sq. ft.		Use		
750 500 500			The state of the second fire	
Sq. ft.	-	Use		
Appell	ant	Address	Phone Nur	nber
		aurotene orași e anii		
The us	e and co	onstruction as proposed herein complies with the	terms of the Zoning Ordinance except for the variance	es.
			Zoning Administrator	
		FOR USE OF BOARD OF	F ZONING ADDEALS	
		FOR USE OF BOARD OF	F ZONING APPEALS	
1.		arks commission referral required:		
	() Yes	() No		
2	011	Date referred	Date returned	
2.	Other	referrals: Agency	o a application of the californ at	
3.	Any pr	Date referred	Date returned	
٥.	Ally pit	evious requests for same variance/special except If "yes", Appeal No		
4.	Public	haring set for	Date Date posted	
5.		sed in	Date posted	
6.		hearing held	Appellant appeared () Yes () No	
7.		s of Board of Zoning Appeals:	Absorbed () 169 () NO	
	a.	The requirements of Section 26-602.3b(1) have () Yes () No	been met by the applicant:	
	b.	The reasons set forth in the application on the re	everse side justify the granting of the variance, and th at will make possible the reasonable use of the land,	е
	C.	The granting of this variance will be in harmony will not be injurious to the neighborhood, or other	with the general purpose and intent of the ordinance, erwise detrimental to the public welfare: () Yes ()	and No
8.	()	Requested variance is granted with the following	g conditions and safeguards:	
9.	()	Requested variance is denied for the following re	easons:	
Record	of Vote:	(1)	(2)	
(3)	J. 1016.	(4)	(5)	
6)		(7)		
	- Hami	5. 经销售保险税额公司	NAME OF THE PARTY	
Date				
Jaic			Board of Zoning Appeals Chairperson	

CWN

12/19/02

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Page 2 of 2



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

Parcel Size

Existing Land Use

Vacant

RG-2 (General Residential)

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

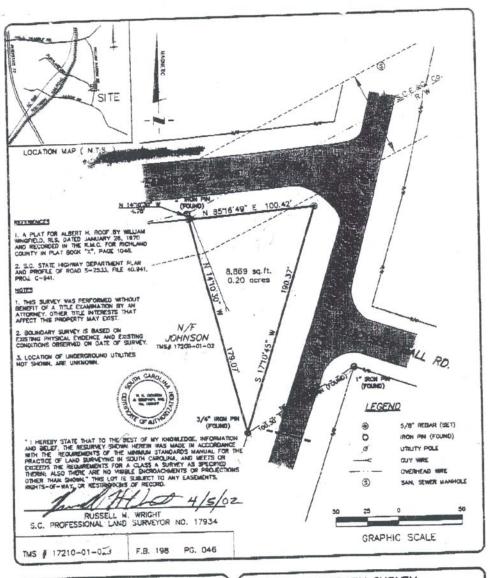
No record of previous special exception or variance request.

Rcpt#	368686	
Paid \$_	50,00	_

RICHLAND COUNTY BOARD OF ZONING APPEALS SPECIAL EXCEPTION APPEAL

Applica	ation #		
Filed _	3/	Dec,	2004

	NOTICE TO APPLICANTS
first (1	plication for special exception will be processed unless the following conditions are first from the first will be processed unless the following conditions are first from the first will be processed unless the following conditions are first with the first will be processed unless the following conditions are first will be processed unless the following conditions are first will be processed unless the following conditions are first will be processed unless the following conditions are first will be processed unless the following conditions are first will be processed unless the following conditions are first will be processed unless the following conditions are first will be processed unless the following conditions are first will be processed unless the following conditions are first will be processed unless the following conditions are first will be processed unless the following conditions are first will be processed unless the following conditions are first will be processed unless the following conditions are first will be processed unless the following conditions are first will be processed unless the first will
month a. b. c.	All questions on this application have been fully answered; The application has been signed by the owner or his agent with the written authorization of the owner; 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 ½" X 11" size pieces of paper.
	- 4 F/2 / / 4 2
1.	Location: 5/8 Flintlake Rd OC.2
	Location:
2.	The Board of Zoning Appeals is requested to consider the granting of a special exception permitting: (nature of special exception)
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 ()
1.0	Use Resident Number of square footage 84 X 14 Mabile
2.	Use Tes, dent Number of square rootage
3.	Answer only if a commercial or manufacturing use :
٥.	a Total number of parking spaces on lot
	b. Number of trucks size c. Number of proposed and existing signs
	c. Number of proposed and existing signs
	Size of proposed and existing signs Size of proposed or existing signs Number of employees working on premises
	EXISTING USES AND STRUCTURES ON LOT
1.	Number of existing uses / structures
2.	Size and use:
	a. Square footage
	b. Square footage Use Use
	c. Square footage Use
Ve	Ha Maingate DR, 803-699-4856 Telephone Number Columbia SC 3933 Address, City, State & Zip Code
Prii	nt Name





BOUNDARY SURVEY
FOR THE
MIDLAND HOLDING CORPORATION
RICHLAND COUNTY, NEAR COLUMBIA, SOLITH GAROLINA









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.

RU (Rural District)

Existing Zoning

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.

	RICHLAND COUNTY
Paid \$	BOARD OF ZONING APPEALS
	SPECIAL EXCEPTION

SPECIAL EXCEPTION

Piller of			
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;

- 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.

TMS #	#: Page <u>R3790</u>	Block 01	Lot <u>01</u>	Zoning District RU
The B	loard of Zoning Appeals is	requested to consider	the granting of a sp	pecial exception permitting:
	eless communications towe		J J p	e e e e e e e e e e e e e e e e e e e
-				
The B	oard of Zoning Appeals is	authorized to grant or	deny a special exce	eption of this specific nature in
	on 26-94A			
		PROPOSED NEW C	ONSTRUCTION	
Free s	standing structure (🖂)	Addition to an	existing structure ([□)
Use <u>C</u>	omm. tower	_ Number of squ	are footage 2400	
Answ	er only if a commercial or n	nanufacturing use:		
		and the second second		
	Total number of parking s Number of trucks: 0			
D.	Number of trucks: 0		size(s):	
c.	Number of signs: propose	ed 0	existing 0	
	Number of employees wo			
-				
	EX	ISTING USES AND ST	RUCTURES ON LOT	<u>r</u>
Numb	er of existing uses/structur	es: <u>0</u>		
0:				
	nd use: Use <u>Residential</u>		square footage	e
b.	Use		square footage	e
c.	Use		square footage	e
d.	Use		square footage	e
1				
h- '	1111 -	151 Meeting St.		843-853-5200
Appe	ellant's Signature		ddress	Telephone Number
ular Wire	eless/JLYates	Charleston, SC	29401	
	ted (typed) Name		State, Zip Code	

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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,

Jonathan L. Yates

Counsel for Cingular Wireless

JLY:dls

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



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.

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Mr. Geonard Price November 10, 2004 Page 2

(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.

Mr. Geonard Price November 10, 2004 Page 3

(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.

 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.

Mr. Geonard Price November 10, 2004 Page 4

v. Orientation and spacing of improvements or buildings.

There are no other improvements or buildings on this parcel.

 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.

 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.



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

Tax Map Number

Patrick Palmer

17010-02-05

Location

7450 Two Notch Road

Existing Zoning

Parcel Size

.71± acre tract

Existing Land Use

Vacant Building

Existing Status of the Property

C-3 (General Commercial)

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 twofamily 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: Offstreet 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

Appea	al #		Fee			A	Application #	
		2	Receipt #			F	iled	
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a) All	l questions on the application ha	nis applications s been signe	n have be	en fully ans	wered. agent wi	th the w	ritten autho	orization of
(c) A p	e owner. plat plan drawn d locations on t required parkin e Zoning Admin	he lot of all b g spaces has	uildings a been sul	and signs ex bmitted.	osed use	a propo and/or	constructio	n plans
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	*If the Zoning variance hav	e not been r	net, the a	application	WIII De re	ejecteu	•	
I. Loc	cation 7450	TWO NOTCH	ROAD, C	COLUMBIA.	SC			
2 Lot	5 B	lock 2	Page	17010	Zoning Dis	strict	C-3	
3. App	plicant hereby appoperty as described dinance.		Donal -	f Annania for	a variance	from the	strict application	on to the
	plicant requests a	variance to allo	w use of the	e property in a	manner st	nown on t	he attached s	ite plan, descr
(515)		O COME UP						
a)	35-2001 1.0	dinary and exc	eptional co	nditions perta	ning to the	particula	piece of prop	perty as follow
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c)	These conditions	do not general	ly apply to XHIBIT	other property	in the vicir	nity as sho	own by:	
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b))							
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(Attac	ch additional pages	if necessary)					l don	P
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PROPOSED NEW CONSTRUCTION

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		FOR USE (OF BOARD	OF ZONING	APPEALS	
. 200	Landm	arks commission referral rec	quired:	Will Black		Almar "
7	()Ye					
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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 fivelane road, Two Notch Road, and on the rear of the property by a Railroad track.
 - 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:
 - The same company owns this property and the adjacent property to the
 east
 - The property to west is an existing Automobile service facility that appears to not have a 10-foot setback as well.



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

<u>Tax Map Number</u> 17005-03-11

Patrick Palmer

Location

7356 Two Notch Road

Existing Zoning

Parcel Size

Existing Land Use

.41± acre tract

Undeveloped

Existing Status of the Property

C-3 (General Commercial)

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. $\ensuremath{\text{N/A}}$
- (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 twofamily 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: Offstreet 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

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2. Lot	7			- for a variance from the	strict application to the
Or o	perty as des	scribed in the prov	ISIONS OF Section		
۸۵	olicant requi	ests a variance to	allow use of the proper	ty in a manner shown on	the attached site plan, descrit
as	follows:	TO REDUCE	THE FRONT SETBA	ACK SO AS TO ALL	OW THE
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c)	These con	nditions do not ger SEE ATTACH	nerally apply to other pr	operty in the vicinity as sh	nown by:
d)	Because of would effe	activaly problem of	s, the application of the unreasonably restrict t HED EXHIBIT	ordinance to the particula he utilization of the proper	ar piece of property rty as follows:
e)	The author	orization of the var	iance will not be of sub he district will not be ha	stantial detriment to the a rrmed by the granting of th	djacent property or to the pub he variance for the following
	reasons:	SEE ATTACE	HED EXHIBIT		
6. T	he following	documents are su	ubmitted in support of the	nis application [a site plan	n must be submitted]:
) SKETCH				
b					
С		,	m/)		
(Attac	ch additional	pages if necessa	C:\WINNT\Profil	es\PRICEG\Personal\VA	II.doc Pa
CWI		12/19/02	C.100114141 11 1011		

PROPOSED NEW CONSTRUCTION

1.	Free-s	tanding structure (X)		isting building ()	
2.		RETAIL	No. of sq		
3.	Maxim	um height of building above finished gra	ade?	No. of stories 1	
4.		parking spaces on lot (See Sec. 7-1.4)	21		
5.		er only if a commercial or manufacturing	use:		
	a.	No. and size of trucks	NONE		
	b.	No. of employees working on premise	s?		
	C.	No. and size of proposed and existing	signs as shown on	plot plan?	
		• •			
		EXISTING USES A	ND BUILDINGS	ON LOT	
		buildingsNONE			
				9	
Sq. ft.					
Sq. ft.		Use			
Appella	nt	Address		Phone Number	
9.565				- Outlineas	nces
The us	e and cor	nstruction as proposed herein complies with	the terms of the Zoni	ng Ordinance except for the varia	lices
			Zoning Administra	ator	
		FOR USE OF BOAR	D OF ZONING	APPEALS	
1.	Landm	narks commission referral required:	HISTORY OF		A THE WAY
		s ()No			
		Date referred	Date returne	d American	
2.	Other	referrals: Agency			
	Outer	Date referral	THE PARTY NAMED IN COLUMN	d	
H		revious requests for same variance/spec			
3.	Any pr	If "yes", Appeal No.			
	Dublie	hearing set for			Carrier San
. 215	Public	hearing set for		Miles Andread State of the Control	22
j				peared () Yes ()No	7-1-1-1
		hearing held	Appellant op	, our ou () , ou	
7.		gs of Board of Zoning Appeals:	h(1) have been me	t by the applicant:	
14	a.	() Yes () No			
	b.	The reasons set forth in the application	n on the reverse sid	le justify the granting of the va	riance, and
		the variance as granted is the minimul land, building, or structure:	m variance that will	make possible the reasonable	s use of the
		() Yes () No			R. P.
	c.	The granting of this variance will be in	harmony with the	general purpose and intent of	he
		ordinance, and will not be injurious to	the neighborhood,	or otherwise detrimental to the	Public
		平社是明美的技术,使制造企业的特殊的特殊的			
3.	()	Requested variance is granted with the	e following conditio	ns and safeguards:	
		产品产品的企业工工工工工工工工			100
	REI				# Aug.
).	()	Requested variance is denied for the f	following reasons:	STATE OF THE STATE	
		4、11、11、11、11、11、11、11、11、11、11、11、11、11	TO COMPLETE STATE		P4 21
				THE REPORT OF THE PARTY OF THE	
Recon	d of Vote	:(1)	(2)		Hart Straig
3)		(4)		(5)	
1111		(7)	THE PERSON	Dog of the state of the	S. 1910
6)	150 A		Mark Statistics		100
Date	102 1249		Board of Zoning A	ppeals Chairperson	
CWN	remander.	12/19/02 C:\WINNT\P	rofiles\PRICEG\Pe	reonal\VA II doc	Page 2 of

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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 fivelane road, Two Notch Road, and on the rear of the property by a Railroad track.
 - 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:
 - The same company owns this property and the adjacent property on both sides.



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

Tax Map Number

Patrick Palmer

17010-02-05

Location

7450 Two Notch Road

Existing Zoning

Parcel Size

Existing Land Use

C-3 (General Commercial)

.71± acre tract

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 twofamily 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 #	#	. 1	Fee		Application #	_
		F	Fee Receipt #		Filed	
No appl	lication for a va	riance will be	received for inclus	ion on the Board er that the first o	l of Zoning Appeal's ay of the month prior each month.	to
a) All q	juestions on the	is application s been signe	n have been fully and d by the owner or h	swered. s agent with the	written authorization o	of
the (c) A plant and all re(d) The	owner. at plan drawn (locations on tl equired parkin Zoning Admin	o scale, show ne lot of all bug g spaces has istrator has c	ving the actual dime ulldings and signs e been submitted. ertified that the pro	ensions and shap xisting and prop posed use and/o except those for	ee of the lot, the exact osed, and the location r construction plans which a variance has	size of
beer	requested.	STATE OF THE PARTY OF	原於影響時期被對	科斯斯森和斯特科	特的學科的影響和影響	MARKE.
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1. Loca	tion		ROAD, COLUMBIA,			
2. Lot	5 B	ock 2	Page17010	Zoning District	C-3	
3. Appli prope	icant hereby appe erty as described nance.	eals to the Zonir in the provision	ng Board of Appeals for es of Section	a variance from the of the Rich	e strict application to the land County Zoning	
Appli as fol	icant requests a villows: TO F	variance to allow	vuse of the property in AMOUNT OF PAR	a manner shown or KING REQUIRE	the attached site plan, de D TO 33	escril
				ardship, and the sta	ndards for a variance set t	by S
26-6	602.3b(1) of the R	ichland County	Zorning Code are more	,		
a) 7	There are extraor	dinary and exce	eptional conditions perta	aining to the particul	ar piece of property as fol	llowi
	SEE	ATTACHED	EXHIBIT			
b) I	Describe how the SEE	conditions liste ATTACHED	d above were created: EXHIBIT			
	THE RESERVE	I a supplied the		. In the violality as s	hown hv.	1
c) .	These conditions SEE	do not generall	y apply to other proper EXHIBIT	y in the vicinity as s	hown by:	
d)	would effectively	prohibit or unre	application of the ordination	nance to the particul ilization of the prope	ar piece of property erty as follows:	
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PROPOSED NEW CONSTRUCTION

2.					11 005	
	Use _			No. of sq		
3.			g above finished grade	?	No. of stories 1	
4.		arking spaces on lo		33		
5.	Answe	r only if a commerci	al or manufacturing use	9: NONE		
	a.	No. and size of tru	cks	NONE		
	b.	No. of employees	working on premises_	?	0	
	c.	No. and size of pro	oposed and existing sig	ins as shown on	plot plan?	
No. o	of existing	EX buildings 1	ISTING USES AND	BUILDING	S ON LOT	
Sa. fl	t. 2,	810	Use	SERVICE ST	ATION	
	100		Use			
. n						
Appell	lant		Address		Phone Number	
he u	ise and cor	nstruction as proposed		terms of the Zoni Zoning Administra	ng Ordinance except for the var	iances
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		FOR	USE OF BOARD	OF ZONING	APPEALS	Control of the Contro
2. 3.		Date referred	same variance/special	Date returne	d) Yes () No	er of the control of
1.	Public	hearing set for		Date posted		
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