

**RICHLAND COUNTY BOARD OF ZONING APPEALS  
PUBLIC HEARING**

2 September 2009, 1:00 pm

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6 *Present: Chairman Joshua McDuffie, Harold Branham, Elaine Perrine, Torrey Rush,*  
7 *Sheldon Cooke, William Smith; Absent: Suzanne Cecere*

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9 Called to order: 1:00 p.m.

10  
11 CHAIRMAN MCDUFFIE: Let's call the meeting of the Richland County Board of  
12 Zoning Appeals to order. We have a quorum today and at this time I'd like to turn the  
13 meeting over to our attorney, Ms. Amelia Linder.

14 MS. LINDER: Thank you, Mr. Chairman. Good afternoon, gentlemen, ladies.  
15 My name is Amelia Linder. I'm the attorney for the Board of Zoning Appeals. We have  
16 two cases on the Agenda for today. And if you are the applicant you will be able to  
17 address the Board first. We will go in the order that they are presented on the Agenda.  
18 First case that we will take up will be 09-23, a request for a Variance and then the  
19 second one will be 09-25, which is a request for a special exception. Like I said the  
20 applicant will have 15 minutes to speak. If there happens to be any opposition they will  
21 be able to address the Board for three minutes and then the applicant has an additional  
22 five minutes to rebut any opposition. When you come to the podium you will be under a  
23 sworn oath to tell the truth. You will address your comments to the Board. If you have  
24 any evidence you'd like to submit you may do so. This, the Board of Zoning Appeals is  
25 a *quasi* judicial body which means they're sort of like a court only a little more informal.  
26 The decisions that the Board makes will be final subject to the Minutes of today's  
27 meeting being approved at next month's meeting. In other words if your applicant, if  
28 your application or your request was either approved or denied that will not go into

1 effect until next month after the Minutes are approved. If you're not happy with the  
2 decision you can request for the Board to reconsider your application. If that is not  
3 granted to you then you would take your complaint or grievance to the Circuit Court and  
4 you would have 30 days upon receiving the Order to do so. If you have a cell phone I  
5 would ask that you turn it off or quiet it, silence it. If you're planning to speak we need  
6 your name and address on the sign up sheet and then when you come to the podium  
7 again please clearly state your name and address for the Record. Again are there any  
8 questions? If you're planning to testify or speak to the Board I need you at this time to  
9 stand up to take the oath to tell the truth. If you'll please raise your right hand. Do you  
10 swear or affirm that the testimony you shall give today shall be the truth, the whole truth  
11 and nothing but the truth so help you God?

12 AUDIENCE: [Affirmative response]

13 MS. LINDER: You may be seated. Mr. Chairman.

14 CHAIRMAN MCDUFFIE: Thank you, Ms. Linder. At this time –

15 MS. LINDER: Excuse me, Mr. Chairman. Okay. Mr. Price is going to make  
16 some Agenda corrections.

17 CHAIRMAN MCDUFFIE: Oh, all right.

18 MR. PRICE: On the Agenda we have Case 09-25 as a Variance. I'm sorry. I'll  
19 pull it up so you can see it. We have Case 09-25 as a V when it's actually, it should be  
20 09-25 SE, it's a special exception. And one more point of clarification. The request is  
21 for a Variance to establish a gym/family life center as an accessory structure to a place  
22 of worship.

23 CHAIRMAN MCDUFFIE: In a special exception?

1 MR. PRICE: Yes. Excuse me. Yeah, request a special exception, sorry about  
2 that.

3 CHAIRMAN MCDUFFIE: All right. Thank you.

4 MR. PRICE: And on page 13 of your Agenda under Case History it states no  
5 records of a previous special exception or Variance request. If you look in your  
6 discussion there was a special exception request in 2004. I can explain that a little bit  
7 more if we need to. But, so that's a correction as far as the case history for that  
8 property. And those are my only changes.

9 CHAIRMAN MCDUFFIE: All right. Thank you, Mr. Price. At this time are there  
10 any amendments or modifications or motions regarding the August 2009 Minutes?

11 MS. PERRINE: I wasn't here so –

12 CHAIRMAN MCDUFFIE: Any modifications to the Minutes? All right. Is there a  
13 motion?

14 MR. SMITH: I think I came in at 1:03, not 1:08. [Laughter]

15 MS. SWORD: We need to synchronize time.

16 MR. SMITH: Yeah. Make me look bad there.

17 MR. RUSH: Yeah. I'd like to make a motion to accept the, or approve the  
18 minutes for August '09.

19 CHAIRMAN MCDUFFIE: As amended or as they stand?

20 MR. RUSH: As amended, as amended.

21 MR. COOKE: I second that motion.

22 CHAIRMAN MCDUFFIE: All right. All in favor?

23 MR. PRICE: Those in favor: Branham, Rush, Perrine [sic], Cooke, Smith.

1 [Approved: Branham, Rush, McDuffie, Cooke, Smith; Abstained: Perrine; Absent:  
2 Cecere]

3 MS. PERRINE: I didn't vote. He called me but you've got -

4 MR. PRICE: Oh, I'm sorry. That's just habit. I apologize.

5 MS. PERRINE: That's okay.

6 CHAIRMAN MCDUFFIE: All right. At this time we'll open the public hearing  
7 portion and if Mr. Price would call our first case.

8 **CASE NO. 09-23 V:**

9 MR. PRICE: The first item is Case 09-23 Variance. The applicant is requesting  
10 the Board of Zoning Appeals to grant a variance to encroach into the required side yard  
11 setback on property zoned RU. The applicant is Richard Cameron, Jr. The location is  
12 89 Mill Creek Road. The parcel size is about an acre and it's residentially used. The  
13 subject property as stated has an existing residential structure and the applicant is  
14 proposing to construct an accessory structure which will encroach into required side  
15 yard setbacks according to the plat that was provided by 14'. The required setbacks in  
16 a rural district for an accessory structure on the side and rear would be 20' and he's  
17 proposing to encroach into the side. What you have here and I'll [inaudible] is an aerial  
18 of the property. And this is the same aerial but if you see the red line that runs along  
19 here. The reason why I placed that on the aerial was to show that there's a separation  
20 of zoning districts. Mr. Cameron's property is part of the discussion. Mr. Cameron's  
21 property and there's a parcel I guess southeast of it are both zoned Rural. All of the  
22 parcels south and I guess west of their properties are zoned either single-family, low  
23 density or there's a, I think there are a few that are zoned PDD. But as far as square

1 footage of the lot, as far as, you know, the setbacks and the way everything's developed  
2 with the other parcels they're all pretty much the same. There's just that his parcel  
3 along with another one sit on the wrong side of the zoning line. As you can see here's a  
4 plat that was provided showing the exact setback from the property line near the  
5 proposed zone 24 by 24, two-car garage. Kind of go through a couple pictures. This is  
6 a picture of the primary structure. Over on this side right where this red truck is is the  
7 proposed location. I have a few angles. This is the view back toward Middle [sic] Creek  
8 Road. This is a picture of the rear of the yard and this is the, I guess the right side of  
9 the property when you're facing it. And that's all for the Staff presentation.

10 CHAIRMAN MCDUFFIE: All right. At this time I'd like to call the applicant, Mr.  
11 Richard Cameron. Please state your name and address for the Record.

12 **TESTIMONY OF RICHARD CAMERON:**

13 MR. CAMERON: My name is Richard Cameron. I applied so that I could build a  
14 two-car accessory building garage. The property that I live on was originally the  
15 property of the Faith Presbyterian Church which is the piece that was above the red line  
16 that he was showing while ago. And the church built the home for the preacher. That's  
17 why it's on that side of that line. I got, I just made a couple extras. This came out of the  
18 tax map to show the whole big picture which he's already done with a – I'm not going to  
19 use this company but they basically have the plan that I want to build and then a  
20 photograph of what it would look like. Of course I'm going to do it in gray, but. But  
21 basically it's just so I would have a little bit more storage. The home does have a two-  
22 car garage side entry and the way that it's going to be situated with the new garage  
23 would be the doors would be facing each other so that you could come up the existing

1 driveway and turn into the new garage structure. I don't really have much else to add to  
2 it other than I hope it gets approved because I do need the extra storage. My wife's run  
3 me out of my own garage. She wants to turn it into like another family area so. Any  
4 questions for me?

5 CHAIRMAN MCDUFFIE: Are there any questions from the Board for the  
6 applicant?

7 MR. CAMERON: And I believe on the plat that Mr. Price showed, the scaled  
8 size, I'm showing six feet off the property line is what I'm asking for and that's, I was  
9 going to say six feet and I hope that includes just the footprint of the structure. I wasn't  
10 sure how to ask because eaves and overhangs so I would need some clarification if it's  
11 approved so that if eaves and overhangs are included in that six foot that I would be  
12 able to put the footprint another foot forward. I've got a little bit of room to play with.

13 CHAIRMAN MCDUFFIE: Mr. Price, how are -

14 MR. PRICE: The Land Development Code allows for 24" for eaves and  
15 overhangs.

16 CHAIRMAN MCDUFFIE: Okay, so six foot would be sufficient to accommodate  
17 the -

18 MR. PRICE: Should be.

19 MR. CAMERON: Thank you.

20 CHAIRMAN MCDUFFIE: Would anyone care to go through the criteria for a  
21 variance or Findings of Facts?

22 MR. RUSH: Mr. Price, are you? I'm sorry.

23 MR. PRICE: Go ahead. Sorry.

1 MR. RUSH: Do you have a picture of the backyard?

2 MR. PRICE: This is [inaudible].

3 MR. CAMERON: If you're standing at the end of the driveway the fence is –  
4 that's the fence right there that you're looking back down the, you're looking across the  
5 back of the house.

6 MR. RUSH: Okay.

7 MR. CAMERON: That area right there my wife and I'd talked about maybe  
8 putting it there. She doesn't want to put it there because we would like to someday  
9 install a pool in that area with the pad around it and that would, because from – could  
10 you go to the next one forward? For the backyard, yeah. Thank you. Where the deck  
11 is from right at that corner of the deck the yard takes a fairly drastic drop off down and  
12 that's, when it rains pretty much all the water runs off that way. That's why I'm not  
13 going, I didn't want to put the shop down in the bottom because there's also a drainage  
14 creek that when it rains hard it'll back up and fill up into, my fence actually goes all  
15 [inaudible] and you can't really see down in the shady area but I've seen the creek  
16 actually flood up into that lower area because it has to run under a road into a pond.  
17 But the garage, I wanted to utilize the extra, use the driveway so that I wouldn't have to  
18 spend so much extra money on concrete and extra paving and things of that nature so.  
19 And there's plenty of room in that area.

20 CHAIRMAN MCDUFFIE: At this point would anyone care to go through the  
21 Findings of Facts for a variance?

22 MR. SMITH: All right. I'll do that.

23 CHAIRMAN MCDUFFIE: Thank you very much.

1 MR. SMITH: All right. Are there any extraordinary – I'm sorry. Number two.  
2 This was posted as a public hearing. Published in the newspaper?

3 MR. CAMERON: I didn't know I needed to put it in the paper.

4 CHAIRMAN MCDUFFIE: Staff does that.

5 MR. CAMERON: Oh, you did that? Yeah. Thank you.

6 MR. PRICE: According to Ms. Haynes it was.

7 MR. CAMERON: Okay.

8 MR. SMITH: Are there any exceptional conditions pertaining to the particular  
9 piece of property? I'd say, no. And I say no because of the other property that's around  
10 the actual, the actual lands around the subject property that where it could be placed in  
11 and around there. I mean, you said yourself about that where it could be located and so  
12 I say, no.

13 MR. CAMERON: No, as in?

14 CHAIRMAN MCDUFFIE: Can we open that up for discussion?

15 MR. SMITH: W can open it up for discussion.

16 CHAIRMAN MCDUFFIE: I would say that potentially the drainage requirements  
17 of the property and it consisting of the slope at the back portion of the property would  
18 certainly make it more suitable to locate the garage in the proposed spot than to locate  
19 it say further back in the property.

20 MR. SMITH: Do we have any kind of information?

21 CHAIRMAN MCDUFFIE: [Inaudible] just presented on that.

22 MR. SMITH: Were you going to give us a contour on that?



1 MR. CAMERON: You can see the stream how it runs through? That, everything  
2 in my backyard runs down to that area and from the upper portion of the deck the yard  
3 does drop off and I've seen it when it rains hard it just, all that water running off the hill  
4 just runs right down across the backyard and down in the low area down there.

5 MR. SMITH: Do we have any kind of confirmation – flood? Any kind of  
6 supporting information?

7 MR. CAMERON: I'm not in a flood zone that I know of. My insurance company  
8 doesn't require me to have a flood thing. We had the house reappraised and all but just  
9 the driveway being there already and I don't really want to put another driveway on the  
10 bottom end down in this low area because even the front yard drops off and right in front  
11 of the house about 10, 15' out from the sidewalk the yard has a valley that starts at the  
12 driveway and it valleys in and runs down the hill so all the, everything running off that  
13 front end goes down there. It almost goes around the house. Everything from the  
14 upper yard goes down the back and part of it goes down the front. But like I say all that  
15 bottom end is always, it's always damp. I mean, you go down there, I don't even plant, I  
16 planted some shrubs but one of them actually drown, it died and when I pulled it out the  
17 hole was full of water. It's just always soggy down there.

18 MR. SMITH: You speak on the right side of the property down there.

19 MR. CAMERON: From the road it's going to be the right hand side which is  
20 down by the creek area there.

21 MR. SMITH: Okay. But the left side –

22 MR. CAMERON: The upper part of the driveway -

23 MR. SMITH: Yes.

1 MR. CAMERON: - straight across? That area right there where he's got the  
2 cursor that's fairly dry all the time, I mean. And there's like a little berm just behind it. I  
3 guess when they first developed the house and all it's right along the property line so  
4 any rainwater there runs down across the front.

5 MR. SMITH: I just want to confirm about what you said earlier that the only  
6 reason why you don't want to put it there is because you're planning to put a pool there.

7 MR. CAMERON: The area that we're talking about putting a pool in is going to  
8 be off the end of the driveway and to the right a little bit.

9 MR. SMITH: The same area?

10 MR. CAMERON: That's where I want to put the pool. The garage is going to be  
11 to the left of the driveway.

12 MR. SMITH: Thank you.

13 CHAIRMAN MCDUFFIE: How far is the neighbor's house there on the side that  
14 the proposed garage is going to go?

15 MR. CAMERON: There is no house there. If you look at that – the tax map plat  
16 you can see the property line runs down. That actually belongs to Faith Presbyterian  
17 Church and then their property doesn't even go all the way to the Middle Creek Road. It  
18 stops abruptly there and I've got a letter. I don't know if he put a copy in the package  
19 from the church. I actually went and sat and talked with them and the elders had a  
20 meeting and they didn't have a problem with putting a garage there. They seem to be  
21 very helpful and friendly. Of course whenever I see some trouble in the back, because  
22 the parking lot I can see through the trees, I can see stuff at night and I call the Sheriff  
23 and it's, we work together with the church to keep kids out of there because they go

1 back there and skateboard and they're tearing up the railings and things like that around  
2 the church so. But I'm trying to keep the cost of this thing down by utilizing the existing  
3 driveway.

4 MR. COOKE: Mr. Chairman, I'd like to hear your logic on the extraordinary.

5 CHAIRMAN MCDUFFIE: I think that we've got a situation here where the  
6 neighbors are apparently not opposed to the construction here. It seems like it makes  
7 the greatest sense to put it in the location that the applicant is proposing. It's certainly  
8 not, doesn't seem like it's going to cause harm to anybody and to sort of hold the full  
9 weight of the variance against this or the full weight of the variance criteria against this  
10 doesn't make a lot of sense. It seems almost diminimus exception at this point.

11 MR. PRICE: Yes. We actually have a certified flood plain manager here in Brian  
12 Cook who recently passed his test and if you have some questions regarding flow  
13 accumulation on the property he can answer those for you.

14 MR. RUSH: I guess I would like to know what's your perspective on the as far as  
15 flow accumulation especially on the back parcel, back corner of their lot.

16 MR. COOK: While it's not in a flood zone it definitely the contour do go down  
17 towards the purple part of the map we see there's, we call flow accumulation. It could  
18 be as much as a ditch. It could be a little indention where, you know, water would  
19 gather so it probably is accurate to say that it, you know, especially a hard rainfall would  
20 tend to flow down there and probably gather in that purple area and back up from there  
21 so. How far back up it would be hard to tell just from that but there's definitely some  
22 validity to that.

1 CHAIRMAN MCDUFFIE: If the applicant were to be required to relocate the  
2 proposed garage from the proposed site and then was to be required to put an  
3 additional driveway that that would probably contribute to the runoff issue by creating  
4 additional [inaudible]?

5 MR. COOK: Right. That would be correct.

6 CHAIRMAN MCDUFFIE: So by locating in the proposed spot it would in fact  
7 probably the least impact because he would not be creating a lot of additional –

8 MR. SMITH: That's if it's -

9 MR. RUSH: Yeah, that's, that's from that, yeah. I -

10 MR. SMITH: If it was built on the right side it would be, would be proposed what  
11 you just mentioned but if it was on the left side where the drier area is –

12 MR. RUSH: Yeah, right off the –

13 MR. SMITH: - which is right off the driveway.

14 MR. RUSH: - the driveway.

15 MR. SMITH: That doesn't stand.

16 MR. RUSH: And then I think we'll be within –

17 MR. SMITH: I understand, you know, personally –

18 MR. COOKE: Right there.

19 MR. SMITH: - but in regards to location, I mean, that's a, it actually fits suit to the  
20 type of land that you want to build on and I think it's just, you know, to be able to  
21 exchange, to make a change of variance for that doesn't really, no matter what it's going  
22 to be, how advantageous it's going to be I think it's really the perfect location without

1 even providing the variance. So I still stand with what, with where I was. The  
2 conversation's still open.

3 CHAIRMAN MCDUFFIE: I guess I'm just of the opinion that if there's not a, if  
4 there's not a nearby neighbor there.

5 MR. CAMERON: Could I add something? If you look at the aerial photo the right  
6 side of the property has lots of large trees that would, I would end up having to make a  
7 driveway come off and weave around partially through my front yard to avoid trees and  
8 that's just, that would, not that part, the aerial photo that you had earlier. Were you able  
9 to zoom on – you had to zoom in on the other one. Yeah. Thank you. But on the right  
10 hand side of the property if you come off the road there's several large trees that I would  
11 have to veer around and then there's a valley in the front yard where all the water tends  
12 to run down through the low spot in the front. I wish I could put a pointer on it but, right  
13 in front of the sidewalk it's level off the driveway and the sidewalk in the front and then  
14 there's like three trees right in front of the house and right there the land does this  
15 number here going down this way and it goes sort of like this across. I'd have to do a  
16 lot of grading and then I'd end up clearing some large trees that I really wouldn't want to  
17 have to take down in order to keep the driveway from going up around through my side  
18 yard plus I have a septic tank that's on the left side of the house that I'd have to avoid  
19 as well. But, you know, the upper part of the driveway, there's several houses in my  
20 neighborhood that also have accessory buildings that are built right on top of the  
21 property line. They maybe inside that zone where they can do it but there's like the first  
22 serious, I would call it, structure as you come up into Shadowood neighborhood there's,  
23 he's got his house, you go up his driveway he's got a two-car garage with a loft over it

1 and then if you look to the left of it he's also paved in a patched driveway with a  
2 sidewalk that goes around to the side of his property and it looks like a little small in-law  
3 suite that's been built back there. It looks like a miniature house and it's probably this  
4 far, you know, a foot or so from the property line and there's several other homes in the  
5 neighborhood that have garages that are built right in there within five to 10' of the  
6 property line, you know.

7 CHAIRMAN MCDUFFIE: Mr. Price, on the Richland County tax map too there's  
8 a, the applicant [inaudible] in this really small parcel labeled 22. It's .12 acres. It's the  
9 one just to the left of the parcel there.

10 MR. CAMERON: The little triangle?

11 CHAIRMAN MCDUFFIE: Over there, to the left.

12 MR. CAMERON: I believe that belongs to, I don't know why they zoned and  
13 drew it like that but I believe that belongs to Ken Potts who actually lives in the house  
14 right next to it. And all the neighbors that I've talked to that have seen the sign and over  
15 the past few months I've talked with them, they're all, you know, they're all guys out  
16 there and they're like yay, yay, you're going to build your garage and I'm like – I ran into  
17 one of my neighbors that lives across from me. He says he, we were just chatting back  
18 and forth in the grocery store and he said, "So you're going to get your garage finally."  
19 And I'm like, "Well I hope so but . . ."

20 CHAIRMAN MCDUFFIE: Would that effectively be an unbuildable parcel  
21 anyway, Mr. Price?

1 MR. PRICE: Yeah, based on, well I'm sorry I need to see where that line is,  
2 runs. It would more than likely based on the setbacks, the required setbacks that  
3 property would be unbuildable.

4 CHAIRMAN MCDUFFIE: So we're pretty much though, the talking about, even if  
5 we were to grant a variance to permit this garage to go in the proposed location it's not  
6 going to be near another structure, I mean, for all practical purposes probably?

7 MR. PRICE: You know, unless the church decides to sell off some of this  
8 property and, you know, this could be an access or an access off of Dutch Fork Road. I  
9 mean, other than that those are the only remaining areas that could be built upon.

10 MR. CAMERON: But that little triangle piece is, it actually, I believe if memory  
11 serves me it does belong to my neighbor because he and I talked about it one time  
12 because we'd noticed property pins in the woods kind of weird and he goes, "That piece  
13 is mine and here's where yours starts and . . ." So the church doesn't actually have an  
14 access to that anymore because since they sold off the plot, it's like an acre and three-  
15 tenths to my neighbor David Hancock on the right hand side of me. But that piece over  
16 there like I say all they've done, the church has actually cut a hiking trail all through the  
17 woods back there. They call it their prayer trail or, or where you can go and think trail  
18 kind of thing. The Boy Scouts that they have over there they actually go back there and  
19 hike around in there, you know, like I say they're good neighbors back there. They don't  
20 get up into the fence and I've never seen them get, you know, the kids don't ever come  
21 over close to the house so. But it's basically a hiking trail, nature area that the church  
22 has kept. They may build something down the road but they've given me approval and  
23 they said they were fine with it so.

1 CHAIRMAN MCDUFFIE: Thank you very much.

2 MR. CAMERON: Thank you.

3 MR. COOKE: Read it again.

4 MR. SMITH: Are there any extraordinary or exceptional conditions pertaining to  
5 the particular piece of property? I still say no.

6 CHAIRMAN MCDUFFIE: I think I made my position clear. I feel like it's sort of a  
7 diminimus type exception for a variance. I mean, it doesn't seem like it's going to harm  
8 anybody and it will, you know, allow the applicant to [inaudible] his property for future  
9 development and for him to improve as he sees fit. That's my opinion.

10 MR. SMITH: Okay. I make a motion to deny variance 9-23, Richard Cameron.

11 CHAIRMAN MCDUFFIE: We have a motion on the floor to deny variance 09-23;  
12 is there a second?

13 MS. PERRINE: I second.

14 CHAIRMAN MCDUFFIE: We have a motion and it's been seconded. All those in  
15 favor?

16 MR. PRICE: Those in favor are Perrine, Rush, Smith.

17 *[Approved: Perrine, Rush, Smith]*

18 CHAIRMAN MCDUFFIE: And all opposed?

19 MR. PRICE: All opposed are Branham, McDuffie, Cooke.

20 *[Opposed: Branham, McDuffie, Cooke; Absent: Cecere]*

21 CHAIRMAN MCDUFFIE: We have a classic 50/50 split. At this point the motion  
22 to deny has failed for lack of a majority and I'll open the floor up for further discussion at  
23 this point.



1 MR. COOKE: Mr. Price, with the picture that you have up on the screen at this  
2 point you're saying that he's zoned for Rural?

3 MR. PRICE: He's zoned Rural, yes, sir.

4 MR. COOKE: And right across from, it looks like right across the street from him  
5 he'd be zoned for single-family?

6 MR. PRICE: Yes, sir.

7 CHAIRMAN MCDUFFIE: Which single-family zoning is across the street?

8 MR. PRICE: I believe it's RS-LD.

9 MR. COOKE: And we did say that this type of structure exists in that  
10 neighborhood; did we not say that?

11 MR. PRICE: Yes. Looking around in the other parcels, the required setback for -

12 [Inaudible discussion]

13 MR. PRICE: - the setbacks for the parcel for accessory structure on the single,  
14 in the single-family zoning district is five feet. So, I mean, what he's asking for is  
15 essentially the same thing as what they would by right be able to do.

16 MR. COOKE: So by right they would be able to do so. If his house was across  
17 the street he wouldn't be in here asking for a variance, would he?

18 MR. PRICE: No, sir.

19 MR. RUSH: I guess what I see is that there are, there's an alternative. If there  
20 was no alternative and the alternative is, you know, is actually putting the property right  
21 at the back of that driveway as opposed to on the side of it. So that's why I don't  
22 necessarily see the extraordinary conditions pertaining to this property.

1 CHAIRMAN MCDUFFIE: Per our by-laws as Ms. Linder's just informed me, in  
2 the event of a motion to deny and a tie vote the applicant will have been denied unless  
3 there is a motion for approval and that passes. So at this point is there, I will open the  
4 floor back up for a motion and is there a motion for an approval?

5 MR. COOKE: Yeah. I'd like to make a motion to move to approve variance 09-  
6 23, based on the Findings of the Facts of the extraordinary circumstances.

7 CHAIRMAN MCDUFFIE: I'd like to second. I think that it's basically a diminimus  
8 request. All right. We have a motion that's been seconded. All in favor?

9 MR. PRICE: Those are in favor are: Branham, McDuffie, Cooke.

10 *[Approved: Branham, McDuffie, Cooke]*

11 CHAIRMAN MCDUFFIE: All opposed?

12 MR. PRICE: Those opposed: Rush – excuse me, Perrine, Rush, Smith.

13 *[Opposed: Rush, Perrine, Smith; Absent: Cecere]*

14 CHAIRMAN MCDUFFIE: Motion to approve has failed. At this point I would offer  
15 the Board the option of continuing the case until we have the full Board seated next  
16 month. If that is the Board's pleasure could I get a motion? Or I'll make a motion to  
17 continue the case next month with the full Board.

18 MR. BRANHAM: Second.

19 CHAIRMAN MCDUFFIE: All in favor?

20 MR. RUSH: So this is –

21 CHAIRMAN MCDUFFIE: This is to continue the case per the by-laws so that the  
22 applicant can hear the [inaudible] in front of the full Board. If we have a full Board we  
23 can break a tie at that point.

1 [Inaudible discussion]

2 MR. PRICE: I was talking to the applicant just now. Well I'll tell you what. Well  
3 I'll put this for the Record and you can still decide how you would like to proceed.  
4 Another option that he does have is to ask to rezone his property, he and his neighbor  
5 from Rural to RS-LD which would –

6 CHAIRMAN MCDUFFIE: Can the applicant –

7 MR. COOKE: Can we do that?

8 CHAIRMAN MCDUFFIE: That's the Council's [inaudible]?

9 MR. PRICE: Yes. That's Planning Commission and County Council, yes, sir.  
10 Another option available.

11 MR. COOKE: I guess that's up to him.

12 CHAIRMAN MCDUFFIE: But we have a motion though at this point already and  
13 a second and a motion on the floor to continue the case to next month with the hopes  
14 that we'll have an off number of Board members or a full Board at that point.

15 MR. COOKE: Before we continue with that. With that option, Mr. Price, I guess I  
16 have a question for Staff, with that option that would be an option for him to make that?

17 MR. PRICE: Yes.

18 MR. COOKE: Okay, instead of us?

19 MR. PRICE: Yes.

20 MR. COOKE: Okay.

21 CHAIRMAN MCDUFFIE: He could always withdraw if he decided to go that  
22 route?

23 MR. COOKE: Yeah.

1 MR. SMITH: That would be the cleanest way to doing it actually.

2 MR. COOKE: So let's continue with the motion to continue it to next month.

3 CHAIRMAN MCDUFFIE: We have a motion on the floor. All in favor of  
4 continuing the case to next month?

5 MR. SMITH: To next month? I don't know, I've never heard [inaudible].

6 MR. RUSH: You have the right to, I mean our by-laws sort of, that's not  
7 [inaudible].

8 CHAIRMAN MCDUFFIE: We have in the past offered applicants the opportunity  
9 to have their case heard in front of the full Board have we not?

10 MR. PRICE: But typically when we do that is prior to the actual, to the actual  
11 hearing. I understand [inaudible] this question. Typically that's offered to the applicants  
12 prior to the case, his or her case taking place.

13 CHAIRMAN MCDUFFIE: At this point the motion is actually carried so I think the  
14 discussion is academic. Mr. Price, would you read off who voted in favor? All in favor  
15 please re-raise your hands.

16 *[Approved: Branham, Perrine, Rush, McDuffie, Cooke]*

17 MR. PRICE: Those in favor: Branham, Perrine, Rush, McDuffie, Cooke.

18 CHAIRMAN MCDUFFIE: All opposed?

19 *[Opposed: Smith; Absent: Cecere]*

20 MR. PRICE: Smith.

21 MR. SMITH: I mean, I haven't heard of it. I'm not just trying to be a, you know,  
22 harsh in this but I just [inaudible] something proposed and voted on I think you have to  
23 have a specific reason for him, for that to be forwarded, passed forward.

1 CHAIRMAN MCDUFFIE: It's in the by-laws though.

2 MR. SMITH: In regards to having any other type of proof, any kind of, I mean,  
3 could - I'm lost, I mean. I'm saying that [inaudible] vote no but it's going to pass  
4 anyway.

5 CHAIRMAN MCDUFFIE: Well at this point we have approved the motion to  
6 continue the case to next month barring a change in the [inaudible] application. Mr.  
7 Price, will you please call the next case?

8 **CASE NO. 09-25 SE:**

9 MR. PRICE: The next item is Case 09-25 Special Exception. The applicant is  
10 requesting the Board of Zoning Appeals to grant a special exception to establish a  
11 gym/family life center [inaudible] as an accessory structure to a place of worship on  
12 property zoned RS-HD. The applicant is Joe Jackson, Sr. The location is 1520 Lower  
13 Richland Boulevard. The parcel size is a little bit more than three acres and the existing  
14 land use is a church. The subject property has a 60,208 square foot church that was  
15 built in 1960. It's abutted on the north, south, and west by manufactured homes and  
16 mobile homes and on the east by single-family residential structures. Subject property  
17 has road frontage on Lower Richland Boulevard and Padget Road. The applicant  
18 proposes to construct, excuse me, I have a place of worship; it's actually an accessory  
19 use to the place of worship. As stated in the discussion in 2004 a special exception was  
20 granted. It served twofold. One was to actually establish the church as, to take the  
21 non-conforming, conformity off of the church because of course being in 1960 no zoning  
22 but it was there. So the special exception to the non-conforming from a church made it  
23 a outrightly permitted use and was also for a 190 square foot addition but because the

1 applicant did not initiate any plans and actually complete the process within a year the  
2 special exception expired. We've got to go through a couple of the slides regarding this.  
3 As you can see here's the aerial. It fronts on Lower Richland Boulevard and Padgett  
4 Road. There's a, I guess a mobile home park that's right in the corner which prevents  
5 the church from actually having all portions of it abutting those roads. A picture of the  
6 church. This is a view from Lower Richland Boulevard. This really, the point of it was to  
7 really show you the open area for the church. This is a view from Padgett Road; another  
8 view. And this is all property of the, for the church. There's a plat of the church, of the  
9 church's property. The area that you see striped in red that is the mobile home park.  
10 Thirteen, 10 and 11 lots that are identified on this belong to the church. I hope that you  
11 can see this a lot better in your packet, but this is kind of a generalized drawing for what  
12 they're proposing to put there. If granted approval by the Board of Zoning Appeals as  
13 stated there are a number of reviews that will need to be done by Richland County  
14 Departments including Planning, Public Works, Fire Marshal, Soil and Water, and one  
15 of the request by Staff was that if this were to be granted that the structure be required  
16 to face either Padgett Road or Lower Richland Boulevard so as people pass by it can,  
17 you know, it's actually facing outward as opposed to people looking at the back of a  
18 building, and we were going to make a request that landscaping, specific landscaping  
19 be required by the Board. However, due to the size of the structure it automatically  
20 triggers that the property be brought into compliance regarding landscaping so that  
21 would be already initiated if you grant approval.

22 CHAIRMAN MCDUFFIE: At this point I'd like to call Mr. Joe Jackson. Please  
23 state your name and address for the Record, sir.

1 **TESTIMONY OF JOE JACKSON:**

2 MR. JACKSON: My name is Joe Jackson, Sr., 8 Sleepy Hollow Lane, Hopkins,  
3 SC 29061, requesting a special exception to build a multi-purpose building. It will be  
4 used for a gym, it'll be used for special events. Right now we're doing a, feeding the  
5 community from the Harvest Hope Bank on the fourth Saturday we have approximately  
6 150 people that comes through there that we feed, and what we want to do is to do a  
7 multi-purpose building that we can establish a soup kitchen during the week and also for  
8 special events so that we can accommodate and to help better and improve that area in  
9 the Lower Richland area.

10 CHAIRMAN MCDUFFIE: Thank you very much. Are there any questions at this  
11 time for the applicant? All right. Mr. Branham, would you care to go through the  
12 Findings of Fact [inaudible]?

13 MR. RUSH: Help me, Mr. Price, could you help me understand the zoning? So  
14 this is on RS-HD?

15 MR. PRICE: Yes, sir.

16 MR. RUSH: So it doesn't have proper zoning?

17 MR. PRICE: No, it –

18 MR. RUSH: I'm sorry.

19 MR. PRICE: It does. Places of worship are allowed in pretty much all of the  
20 zoning districts. But once you get into the single-family and the residential districts  
21 they're allowed but they're required to have a special exception.

22 MR. RUSH: In order to do anything?

23 MR. PRICE: Yes.

1 MR. RUSH: Okay.

2 MR. BRANHAM: We'll start I guess with question number four. Were the  
3 specific requirements for the special exception met? I would say, yes. Will traffic be  
4 impacted by this proposal? I would say, no. Will this proposal effect vehicle or  
5 pedestrian safety? I would say, no. Is there a potential impact of noise, lights, fumes,  
6 or obstructions of air flow on adjoining properties? I would say, no. Number eight, will  
7 the proposed use have an adverse impact on the aesthetic character of the environs  
8 and I would say, no to that. Is the orientation or spacing and improvements of buildings  
9 appropriate? And I would say, yes to that. And based on the Findings of Facts I would  
10 like to recommend that we approve Special Exception 09-25.

11 CHAIRMAN MCDUFFIE: Would you like to attach the conditions suggested by  
12 Staff for the facing of the buildings?

13 MR. BRANHAM: Yes.

14 CHAIRMAN MCDUFFIE: Mr. Price, would you care to repeat the Staff  
15 suggestions?

16 MR. PRICE: Staff recommends that the structure be required to face either  
17 Padget Road or Lower Richland Boulevard.

18 MR. BRANHAM: I agree with that.

19 CHAIRMAN MCDUFFIE: Is there a second?

20 MR. SMITH: I second.

21 CHAIRMAN MCDUFFIE: All right. All in favor?

22 MR. PRICE: Those in favor are Branham, Perrine, Rush, McDuffie, Cooke, and  
23 Smith.



1 *[Approved: Branham, Perrine, Rush, McDuffie, Cooke, Smith; Absent: Cecere]*

2 CHAIRMAN MCDUFFIE: All right. Mr. Jackson, you have your special exception  
3 and Mr. Price will be in touch.

4 MR. JACKSON: Thank you, sir.

5 CHAIRMAN MCDUFFIE: Is there any further business for the public hearing  
6 portion of this meeting?

7 MR. PRICE: No, sir.

8 CHAIRMAN MCDUFFIE: Then I will adjourn the meeting.

9  
10 *[Meeting Adjourned at 1:50 p.m.]*