

RICHLAND COUNTY BOARD OF ZONING APPEALS



Wednesday, 5 February 2020

3 p.m.

Council Chambers



**Richland County
Board of Zoning Appeals
Wednesday, February 5, 2020
2020 Hampton Street
2nd Floor, Council Chambers**

3:00 p.m.

Agenda

- I. CALL TO ORDER & RECOGNITION OF QUORUM** **Mike Spearman, Chairman**
- II. PUBLIC NOTICE ANNOUNCEMENT**
- III. ELECTION OF OFFICERS**
- IV. ADOPTION OF AGENDA**
- V. RULES OF ORDER** **Chairman**
- VI. APPROVAL OF MINUTES**
- VII. PUBLIC HEARING** **Geonard Price,
Zoning Administrator**

OPEN PUBLIC HEARING [ACTION]

- | | | |
|--|---|---|
| <p>1. Case 20-001 SE
SC Dept. of Natural
Resources
1901 Vanboklen Road
Eastover, SC 29044
TMS: 39400-03-01
Page 1</p> | <p>A special exception to permit the establishment
of an outdoor shooting range on property
zoned Rural (RU) district.</p> | <p><u>District 10</u>
Dalhi Myers</p> |
| <p>2. Case 19-005
Sadie Perry
112 Brody Road
Chapin, SC 29036
TMS: 01409-03-02
Page 7</p> | <p>A variance to encroach into the required side
yard setback on property zoned Rural (RU)
district.</p> | <p><u>District 1</u>
Bill Malinowski</p> |

VIII. OTHER BUSINESS

IX. ADJOURNMENT



REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

19-005 Variance

REQUEST:

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

GENERAL INFORMATION:

Applicant: Steve and Sadie Perry

TMS: 01409-03-02

Location: 112 Brody Road, Chapin, SC 29036

Parcel Size: .31 acres

Existing Land Use: Currently the property is residentially developed.

Proposed Land Use: The applicant proposes to construct a residential structure that will encroach into the required side yard setbacks.

Character of Area: The area is residentially developed.

ZONING ORDINANCE CITATION:

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

CRITERIA FOR VARIANCE:

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

- a. That there are extraordinary and exceptional conditions pertaining to the particular piece of property; and
- b. That these conditions do not generally apply to other property in the vicinity; and
- c. That because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

DISCUSSION:

The subject site contains a 1,365 square foot residential structure that was constructed in 1969 and a carport. It is the intent of the applicant to demolish the structure and construct a new residential structure that will encroach into the required twenty (20) foot side yard setbacks by approximately 10 feet on each setback.

The parcels along Brody Road containing residential structures were developed under the requirements for Residential Single-Family Low Density (RS-LD) district or by variance to encroach into required setbacks.

According to the applicant, if the variance were denied, the new structure would have less encroachment on the sides than the other structures along Brody Road.

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

a. Extraordinary and exceptional conditions

The subject parcel is nonconforming according to the development standards for the RU district.

b. Conditions applicable to other properties

Records indicate that the subject parcel is the only nonconforming (RU) parcel along Brody Road that is developed without the benefit of a variance.

c. Application of the ordinance restricting utilization of property

Applying the provisions of the LDC would prevent the same reasonable utilization of property enjoyed by the adjacent property owners.

d. Substantial detriment of granting variance

There would be no substantial detriment to the surrounding properties if the variance is granted.

CONDITIONS:

26-57(f)(3)

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

OTHER RELEVANT SECTIONS:

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

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

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

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

CASE HISTORY:

No record(s) of previous special exception or variance request.

ATTACHMENTS:

- Plat
- Application

Case 19-005 SE
TMS R01409-03-02



SPECIAL FLOOD HAZARD AREA

WETLANDS

site



BOARD OF ZONING APPEALS

VARIANCE APPEALS



Application #

1. Location 112 Brody Road Chapin, Sc 29036
 TMS Page 01909 Block 03 Lot 02 Zoning District Ry
2. Applicant hereby appeals to the Zoning Board of Appeals for a variance from the strict application to the property as described in the provisions of Section 2685 of the Richland County Zoning Ordinance.
3. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows: Allow maximum building width to be 60 feet.

4. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Sec. 26-602.3b(1) of the Richland County Zoning Code are met by the following facts.
 - a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as following: The existing structure is built around a 1964 mobile home for which current supplies are no longer readily available.
 - b) Describe how the conditions listed above were created: The previous owners built around the mobile home out to the property line on both sides.
 - c) These conditions do not generally apply to other property in the vicinity as shown by: Other local parcels being original fishing cabins.
 - d) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: The new structure would have less encroachment on the sides and back of the property than the existing structures.
 - e) The authorization of the variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: The new structure will be less encroachment to both adjacent property owners.

5. The following documents are submitted in support of this application [a site plan must be submitted]:
 - a) Copy of the original plat
 - b) Copy of the proposed plat
 - c) _____

(Attach additional pages if necessary)

[Signature]
 Applicant's Signature

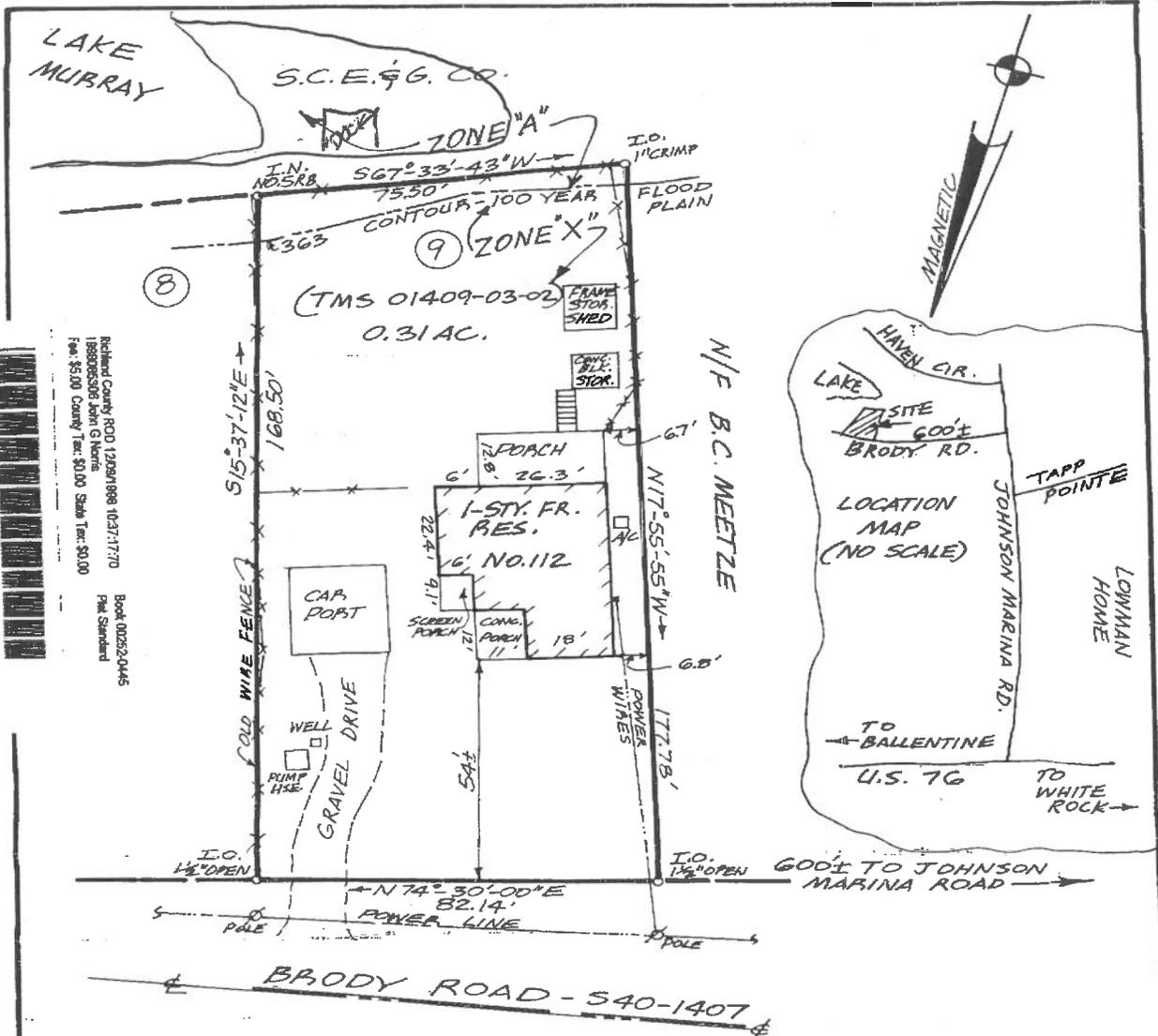
Sadie Perry
 Printed (typed) Name

112 Brody Road
 Address

Chapin, sc, 29036
 City, State, Zip Code

803-422-2348
 Telephone Number

803-518-1944
 Alternate Number



Richland County ROD 1209/1998 10:37:17:70
 1998085306 John G. Norris
 Fee: \$5.00 County Tax: \$0.00 State Tax: \$0.00
 Book 00252-0445
 Plat Standard

PLAT PREPARED FOR
MARK WILLIAM KRENGEL
 IN RICHLAND COUNTY, NEAR WHITE ROCK, S.C.

NOTES:

1. THE SAME BEING SHOWN AS LOT NO. 9 ON PLAT FOR B.C. MEETZE BY RICHARD M. LEE, P.L.S., DATED APRIL 26, 1958, AND RECORDED IN PLAT BOOK "11" AT PAGE 16, PER MORTGAGE IN BOOK "M1781, PAGE 79400.
2. TAX MAP 01409-03-02.



SCALE: 1"=30' DATE: AUG. 6, 1998
 30 15 0 30 60

I HEREBY CERTIFY THAT I HAVE CONSULTED THE F.E.M.A. FLOOD INSURANCE RATE MAP (FIRM), AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE SUBJECT PROPERTY IS LOCATED IN ZONE XEA AS SHOWN HEREON, MAP OR FIRM COMMUNITY PANEL NO: 45079C0025G DATED: JAN 17, 1994

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 2 SURVEY AS SPECIFIED THEREIN. THAT THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN HEREON. THAT THE AREA SHOWN HEREON (IS) LOCATED IN A FLOOD HAZARD ZONE.

LUCIUS D. COBB, SR.
 LAND SURVEYOR, INC.
 S.C. REG. LAND SURVEYOR NO. 5039
 110 FIRE TOWER ROAD
 IRMO, S.C. 29063
 (803) 781-6080

N.B. 43-P65.46-47

A9808116



5 February 2020
Board of Zoning Appeals

REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

20-001 Special Exception

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of an outdoor shooting range on property zoned Rural (RU) district.

GENERAL INFORMATION:

Applicant: South Carolina Department of Natural Resources.

TMS: 39400-03-01

Location: 1901 Vanboklen Road, Eastover, SC 29044

Parcel Size: 780+ acre tract

Existing Land Use: The parcel is currently managed for wildlife and hunting.

Proposed Land Use: The applicant proposes to establish eight (8) combination trap/skeet fields.

Character of Area: The general area consists of large agriculturally developed and heavily wooded parcels.

ZONING ORDINANCE CITATION:

Table 26-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to authorize outdoor shooting ranges subject to the provisions of section 26-152 (d) (25).

CRITERIA FOR SPECIAL EXCEPTION:

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

1. Traffic impact.
2. Vehicle and pedestrian safety.
3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.
4. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view.
5. Orientation and spacing of improvements or buildings.

Special exception requirements (as found in section 26-152 (d) (25)):

(25) *Shooting ranges, outdoor.*

- a. Use districts: Rural; Heavy Industrial.
- b. Adequate provision shall be made for the safety of surrounding property owners.
- c. Setback requirements shall be at least 200 yards from adjacent property lines.
- d. Hours of operation shall be limited to 9:00 a.m. to 10:00 p.m.

DISCUSSION:

Staff visited the site.

The applicant is proposing to establish eight (8) combination trap/skeet fields along with access road parking and a hunter education building.

The area of the subject 780+ acre tract that will be devoted to the proposed use is approximately 53 acres. This area is proposed to be at least 200 yards from all property lines on the site.

To ensure safety, the applicant states that the range will be oriented in a northerly direction to ensure shots remain on the property, along with a proposed a 900-foot safety buffer forward of the firing line and a wooded buffer to shield the facility from the road and adjoining properties. The applicant states that based on a noise study conducted by Davis and Floyd (4 December 2019), the facility will not significantly increase noise levels in the area.

Staff did not observe any conditions or factors that would negatively impact the properties in the surrounding area by the establishment of this type of development.

Staff recommends **approval**.

If granted approval, the proposed project will be subject to site plan review, which will entail a review from the following Richland County divisions:

- Planning
- Engineering
- Building
- Fire Marshal

If an approval is granted, it is recommended the BZA review the proposed development schedule to determine if conditions should be applied. It is staff's recommendation that an approval stipulate the following:

1. Plans for the development of the site must be submitted for official review by Richland County within one (1) year of the approval of the special exception;
2. If the stipulation of item #1 is not met, the special exception for the outdoor shooting range is voided;
3. The submitted site plan is considered to be a conceptual layout for the proposed development. The special exception approval by the Board of Zoning Appeals does not constitute an official site and/or building plan review and approval;
4. Major changes to the site plan will require an additional review and approval by the Board of Zoning Appeals; and
5. The Zoning Administrator shall determine if any requested changes to the Special Exception are major changes.

CONDITIONS:

Section 26-56 (f) (3)

Conditions: In granting a special exception, the board of zoning appeals may prescribe conditions and safeguards in addition to those spelled out in this chapter. The board of zoning appeals may also prescribe a time limit within which the special exception shall be begun or completed, or both. All conditions placed on the project by the board of zoning appeals shall be incorporated into such project.

OTHER RELEVANT SECTIONS:

N/A

CASE HISTORY:

N/A

ATTACHMENTS:

- Site plan
- Zoning Application Packet

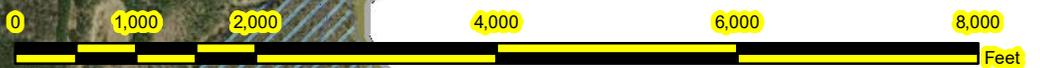
Case 20-001 SE
TMS R39400-03-01

Goodwill Rd



 **SPECIAL FLOOD HAZARD AREA**

 **WETLANDS**





BOARD OF ZONING APPEALS

SPECIAL EXCEPTION



1. Location: 1901 Vanboklen Road, Eastover, SC 29044

TMS Page: 39400 Block: 03 Lot: 01 Zoning District: RU

2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting:
Trap and Skeet Shooting Range

3. Describe the proposal in detail: Construction of an eight combination trap/ skeet fields along with access road, parking and hunter education building

4. Area attributed to the proposal (square feet): 2,000,000

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

a. Use Property is manage for wildlife and hunting square footage _____

b. Use _____ square footage _____

c. Use _____ square footage _____

6. Total number of parking spaces on the subject property: no designated parking currently

7. Total number of employees on shift of greatest employment: 3

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

a. Traffic impact: The proposed trap/skeet range will not significantly impact to traffic in the area.

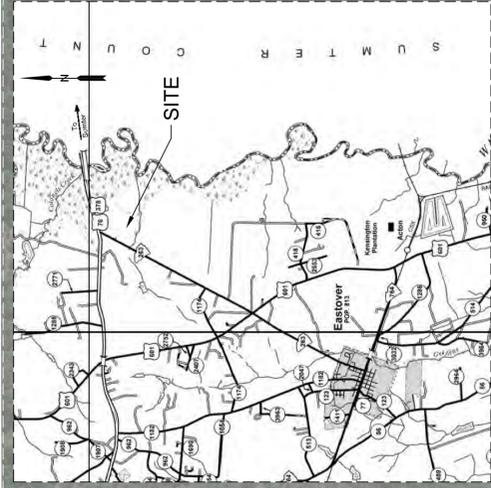
b. Vehicle and pedestrian safety: An SCDNR Range Officer will control access and ensure safety on the facility.

All access & prohibited areas will be cleared marked, a 900 ft safety buffer will be forward of the firing line

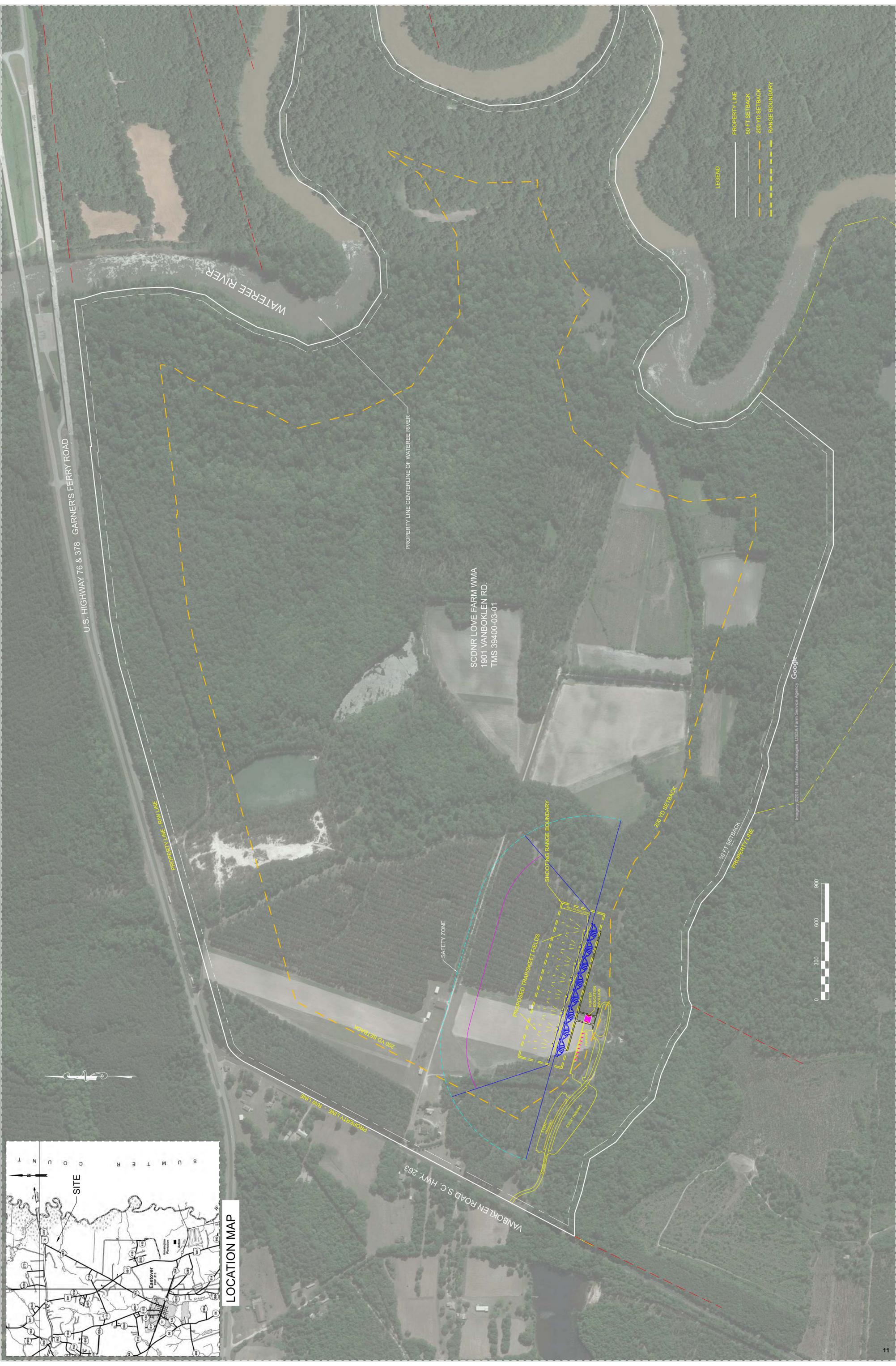
c. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property: Based on the results of a noise study conducted by Davis & Floyd December 4, 2019, it was determined that the proposed facility will not significantly increase noise levels. A wooded buffer will be maintained to shield the facility from the road and adjoining properties.

d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view: A wooded buffer will be maintained to shield the facility from the road and adjoining properties.

e. Orientation and spacing of improvements or buildings: The proposed trap /skeet range is oriented in a northerly direction to ensure any shot remains on the property within the safety zone. All building will be in compliance with Richland County requirements



LOCATION MAP



U.S. HIGHWAY 76 & 378 GARNER'S FERRY ROAD

WATERREE RIVER

PROPERTY LINE CENTERLINE OF WATERREE RIVER

SCDNR LOVE FARM WMA
1901 VANBOKLEN RD.
TMS 39400-03-01

SAFETY ZONE

PROPOSED TRAP-SKET FIELDS

SHOOTING RANGE BOUNDARY

HUNTER POPULATION

50 FT SETBACK

PROPERTY LINE

200 YD SETBACK

PROPERTY LINE - RW LINE

200 YD SETBACK

PROPERTY LINE - RW LINE

VANBOKLEN ROAD S.C. HWY. 263

LEGEND

- PROPERTY LINE
- 50 FT SETBACK
- 200 YD SETBACK
- RANGE BOUNDARY

Imagery ©2019, Maxar Technologies, USDA Farm Service Agency, Google





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2020 Hampton Street
Columbia, SC 29204

Phone (803) 576-2180
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