

RICHLAND COUNTY BOARD OF ZONING APPEALS



Wednesday, 2 February 2022

3 p.m.

Council Chambers



**Richland County
Board of Zoning Appeals
Wednesday, February 2, 2022
3:00 p.m.**

Chairman - Jason McLees

Co-Chairman – Lonnie Daniels

Mike Spearman • Robert T Reese • Cody Pressley

Agenda

- I. CALL TO ORDER & RECOGNITION OF QUORUM** Jason McLees
- II. PUBLIC NOTICE ANNOUNCEMENT**
- III. ADDITIONS / DELETIONS TO THE AGENDA**
- IV. ADOPTION OF AGENDA**
- V. RULES OF ORDER** Chairman
- VI. PUBLIC HEARING** Geonard Price,
Zoning Administrator

OPEN PUBLIC HEARING [ACTION]

- 1. ZV21-011** Request for a variance to encroach into the required setbacks on property zoned Rural (RU) **District 1**
Troy Bates Bill Malinowski
3514 Kennerly Road
Irmo, SC 29063
TMS# R02700-02-51
Page 1

VII. OTHER BUSINESS

VIII. ADJOURNMENT



2 February 2022
Board of Zoning Appeals

REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

ZV21-011 Variance

REQUEST:

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

GENERAL INFORMATION:

Applicant: Troy Bates

TMS: R02700-02-51

Location: 3514 Kennerly Road, Irmo, SC 29063

Parcel Size: 3.68 acres

Existing Land Use: Currently the property is residentially developed.

Proposed Land Use: The applicant proposes an addition which will encroach into the required side yard setback.

Character of Area: The area is residentially developed on large tracts.

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 applicant is proposing to construct a 24' x 31' square foot garage/workshop that will encroach into the required twenty (20) foot side yard setback by fifteen (15) feet.

According to the applicant, the placement options are limited due to the configuration of the parcel, along with the location of the existing house, septic system, and well. The applicant also states that the topography of the parcel restricts the placement options for the building.

Staff believes that the subject parcel meets 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 topography of the western portion of the property, coupled with the location of the septic tank and well limits the potential placement for the structure.

b. Conditions applicable to other properties

Staff is unable to determine if the other parcels are affected by topography and/or location of existing septic tanks.

c. Application of the ordinance restricting utilization of property

While applying the setback requirements for the RU district would not fully prevent the utilization of this parcel, it does significantly restrict the buildable area of the site.

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.

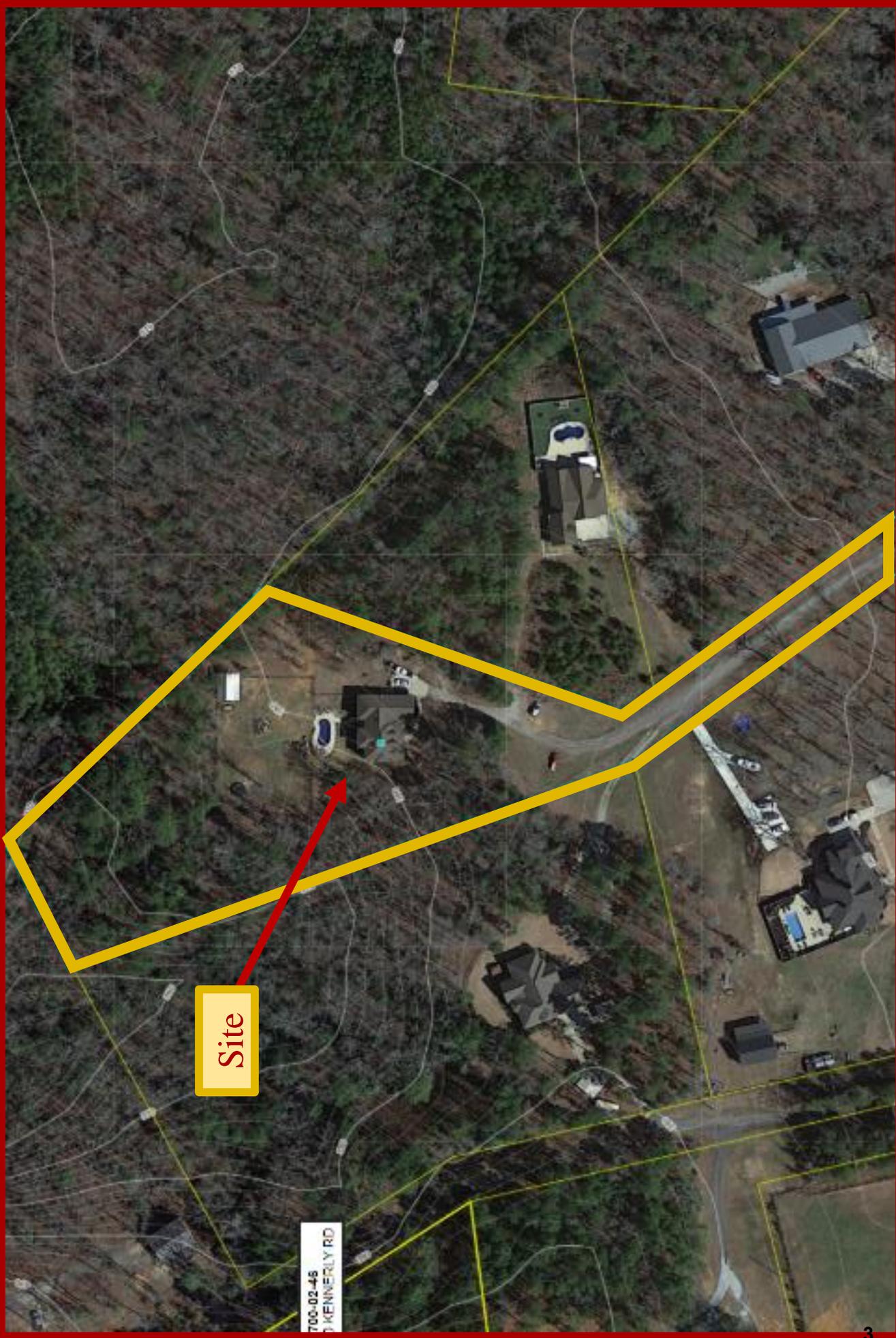
CASE HISTORY:

- None

ATTACHMENTS:

- Plot plan
- Application

**ZV21-011
TROY BATES
3514 KENNERLY ROAD
IRMO, SC 29063
TMS# R02700-02-51**



Site

700-02-48
KENNERLY RD



BOARD OF ZONING APPEALS VARIANCE APPEALS



Application #

1. Location 3514 Kennerly Rd Irmo Sc 29063
 TMS Page 02700 Block 02 Lot 51 Zoning District _____

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

3. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows: 24'x31' Metal Building To be used as garage / workshop To be 5' From Property Line, 15' over 20' Set back

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: Location of Existing Home, Septic System, Well, and lot Slope conditions That limit placement of The proposed garage with The lot shape
- b) Describe how the conditions listed above were created: Best Building location for Home, Natural grade, and DHEC allowed septic area Also The split of lot 4 To allow lot 3 a septic field area
- c) These conditions do not generally apply to other property in the vicinity as shown by: Shape of The lots are not as angled as mine. Property lines were changed prior To purchase To accomodate lot 3 septic System
- 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: limits location, access of vehicles and Electricity due To location of septic system
- 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: Location is right at a wooded area and The location of neighbors septic field. Very minimal Clearing or grading needed

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

- a) Plot Plan
- b) Septic Drawing From DHEC
- c) _____

(Attach additional pages if necessary)

Troy Bates
Applicant's Signature

3514 Kennerly Rd Irmo Sc
Address

803-605-0651
Telephone Number

Troy Bates
Printed (typed) Name

Irmo Sc. 29063
City, State, Zip Code

Alternate Number



Richland County Government
2020 Hampton Street
Columbia, SC 29204

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