

RICHLAND COUNTY BOARD OF ZONING APPEALS



**Wednesday, 6 September 2023
3 p.m.
Council Chambers**



**Richland County
Board of Zoning Appeals
Wednesday, September 6, 2023
3:00 p.m.**

**Chairman - Robert T. Reese
Co-Chairman - Shasai S. Hendrix**

David Fulmer • S. Blakely Copeland-Cahoon • Mandy Lautzenheiser • Annette Nelson

Agenda

- I. **CALL TO ORDER & RECOGNITION OF QUORUM** Robert T. Reese,
Chairman
- II. **PUBLIC NOTICE ANNOUNCEMENT**
- III. **ADDITIONS / DELETIONS TO THE AGENDA**
- IV. **ADOPTION OF AGENDA**
- V. **RULES OF ORDER** Jason McLees, Chairman
- VI. **PUBLIC HEARING** Geonard Price,
Zoning Administrator
- VII. **BZA CASE**
 - a. **BZA CASE [ACTION]**
 1. **Case SE22-004** Request to establish an District 7
Shirpolle Peniston-Blair orphanage on property zoned Gretchen Barron
2044 Heyward Brockington Road Rural (RU).
Columbia, SC 29203
TMS# R09700-02-56
Page 1
- VIII. **OPEN PUBLIC HEARING**
 - a. **BZA CASE [ACTION]**
 2. **Case# SE23-001** Request to development of District 11
Anthony Todd Carnes property as single-family Chakisse Newton
2813 Padgett Road residential zero lot line
Hopkins, SC 29061 consisting of 40 lots on property
TMS# R22015-03-38 zoned Residential Single-Family
Page 13 High Density (RS-HD)
- IX. **OTHER BUSINESS**
- X. **ADJOURNMENT**



9 August 2023
Board of Zoning Appeals

REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

SE22-004

REQUEST:

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

GENERAL INFORMATION:

Applicant: Shirpolle Peniston-Blair

TMS: 09700-02-56

Location: 2044 Heyward Brockington Road, Columbia, SC 29203

Parcel Size: 1.35 - acre tract

Existing Land Use: The parcel is currently occupied by a residential structure.

Proposed Land Use: The applicant proposes to use the property and existing structure to establish a residential care institution.

Character of Area: The general area consists of large residentially and undeveloped parcels.

ZONING ORDINANCE CITATION:

Table 26-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to authorize orphanages subject to the provisions of section 26-152 (d) (19).

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) (19)):

(19) Orphanages.

- a. Use districts: Rural; Rural Residential; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. Minimum lot size to establish an orphanage shall be one (1) acre.
- c. The front setback shall be the same as permitted in the applicable zoning district. Side and rear setbacks shall be twenty-five (25) feet from property lines.
- d. No parking space or drive shall be located closer than twenty (20) feet from any road line or property line. No parking shall be permitted in the front yard.

DISCUSSION:

Staff visited the site.

The applicant is proposing to utilize the existing residential structure for a “Residential care institution” for adolescent boys ages 12 to 21; Level III Therapeutic.”

Records indicate that the existing residential structure totals 2,452 square feet (1,922 square feet heated). The applicant proposes to house thirteen (13) residents in the four (4) bedroom structure. According to the applicant, there will be three (3) full time employees for each of the expected three (3) shifts.

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. The applicant proposes to erect a privacy fence on the southern portion of the parcel to provide a buffer between the subject site and the adjacent residentially developed property.

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 orphanage 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, such as an increase in square footage, height, and/or orientation of the buildings, 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

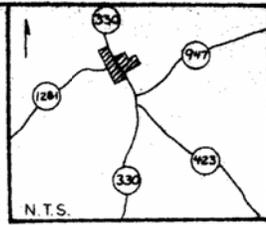
ATTACHMENTS:

- Site plan
- Zoning Application Packet

Case SE22-004
Shirpolle Peniston-Blair
09700-02-56
2044 Heyward Brockington Road
Columbia, SC 29203



500



FULL REGISTER OF FEEDS CONVEYANCES
CLARA I. PARLETT

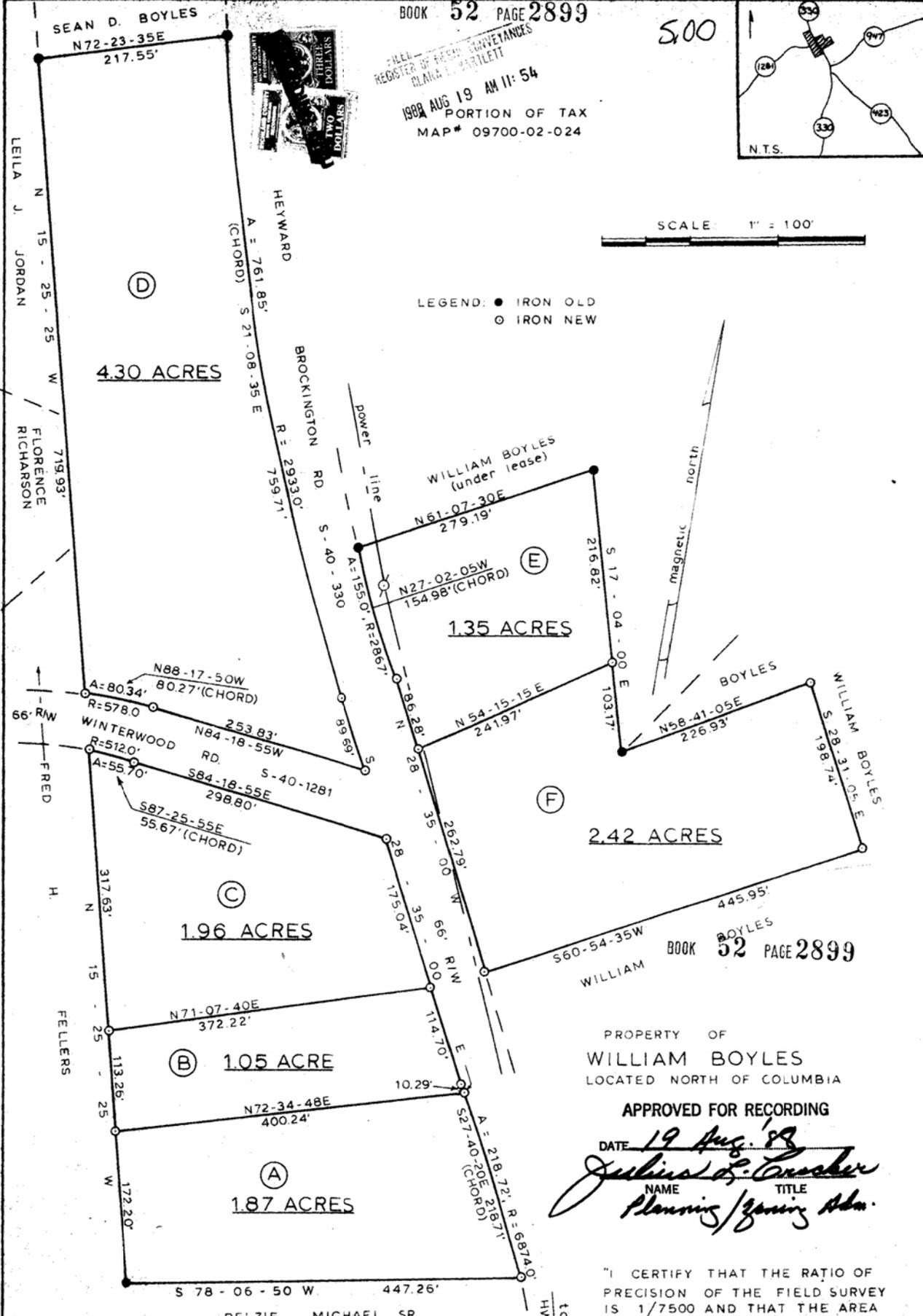
1988 AUG 19 AM 11:54

PORTION OF TAX
MAP # 09700-02-024



SCALE 1" = 100'

LEGEND: ● IRON OLD
○ IRON NEW



SEAN D. BOYLES
N72-23-35E
217.55'

LEILA J. JORDAN
N 15 - 25 - 25 W
719.93'

FLORENCE
RICHARSON

66' RW
FRED

H.
N 317.63'
15
25
FELLERS
N 113.26'
25
W 172.20'

HEYWARD
A = 761.85'
(CHORD) S 21-08-35 E
R = 2933.0'
759.71'

BROCKINGTON RD
S - 40 - 330
R = 8966.6'

WINTERWOOD RD.
N84-18-55W
S-40-1281
S84-18-55E
298.80'
S87-25-55E
55.67' (CHORD)
A=55.70'
R=512.0'
N88-17-50W
80.27' (CHORD)
A=80.34'
R=578.0'

WILLIAM BOYLES
(under lease)

N61-07-30E
279.19'
N27-02-05W
154.98' (CHORD)

1.35 ACRES

N 54-15-15 E
241.97'

2.42 ACRES

WILLIAM BOYLES
S60-54-35W
445.95'

BOOK 52 PAGE 2899

PROPERTY OF
WILLIAM BOYLES
LOCATED NORTH OF COLUMBIA

APPROVED FOR RECORDING

DATE 19 Aug '88
Julius D. Crisher
NAME TITLE
Planning/Zoning Adm.

"I CERTIFY THAT THE RATIO OF
PRECISION OF THE FIELD SURVEY
IS 1/7500 AND THAT THE AREA
WAS DETERMINED BY COMPUTER."

H. R. Oliver
H. R. OLIVER R.L.S. 1408
P. O. BOX 639
LUGOFF, S. C. 29078

S 78 - 06 - 50 W 447.26'

PELZIE MICHAEL, SR.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

31 MAY 1988

Case SE22-004



View of existing structure



View from Heyward Brockington Road



BOARD OF ZONING APPEALS

SPECIAL EXCEPTION



1. Location: 2044 Heyward Brockington Road
 TMS Page: 09700 Block: 02 Lot: 56 Zoning District: RU

2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting:
Residential Care for Adolescent Males

3. Describe the proposal in detail: Residential Care Institution
for Adolescent Males ages 12-21; Level 3
Therapeutic.

4. Area attributed to the proposal (square feet): Living Space 2220 sqft.

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 storage trailer square footage 1300
- b. Use storage square footage 300
- c. Use storage square footage 200

6. Total number of parking spaces on the subject property: 10 parking spaces.

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

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: Rural Residential areas carry less traffic.
The residential property is 80 yards = 240 feet
from the rural road.

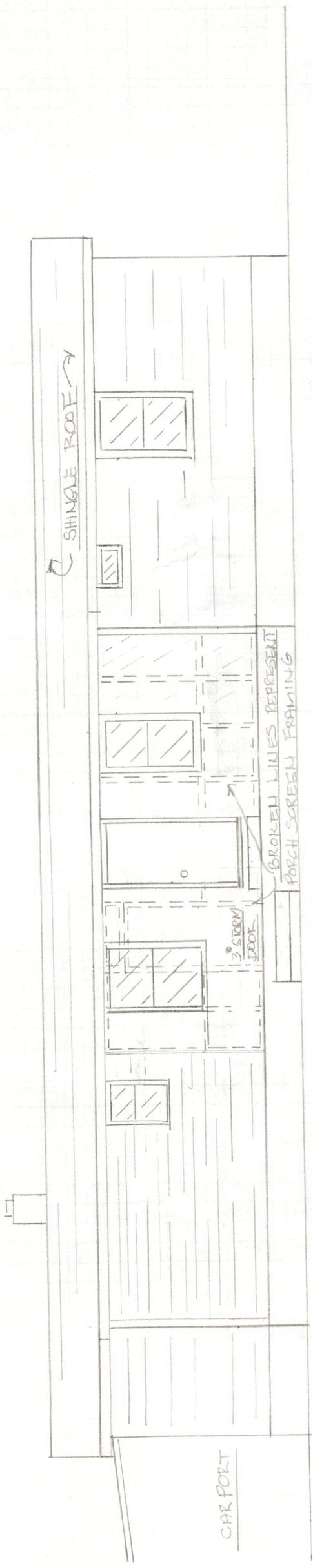
b. Vehicle and pedestrian safety: The residential property is 80 yards
= 240 feet from the rural road.

c. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property: _____
Clean environment, far from smog and pollution
offering, clean, fresh air and an abundance of green space.

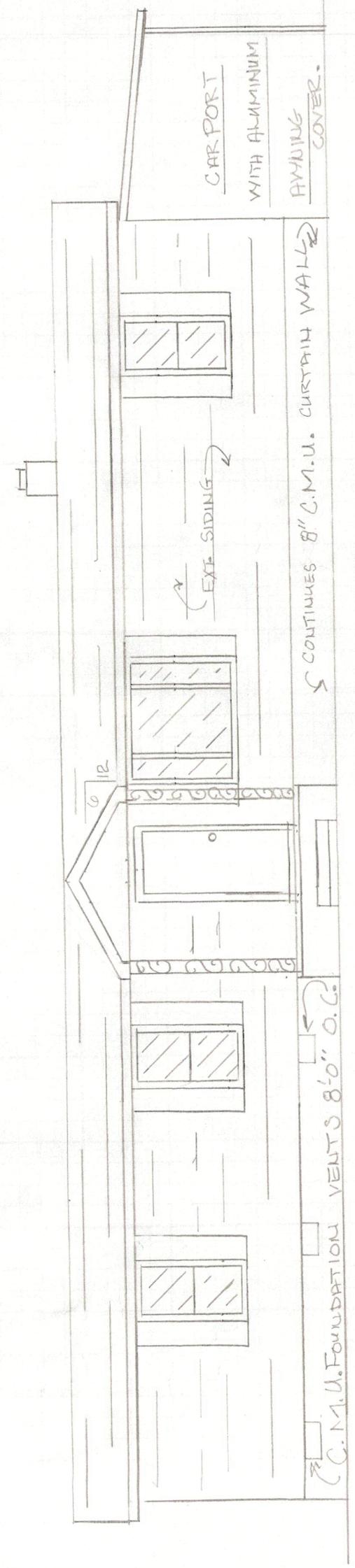
d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view: The woodlands serves as
a natural fence. A privacy fence will be
able to give neighbors on the left isolation.

e. Orientation and spacing of improvements or buildings: Northeast spacing
Minor renovations

DRAWING'S FOR:
2044 HEYWARD BROCKINGTON RD.
COLA. S. C.
DRAWING BY: TONY BOYLES
DATE: 6/21/22

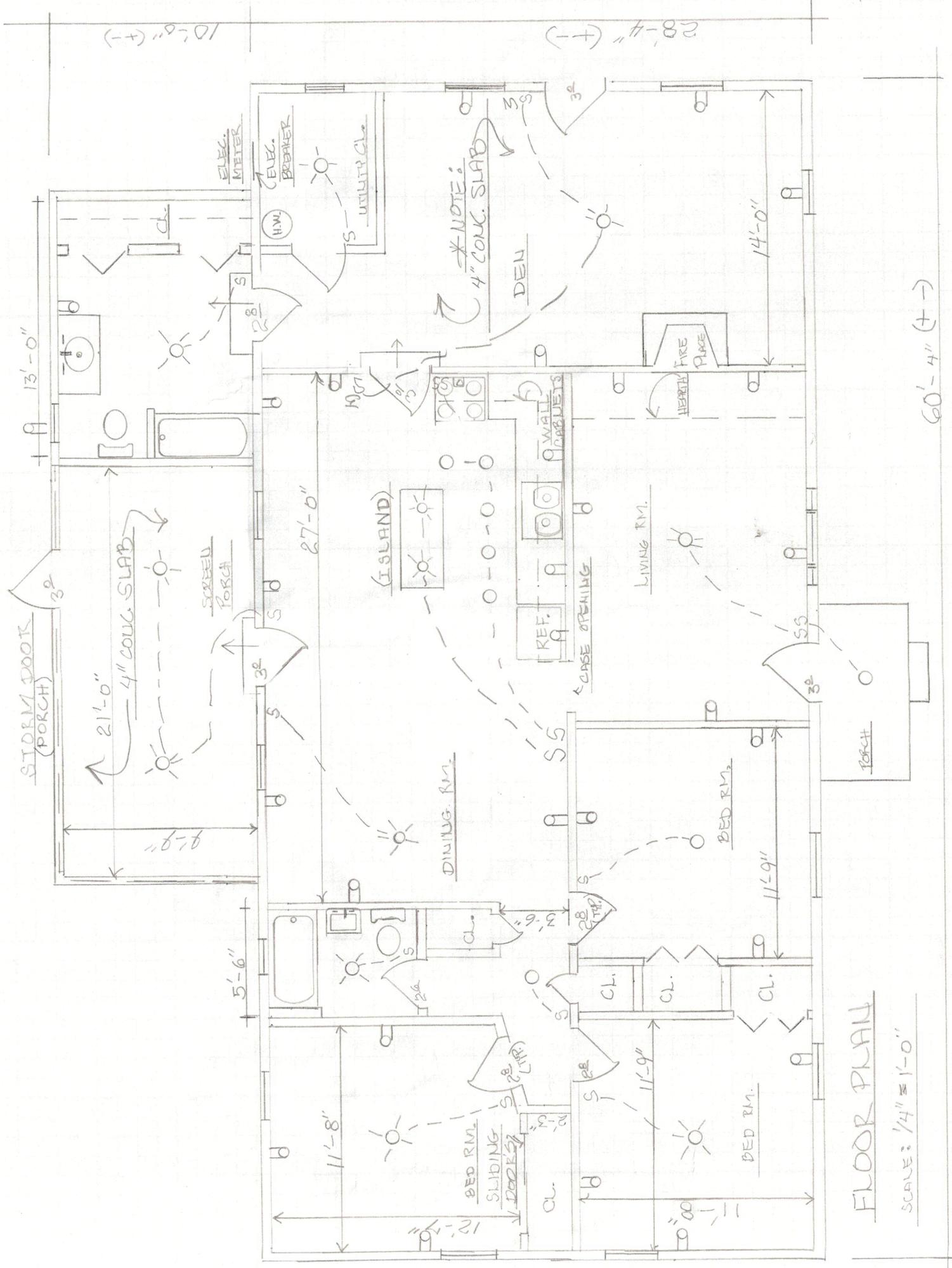


REAR ELEV. SCALE: 1/4" = 1'-0"



FRONT ELEV. SCALE: 1/4" = 1'-0"

PAGE: 1 OF 3
 DRAWING BY:
 TONY BOYLES
 6/21/22



FLOOR PLAN

SCALE: 1/4" = 1'-0"

PAGE: 2 OF 3
 DRAWING BY:
 TONY BOYLES
 DATE: 6/21/82

3 TAB ROOF SHINGLES,
15#D. FELT OVER
1/2" ROOF SHEATHING
1 1/4" O.C. 2" X 6" RAFTERS

1" X 6" FACIAL
SOFFIT VENTS
1/2" EXT. SHEATHING
EXT. SIDING
PROVIDE FOUNDATION TIED.

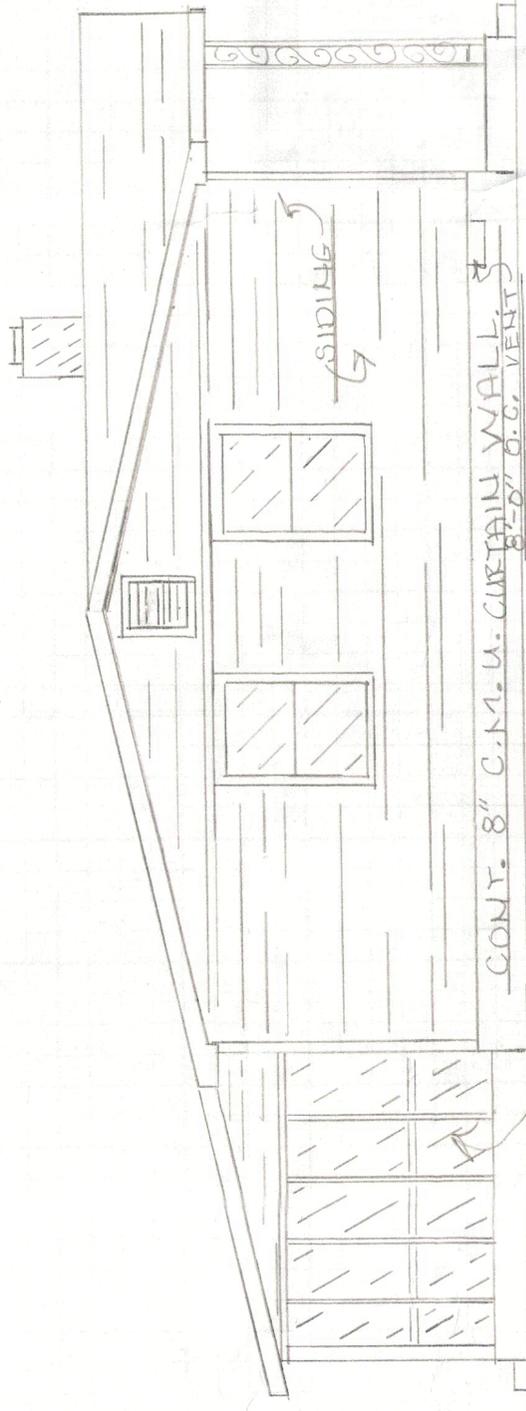
2" X 6" JOIST
1/2" GYPSUM BOARD

3/4" SUB FLOORING
2" X 10" JOIST / 16" O.C.

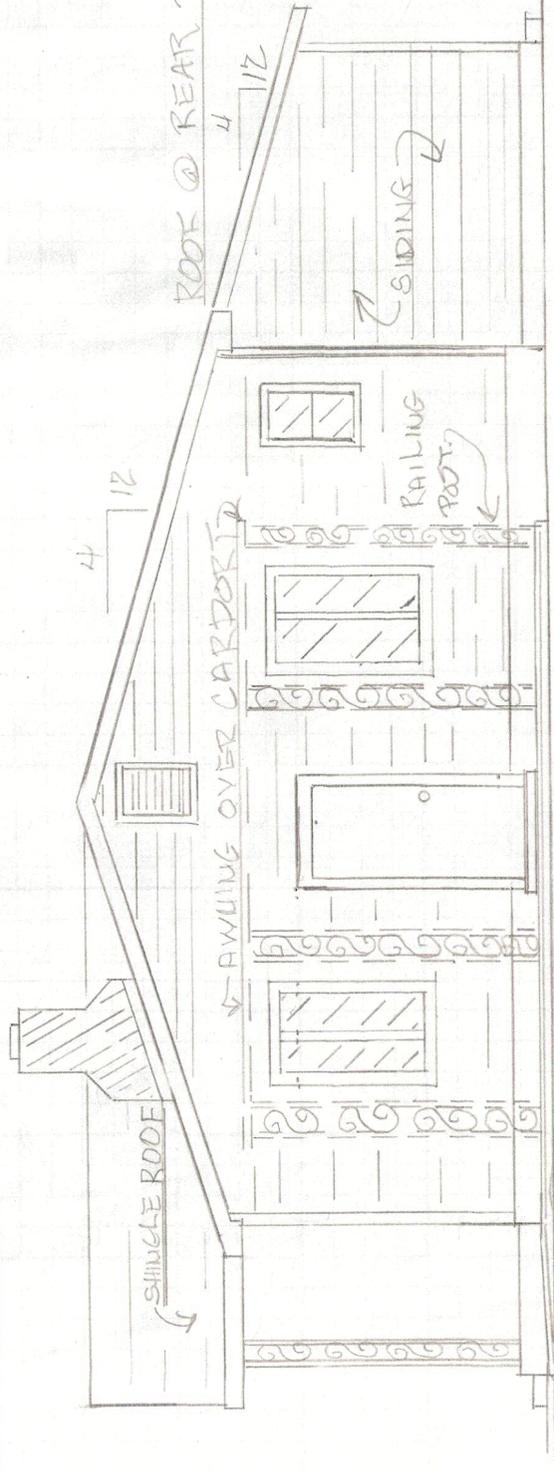
2" X 10" SILL
2" X 8" SILL PLATE

CONTINUES FOOTING @ PERIMETER #4 REBAR (MIN. 2500 P.S.I.)

DETAILS: SCALE: 1/2" = 1'-0"



LEFT SIDE ELEV. SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEV.
SCALE: 1/4" = 1'-0"

PAGE: 3 OF 3
DRAWING BY:
TOMY BOYLES
DATE: 6/21/22



1 September 2023
Board of Zoning Appeals

REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

SE23-001

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a special exception for the development of a single-family residential zero lot line on property zoned Residential Single-Family High Density (RS-HD) district.

GENERAL INFORMATION:

Applicant: Anthony Todd Carnes

TMS: 22015-03-38 and 69

Location: 2813 Padgett Road, Columbia, SC 29061

Parcel Size: 9.28 - acre tract (total)

Existing Land Use: The parcel is currently undeveloped.

Proposed Land Use: The applicant proposes develop a 40 parcel zero lot line subdivision.

Character of Area: The general area consists primarily of single-family detached developments.

ZONING ORDINANCE CITATION:

Table 26-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to authorize single-family, zero lot line (common) subject to the provisions of section 26-152 (d) (10).

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) (10)):

Dwellings, single-family, zero lot line, common.

- a. Use districts: Residential, Single-Family, Medium Density; Residential, Single-Family, High Density.
- b. The lot proposed for zero lot line development must be under the same ownership at the time of initial construction or the owner of adjacent properties must record an agreement or deed restriction in writing to the development of zero setback. The maintenance and drainage easement required in e. below must be provided as part of this agreement and deed restriction.
- c. One (1) dwelling unit shall be placed on one interior side property line with a zero (0) setback and the dwelling unit setback on the other interior side property line shall be a minimum of twelve (12) feet. Patios, pools, garden features, and other similar elements shall be permitted within the twelve (12) foot setback area, provided, however, no structure shall be placed within easements required by e. below.

- d. The wall of a dwelling located on the lot line shall have no windows, doors, air conditioning units, or any other types of openings. An atrium or court shall be permitted on the zero lot line side when such court or atrium is enclosed by two (2) walls of the dwelling unit and a solid wall of at least six (6) feet in height is provided on the zero lot line extending to the front and/or rear of the dwelling unit. Said wall shall be constructed of the same materials as exterior walls of the unit.
- e. A perpetual five (5) foot maintenance easement shall be provided on the lot adjacent to the zero lot line property which shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. Roof overhangs and footings may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot line is controlled by gutters or other approved methods.

DISCUSSION:

Staff visited the site.

The applicant is proposing to develop a 40 parcel zero lot single family residential development.

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. The applicant proposes to erect a privacy fence on the southern portion of the parcel to provide a buffer between the subject site and the adjacent residentially developed property.

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

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

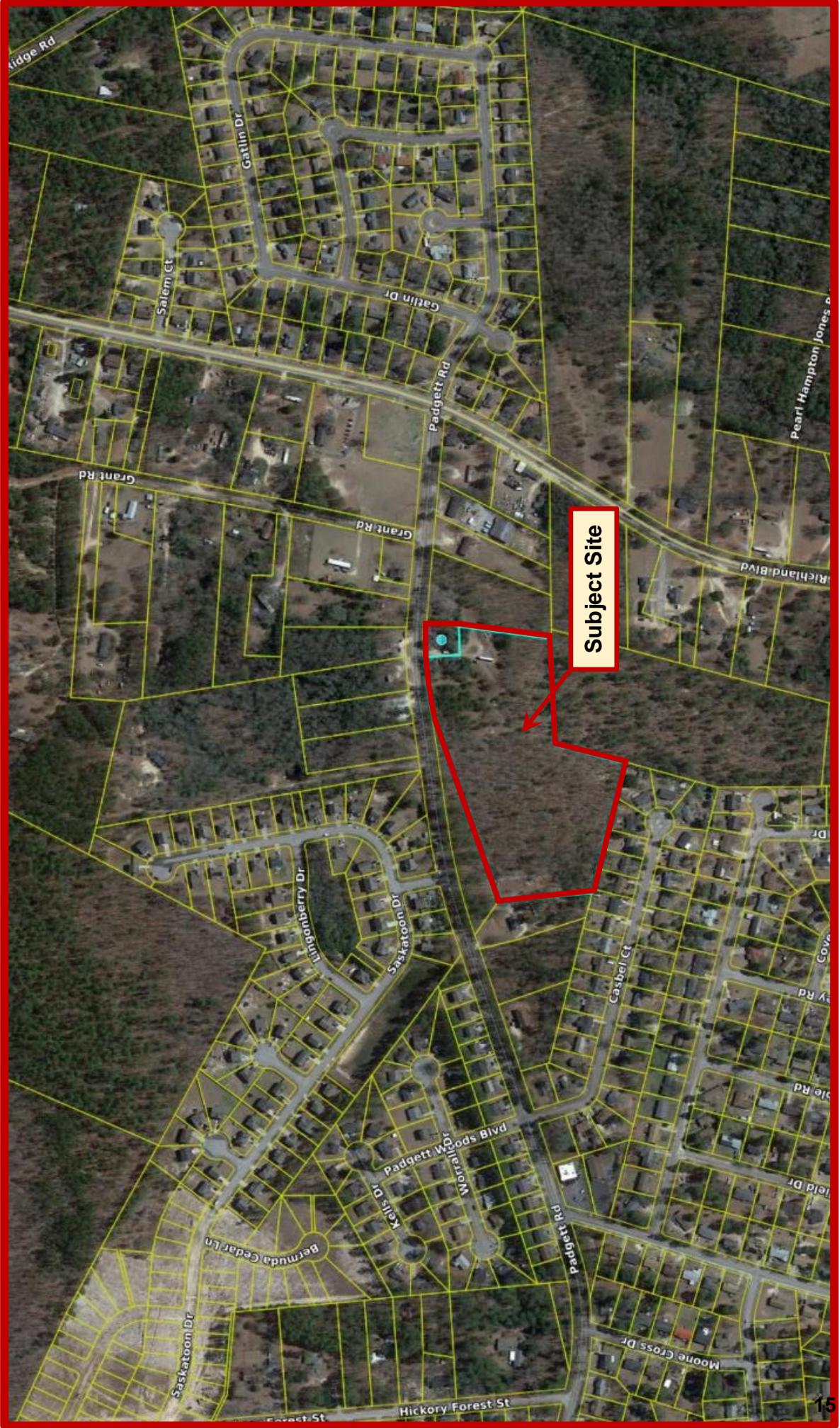
CASE HISTORY:

N/A

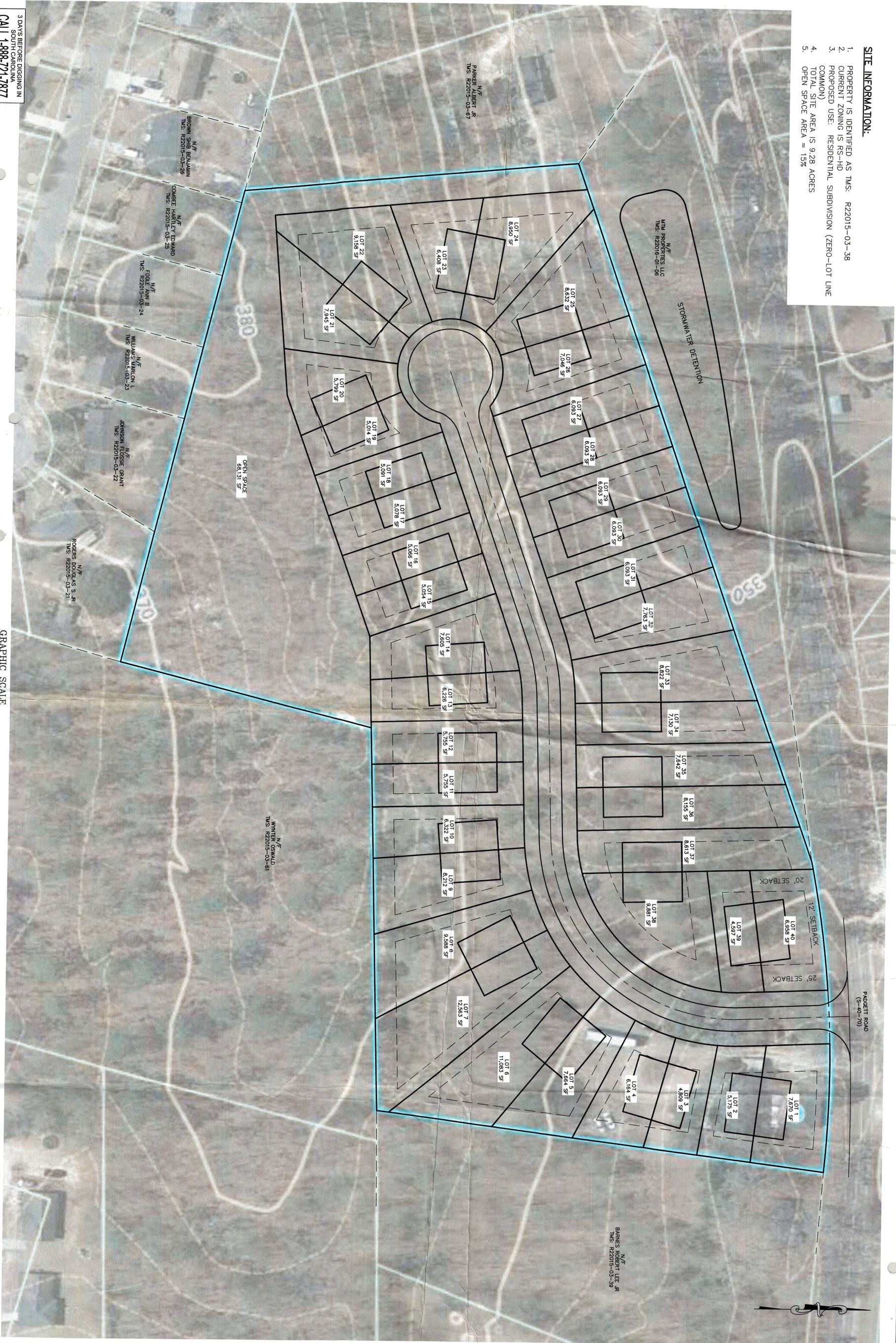
ATTACHMENTS:

- Site plan
- Zoning Application Packet

Case# SE23-001
Anthony Todd Carnes
2813 Padgett Road
Hopkins, SC 29061
TMS# R22015-03-38 and 69



- SITE INFORMATION:**
1. PROPERTY IS IDENTIFIED AS TMS: R22015-03-38
 2. CURRENT ZONING IS RS-HD
 3. PROPOSED USE: RESIDENTIAL SUBDIVISION (ZERO-LOT LINE COMMON)
 4. TOTAL SITE AREA IS 9.28 ACRES
 5. OPEN SPACE AREA = 15%



3 DAYS BEFORE DIGGING IN
 SOUTH CAROLINA
 CALL 1-888-721-1877
 Palmetto Utility Protection Service



<p>PROJECT</p> <p>PADGETT ROAD SUBDIVISION IN RICHLAND, SC</p>	<p>SHEET</p> <p>PRELIMINARY LAYOUT PLAN</p>	<p>#</p> <p>DESCRIPTION</p> <p>DATE</p>	<p>REVISIONS</p>		<p>4D ENGINEERING "SUPERIOR COMPREHENSIVE ENGINEERING SOLUTIONS" WWW.4DENGR.COM CIVIL ENGINEERING</p>



Richland County Government
2020 Hampton Street
Columbia, SC 29204

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Fax (803) 576-2182
