

RICHLAND COUNTY BOARD OF ZONING APPEALS



**Wednesday, 1 May 2024
3 p.m.
Council Chambers**



**Richland County
Board of Zoning Appeals
Wednesday, May 1, 2024
3:00 p.m.**

**Chairman - Robert T Reese
Co-Chairman - Shasai S. Hendrix
David Fulmer • Annette Nelson • DeAnta Reese
Alexander Alderman • Mandy Lautzenheiser**

Agenda

- I. CALL TO ORDER & RECOGNITION OF QUORUM** Chairman Robert T. Reese
- II. PUBLIC NOTICE ANNOUNCEMENT** Chairman Robert T. Reese
- III. ADDITIONS / DELETIONS TO THE AGENDA**
- IV. ADOPTION OF AGENDA**
- V. RULES OF ORDER** Chairman Robert T. Reese
- VI. APPROVAL OF MINUTES: 1 November 2023 and 6 March 2024**
- VII. PUBLIC HEARING** Geonard Price, Zoning Administrator

OPEN PUBLIC HEARING [ACTION]

- 1. Case# ZV23-001** Request a variance to encroach into the required rear yard setback on property zoned Residential Transition District (RT). **District 7**
Mary Dabrowski
1028 Goff Road
Columbia, SC 292229
TMS: R17400-05-09
Page 1
Gretchen Barron
- 2. Case# ZV24-001** Request a variance to encroach into the required setbacks on property zoned Residential Transition District (RT). **District 2**
Richard Clark
619 Piney Woods Road
Columbia, SC 29210
TMS: R04913-03-08
Page 7
Derrek Pugh
- 3. Case# ZV24-002** Request a variance to encroach into the required setbacks on property zoned Residential Transition District (RT). **District 10**
Eric Graves Sr.
1143 Clarkson Road
Hopkins, SC 29061
TMS: R21516-05-01
Page 15
Cheryl D. English
- 4. Case# SE24-001** Request a special exception to establish a residential group home to house youths on property zoned Residential Transition District (RT). **District 7**
Loretta Lewis
817 Longtown Road
Columbia, SC 29229
TMS: R17500-03-41
Page 21
Gretchen Barron

VIII. OTHER BUSINESS

IX. ADJOURNMENT



3 April 2024
Board of Zoning Appeals

REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

SE24-001

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of a children's residential care home on property zoned Residential Transition (RT) district.

GENERAL INFORMATION:

Applicant: Loretta Lewis

TMS: 09700-02-56

Location: 817 Longtown Road, Columbia, SC 29229

Parcel Size: 1.49 - acre tract

Existing Land Use: The parcel is currently occupied by a structure used for church offices.

Proposed Land Use: The applicant proposes to use the property and existing structure to establish a temporary residential care home for children.

Character of Area: The general area consists of parcels dedicated to commercial and institutional uses.

ZONING ORDINANCE CITATION:

Table 26-4.2 (b) of the Land Development Code authorizes the Board of Zoning Appeals to authorize children's residential care home subject to the provisions of section 26-4.2 (d) (2) b.1

CRITERIA FOR SPECIAL EXCEPTION:

(1) Special Exception Decision Standards

The Board of Zoning Appeals shall not approve a special exception permit application unless the Board finds, for all of the following, the proposed use:

- a. Complies with all applicable district-specific standards in Article 26-3: Zoning Districts;
- b. Complies with all applicable use-specific standards in Article 26-4, Use Regulations;
- c. Complies with all applicable standards in Article 26-5, General Development Standards;
- d. Complies with all relevant standards in Article 26-6, Land Development (Subdivision) Standards;
- e. Will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety;
- f. Is compatible with the character of surrounding development and the neighborhood;
- g. Will not have a substantial adverse impact on adjoining properties in terms of noise, lights, glare, vibrations, fumes, odors, litter, or obstruction of air or light;
- h. Will not have a substantial adverse impact on the aesthetic character of the area where it is proposed to be located; and
- i. Will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public.

Special exception requirements as found in section 26-4.2 (d) (2) b.1:

1. Children's Residential Care Home

In the HM, RT, R1, R5, and R6 districts, the following standards apply:

- (a)** The minimum lot size shall be one acre.
- (b)** The front yard setback shall be the same as permitted in the applicable zoning district. Side and rear yard setbacks shall be 25 feet.
- (c)** Parking spaces and drives shall be located a minimum of 20 feet from side and rear property lines.
- (d)** Parking in the front yard is prohibited.

DISCUSSION:

Staff visited the site.

The applicant proposes to temporarily house twelve (12) youths who are awaiting permanent placement by state agencies (i.e., DSS and DJJ). Records indicate that the existing residential structure totals 2,930 square feet (2,377 square feet heated).

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 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.

BOARD OF ZONING APPEALS REVIEW AND ACTION:

The Board of Zoning Appeals shall make a decision on the application in accordance with Sec. 26-2.5(d)(4), Special Exception Decision Standards. The Board's decision shall be one of the following:

1. Approve the application as submitted;
2. Approve the application subject to conditions of approval the Board determines are necessary for the proposed use to comply with Sec. 26-2.5(d)(4), Special Exception Decision Standards; or
3. Deny the application.

OTHER RELEVANT SECTIONS:

Section 26-9.3 Definitions:

Children's Residential Care Home

A staffed residence with a population fewer than twenty children who are in care apart from their parents, relatives, or guardians on a full-time basis.

CASE HISTORY:

N/A

ATTACHMENTS:

- Site plan
- Zoning Application

Case# SE24-001

Loretta Lewis

817 Longtown Road

Columbia, SC 29229

TMS: R17500-03-41





BOARD OF ZONING APPEALS SPECIAL EXCEPTION



1. Location: 817 Longtown Road

TMS Page: 17500 Block: 03 Lot: 41 Zoning District: R4

2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting:

Residential group home

3. Describe the proposal in detail: Facility to temporarily house youths

who are awaiting permanent placement by state agencies.

4. Area attributed to the proposal (square feet): 2377

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 _____ square footage _____

b. Use _____ square footage _____

c. Use _____ square footage _____

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

7. Total number of employees on shift of greatest employment: 4

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.

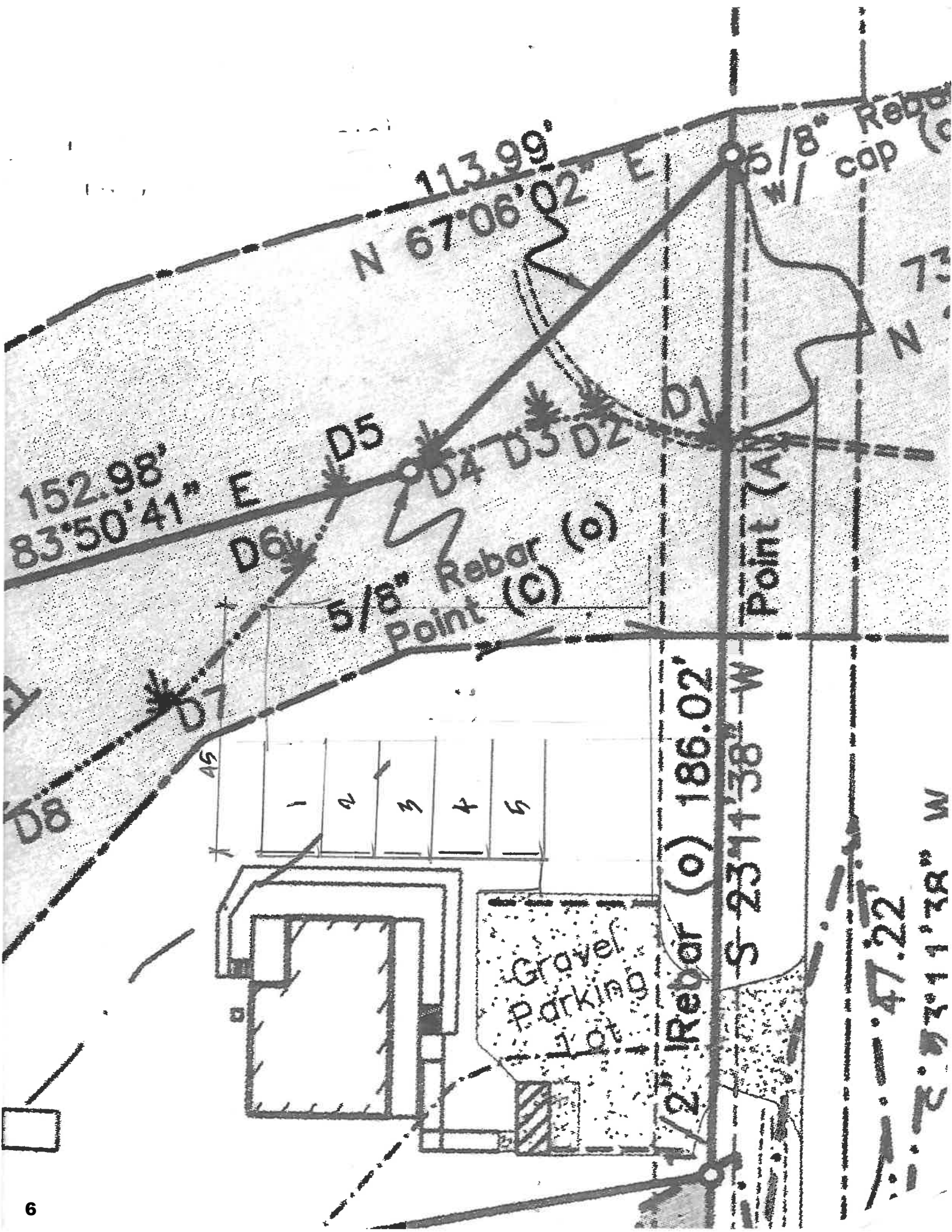
a. Traffic impact: None

b. Vehicle and pedestrian safety: Well established traffic pattern will not be affected

c. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property: NONE

d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view: NONE

e. Orientation and spacing of improvements or buildings: NONE



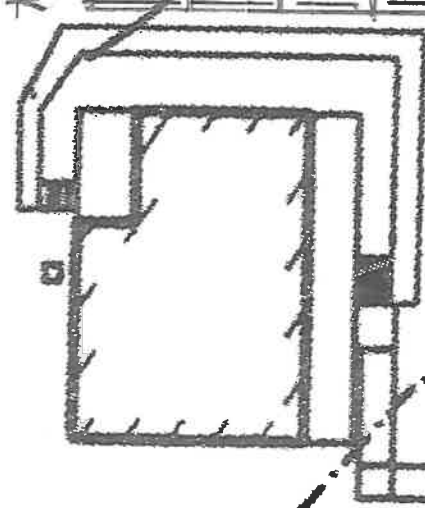
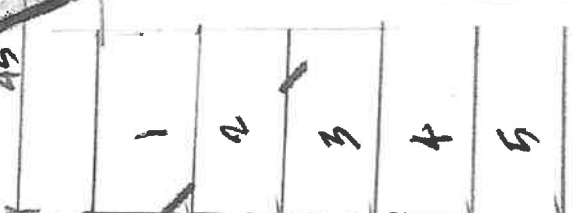
152.98'
83°50'41" E

113.99'
N 67°06'02" E

5/8" Rebar
cap (C)

D8
D7
D6
D5
D4
D3
D2
D1
5/8" Rebar (C)
Point (C)

Point (A)



Gravel
Parking
Lot

1/2" Rebar (O) 186.02'

S 23°11'38" W

47.22'

E 83°11'38" W



REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

ZV24-002

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a variance to encroach into the required rear yard setback in the Residential Transition (RT) district.

GENERAL INFORMATION:

Applicant: Mary Dabrowski

TMS: 17400-05-09

Location: 1028 Goff Road, Columbia, SC 29210

Parcel Size: 1 acre

Existing Land Use: Currently the property is residentially developed.

Proposed Land Use: The applicant proposes establish an accessory structure (garage) which will encroach into the required rear yard setback.

Character of Area: The area along Goff Road is primarily residentially developed.

ZONING ORDINANCE CITATION:

The Board of Zoning Appeals shall have the following powers and duties under this Ordinance:

- a. To hear and decide appeals from a decision of the Zoning Administrator on any of the following:
 1. Permitted Use with Special Requirements (Sec. 26-2.5(f)(1));
 2. Tree Removal Permits (Sec. 26-2.5(h));
 3. Sign Permits (Sec. 26-2.5(i));
 4. Temporary Use Permits (Sec. 26-2.5(l));
 5. Certificates of Zoning Compliance (Sec. 26-2.5(m)); and
 6. Interpretations (Sec. 26-2.5(q)).
- b. To review and decide applications for the following:
 1. Special Exception Permits (Sec. 26-2.5(d)); and
 2. Variances (Sec. 26-2.5(o)).
- c. To hear and decide appeals from any other order, requirement, decision, or determination made by the Zoning Administrator or other authorized staff of the Community Planning and Development Department.

CRITERIA FOR VARIANCE:

Decision Standards for Variance

- a. **The Board of Zoning Appeals shall approve a variance application only on finding the applicant demonstrates all of the following:**
 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 2. These conditions do not generally apply to other property in the vicinity;
 3. These conditions are not the result of the applicant's own actions;
 4. Because of these conditions, the application of the standards in this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

5. 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.
- b. The fact that property could be utilized more profitably if a variance were granted shall not be considered grounds for approval of a variance application.
- c. The Board of Zoning Appeals shall not approve a variance application if the approval would have the effect of:
 1. Allowing the establishment of a use not otherwise permitted in a zoning district;
 2. Extending physically a nonconforming use of land;
 3. Changing the zoning district boundaries shown on the official zoning map;
 4. Decreasing the allowed minimum lot size or the minimum lot width, or in any other manner creating a nonconforming lot; or
 5. Permitting an increase in density allowing more units on a lot than permitted under this Ordinance.

DISCUSSION:

The applicant is proposing to construct a garage that will encroach into the required twenty (20) foot rear yard setback by ten (10) feet. The remainder of the proposed structure will conform to the required setbacks for the RT zoning designation.

According to the applicant, the necessity for the variance is due to a "...semi steep hill" that is located at the rear of the property. Without the granting of the variance, "...the garage would be too far into the property" and that "...the driveway would be too long and steep because of the foundation height." The applicant infers that the existing vegetation (wooded) along the rear property line would serve as a buffer for the adjacent property.

The minimum lot area for a parcel in the RT district is 43,560 square feet. The lot area for the subject site is conforming

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

- a. **Extraordinary and exceptional conditions**
Staff was unable to identify enough of a significant slope on the site to impede construction of the proposed garage.
- b. **Conditions applicable to other properties**
Staff observed that parcels along Goff Road are subject to a gradual decline going east to west.
- c. **Application of the ordinance restricting utilization of property**
Applying the setback requirements for the RT district does not significantly restrict the ability to build or establish a structure on the site.
- d. **Substantial detriment of granting variance**
There would be no substantial detriment to the surrounding properties if the variance is granted.

BOARD OF ZONING APPEALS REVIEW AND ACTION:

The Board of Zoning Appeals shall make a decision on the application in accordance with Sec. 26-2.5(d)(4), Special Exception Decision Standards. The Board's decision shall be one of the following:

1. Approve the application as submitted;
2. Approve the application subject to conditions of approval the Board determines are necessary for the proposed use to comply with Sec. 26-2.5(d)(4), Special Exception Decision Standards; or
3. Deny the application.

CASE HISTORY:

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

ATTACHMENTS:

- Plat
- Picture of the proposed structure
- Application

*Case# ZV23-001
Mary Dabrowski
1028 Goff Road
Columbia, SC 292229
TMS: R17400-05-09*





BOARD OF ZONING APPEALS

VARIANCE APPEALS



Application # 2123-001

1. Location 1028 Goff Rd Columbia, SC 29229
 TMS Page 17400 Block 05 Lot 09 Zoning District RU

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 26-86 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: Building needs to be build with 10 ft toward the rear of the property due to the hill in the yard

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 driveway would be to long and steep because of the foundation height

b) Describe how the conditions listed above were created: The property has a semi steep hill

c) These conditions do not generally apply to other property in the vicinity as shown by: Existing conditions

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 garage would be to far into the property

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: There is still 10 ft of the property behind that is wooded, 20 ft on the side is no problem

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

- a) picture of the plat
- b) picture of the future construction
- c) _____

(Attach additional pages if necessary)

<u>Mary Dabrowski</u>	<u>1028 Goff Rd</u>	<u>803 727-4741</u>
Applicant's Signature	Address	Telephone Number
<u>MARY DABROWSKI</u>	<u>Columbia, SC 29229</u>	_____
Printed (typed) Name	City, State, Zip Code	Alternate Number

Plat Y/1092 Rec. 34878

" I hereby certify that this plat depicts only existing parcels or lots of land which were platted and recorded in the office of Neale Conveyances prior to the survey upon which this plat is based having substantially the same 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.

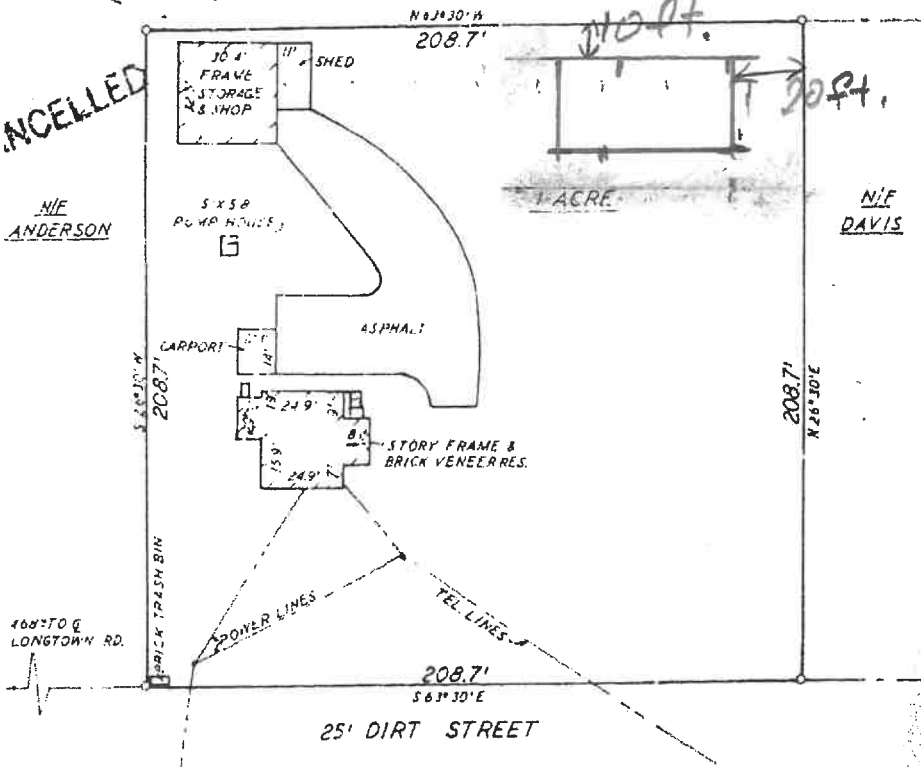
N/E ANDERSON

Robert G. Price, Attorney

ANCELLED

N/E ANDERSON

N/E DAVIS



160770 Q LONGTOWN RD.

y-1092

PLAT PREPARED FOR
EDWIN NEIL HANSEN JR.

NEAR COLUMBIA, S. C.
RICHLAND COUNTY

THE SAME BEING SHOWN ON A PLAT PREPARED FOR EDWARD N. HANSEN
BY KEELS ENGR CO DATED MARCH 4, 1970.

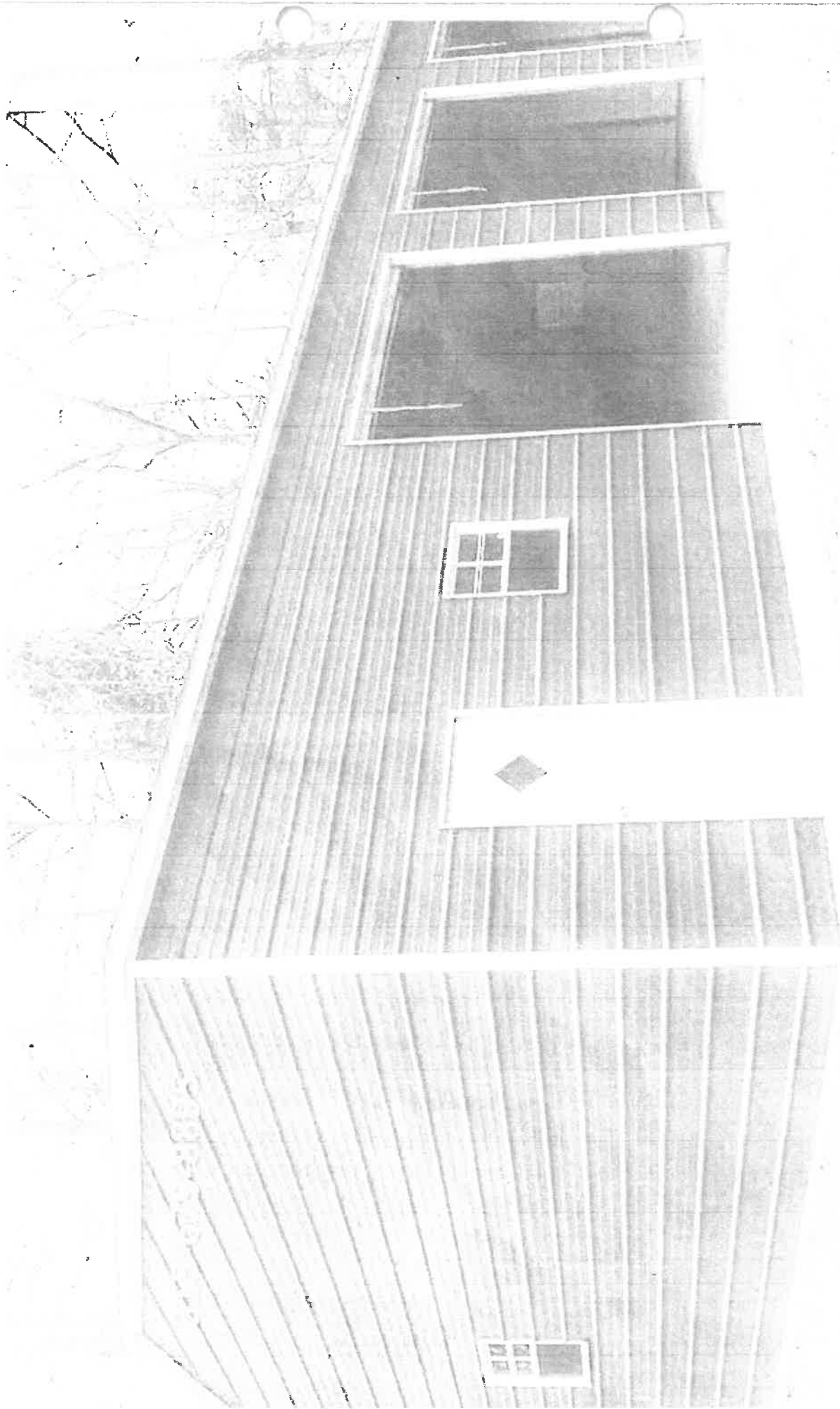
SCALE: 1" = 40'

JANUARY 24, 1978

IRON CORNERS

I HEREBY CERTIFY THAT THE MEASUREMENTS AS SHOWN ON THIS PLAT ARE CORRECT
AND THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

Claude R. McMillan, Jr.
CLAUDE R. McMILLAN, JR., P.E. & P.L.S. NO. 1034

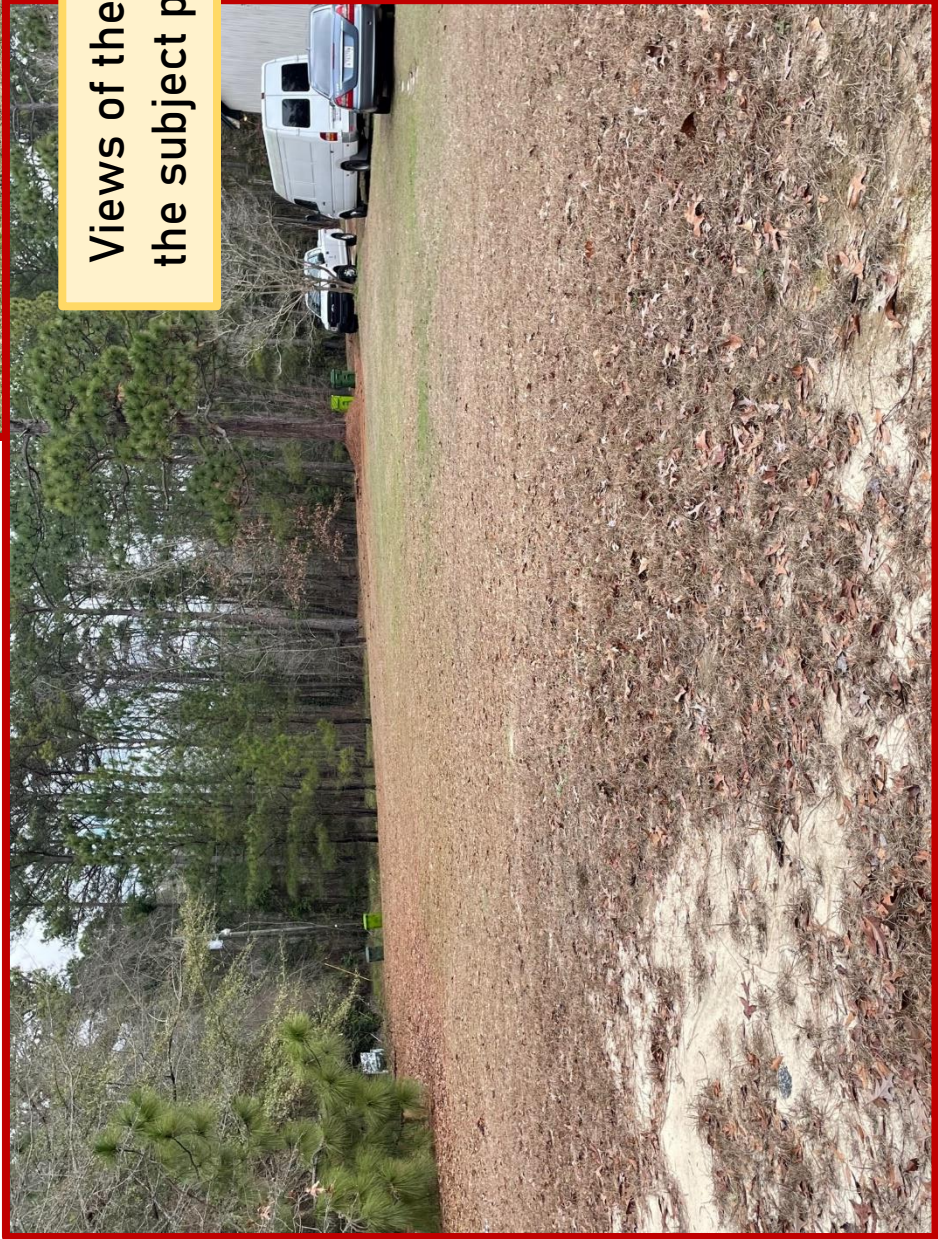


13 Picture of the garage - future construction 1028 Goff Rd

Case# ZV23-001
Mary Dabrowski
1028 Goff Road
Columbia, SC 292229
TMS: R17400-05-09



Views of the rear of the subject property





REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

ZV24-001

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a variance to encroach into the required side and rear yard setbacks in the Residential Transition (RT) district.

GENERAL INFORMATION:

Applicant: Richard A. Clark

TMS: 04913-03-06

Location: 619 Piney Woods Road, Columbia, SC 29210

Parcel Size: .81 acres

Existing Land Use: Currently the property is undeveloped.

Proposed Land Use: The applicant proposes establish a residential dwelling which will encroach into the required rear and side yard setbacks.

Character of Area: The area is primarily residentially developed.

ZONING ORDINANCE CITATION:

The Board of Zoning Appeals shall have the following powers and duties under this Ordinance:

- a. To hear and decide appeals from a decision of the Zoning Administrator on any of the following:
 1. Permitted Use with Special Requirements (Sec. 26-2.5(f)(1));
 2. Tree Removal Permits (Sec. 26-2.5(h));
 3. Sign Permits (Sec. 26-2.5(i));
 4. Temporary Use Permits (Sec. 26-2.5(l));
 5. Certificates of Zoning Compliance (Sec. 26-2.5(m)); and
 6. Interpretations (Sec. 26-2.5(q)).
- b. To review and decide applications for the following:
 1. Special Exception Permits (Sec. 26-2.5(d)); and
 2. Variances (Sec. 26-2.5(o)).
- c. To hear and decide appeals from any other order, requirement, decision, or determination made by the Zoning Administrator or other authorized staff of the Community Planning and Development Department.

CRITERIA FOR VARIANCE:

Decision Standards for Variance

- a. **The Board of Zoning Appeals shall approve a variance application only on finding the applicant demonstrates all of the following:**
 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 2. These conditions do not generally apply to other property in the vicinity;
 3. These conditions are not the result of the applicant's own actions;
 4. Because of these conditions, the application of the standards in this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

5. 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.
- b. The fact that property could be utilized more profitably if a variance were granted shall not be considered grounds for approval of a variance application.
- c. The Board of Zoning Appeals shall not approve a variance application if the approval would have the effect of:
 1. Allowing the establishment of a use not otherwise permitted in a zoning district;
 2. Extending physically a nonconforming use of land;
 3. Changing the zoning district boundaries shown on the official zoning map;
 4. Decreasing the allowed minimum lot size or the minimum lot width, or in any other manner creating a nonconforming lot; or
 5. Permitting an increase in density allowing more units on a lot than permitted under this Ordinance.

DISCUSSION:

The applicant is proposing to construct a residence that will encroach into the required fifty (50) foot rear yard setback by thirty-three (33) feet. The remainder of the proposed structure will conform to the required setbacks for the RT zoning designation.

The minimum lot area for a parcel in the RT district is 43,560 square feet. The lot area (35,284) square feet) for the subject site is nonconforming. In addition, the configuration of the parcel, coupled with the required setbacks, limits the buildable area for the proposed structure.

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 nonconformity of the parcel, specifically the square footage and configuration of the parcel, in addition to the required setbacks for the district, restricts the placement options for the proposed structure.

b. Conditions applicable to other properties

Staff was unable to identify other parcels in the general area of the subject site which are both nonconforming in regards to lot width and restricted by their configurations.

c. Application of the ordinance restricting utilization of property

Applying the setback requirements for the RT district 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.

BOARD OF ZONING APPEALS REVIEW AND ACTION:

The Board of Zoning Appeals shall make a decision on the application in accordance with Sec. 26-2.5(d)(4), Special Exception Decision Standards. The Board’s decision shall be one of the following:

1. Approve the application as submitted;
2. Approve the application subject to conditions of approval the Board determines are necessary for the proposed use to comply with Sec. 26-2.5(d)(4), Special Exception Decision Standards; or
3. Deny the application.

CASE HISTORY:

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

ATTACHMENTS:

- Plat
- Application

Case# ZV24-001
Richard Clark
619 Piney Woods Road
Columbia, SC 29210
TMS: R04913-03-08





BOARD OF ZONING APPEALS VARIANCE APPEALS



Application #

1. Location 619 PINEY WOODS RD COLUMBIA SC
 TMS Page RD4913- Block 03 Lot 04 Zoning District RU
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 26-3.3 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: NEED SET BACK OF 30 FT FRONT OF PROPERTY & 30 FOOT REAR OF PROPERTY 20 FT SIDE SETBACK WILL BE ADHERED TO.
1200 SQ Size of the Residence to be Built
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: WITH CURRENT SET BACKS UNABLE TO BUILD ANY HOME ON THIS LOT.
 - b) Describe how the conditions listed above were created: SHAPE OF PROPERTY
 - c) These conditions do not generally apply to other property in the vicinity as shown by: TAX MAP OF OTHER PROPERTIES ON PINEY WOODS RD COLUMBIA SC 29210
 - 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: UNABLE TO BUILD
 - 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: PROPERTY AT 619 PINEY WOODS RD COLUMBIA HAS A SETBACK OF 20' FROM PINEY WOODS RD WHICH WOULD LEAVE HOUSE 50' OFF ROAD. PROPERTY AT 612 PINEY WOODS RD IS ONLY 25 FT FROM STREET.
5. The following documents are submitted in support of this application [a site plan must be submitted]:
 - a) SITE PLAN - COX & DINKINS
 - b) LOCATION OF 612 PINEY WOODS RD COLUMBIA
 - c) _____

(Attach additional pages if necessary)

Richard A. Clark
Applicant's Signature

1100 BERL MAR
Address

803-237-8832
Telephone Number

Richard A. Clark
Printed (typed) Name

COLUMBIA SC 29212
City, State, Zip Code

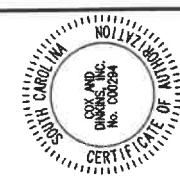
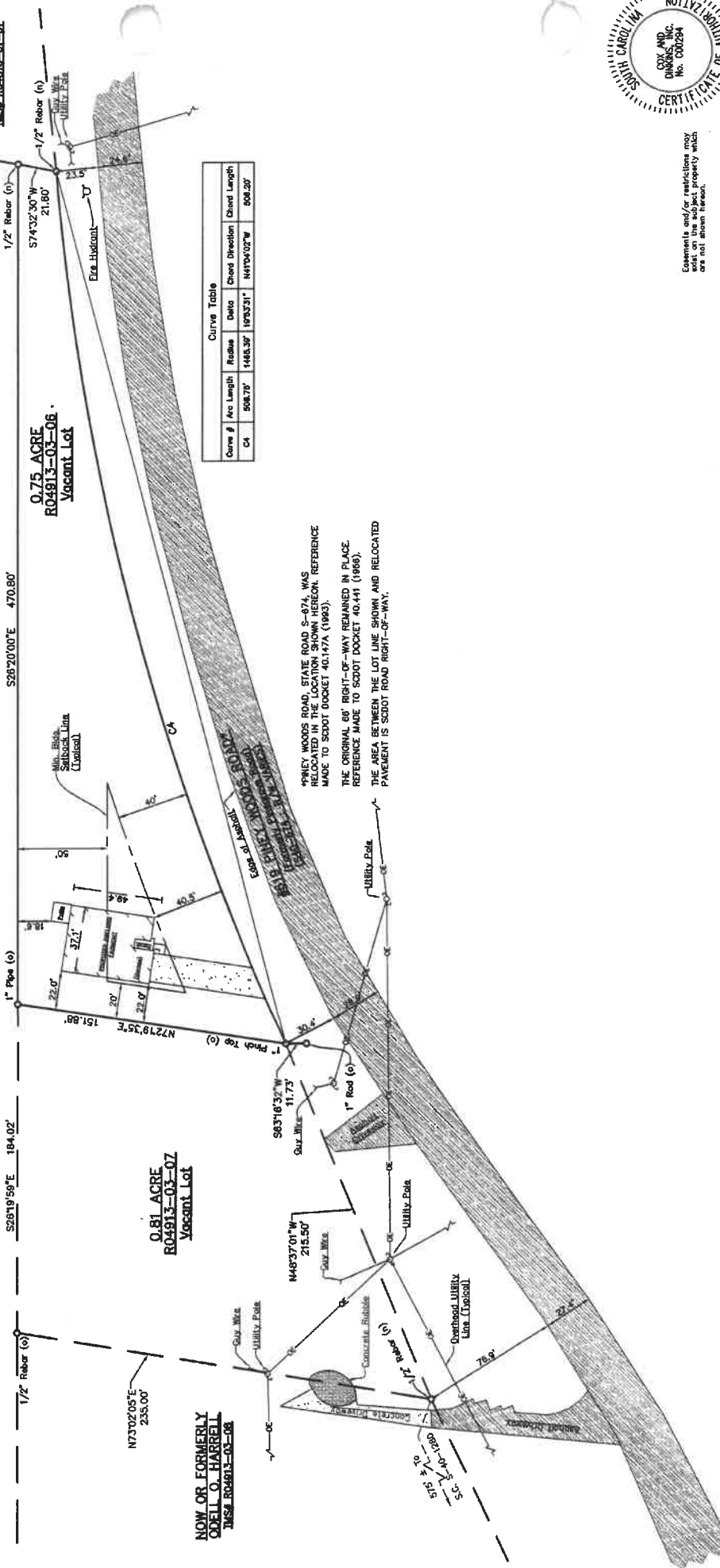
Alternate Number



Handwritten note:
 1/2" REBAR (6)

NOW OR FORMERLY
 RUTH G. SMITH, et al.
 TMS# R04913-03-06

NOW OR FORMERLY
 LEON SMITH
 TMS# R04916-01-01



Comments and/or restrictions may not be shown hereon.

REVISIONS NO. DATE DESCRIPTION		SCALE: 1" = 40' 0' 20' 40' 80'		DATE: FEBRUARY 9, 2024	
COX AND DINKINS ENGINEERS - SURVEYORS - LANDSCAPE ARCHITECTS 704 BELTLINE BLVD. COLUMBIA, SC 29205 803.754.0518 COXANDINKINS.COM		TAX MAP NUMBER: R04913-03-06 & 07		BOOK: 389-58	
DESCRIPTION: PLOT PLAN PREPARED FOR BUILD ON YOUR LAND, LLC		CHK: 5/28		SF NO.: 149-203	
REFERENCES: 1) PLAT OF SURVEY PREPARED FOR NANCY RHETT, BY BENJAMIN H. WHESTONE, DATED NOVEMBER 5, 1965, AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR RICHLAND COUNTY IN PLAT BOOK NO. 389-58, PAGE 678. 2) PLAT PREPARED FOR VERNE WHESTONE, BY JAMES S. MACLELLAN, III, DATED MAY 4, 1970, AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR RICHLAND COUNTY IN PLAT BOOK NO. 37, PAGE 678. 3) PLAT PREPARED FOR GREEN DOOR REAL ESTATE INVESTMENT CO., 389-58, 389-59, 389-60, 389-61, 389-62, 389-63, 389-64, 389-65, 389-66, 389-67, 389-68, 389-69, 389-70, 389-71, 389-72, 389-73, 389-74, 389-75, 389-76, 389-77, 389-78, 389-79, 389-80, 389-81, 389-82, 389-83, 389-84, 389-85, 389-86, 389-87, 389-88, 389-89, 389-90, 389-91, 389-92, 389-93, 389-94, 389-95, 389-96, 389-97, 389-98, 389-99, 389-100.		DWG.: 4N-619PIREYWOODS.dwg		BY: 2/R	
CERTIFICATION: THIS PLAT PLAN DOES NOT REPRESENT A LAND SURVEY, AND IS NOT PREPARED FOR RECORDATION, AND IS NOT SUITABLE FOR SURVEY PURPOSES.		BOOK: 389-58		SF NO.: 149-203	
NOTES: 1. THE FIELD WORK WAS BY ME OR UNDER MY SUPERVISION. 2. I BELIEVE THE INFORMATION AND DATA SHOWN ON THIS PLAN TO BE TRUE AND CORRECT. 3. ALTHOUGH I BELIEVE THE INFORMATION AND DATA SHOWN ON THIS PLAN TO BE TRUE AND CORRECT, I AM NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH MAY OCCUR IN THE CONSTRUCTION OF THE PROJECT. 4. THE INFORMATION SHOWN ON THIS PLAN IS SUBJECT TO ANY CHANGES MADE BY THE CLIENT.		BOOK: 389-58		SF NO.: 149-203	
DRAWER: NO.		TAX MAP NUMBER: R04913-03-06 & 07		BOOK: 389-58	
RICHLAND COUNTY, NEAR COLUMBIA, S.C.		CHK: 5/28		SF NO.: 149-203	



REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

ZV24-002

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a variance to encroach into the required front, side, and rear yard setbacks in the Residential Transition (RT) district.

GENERAL INFORMATION:

Applicant: Eric Graves

TMS: 21516-04-06

Location: 1143 Clarkson Road, Columbia, SC 29210

Parcel Size: .16 acres

Existing Land Use: Currently the property is undeveloped.

Proposed Land Use: The applicant proposes establish a residential dwelling which will encroach into the required front, rear, and side yard setbacks.

Character of Area: The area is mixture of residentially developed and large, undeveloped parcels.

ZONING ORDINANCE CITATION:

The Board of Zoning Appeals shall have the following powers and duties under this Ordinance:

- a. To hear and decide appeals from a decision of the Zoning Administrator on any of the following:
 1. Permitted Use with Special Requirements (Sec. 26-2.5(f)(1));
 2. Tree Removal Permits (Sec. 26-2.5(h));
 3. Sign Permits (Sec. 26-2.5(i));
 4. Temporary Use Permits (Sec. 26-2.5(l));
 5. Certificates of Zoning Compliance (Sec. 26-2.5(m)); and
 6. Interpretations (Sec. 26-2.5(q)).
- b. To review and decide applications for the following:
 1. Special Exception Permits (Sec. 26-2.5(d)); and
 2. Variances (Sec. 26-2.5(o)).
- c. To hear and decide appeals from any other order, requirement, decision, or determination made by the Zoning Administrator or other authorized staff of the Community Planning and Development Department.

CRITERIA FOR VARIANCE:

Decision Standards for Variance

- a. **The Board of Zoning Appeals shall approve a variance application only on finding the applicant demonstrates all of the following:**
 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 2. These conditions do not generally apply to other property in the vicinity;
 3. These conditions are not the result of the applicant's own actions;
 4. Because of these conditions, the application of the standards in this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

5. 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.
- b. The fact that property could be utilized more profitably if a variance were granted shall not be considered grounds for approval of a variance application.
- c. The Board of Zoning Appeals shall not approve a variance application if the approval would have the effect of:
 1. Allowing the establishment of a use not otherwise permitted in a zoning district;
 2. Extending physically a nonconforming use of land;
 3. Changing the zoning district boundaries shown on the official zoning map;
 4. Decreasing the allowed minimum lot size or the minimum lot width, or in any other manner creating a nonconforming lot; or
 5. Permitting an increase in density allowing more units on a lot than permitted under this Ordinance.

DISCUSSION:

The subject parcel is designated to be a corner lot. The required setbacks for a corner lot in the RT district are:

- Front: 40 feet
- Sides: 20 feet
- Rear: N/A

The applicant is proposing to construct a residence that will encroach into the required forty (40) foot front yard setbacks by fifteen (15) feet (Clarkson Road) and thirty-five (35) feet (Second Street) and the internal side yard setbacks by fifteen (15) feet and ten (10) feet.

The minimum lot area for a parcel in the RT district is 43,560 square feet. The lot area (6,900 square feet) for the subject site is nonconforming. In addition, the required setbacks restrict the buildable area for the proposed structure.

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 nonconformity of the parcel, specifically the square footage, in addition to the required setbacks for the district, restricts the placement options for the proposed structure.

b. Conditions applicable to other properties

Staff was unable to identify other parcels in the general area of the subject site which are both nonconforming in regards to lot width and restricted by applicable setbacks.

c. Application of the ordinance restricting utilization of property

Applying the setback requirements for the RT district does 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.

BOARD OF ZONING APPEALS REVIEW AND ACTION:

The Board of Zoning Appeals shall make a decision on the application in accordance with Sec. 26-2.5(d)(4), Special Exception Decision Standards. The Board’s decision shall be one of the following:

1. Approve the application as submitted;
2. Approve the application subject to conditions of approval the Board determines are necessary for the proposed use to comply with Sec. 26-2.5(d)(4), Special Exception Decision Standards; or
3. Deny the application.

CASE HISTORY:

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

ATTACHMENTS:

- Scaled drawing
- Application

Case# ZV24-002
Eric Graves Sr.
1143 Clarkson Road
Hopkins, SC 29061
TMS: R21516-05-01





BOARD OF ZONING APPEALS

VARIANCE APPEALS



Application # 2V 27-002

1. Location 1143 CLARKSON ROAD
 TMS Page 21516 Block 04 Lot 06 Zoning District RU RT
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: construction of a single-family residence with setbacks - Front 25', Side 5', and Rear 10'

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 minimum lot area for a lot within the RU zoning district is 33,000 sq. ft., and the minimum width is 120 ft. whereas this lot is approximately 6,900 sq. ft. with a lot width of 50 ft.

 - b) Describe how the conditions listed above were created: This lot was created in October 1907 prior to zoning (see deed) regulations.

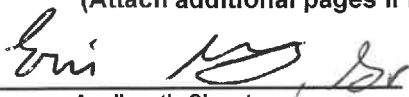
 - c) These conditions do not generally apply to other property in the vicinity as shown by: Most of the lots in this block are larger than this lot.

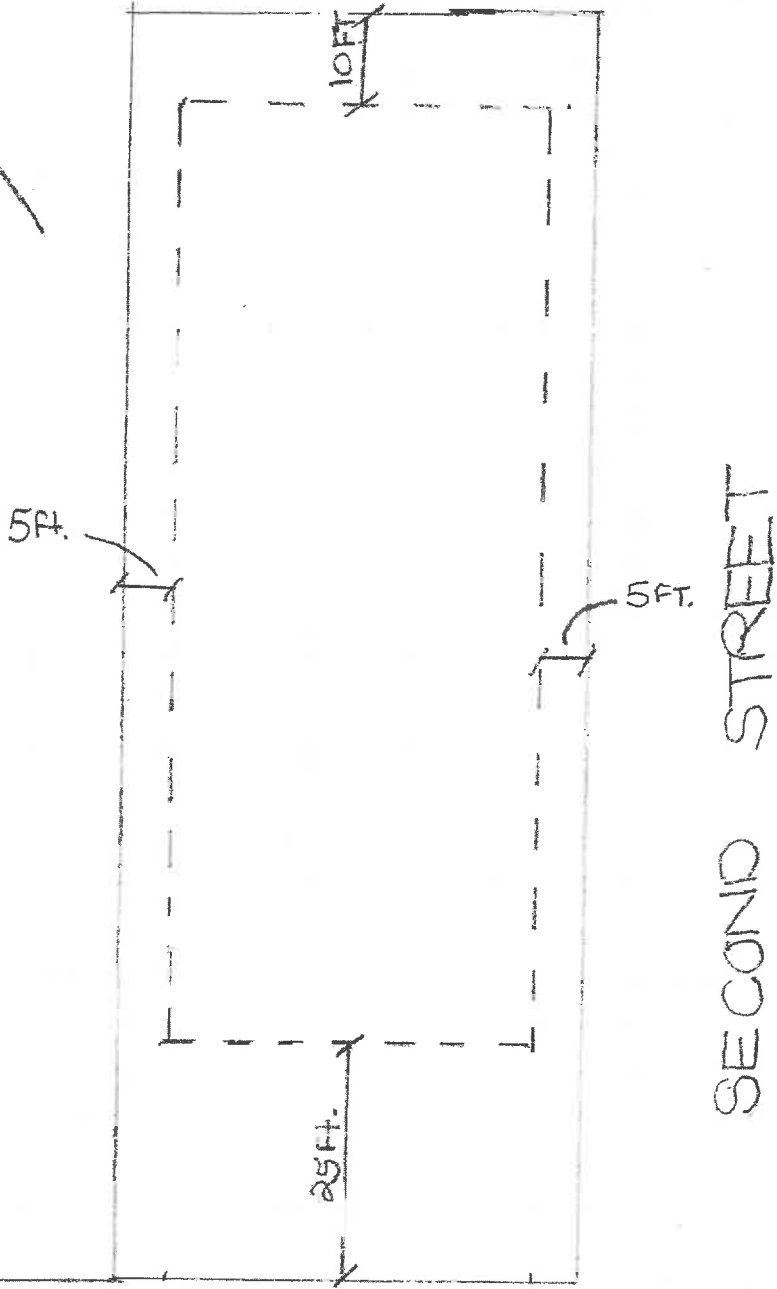
 - d) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: If the setbacks of the RU zoning district are applied to this lot, my house building envelope would be 10 ft.

 - 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 construction of a new single-family residence on this lot will not be a much better use of the property than a vacant lot that is used for dumping.

5. The following documents are submitted in support of this application [a site plan must be submitted]:
 - a) Site plan
 - b) Deed
 - c) Tax Map

(Attach additional pages if necessary)

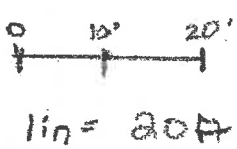
 Applicant's Signature	<u>1 Sleepy Hollow Lane</u> Address	<u>803-479-3260</u> Telephone Number
<u>Eric Graves, Sr.</u> Printed (typed) Name	<u>Hopkins, SC 29061</u> City, State, Zip Code	_____ Alternate Number



TMS#
21516-05-02

CLARKSON ROAD

1143 CLARKSON RD.
SETBACK
VARIANCE



ERIC
GRAVES, SR



Richland County Government
2020 Hampton Street
Columbia, SC 29204

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