

# **RICHLAND COUNTY BOARD OF ZONING APPEALS**



**Wednesday, 4 September 2024  
3 p.m.  
Council Chambers**





**Richland County  
Board of Zoning Appeals  
Wednesday, September 4, 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 May 2024**

**VII. PUBLIC HEARING**

**Geonard Price, Zoning Administrator**

**OPEN PUBLIC HEARING [ACTION]**

**1. Case# ZV24-007  
Henrietta Duncan  
1228 Greenville Circle  
Columbia, SC 29210  
TMS: 07307-01-06**

**Request a variance to exceed the  
maximum square footage for an  
accessory structure on property  
zoned Residential Three (R3).**

**District 4  
The Honorable  
Paul Livingston**

**VIII. OTHER BUSINESS**

**IX. ADJOURNMENT**





4 September 2024  
Board of Zoning Appeals

## REQUEST, DISCUSSION AND RECOMMENDATION

### **CASE:**

ZV24-007

### **REQUEST:**

The applicant is requesting the Board of Zoning Appeals to grant a variance to exceed the maximum square footage for an accessory structure in the Residential Three (R3) district.

### **GENERAL INFORMATION:**

*Applicant:* Henrietta Duncan

*TMS:* R07307-01-06

*Location:* 1228 Greenville Circle, Columbia, SC 29210

*Parcel Size:* 1.34 acres

*Existing Land Use:* Currently the property is residentially developed.

*Proposed Land Use:* The applicant proposes to construct a 1,200-square-foot accessory structure, which, when combined with the existing accessory structure, would exceed the allowable total square footage for accessory structures.

*Character of Area:* The area is comprised of residentially developed 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 property currently contains a 2,566-square-foot residential structure and a 910-square-foot (26 x 35) accessory structure. The applicant is proposing to construct an additional 1,200-square-foot accessory structure, which would bring the total accessory structure square footage to 2,110 square feet.

According to section 26-4.3 (b) (4) of the LDC, "...the total gross floor area of all accessory structures on any lot in a Residential district shall not exceed 50 percent of the gross floor area of the principal building on the lot or 1,200 square feet, whichever is greater."

Staff believes that the subject request meets does not meet 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 extraordinary and/or exceptional conditions to the subject prop.

**b. Conditions applicable to other properties**

N/A.

**c. Application of the ordinance restricting utilization of property**

Applying the square footage provisions for accessory structures would not restrict the utilization of the property.

**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
- Support and summarization document



Case# ZV24-007  
Henrietta Duncan  
1228 Greenville Circle  
Columbia, SC 29210  
TMS: 07307-01-06







LINE TABLE		
LINE	BEARING	LENGTH
L1	N37°30'34"W	25.03

NOTE:  
THIS LOT MAY CONTAIN EASEMENTS  
AND SETBACKS OF RECORD.

**BALSAM ROAD**  
(FORMERLY ARLINGTON ROAD)  
(50' R/W)

MAGNETIC

Book 2934-3963  
2024/02/19 08/25/2024 15:19:51:170  
Fee: \$25.00 County Tax: \$0.00 State Tax: \$0.00  
Plat Standard  
2024/02/19 08/25/2024 15:19:51:170  
John T. Hopkins II  
Richland County R.O.D.

LOT 37  
BAREFOOT  
(N/F)  
TMN 07307-04-03

LOT 38  
TMN 07311-01-06

LOT 39  
MOORE  
(N/F)  
TMN 07311-01-02

existing Building

Proposed Building

LOT 43  
JOYNER  
(N/F)  
TMN 07307-04-07

LOT 42A  
TMN 07307-04-06

LOT 42B  
FOSTER  
(N/F)  
TMN 07307-04-05

ONE STORY  
BRICK VENEER  
RESIDENCE  
#1228

ALL IMPROVEMENTS  
NOT SHOWN

330'± TO  
ATLANTIC DR.

EDGE OF ASPH.

**GREENVILLE CIRCLE**  
(50' R/W)

LOT NEAR COLUMBIA, IN RICHLAND COUNTY, SC; DESCRIBED AS LOT 38 & A MAJOR PORTION OF LOT 42, BLOCK G, SHOWN ON A MAP OF HUFFMAN HEIGHTS, BY TOMLINSON ENGR. CO., DATED AUGUST 3, 1936, STAKED JUNE 5, 1945, AND RECORDED IN PLAT BOOK K, PAGE 37, IN THE R.O.D. OFFICE FOR RICHLAND COUNTY. T.M.N. 07307-04-06 & T.M.N. 07311-01-02 (P.O.).  
ADDITIONAL REF.: RECORD BOOK 1015, PAGE 3105, RECORD BOOK 2529, PAGE 3406 & RECRD BOOK 1921, PAGE 3684.

PLAT PREPARED FOR

**HENRIETTA DUNCAN**

\*REVISED TO UPDATE ADJACENT OWNERS ONLY &  
COUNTY REDLINE, NO NEW FIELD WORK COMPLETED\*

BEN WHETSTONE ASSOCIATES  
1321 AUGUSTA ROAD  
WEST COLUMBIA, SC 29169  
PHONE ( 803 ) 791-8467

\*REVISED MAY 20, 2024  
\*REVISED MAY 17, 2024  
DECEMBER 15, 2020\*  
SCALE: 1"= 30'



I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

*Benjamin H. Whetstone*  
BENJAMIN H. WHETSTONE, R.L.S.  
S.C. REGISTRATION NUMBER 2904

FLOOD INFORMATION:  
THIS LOT IS NOT LOCATED IN A FLOOD ZONE  
PER FEMA MAP #45079C0239L, DATED  
12/21/2017. THIS LOT IS LOCATED IN ZONE "X"

APPROVED FOR RECORDING

Date 6/25/2024

RCF # AD24-084

Signature

A



# BOARD OF ZONING APPEALS

## VARIANCE APPEALS



Application #

224-007

- Location 1228 Greenville Circle  
TMS Page R07307 Block 01 Lot 06 Zoning District R3
- 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 26.4.3 of the Richland County Zoning Ordinance.
- Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows: Allow accessory building for storage that exceeds that provided for in code.
- 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.
  - There are extraordinary and exceptional conditions pertaining to the particular piece of property as following: Property exceeds "normal" residential lot size. This residential lot approximates 1.3 acres. Existing accessory building built pre-1950 and is in good condition
  - Describe how the conditions listed above were created: Existing structure on property (built pre-1950) prevent additional accessory building to be built under current code -
  - These conditions do not generally apply to other property in the vicinity as shown by: Subdivision created in 1945. This lot is comprised of four lots from original subdivision. Most surrounding lots are .3 acre.
  - 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 available storage extraordinary lot size calls for extraordinary storage
  - 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: Extraordinary lot size allows for extraordinary storage that will not be a detriment to adjoining properties or to the public good. Character of neighborhood will be maintained.
- The following documents are submitted in support of this application [a site plan must be submitted]:
  - Plat with structure drawn in
  - Drawing of proposed Bldg
  - Picture - Front view
  - Picture - Rear View
  - Narrative of Application Request

(Attach additional pages if necessary)

Henrietta Duncan  
Applicant's Signature

1228 Greenville Circle  
Address

803-798-0236 home  
Telephone Number

Henrietta Duncan  
Printed (typed) Name

Columbia SC 29210  
City, State, Zip Code

803-730-5191 cell  
Alternate Number

Property Owner: Henrietta Duncan  
Property address: 1228 Greenville Circle, Columbia, SC 29210  
Telephone: 803.798.0236 (hm) or 803.730.5191 (cell)  
TMS: R07307-04-06 and R07311-01-06 (recently combined)  
Combination recorded Deed Book 2934 Page 3963  
Zoning: R3 Tax District: 1UR

This document is to support and summarize my application for zoning variance.

The above referenced TMS numbers were recently combined, 1228 Greenville Circle is my personal residence. The second lot, I refer to as "the garden" or "rear yard". This property is in an older neighborhood, established in 1945. I purchased both lots (though not at the same time) from the family that originally purchased the lots when the subdivision was established. The original family retained four lots from the subdivider and kept all the property together. The result is that I now own approximately 1.3 acres, while other lots in the neighborhood have approximately .3 (three tenths) acre. My intention is to keep the entire property (1.3 acres) I own intact.

I am applying for a zoning variance to be able to build a metal building to be used as storage/garage space. The building will be used for storage of cars, a boat, lawn equipment and other "workshop" type materials and equipment I recently inherited from my mother.

There is an existing accessory building that exists on my property - I refer to this building as "the barn". "The barn" is a wooden structure (26' x 35') probably built before 1950, which was built and originally used as a horse stable. It has two dirt floor horse stable rooms, two additional dirt floor open areas and two rooms with concrete floors that can be used for storage. The center room, previously used for feed storage has concrete block walls, the remaining area is made of wood. My best guess is that "the barn" was built in the mid 1940's. When I purchased the garden, I put a new roof on "the barn" and maintained it for storage, but it does not have adequate storage for even a riding lawn mower, much less a car or boat. I think the nostalgia of "the barn" adds charm to the property and represents the history of our neighborhood (Huffman Heights). It is a sturdy, well-built wooden structure.

My plan is to build additional storage to house lawn equipment, "extra" vehicles, a boat and other "workshop" type equipment that has been stored at my mother's home (1210 Balsam Road). My mother passed away August of 2022 and I would like to sell that home, and therefore need to have somewhere to store the property that is now in her Two car garage/workshop.

There is not adequate space to build an attached garage onto my house. Because of the way the house sits on the lot and the existence of established trees and overhead power lines, there is not adequate room to build the equivalent of a two-car garage close to the house.

There is adequate space in the portion of the property that I refer to as "the garden" for the equivalent of a two-car garage that I want to build. My plan is to construct a metal building (30' x 30') building with a 10' lean to on the side, which would result in a 30' x 40' footprint (concrete pad). When I started my quest for a building permit, I learned there is a restriction on the volume of space that can be used for accessory buildings. The two structures would exceed the 1200 sq ft allowance but would take up less than 7% (seven percent) of the "rear yard" of my property. My existing personal residence takes up 7.3% of the "front yard" portion of my property.

My request for a zoning variance would allow me to build an additional accessory building while retaining "the barn". The placement of a garage type building on "the garden" or "rear yard" portion of my property would not interfere with the esthetics of the neighborhood and would in fact improve esthetics by giving me space to store lawn equipment, extra cars and a boat in an enclosed structure rather than have those things stored outside, under tarps.

I thank you in advance for your consideration.

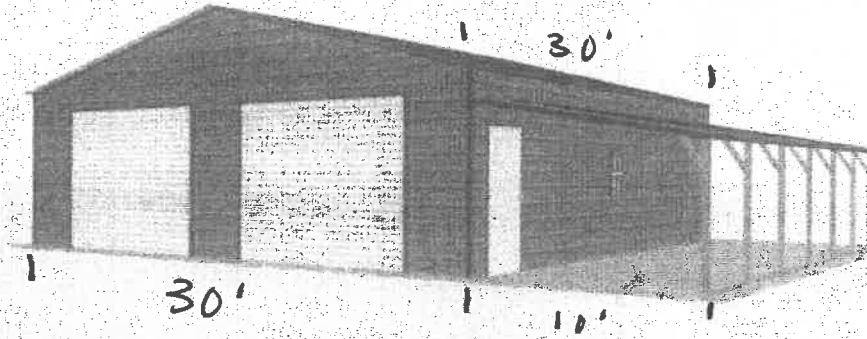
Respectfully submitted,

*Henrietta Duncan*

Henrietta Duncan  
1228 Greenville Circle  
Columbia, SC 29210

Tele: 803.798.0236  
cell 803.730.5191





VIEW IMAGE 1

Proposed Building







Richland County Government  
2020 Hampton Street  
Columbia, SC 29204

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

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