

BOARD OF ZONING APPEALS
June 4, 2025

Present: Alexander Alderman, David Fulmer, DeAnta Reese, Mandy Lautzenheiser, Merrell Johnson; Absent: Shasai S. Hendrix, Annette Nelson

Called to order: 3:10pm

ACTING CHAIRMAN ALDERMAN: Alright, so thank you all for coming. We'll go ahead and get started with the Agenda. First item on the Agenda is gonna be to call, the Call to Order and Recognition of Quorum. Mr. Price.

MR. PRICE: I'll do a roll call. Hendrix? Fulmer?

MR. FULMER: Here.

MR. PRICE: Nelson? Reese?

MR. REESE: Here.

MR. PRICE: Alderman?

ACTING CHAIRMAN ALDERMAN: Here.

MR. PRICE: Lautzenheiser?

MS. LAUTZENHEISER: Here.

MR. PRICE: Johnson.

MR. JOHNSON: Here.

MR. PRICE: Alright, we have a quorum.

ACTING CHAIRMAN ALDERMAN: Alright, seeing that we have a quorum we'll go ahead a move to the next item, Public Notice Announcement. In accordance with the Freedom of Information Act a copy of the Agenda was sent to the radio and television stations, newspapers, persons requesting notification and posted on the bulletin board located in the county administration office. At this time I will present the Rules of Order.

1 The Board of Zoning Appeals is a *quasi*-court. It will take evidence that's presented and
2 it will hopefully render a decision today for each case. The way that the mechanics of this
3 works will, the way the mechanics of this will work is that the applicant will be allotted up
4 to 15 minutes to present their case. Anyone that is signed up in opposition will be granted
5 up to three minutes each to present their opposition. And then the applicant, if necessary,
6 will be allotted up to five minutes for rebuttal. The Board can extend those times at its
7 discretion as needed. The Board may have questions for the applicant and also potentially
8 for anyone signed up to speak. The Agenda is ordered as the Board requires to conduct
9 business. Usually, the cases are ordered based on the filing date. Some cases may take
10 longer than other cases, depending on the complexity of the case, the issues at hand,
11 number of witnesses, etc. When you are called to testify, please address your remarks to
12 the Board. No exchanges between the speaker and the audience. Please no audience
13 demonstrations or testimony other than from the podium. You are under oath and are
14 being recorded so please don't promise to do something that you're not prepared to do.
15 Don't fail to say something that's material to what you intend to do. And please speak into
16 the microphone. In terms of evidence presented this is not as formal as court. We will
17 accept documents that you've submitted, including any kind of last minute submissions
18 that you may bring today, and those items you submit will be weighed appropriately.
19 Cases can either be approved, denied or they could also be granted a conditional decision
20 based on meeting certain conditions. The decisions are final when the Minutes are
21 approved, which is typically one month from the meeting or at the next scheduled meeting.
22 If you take any action before the decision is final you proceed at your own risk. Any person
23 who may have a substantial interest in the decision rendered by the Board today may

1 request a reconsideration of this decision prior to the approval of the Minutes. This
2 reconsideration request must be based on a specific error made by the Board. And if you
3 have an issue you may obtain more information about this process from Mr. Price, the
4 Zoning Administrator. Once the request for reconsideration has been exhausted, any
5 persons with a substantial interest in a decision of the Board may appeal to the Circuit
6 Court, and those appeals must be filed within 30 days after the decision of the Board has
7 been mailed, and that does not occur until after the Minutes have been approved. If you
8 are unhappy with the Board's decision today please follow the reconsideration and appeal
9 process. Please do not voice your displeasures if you're frustrated with the Board. A few
10 housekeeping items - please silence or turn off your cell phones or pagers. Please make
11 sure that your name is on the sign in sheet for each case. If you need to come and go,
12 please do so quietly as needed. The Board may have occasion to enter into executive
13 session or recess. Anyone that's planning to provide testimony today, please rise to be
14 sworn in. Okay, is it James Bernstein? Okay. Alright. Alright, please raise your right hand.
15 Do you swear or affirm that the testimony you shall give shall be the truth, the whole truth
16 and nothing but the truth, so help you God?

17 AUDIENCE MEMBERS: I do.

18 ACTING CHAIRMAN ALDERMAN: That concludes the Public Notice
19 Announcement. Moving to the Elections or do we need to approve –

20 MR. PRICE: So we do have that on the Agenda, however, if you would care to we
21 can just defer that until the July meeting.

22 ACTING CHAIRMAN ALDERMAN: Okay, so I need to –

23 MR. PRICE: If that's the will of the Board.

1 ACTING CHAIRMAN ALDERMAN: Do we need a motion for it?

2 MR. PRICE: Yes.

3 ACTING CHAIRMAN ALDERMAN: Okay. The next item is gonna be Item III which
4 is Election of Officers. We will, although we do have a quorum we will forego that to the
5 next meeting because all Members are not present to elect. So I'll entertain a motion at
6 this point to move the Election of Officers to July.

7 MR. REESE: Motion to move.

8 ACTING CHAIRMAN ALDERMAN: Second. It's been, there's been a motion and
9 properly seconded to move the Election of Officers to the next scheduled meeting.

10 MR. PRICE: Alright, those in favor of the motion to defer to the July Board of Zoning
11 Appeals meeting the Election of Officers, Lautzenheiser?

12 MS. LAUTZENHEISER: Aye.

13 MR. PRICE: Reese?

14 MR. REESE: Aye.

15 MR. PRICE: Alderman?

16 ACTING CHAIRMAN ALDERMAN: Aye.

17 MR. PRICE: Fulmer?

18 MR. FULMER: Aye.

19 MR. PRICE: Johnson?

20 MR. JOHNSON: Aye.

21 MR. PRICE: Alright, that motion passes.

22 *[Approved: Lautzenheiser, Reese, Alderman, Fulmer, Johnson; Absent: Hendrix, Nelson]*

1 ACTING CHAIRMAN ALDERMAN: Okay. We're gonna move on, with that being
2 said we're gonna move on to the next item which is gonna be Additions/Deletions to the
3 Agenda. And I believe we're referring to the – yeah, this Agenda.

4 MR. PRICE: Yes.

5 ACTING CHAIRMAN ALDERMAN: Additions or deletions to this current Agenda.

6 MR. PRICE: So there are two items, if you look at Item VII which is the Approval
7 of Minutes, this, that should be, actually read October the 2nd, 2024 versus '25. And also
8 Item IX which, under Other Business which is a reconsideration of Case ZV24-007 for
9 Henrietta Duncan, that is being deferred to the July meeting.

10 ACTING CHAIRMAN ALDERMAN: So I need to do those separately, right, need
11 to do approval of the Minutes first or do I need to lump them, can I lump them together?

12 MR. PRICE: You can, actually you can just go ahead and approve the Agenda with
13 the amendments as referenced.

14 ACTING CHAIRMAN ALDERMAN: That being said we'll move on to the next item
15 which is gonna be Additions/Deletions to the Agenda. I'd like to entertain a motion to
16 approve the Agenda at this time.

17 MR. REESE: Motion to approve the Agenda.

18 MR. FULMER: I second.

19 MR. PRICE: Alright, we have a motion to approve the adoption of the Agenda with
20 the amendments that was previously referenced. Those in favor, Lautzenheiser?

21 MS. LAUTZENHEISER: Aye.

22 MR. PRICE: Alderman?

23 ACTING CHAIRMAN ALDERMAN: Aye.

1 MR. PRICE: Reese?

2 MR. REESE: Aye.

3 MR. PRICE: Fulmer?

4 MR. FULMER: Aye.

5 MR. PRICE: Johnson?

6 MR. JOHNSON: Aye.

7 MR. PRICE: Alright, that motion passes.

8 *[Approved: Lautzenheiser, Alderman, Reese, Fulmer, Johnson; Absent: Hendrix, Nelson]*

9 ACTING CHAIRMAN ALDERMAN: Alright, that being said we will move on to the
10 next item which would be Rules of Order. I believe I covered that, right?

11 MR. PRICE: Yes, sir.

12 ACTING CHAIRMAN ALDERMAN: In the public announcement. So that being said
13 we'll move on to the Approval of the Minutes for October 2nd, 2024. I'll entertain a motion
14 at this time.

15 MR. FULMER: I would like, I would like to first get my spelling of my name
16 corrected and with that [inaudible] a motion –

17 MR. PRICE: Oh, you're talking about on the Minutes, okay.

18 MR. FULMER: I thought that's what we were doing.

19 MR. PRICE: No, no, your name corrected on the Minutes is what you're referring
20 to, yes sir.

21 ACTING CHAIRMAN ALDERMAN: Okay, got it.

22 MR. REESE: I second that motion.

1 ACTING CHAIRMAN ALDERMAN: Okay, there's been a motion to approve the
2 Minutes of October 2nd, 2024 with the correction of the name entered and I will accept a
3 – no, a second at this time, yes. Thank you.

4 MR. PRICE: I think Mr. Reese seconded.

5 ACTING CHAIRMAN ALDERMAN: Mr. Reese seconded? Okay. Gotcha. It has
6 been moved and properly seconded that the Minutes be approved from October 2nd,
7 2024.

8 MR. PRICE: Alright, those in favor of the approval of the Minutes, Johnson?

9 MR. JOHNSON: I think I should abstain as I was not on the Board at that time.

10 MR. PRICE: Okay. And we can, we can go over that for future reference regarding
11 attendance and also the approval of Minutes also. Cause in a nutshell you don't
12 necessarily have to be in attendance for the case that you're approving the Minutes of,
13 what you're doing is you've had the opportunity just to read the Minutes and review them
14 and if there's something that you have noticed within there you can also, you can speak
15 on that. But if you don't notice any type of errors within those Minutes you are eligible to
16 take a vote on them.

17 MR. JOHNSON: Well with that said then I change my vote.

18 MR. PRICE: Alright, so you would be –

19 MR. JOHNSON: I approve, yes.

20 MR. PRICE: Okay, Lautzenheiser?

21 MS. LAUTZENHEISER: Approve.

22 MR. PRICE: Alderman?

23 ACTING CHAIRMAN ALDERMAN: Approve.

1 MR. PRICE: Reese?

2 MR. REESE: Approve.

3 MR. PRICE: Fulmer.

4 MR. FULMER: Yes.

5 MR. PRICE: Alright, so that motion passes.

6 *[Approved: Johnson, Lautzenheiser, Alderman, Reese, Fulmer; Absent: Hendrix, Nelson]*

7 ACTING CHAIRMAN ALDERMAN: Alright, that being said we'll move on to the
8 next item on the Agenda which would be the Public Hearing and we'll defer to Mr. Price
9 at this time.

10 **CASE NO. ZV25-002:**

11 MR. PRICE: Okay. Our first item, actually our only item for consideration before
12 the Board today is Case ZV25-002. The Applicant is requesting the Board of Zoning
13 Appeals to grant a Variance to reduce the required number of off street parking spaces
14 for a multi-family residential development. The Applicant is James Bernstein and the
15 property is located at 2015 Blythewood Crossing Lane, tax map R14800-02-27. The
16 parcel is a 30.33 acre tract that's currently undeveloped. The Applicant is proposing to
17 construct a 300 unit multi-family residential development. The area is comprised of a lot
18 of residential developments, multi-family, and there's also some commercial in the nearby
19 area. Again, as part of the Variance process the Applicant has to prove that the criteria
20 for granting a Variance have been met, and again as, I guess a reminder that all of the
21 conditions have to be met, it's not a matter of, you know, one or two but they're and, so
22 you would have to ensure that all of these have been met. Staff has reviewed the request
23 and I'll kind of go into a little more information on this. The Applicant is proposing, again,

1 to construct a 300 multi-unit, multi-family residential development. According to Table 26-
2 5.2(d)(1) of the Richland County Land Development Code a minimum number of required
3 off street parking spaces for a multi-family dwelling is two spaces per unit. Based on this
4 requirement the proposed development would require 600 off street parking spaces. The
5 Applicant is requesting a Variance from this standard to allow for a reduction of the
6 number of off street parking spaces from 600 to 500, which comes out to about 1.67
7 parking spaces per unit which is reduction of 100 parking spaces. According to the
8 Applicant, and there was some additional information provided to you, but according to
9 the Applicant the constraints of the site due to existing wetlands and its proximity to I77
10 and Wilson Boulevard, also known as Highway 21, restrict the full developmental potential
11 of the property and its ability to provide for residential growth that's critically needed to,
12 due to local job growth in the immediate area. Staff has reviewed the request and looked
13 at the standards that must be met in order for a Variance to be approved. Under the
14 extraordinary and exceptional conditions Staff was unable to identify extraordinary and
15 exceptional conditions to the subject property. Again, so conditions applicable to other
16 properties, there were none being that we weren't able to find any conditions. Application
17 of the ordinance restricting utilization of the property, applying the minimum off street
18 parking standards would not restrict the utilization of the property. It still could be
19 developed. And it's also been determined that if the Variance were to be granted there
20 would be no substantial detriment to the surrounding properties. But however, being that
21 all of the criteria, all the standards could not be met Staff recommends that the request
22 be disapproved.

1 ACTING CHAIRMAN ALDERMAN: Alright, thank you Mr. Price. We will now hear
2 from the Applicant at this time. So Mr. Bernstein, if you would you have 15 – well yeah,
3 I'm sorry, over here, you have 15 minutes at this time. You can please just –

4 MR. LORD: Mr. Bernstein's gonna wait for questions and Mr. Livingston and I are
5 gonna take it –

6 ACTING CHAIRMAN ALDERMAN: Okay, but – whichever order, you've got your
7 – you can use, yeah either one.

8 **TESTIMONY OF LAYTON LORD:**

9 MR. LORD: Okay. Perfect. Okay, thank you. I'm Layton Lord with Maynard
10 Nexsen, I represent the developer and I reside at 2416 Terrace Way, Columbia, South
11 Carolina. And with me is Paul Livingston, our engineer from Civil Engineering of Columbia
12 to answer the really hard, detailed questions. And Jay Bernstein, the developer, is here
13 also. We appreciate the help that Staff always gives us on these projects and we
14 appreciate what Staff has done to help us with this. And we respect that Staff's job is to
15 read the Code very strictly and apply the Code exactly the way it's written. However, we're
16 before you now and we appreciate the opportunity because you guys are a *quasi*-judicial
17 body that has the ability to vary from the words of the Code. And that's what we're asking
18 right now is for a variance from the Code because we believe we meet all the criteria, we
19 disagree with Staff on that, and we believe the Variance is a fairly small ask because this
20 project meets all the requirements that Richland County has for this project. The only
21 requirement we need a Variance from is onsite parking. Richland County ordinance
22 requires two spots per unit and we would like 1.67 spots per unit. And the reason is, and
23 Mr. Livingston will go in more detail, this site is very constrained. If you look at the map, I

1 don't know if the map can be shown, I77's one place, Wilson Boulevard's another place,
2 and we've got wetlands on this site. And the wetlands really constrain us, I mean, we
3 could ask the Army Corps of Engineers to fill wetlands but we don't think that's in the best
4 interest of Richland County and this site to fill wetlands for surface parking, primarily
5 because we don't think we need two spots per unit. Mr. Livingston's gonna talk about
6 some studies that we've had done to show we need far fewer spots and the developer
7 has other sites including one in Columbia, South Carolina that is about 1.67 spots per unit
8 and we have no parking problems. And as you all know if the developer has parking
9 problems they're gonna hear from the residents. If you pull in after work and you can't
10 get a parking place you're gonna go to the management company and the developer and
11 complain and they're gonna fix it. So this is an issue that the developer feels strongly
12 about because they wanna rent every one of these apartments. They don't wanna create
13 a parking, an apartment complex where people don't wanna rent units because that's
14 against their business. And I strongly believe from the studies and from their experience
15 with other units that two per unit is over parking for a project like this. This project is very
16 important to Richland County because it's true workforce housing and it's true workforce
17 housing very close to one of the biggest economic development projects in Richland
18 County. This is where people from Scout are gonna be renting apartments so it's a great
19 location, it's close to that site and as you all know with real estate you can't pick your
20 sites, you've gotta find a site that somebody'll sell you that works, that's zoned properly,
21 and the developer has found a great site approximate to where it needs to be for
22 workforce housing for the Scout project, and it works except for the parking and that's
23 what we're asking y'all for the help on. And one of the things that I wanna emphasize is

1 we disagree that the site's not constrained, we think it's very constrained. We think that's
2 one of the extraordinary reasons that we're before you today. And most importantly as
3 the Staff Report says, if you all grant this Variance it will cause no detriment to any area
4 landowners. So in other words it won't hurt anyone in this area to grant this Variance. But
5 it will allow this project to go forward as planned. So it's very important to us. I'm gonna
6 turn it over to Patrick Livingston and let him tell you a little bit about the facts about other
7 sites and the constraints since he's the engineer on the site looking at it.

8 **TESTIMONY OF PATRICK LIVINGSTON:**

9 MR. LIVINGSTON: Thank you all for letting us appear today, we appreciate the
10 opportunity. As mentioned the site itself as you can see –

11 MR. PRICE: If you could give your name and address.

12 MR. LIVINGSTON: oh, okay. Even if I don't live in Richland County?

13 MR. PRICE: Yes.

14 MR. LIVINGSTON: Okay. My name is Patrick Livingston. I live at 112 Silvercreek
15 Land, Lexington, South Carolina 29072. Again, I thank you all for letting us be here. As
16 previously mentioned we do have a constrained site, as you can see on the map we've
17 got I77 to the east and north of it, we've got an extraordinary amount of wetlands kinda
18 to the southeast, it's about half of, about half of the site actually is wetlands, and then of
19 course on the west we have Wilson Boulevard and also existing developments that we're
20 kinda working around there. As far as the Variance we're asking, there are some projects
21 in the area that our developer has worked on, one being Colonel Bluffs Apartments that
22 is located in Northeast Columbia. It was designed, it has 288 units, 576 total bedrooms,
23 and 478 parking spaces were provided for that development. That is a ratio of 1.6 spaces

1 which is what we're asking for here. And you can further break that down into .83 spaces
2 per bedroom. The project here is 300 total units, 522 total bedrooms with 500 parking
3 spaces proposed. And as I mentioned that's the same ratio, 1.6 spaces per unit. If you
4 break it down to bedrooms it's .96 spaces per bedroom. And it should also be noted we
5 would like you to note that the Colonel Bluffs apartments have a larger ratio of three
6 bedroom apartments which means more than likely it would be more people driving and
7 living there in those apartments than these that are proposed before you. In addition to
8 this information in your packet you've got some studies from some other apartment
9 complexes; one is in Charlotte and one is in Maryland, and both of those studies were
10 taken to determine how much parking was utilized at peak hours. And in both cases they
11 didn't come close to utilizing their parking they had onsite during peak hours. In fact, I
12 believe the Charlotte one was 83% of the spaces were used in peak hours and then the
13 Maryland project it was even lower than that. So it's, we feel confident that the 1.6
14 variance would not be a detriment to the project itself. Obviously having the local project
15 Colonel Bluffs, they've had no complaints about parking, the City's had no complaints
16 about parking, people are renting there, it's a, as far as I know it's a fully rented facility.
17 So again, we would just ask for your consideration and appreciate the time.

18 MR. LORD: Thank you. I just wanted to finish by hitting on a couple of the points.
19 Again, as mentioned we think it is extraordinary and exceptional because of the
20 constraints of the site and trying to be close to a place that needs workforce housing in
21 Richland County. Secondly, we don't think that this, and the Staff agrees, will cause any
22 detriment to any other parties nearby. And you know, not having this Variance will, will
23 restrict the site, restrict the use of the site, could require filling of wetlands which we think

1 is completely unnecessary. And so we ask that you call give us consideration for this
2 Variance that we think is in the best interest of Richland County, meets the requirements
3 for a Variance and that's it. If y'all have any questions for us. Mr. Bernstein's here also,
4 so.

5 ACTING CHAIRMAN ALDERMAN: I'm sorry, you finished with your presentation?

6 MR. LORD: Oh yeah, finished. Yes. Available for questions, thank you.

7 ACTING CHAIRMAN ALDERMAN: Yep, gotcha. Alright, so we've heard from the
8 Applicant at this point so now we'll, now we will move into a period discussion.

9 MR. PRICE: Well, I think before you go into that I think you offer for each one of
10 the, the Members of the Board intends to ask questions that they may have of the
11 Applicant or one of the presenters.

12 ACTING CHAIRMAN ALDERMAN: Thank you. So at this time I will open the floor
13 to any Board Members with questions.

14 MR. JOHNSON: I do have a question. Does that, do you happen to have the stats
15 for Colonel Bluffs in regards to the parking ratios at peak hours?

16 MR. LORD: Yes, Patrick can tell you. And one of the points that I wanted to make
17 is that in, I just heard this from a Richland County employee, there's six parking places
18 for every car in Richland County. So.

19 MR. FULMER: Yeah, and I have problems getting a parking space.

20 MR. LIVINGSTON: Yeah, so what was the, the question was what were the
21 statistics on Colonel Bluffs?

22 MR. JOHNSON: Yes.

1 MR. LIVINGSTON: Okay, so Colonel Bluffs is a 288 unit complex, 576 total
2 bedrooms, has 478 total parking spaces which equates to 1.6 spaces per unit. Which is
3 what we're asking for here. And as I mentioned before it has a higher ratio of three
4 bedroom units. These are mostly, what, single double units?

5 MR. BERNSTEIN: 114 one bedroom, 150 [inaudible] bedrooms [inaudible].

6 MR. LIVINGSTON: So being that it has less, less ratio of three bedroom units the
7 logic there would be that this would require even less parking than that, but we still provide
8 the same ratio as that complex. So that's how we would confidently make that comparison
9 that we have enough parking on this project.

10 MR. JOHNSON: And I'm looking forward [inaudible] parking ratio [inaudible]?

11 MR. LIVINGSTON: We do not have that information for Colonel Bluffs that I'm
12 aware.

13 MR. BERNSTEIN: We don't have that information for Colonel Bluffs, just that we
14 regularly monitor the parking lot and have heard no complaints from residents about any
15 issues with parking.

16 MR. JOHNSON: Thank you.

17 MR. FULMER: I've got a question. Did, the problem I've got is we've got the LDC
18 and it clearly states what the limits are, did you consider coming and trying to change the
19 LDC? I don't even know how hard it is to change. Because all we're doing is, if we
20 [inaudible] take that ratio and it seems like it would be good for everywhere. But yet the
21 LDC says it's, it's, that ratio is the ratio. So why wouldn't you try to change the Code?

22 MR. LIVINGSTON: I guess that would be more of a County question.

1 MR. PRICE: So what you're referring to, of course, is an amendment to the current
2 Land Development Code and in order to make a text amendment it would need to be
3 initiated by either four parties or bodies within the County; the Planning Commission,
4 Planning Director, the County Administrator or County Council. So if it's the will of either
5 one of those based on the number, you know, the factors of course, and it's determined
6 that it makes sense it would have to be introduced in that manner. And as I think as you
7 just stated, and it would be something that would be applicable throughout the County for
8 all multi-family development, not any specific one.

9 MR. LORD: Yeah, and Mr. Fulmer we thought that a Variance was the better
10 course because we think this site is unique because of the physical constraints of major
11 highways and wetlands. And we thought, we didn't want to dive into changing the whole
12 Code for everybody but we thought we fit the requirements of a Variance so that's why
13 we took that route.

14 MR. FULMER: I've got a follow up. On the [inaudible] these are Corps of Engineer,
15 this is just what they put out there? I mean, have you walked it? Is it actually wet or is it
16 just there [inaudible]?

17 MR. LIVINGSTON: It has been delineated and approved so it's been approved by
18 the Corps, it's been walked by a wetland scientist, so it is a valid determination and we're
19 confident of that.

20 MR. LORD: Yeah, it would, Mr. Fulmer again it would have to be approved by the
21 Corps for filling and mitigation and all that kinda thing. And again, we, we could do that, it
22 would be very expensive and time consuming and would delay the project, but we just

1 don't think it's necessary because we believe we can do everything we need to do on the
2 existing site if we have this parking Variance, so.

3 ACTING CHAIRMAN ALDERMAN: So my first one I just wanna start out, is the
4 apartment complex, are you planning to have it a gated community? I know the Palisades
5 next to it out here, I'm very familiar with the area, I know the Palisades is a gated
6 community. I'm just proposing if you plan to have it gated or not?

7 MR. BERNSTEIN: No, we have no plans for the community to be gated at this
8 time.

9 ACTING CHAIRMAN ALDERMAN: What would be your, what would be the plans
10 to prevent additional people from entering the strictly confined spaces in the event that
11 you do not have enough parking spaces? And you know, cause I'm getting somewhere,
12 I'm trying to get somewhere with it because if it's not gated and you do not have enough
13 spaces per Code, then that is gonna present additional issues with only really having –
14 cause you can't have .6 of parking space, .67 of a parking space, right? You either have
15 one or not, right? So it's gonna boil down to the 300 residents that you are preparing to
16 build it for having one parking space and then the remainder of the parking spaces will be
17 up for grabs if you do not have the area controlled. Just a suggestion. And then – well go
18 ahead, I'll let you respond to that as well.

19 MR. BERNSTEIN: Right, I would just say based on the surrounding land uses we
20 don't anticipate any parking from nonresidents in the area. We're bordered by a 7-11
21 that's directly in front of us which we don't anticipate having overflow parking. And the
22 Palisades is, is far enough away we don't anticipate any of their residents parking in our
23 parking lot at this time.

1 ACTING CHAIRMAN ALDERMAN: I mentioned the Palisades because they do
2 have, they sorta need to have the community gated, which would be an extra protection
3 or to control the strictly confined parking spaces already. So I said that to say as an
4 enhancement and possibly suggesting to, if there was a Variance or if it would meet the
5 exception, that that would be considered, which brings me to the next question. So does
6 the number have to be 300? Because 250 would work under the normal parking spaces
7 and allot two parking spaces because if you have an apartment complex, right, what do
8 you propose to offer a tenant, a resident of your apartment, do you propose to offer them
9 one parking space and then rest of the parking spaces are up for grabs or do they have
10 two parking spaces that come with the each apartment, considering that you don't have
11 a gated community to control that?

12 MR. BERNSTEIN: Sure, and I would start off by saying as long as it's allowable by
13 Richland County we would be open to gating the community if that's something that I think
14 would put everyone's minds at ease. In terms of parking we don't anticipate having
15 assigned parking spaces at this time outside of any potential garage units that would be
16 on the property. We have worked really hard with the engineer to evenly distribute the
17 parking spaces around the site so that each building has adequate parking in and around
18 it so that you won't have all of the parking in one cluster next to one building, but it'll be
19 spread out equally through the property.

20 ACTING CHAIRMAN ALDERMAN: So let me ask this question, so you have
21 parking spaces in an apartment complex as you also have storage or garage spaces as
22 well. So if you assign one parking space [inaudible] at 300 parking spaces –

23 MR. BERNSTEIN: Yes.

1 ACTING CHAIRMAN ALDERMAN: - that leaves you about, I guess left over would
2 be 200.

3 MR. BERNSTEIN: Two hundred additional spaces.

4 ACTING CHAIRMAN ALDERMAN: So 200 additional spaces and those would
5 need to be utilized for the – you know what I'm talking about, the garage spaces that you
6 can get, rent it that comes with some apartments that can rent that for storage space? So
7 would those be included in the, the 500 as well, the 200 be included?

8 MR. BERNSTEIN: Yes, those would be –

9 ACTING CHAIRMAN ALDERMAN: Are you understanding what I'm asking you?

10 MR. BERNSTEIN: Sure.

11 ACTING CHAIRMAN ALDERMAN: Because if everyone gets one parking space,
12 that's 300 parking spaces. That means we have 200 parking spaces to give in overage
13 and to provide additional storage for items, cars, storage units, capacities or whatnot. So
14 what would be your plans to, to you know, to address that, I guess I'm asking?

15 MR. BERNSTEIN: Yeah, I think with this being workforce housing one thing that,
16 you know, and we build tons of workforce housing all throughout South Carolina, and you
17 know, one of the things that we have realized is that, you know, there, there are a lot of
18 single parent households that, that live there. And so we find that at these communities
19 often there's an over parking whereas residents would really prefer more green space
20 and not impacting wetlands. And so that's how we derived the number. In terms of the
21 garages, yes those, those are part of the 500 parking total if that, that were listed. It's not
22 a significant number of garages and we've found that most people who want garages

1 typically use them for parking. Now there's not a requirement that you use it for parking
2 but, but we have found that typically those are used for parking.

3 ACTING CHAIRMAN ALDERMAN: And could you, could you relate to the concern
4 that maybe with this being said that an exception wouldn't be, because it could be 250,
5 right? You all created 300.

6 MR. BERNSTEIN: Yes.

7 ACTING CHAIRMAN ALDERMAN: So what would be the issue with reducing it to
8 250 to make, fall in compliance?

9 MR. BERNSTEIN: Right, and I think that ultimately when we looked at it the options
10 were do something that's not as good for everybody, which is impact wetlands in the
11 County and put a big parking lot against the interstate to meet the requirement, so it would
12 be negative for the County, it would be negative for us from an economic standpoint to
13 have fewer units on the same tract of land. And so I think when we looked at it holistically
14 this seemed to be what made the most sense and to be in the best, we felt like all of the
15 interests of all parties would be more in line.

16 MR. JOHNSON: Is public transportation, is there a bus line out there?

17 MR. BERNSTEIN: I'm not sure at the moment. I would anticipate –

18 ACTING CHAIRMAN ALDERMAN: It does [inaudible]. [Inaudible] reaches out that
19 far.

20 MR. LORD: Geo might know this but the plant probably will have something. I know
21 Samsung, Boeing, all those plants typically move people privately around. But I don't
22 know that and I don't know if Geo knows that either.

23 MR. PRICE: No.

1 MR. LORD: Okay, yeah. One of the issues with the site was that, and the question
2 about 250, 275, 300, is that we wanted to utilize the site, give it the proper, give it the
3 proper density. And we believe this density and the parking we're asking for is appropriate
4 compared to the studies and other projects that they have. So if you do an, less 50 units
5 that's less 50 workforce units in that area of Richland County for people to rent. So
6 somebody else has gotta build another project down the street to build more units. So I
7 think the County supports density where you can have it because that, you've got your
8 services there, you've got your water and sewer, you've got everything, and rather than
9 have 200 here and 100 there and 100 there and spread out and have sprawl, you got it
10 right on this one site. And we think it supports the parking that we need. So again, we
11 advocate the density because we think the site can sustain and serve the density well.

12 MR. PRICE: Excuse me, Mr. Chair, Board. Mr. DeLage has identified on our GIS
13 system some common bus stops and bus routes. It looks like they currently run along
14 Carolina Pines Drive but also I believe from discussions with Comet that they will be
15 extending their route going up into Blythewood.

16 ACTING CHAIRMAN ALDERMAN: Are there any more questions from the Board
17 before we enter a period of discussion?

18 MR. REESE: [Inaudible]

19 MR. PRICE: Excuse me, make sure you speak into the microphone.

20 MR. REESE: No, you all pretty much asked the questions that I had. As far as
21 design plans maybe or alternate design plans [inaudible].

22 MR. FULMER: I would like to make the comment, I mean, I hear what you're saying
23 but I also, I'm concerned about the, if you've got the LDC saying one thing and it's good

1 that we not adhere to that it seems like that should be changed, not a Variance. That's
2 just my opinion.

3 ACTING CHAIRMAN ALDERMAN: [Inaudible]

4 MR. PRICE: Microphone.

5 ACTING CHAIRMAN ALDERMAN: I was just stating for them it's a singular thing
6 so it's not, pretty much the greater good, not so much I think. If it impacts positively to the
7 greater good then fine but they have to meet within the constraints of [inaudible] their
8 plan, their budget, the capacity of the location. So it just, I'm looking at it and it just, I think
9 although, I think – would you be willing to re[inaudible] those, that 300 number? I think if
10 we can get you guys in compliance, because what it looks like and what I'm hearing is
11 that you all have made a plan that would serve a good purpose, right, but there's no
12 flexibility on there. So there's no standard deviation, there's 300 set, there's not, like 300
13 with 15 going either way or anything like that, and if we can get to that number or get to
14 some type of compromise I don't, I'm not seeing an exception for it because it's like, we
15 want build 300 units here, it doesn't meet the parking requirement, it's for the greater good
16 but there's no compromise at all or no flexibility on your end with the proposal, other than
17 what you've done in other cases that may not apply specifically to this case. You get what
18 I'm saying? In this area, which is Blythewood, highly growing community, you have no
19 protections on controlling the amount of people who park in those limited spaces without
20 a gate. You're already at limited spaces cause you really only have, can provide one
21 space per person and then the rest of the 200 are gonna be scrounged over, get what I'm
22 saying, cause you only can really give one space per unit. And it's just, it just feels like or
23 I think just hearing things that you all are set on 300, that's your number for the space,

1 that's gonna fill your financials if you will, but there's not a compromise because there's
2 not any direction in going towards the 250 so you call can be in compliance with the
3 ordinance. I know you all want an exception but there's no, you get what I'm saying,
4 there's no, hey maybe we could go to 275, maybe we could go to 250 and this is what it
5 looks like for us so we can be compliance and you can actually move forward and you
6 can probably propose something else that will get you the additional 100 spaces, but
7 there's no compromise there. And I just wanted to say that for the Record. Doesn't require
8 a response, if you want to, but.

9 MR. LORD: No, let me check with the developer real quick if we could just sidebar
10 for a second?

11 ACTING CHAIRMAN ALDERMAN: Yeah, yeah.

12 MR. LORD: Cause really, I mean, they way they designed it was this is the density
13 this site will support, and the idea being that, you know, you're gonna need, you're gonna
14 need 1,000 units out in Blythewood for this plant.

15 ACTING CHAIRMAN ALDERMAN: That's what I'm saying, at this point you either
16 have 250 or nothing at all –

17 MR. LORD: Right.

18 ACTING CHAIRMAN ALDERMAN: - is what I'm saying, according to the law is
19 what I'm saying, it's according to what's already in place –

20 MR. LORD: Yeah.

21 ACTING CHAIRMAN ALDERMAN: - and without the exception you either have
22 250 so you're in compliance or you don't have anything at all and it's, the whole thing is
23 a bust, you get what I'm saying? So I'm trying –

1 MR. LORD: I do, I do.

2 ACTING CHAIRMAN ALDERMAN: - to reach a compromise so that we can
3 lawfully act in our roles and then you can lawfully get something achieved as a opposed
4 to having a big nothing [inaudible].

5 MR. PRICE: Excuse me, Mr. Chair, Board. I just wanna make sure to kinda caution
6 you, what you have before you is a request, a specific request. You have a request for
7 the reduction of the off street parking spaces based on what they proposed. I don't think
8 at this point it's appropriate really to discuss a compromise. So what you have before you
9 is, it's either, either you approve it or you deny it, and based on what your decision is it
10 would be up to the Applicant to then decide what their next steps will be.

11 ACTING CHAIRMAN ALDERMAN: Duly noted and again it didn't require a
12 response, just wanted to put it back there. After voting, after approving or denial it may
13 be something to think about. Okay.

14 MR. REESE: May I ask a question? Geo, is it worth exploring a conditional
15 approval?

16 MR. PRICE: So no, sir. So kinda just take this opportunity, typically when you do,
17 the Board is, the charges that the Board of Zoning Appeals typically will have. One is an
18 administrative appeal, something totally different, the decisions of, whether it be the, any
19 Staff member regarding an interpretation of the Code you will hear that case to determine,
20 you know, actually if the interpretation was correct. You have a Special Exception in which
21 the use has been determined to be appropriate in that district, however, they want an
22 overview by the Board of Zoning Appeals based on a number of standards that also
23 appear. In that case there may be some stipulations placed on the Special Exception, you

1 know, it could be, for example, hours of operation, additional screening, those type things
2 that you can add to a Special Exception. For a Variance, however, the criteria is kind of
3 established, those have to be met in order for you to approve it. So I'm not sure where a
4 stipulation could be added or, to a Variance request.

5 MR. LORD: Mr. Price, could we, could we amend our request and go to, ask for a
6 Variance to 175 places? So we would find another 25 parking places?

7 MR. PRICE: Yeah, again I think, excuse me, Mr. Lord, all these years, Mr. Lord.

8 MR. LORD: I gotta try.

9 MR. PRICE: Okay, yeah I think, so what you have before you, again, and
10 respectfully for what is being requested, whether it be 100, whether it be 50, whether it
11 be 20, that's still what they're asking you is that, what they're stating is that they're unable
12 to meet the requirements of the Richland County Land Development Code, which in this
13 case is two units and they need to establish why they're unable to meet those. And so it's
14 not, again I'll go back to it's not really a negotiation necessarily, they have to look at the
15 conditions that are present on the property, something that will place some major
16 constraints from them being able to do a project within reason on this, at this time.

17 MR. LORD: Yeah, and all due respect, we feel like we've established why and the
18 offer to add 25 more parking places to it does alleviate concerns about whether or not we
19 have enough. We think we have enough at 1.67 but we could add 25 more spots and get
20 a Variance for 175 and maybe alleviate some of the concerns.

21 MR. PRICE: And also I will point out, too, that that is a different request than what
22 has been advertised so any changes to that would –

23 MR. REESE: They'd have to come back again?

1 MR. PRICE: Come – yes.

2 MR. JOHNSON: Mr. Price, I have a question for you. One of the requirements of
3 that, an extraordinary and exceptional condition, what would be an example of that
4 [inaudible], but what would you consider one of those?

5 MR. PRICE: So let's just say that the, I'm trying to think of a good example, I don't
6 necessarily like to use this one, I try not to use the cases you have before you.

7 MR. JOHNSON: Right.

8 MR. PRICE: But let's just say for example you had a parcel and wetlands
9 encompass a good portion of the property which meant that it couldn't meet the required
10 setbacks, you know, which means you couldn't go further back. So you would ask for a
11 Variance to encroach into the front yard setbacks because what's extraordinary and
12 exceptional about that would be you couldn't go further back on it. And I also wanna point
13 out that when you're looking at the extraordinary and exceptional conditions even if those
14 were identified for a request that's when the second criteria will come in or the second
15 standard, that they do not generally apply to other property in the vicinity. So to kind of
16 give you an example from a varied standpoint. So you can take, like Lake Murray, you
17 have a number of homes that are built right on the lake, a lot of them don't have the
18 zoning, a lot of them are zoned what we formerly referred to as the rural zoning
19 designations, those had different setbacks but the lots are nonconforming as far as size.
20 So in order for them to meet the setbacks of the rural district they need a Variance
21 because in the rural, and I'm just using the old zoning designations we have which are no
22 longer current, but in the old rural zoning designation the front was 40, the rear was 50,
23 the sides were 20. But the lot sizes that they have are more, more in line with a single-

1 family which is 25, 20 in the rear and the sides usually like maybe 7, something like that.
2 So an applicant may come in to say, I need a Variance because I need to make an
3 addition onto my home and I'm going to encroach into those required setbacks. And the
4 reason why is because my lot is, the configurations of my lot, the size of my lot, it's
5 nonconforming. That may apply for that one, however, when looking at the totality of the
6 area if there are multiple parcels that have that same condition to them, they're all
7 nonconforming based on size, maybe the same configurations and that sorta thing, that
8 in itself would negate the extraordinary and exceptional circumstances. Again,
9 extraordinary and exceptional typically means it is unique to you versus anyone else.

10 MR. JOHNSON: Thank you.

11 MR. LORD: Which is why we think that green stuff up there is unique to us.
12 Because it comes right -

13 MR. PRICE: I will also point out respectfully to Mr. Lord that you're at a point now
14 of discussion as related to the Board so unless there's a question that's actually
15 addressed to us or the Applicant, it should just be the Board, so.

16 ACTING CHAIRMAN ALDERMAN: Alright, that being said we heard from the
17 Applicant, we asked questions. Do we move into a period of discussion or can we go
18 straight to voting with all the discussion that's -

19 MR. PRICE: We're at the point that if you feel like more discussion is necessary
20 between the Board you can. If you're ready to proceed with a motion, I mean, you can
21 also proceed, take that route.

22 ACTING CHAIRMAN ALDERMAN: I'll just go ahead and call it, I mean, I think
23 we've discussed so I'll entertain a motion to approve or deny -

1 MR. PRICE: Yes.

2 ACTING CHAIRMAN ALDERMAN: - the public hearing Case ZV25-002.

3 MR. REESE: Motion to approve. No, motion to vote, I'm sorry.

4 ACTING CHAIRMAN ALDERMAN: Motion to vote.

5 MR. REESE: Yeah, motion to vote.

6 ACTING CHAIRMAN ALDERMAN: Get a second?

7 MR. PRICE: No, you just, you just need to make a motion whether for approval or
8 denial of the request.

9 ACTING CHAIRMAN ALDERMAN: Gotcha.

10 MR. REESE: Motion for approval or denial.

11 MR. PRICE: No, you have to just pick one, just, I mean, do you wanna approve
12 this, so whoever, someone just needs to make a motion –

13 ACTING CHAIRMAN ALDERMAN: [Inaudible]

14 MR. PRICE: - whether they wanna approve or – yes, sir. And then you'll vote.

15 ACTING CHAIRMAN ALDERMAN: So I would need someone to say [inaudible]
16 approve or deny [inaudible]. I would need to entertain a motion to either approve or deny
17 that, so I think we need to initiate approval or a denial [inaudible].

18 MR. FULMER: I'll do it. I'd like to make the motion that we deny this approval.

19 ACTING CHAIRMAN ALDERMAN: There's a motion on the floor to deny the
20 approval of CaseZV25-002, do I have a second?

21 MR. PRICE: Excuse me, Mr. Fulmer, I think before you take the second your
22 reasoning for the denial.

23 MR. FULMER: Based on the LDC that's in place and it's a [inaudible] project.

1 ACTING CHAIRMAN ALDERMAN: There's a motion on the floor, do I have a
2 second?

3 MR. REESE: Second.

4 ACTING CHAIRMAN ALDERMAN: Properly moved and seconded. We'll now
5 move into a period of voting. Mr. Price.

6 MR. PRICE: Alright, we have a motion for the denial of Case ZV25-002. Those in
7 favor of the motion, Johnson?

8 MR. JOHNSON: Aye.

9 MR. PRICE: Lautzenheiser?

10 MS. LAUTZENHEISER: I agree.

11 MR. PRICE: Alderman?

12 ACTING CHAIRMAN ALDERMAN: Agree.

13 MR. PRICE: Reese?

14 MR. REESE: Disagree.

15 MR. PRICE: You vote against. Fulmer.

16 MR. FULMER: Yes.

17 MR. PRICE: Alright, so that motion passes 4/1.

18 *[Approved to deny: Johnson, Lautzenheiser, Alderman, Fulmer; Disapprove: Reese;*
19 *Absent: Hendrix, Nelson]*

20 ACTING CHAIRMAN ALDERMAN: With that being said we will move to the next
21 item, well we don't have to do that because [inaudible] to Other Business. So now I will
22 entertain a motion to close.

23 MR. PRICE: Alright, so we have a motion for adjournment?

1 MR. FULMER: I'd like to make a motion that we adjourn.

2 MR. PRICE: Do we have a second?

3 MS. LAUTZENHEISER: Second.

4 ACTING CHAIRMAN ALDERMAN: Motion, properly seconded.

5 MR. PRICE: I was gonna take a vote. Those in favor, those in favor of the motion
6 for adjournment, Johnson?

7 MR. JOHNSON: Aye.

8 MR. PRICE: Lautzenheiser?

9 MS. LAUTZENHEISER: Aye.

10 MR. PRICE: Alderman?

11 ACTING CHAIRMAN ALDERMAN: Aye.

12 MR. PRICE: Reese?

13 MR. REESE: Aye.

14 MR. PRICE: Fulmer?

15 MR. FULMER: Alright, that motion passes.

16 *[Approved: Johnson, Lautzenheiser, Alderman, Reese, Fulmer; Absent: Hendrix, Nelson]*

17 ACTING CHAIRMAN ALDERMAN: Now we're out.

18
19 *[Meeting adjourned at 4:05pm]*