Thursday, 16 March 2023
3 p.m.
Council Chambers
Richland County
Board of Zoning Appeals
Thursday, March 16, 2023
3:00 p.m.

David Fulmer • Robert T Reese • Shasai S. Hendrix

Agenda

I. CALL TO ORDER & RECOGNITION OF QUORUM

II. PUBLIC NOTICE ANNOUNCEMENT

III. ADDITIONS / DELETIONS TO THE AGENDA

IV. ADOPTION OF AGENDA

V. RULES OF ORDER

VI. PUBLIC HEARING

OPEN PUBLIC HEARING [ACTION]

1. Case SE22-004
   Shirpolle Peniston-Blair
   2044 Heyward Brockington Road
   Columbia, SC 29203
   TMS: 09700-02-56
   Request to establish a orphanage on property zoned Rural (RU).
   District 7
   Gretchen Barron

VII. OTHER BUSINESS

VIII. ADJOURNMENT
REQUEST, DISCUSSION AND RECOMMENDATION

CASE:
SE22-004

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

GENERAL INFORMATION:
Applicant: Shirpolle Peniston-Blair
TMS: 09700-02-56
Location: 2044 Heyward Brockington Road, Columbia, SC 29203
Parcel Size: 1.35 - acre tract
Existing Land Use: The parcel is currently occupied by a residential structure.
Proposed Land Use: The applicant proposes to use the property and existing structure to establish a residential care institution.
Character of Area: The general area consists of large residentially and undeveloped parcels.

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

CRITERIA FOR SPECIAL EXCEPTION:
In addition to definitive standards in this chapter, the Board shall consider the following:
1. Traffic impact.
2. Vehicle and pedestrian safety.
3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.
4. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view.
5. Orientation and spacing of improvements or buildings.

Special exception requirements (as found in section 26-152 (d) (19)):
(19) Orphanages.
   a. Use districts: Rural; Rural Residential; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
   b. Minimum lot size to establish an orphanage shall be one (1) acre.
   c. The front setback shall be the same as permitted in the applicable zoning district. Side and rear setbacks shall be twenty-five (25) feet from property lines.
   d. No parking space or drive shall be located closer than twenty (20) feet from any road line or property line. No parking shall be permitted in the front yard.
DISCUSSION:

Staff visited the site.

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

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

Staff did not observe any conditions or factors that would negatively impact the properties in the surrounding area by the establishment of this type of development. The applicant proposes to erect a privacy fence on the southern portion of the parcel to provide a buffer between the subject site and the adjacent residentially developed property.

Staff recommends approval.

If granted approval, the proposed project will be subject to site plan review, which will entail a review from the following Richland County divisions:

- Planning
- Engineering
- Building
- Fire Marshal

If an approval is granted, it is recommended the BZA review the proposed development schedule to determine if conditions should be applied. It is staff’s recommendation that an approval stipulate the following:

1. Plans for the development of the site must be submitted for official review by Richland County within one (1) year of the approval of the special exception;

2. If the stipulation of item #1 is not met, the special exception for the orphanage is voided;

3. The submitted site plan is considered to be a conceptual layout for the proposed development. The special exception approval by the Board of Zoning Appeals does not constitute an official site and/or building plan review and approval;

4. Major changes to the site plan, such as an increase in square footage, height, and/or orientation of the buildings, will require an additional review and approval by the Board of Zoning Appeals; and

5. The Zoning Administrator shall determine if any requested changes to the Special Exception are major changes.

CONDITIONS:

Section 26-56 (f) (3)

Conditions: In granting a special exception, the board of zoning appeals may prescribe conditions and safeguards in addition to those spelled out in this chapter. The board of zoning appeals may also prescribe a time limit within which the special exception shall be begun or completed, or both. All conditions placed on the project by the board of zoning appeals shall be incorporated into such project.

OTHER RELEVANT SECTIONS:

N/A
CASE HISTORY:
N/A

ATTACHMENTS:
• Site plan
• Zoning Application Packet
1. Location: 2044 Heyward Buckingham Road
   TMS Page: 09700   Block: 02   Lot: 56   Zoning District: RU

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

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

4. Area attributed to the proposal (square feet):
   Living Space 2,220 sqft

5. Are other uses located upon the subject property? □ No □ Yes (if Yes, list each use and the square
   footage attributed to each use):
   a. Use Storage trailer  square footage 1,300
   b. Use Storage  square footage 200
   c. Use Storage  square footage 200

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

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

8. Address the following Standards of Review (Sec. 26-56 (f) (2) of the Richland County Land
   Development Code). Please note that the members of the Board of Zoning Appeals will use your
   answers, among other things, as they evaluate your request.
   a. Traffic impact: Rural residential areas carry less traffic.
      The residential property is 80 yards = 240 feet from the rural road.
   b. Vehicle and pedestrian safety: The residential property is 80 yards = 240 feet from the rural road.
   c. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property:
      Clean environment far from smoke and pollution.
      Openings, clean, fresh air and an abundance of green space.
   d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible
      need for screening from view:
      The woodlands serves as a natural fence. A privacy fence will be able to give neighbors on the left isolation.
   e. Orientation and spacing of improvements of buildings:
      Minor renovations
Case SE22-004
Shirpolle Peniston-Blair
09700-02-56
2044 Heyward Brockington Road
Columbia, SC 29203
Case SE22-004

View of existing structure

View from Heyward Brockington Road
DRAWING'S FOR:
2044 HEYWARD BROWNINGTON RD
COLA. S.C.

DRAWING BY: TONY COILES
DATE: 6/21/22