RICHLAND COUNTY
BOARD OF ZONING APPEALS

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

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

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

Agenda

I. CALL TO ORDER & RECOGNITION OF QUORUM ...........................................Robert T. Reese, Chairman

II. PUBLIC NOTICE ANNOUNCEMENT

III. ADDITIONS / DELETIONS TO THE AGENDA

IV. ADOPTION OF AGENDA

V. RULES OF ORDER ............................................................................................ Jason McLees, Chairman

VI. PUBLIC HEARING ...............................................................................................Geonard Price, Zoning Administrator

VII. BZA CASE
   a. BZA CASE [ACTION]
      1. Case SE22-004 Request to establish an orphanage on property zoned Rural (RU).
         Shirpolle Peniston-Blair
         2044 Heyward Brockington Road
         Columbia, SC 29203
         TMS# R09700-02-56
         Page 1

District 7
Gretchen Barron

VIII. OPEN PUBLIC HEARING
   a. BZA CASE [ACTION]
      2. Case# SE23-001 Request to development of property as single-family residential zero lot line consisting of 40 lots on property zoned Residential Single-Family High Density (RS-HD).
         Anthony Todd Carnes
         2813 Padgett Road
         Hopkins, SC 29061
         TMS# R22015-03-38
         Page 13

District 11
Chakisse Newton

IX. OTHER BUSINESS

X. 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 residually developed property.

Staff recommends approval.

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

- Planning
- Engineering
- Building
- Fire Marshal

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

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

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

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

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

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

CONDITIONS:

Section 26-56 (f) (3)

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

OTHER RELEVANT SECTIONS:

N/A
CASE HISTORY:
N/A

ATTACHMENTS:
- Site plan
- Zoning Application Packet
Case SE22-004
Shirpolle Peniston-Blair
09700-02-56
2044 Heyward Brockington Road
Columbia, SC 29203
PROPERTY OF
WILLIAM BOYLES
LOCATED NORTH OF COLUMBIA
APPROVED FOR RECORDING

DATE: 19 Aug. 78
NAME: [Signature]
TITLE: Planning Engineer

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

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

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
Case SE22-004

View of existing structure

View from Heyward Brockington Road
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 200
   c. Use Storage 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 woodland 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
DRAWING'S FOR:
2044 HEYWARD BROCKINGTON RD.
COLA. S. C.
DRAWING BY: TONY COYLES
DATE: 6/21/28
REQUEST, DISCUSSION AND RECOMMENDATION

CASE:
SE23-001

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

GENERAL INFORMATION:
- **Applicant:** Anthony Todd Carnes
- **TMS:** 22015-03-38 and 69
- **Location:** 2813 Padgett Road, Columbia, SC 29061
- **Parcel Size:** 9.28 - acre tract (total)
- **Existing Land Use:** The parcel is currently undeveloped.
- **Proposed Land Use:** The applicant proposes develop a 40 parcel zero lot line subdivision.
- **Character of Area:** The general area consists primarily of single-family detached developments.

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

CRITERIA FOR SPECIAL EXCEPTION:
In addition to definitive standards in this chapter, the Board shall consider the following:

1. Traffic impact.
2. Vehicle and pedestrian safety.
3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.
4. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view.
5. Orientation and spacing of improvements or buildings.

Special exception requirements (as found in section 26-152 (d) (10)):

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

- **a.** Use districts: Residential, Single-Family, Medium Density; Residential, Single-Family, High Density.
- **b.** The lot proposed for zero lot line development must be under the same ownership at the time of initial construction or the owner of adjacent properties must record an agreement or deed restriction in writing to the development of zero setback. The maintenance and drainage easement required in e. below must be provided as part of this agreement and deed restriction.
- **c.** One (1) dwelling unit shall be placed on one interior side property line with a zero (0) setback and the dwelling unit setback on the other interior side property line shall be a minimum of twelve (12) feet. Patios, pools, garden features, and other similar elements shall be permitted within the twelve (12) foot setback area, provided, however, no structure shall be placed within easements required by e. below.
d. The wall of a dwelling located on the lot line shall have no windows, doors, air conditioning units, or any other types of openings. An atrium or court shall be permitted on the zero lot line side when such court or atrium is enclosed by two (2) walls of the dwelling unit and a solid wall of at least six (6) feet in height is provided on the zero lot line extending to the front and/or rear of the dwelling unit. Said wall shall be constructed of the same materials as exterior walls of the unit.

e. A perpetual five (5) foot maintenance easement shall be provided on the lot adjacent to the zero lot line property which shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. Roof overhangs and footings may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot line is controlled by gutters or other approved methods.

DISCUSSION:

Staff visited the site.

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

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

Staff recommends approval.

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

- Planning
- Engineering
- Building
- Fire Marshal

CONDITIONS:

Section 26-56 (f) (3)

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

OTHER RELEVANT SECTIONS:

N/A

CASE HISTORY:

N/A

ATTACHMENTS:

- Site plan
- Zoning Application Packet
1. Location: 2813 Padgett Road

   TMS Page: R22015-03-38  Block: ____  Lot: ____  Zoning District: RS-HD

2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting: Zero lot line, common single-family residential housing.

3. Describe the proposal in detail: The applicant is proposing the development of the subject property as single-family residential zero lot line, common development consisting of 40 lots.

4. Area attributed to the proposal (square feet): 404,237 sf (9.28 ac)

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: 2 per lot

7. Total number of employees on shift of greatest employment: N/A

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:  Traffic impact to Padgett Rd should be minimal as the development is proposed to only consist of 40 lots. The proposed number of lots is well below the min. 90 unit guideline from the SCDOT for determining need of traffic impact study.

   b. Vehicle and pedestrian safety: Road access for the project will be designed to meet SCDOT standards for driveway encroachment.

   c. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property: There should be no adverse impacts related to these items as it is a residential use.

   d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view: The project will be screened from adjacent residential uses by open space areas or buffers that will be left undisturbed as necessary.

   e. Orientation and spacing of improvements or buildings: Housing units will be located on lots to meet required setbacks and buffers.
1. Location: Padgett Road

TMS Page: R22015-03-69  Block: _____  Lot: _____  Zoning District: RS-HD

2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting: Zero lot line, common single-family residential housing.

3. Describe the proposal in detail: The applicant is proposing the development of the subject property as single-family residential zero lot line, common development consisting of 38 lots.

4. Area attributed to the proposal (square feet): 392,911 sf (9.02 ac)

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: 2 per lot

7. Total number of employees on shift of greatest employment: N/A

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: Traffic impact to Padgett Rd should be minimal as the development is proposed to only consist of 38 lots. The proposed number of lots is well below the min. 90 unit guideline from the SCDOT for determining need of traffic impact study.
   b. Vehicle and pedestrian safety: Road access for the project will be designed to meet SCDOT standards for driveway encroachment.
   c. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property: There should be no adverse impacts related to these items as is a residential use.
   d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view: The project will be screened from adjacent residential uses by open space areas or buffers that will be left undisturbed, as necessary.
   e. Orientation and spacing of improvements or buildings: Housing units will be located on lots to meet required setbacks and buffers.