RICHLAND COUNTY BOARD OF ZONING APPEALS



Wednesday, 6 March 2024 3 p.m. Council Chambers



Richland County Board of Zoning Appeals Wednesday, March 6, 2024 3:00 p.m.

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

David Fulmer • Annette Nelson • DeAnta Reese • Mandy Lautzenheiser

Agenda

I. CALL TO ORDER & RECOGNITION OF QUORUM

Chairman Robert T. Reese

II. PUBLIC NOTICE ANNOUNCEMENT Chairman Robert T. Reese

III. ELECTION OF OFFICERS

IV. ADOPTION OF 2024 CALENDAR

V. ADDITIONS / DELETIONS TO THE AGENDA

VI. ADOPTION OF AGENDA

VII. RULES OF ORDER Chairman

VIII. PUBLIC HEARING Geonard Price,
Zoning Administrator

OPEN PUBLIC HEARING [ACTION]

1. Case# ZV23-002 Willie Floyd 47 Love Valley Court Chapin, SC 29036 TMS: R01416-01-13 Page 1 Request a variance to encroach into the required setback on property zoned Rural (RU).

<u>District 1</u> Jason Branham

2. Case# ZV23-003 Virginia L. Newman 2027 Elm Abode Terrance Columbia, SC 29210 TMS: R07308-03-09 Page 9 Request a variance to encroach into the required setback on property zoned Single-Family Residential -Low Density (RS-LD). District 4
Paul Livingston

3. Case# SE24-001 Loretta Lewis 817 Longtown Road Columbia, SC 29229 TMS: R17500-03-41 Page 19

Request a special exception for residential group home to house youth waiting for permanent placement by State Agency

District 7
Gretchen Barron

IX. OTHER BUSINESS

X. ADJOURNMENT



6 March 2024 Board of Zoning Appeals

REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

ZV23-002

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a variance to encroach into the required side yard setback in the Rural (RU) district.

GENERAL INFORMATION:

Applicant: Willie Floyd

TMS: 01416-01-13

Location: 47 Love Valley Court, Chapin, SC 29036

Parcel Size: 1.38 acres

Existing Land Use: Currently the property is residentially developed.

Proposed Land Use: The applicant proposes to construct an accessory structure which will encroach

into the required side yard setback.

Character of Area: The area is residentially developed.

ZONING ORDINANCE CITATION:

Section 26-33 (a) (2) of the Land Development Code empowers the Board of Zoning Appeals to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in an unnecessary hardship. Such appeals shall be made in accordance with the procedures and standards set forth in Sec. 26-57 of this chapter.

CRITERIA FOR VARIANCE:

Standard of review. The board of zoning appeals shall not grant a variance unless and until it makes the following findings:

- a. That there are extraordinary and exceptional conditions pertaining to the particular piece of property; and
- b. That these conditions do not generally apply to other property in the vicinity; and
- c. That because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. That 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.

DISCUSSION:

The applicant is proposing to construct an accessory structure which will encroach into the required twenty (20) foot side yard setback by five (5) feet.

The minimum lot area for a parcel in the RU district is 33,000 square feet and the lot width is 120 feet. The minimum setbacks for the RU district are:

• Front - 40 feet

- Rear 50 feet
- Sides 20 feet

The lot area (45,540 square feet) and lot width (130 \pm feet) for the subject site are both conforming.

According to the applicant, the proposed structure is intended to "...facilitate our caring of elderly and ill animals that we plan to foster in conjunction with local rescues..."

The applicant states the long and narrow configurations of the parcels are a result of restrictions that were created 45 years ago. The applicant also states that the granting of the variance will have negligible impact on adjacent properties due to the distance between residences and the buffer the woods adjacent to the proposed structure will provide.

Staff believes that the subject parcel does not meet all of the criteria required for the granting of a variance. The applicant has not demonstrated that the referenced configurations of the parcel are exclusive to the subject site. The parcels along Love Valley Court are similar in area and width and configuration. Staff recommends that the request be **denied**. According to the standard of review, a variance shall not be granted until all of the following findings are made:

a. Extraordinary and exceptional conditions

Staff was unable to identify the presence of extraordinary and exceptional conditions.

b. Conditions applicable to other properties

Staff determined that the other parcels in the general area of the subject site are similar in area, width, and configuration.

c. Application of the ordinance restricting utilization of property

Applying the setback requirements for the RU district would not prevent the utilization of this parcel.

d. Substantial detriment of granting variance

There would be no substantial detriment to the surrounding properties if the variance is granted.

CONDITIONS:

26-57(f)(3)

Conditions. In granting a variance, the board of zoning appeals may attach to it such conditions regarding the location, character, or other features of the proposed building, structure or use as the board of zoning appeals may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. The board of zoning appeals may also prescribe a time limit within which the action for which the variance was sought shall be begun or completed, or both.

OTHER RELEVANT SECTIONS:

26-57 (f) (1) Formal review.

- (1) Action by the board of zoning appeals. Upon receipt of the application for a variance request from the planning department, the board of zoning appeals shall hold a public meeting on the proposed variance request. Any party may appear in person or be represented by an authorized agent. In considering the application, the board of zoning appeals shall review the application materials, the staff comments and recommendations, the general purpose and standards set forth in this chapter, and all testimony and evidence received at the public hearing. After conducting the public hearing, the board of zoning appeals may:
- a. Approve the request;
- b. Continue the matter for additional consideration; or

c. Deny the request.

Any approval or denial of the request must be by a concurring vote of a majority of those members of the board of zoning appeals both present and voting. The decision of the board of zoning appeals shall be accompanied by written findings that the variance meets or does not meet the standards set forth in the Standard of Review. The decision and the written findings shall be permanently filed in the planning department as a public record. The written decision of the board of zoning appeals must be delivered to the applicant.

Sec. 26-252. Nonconforming vacant lots.

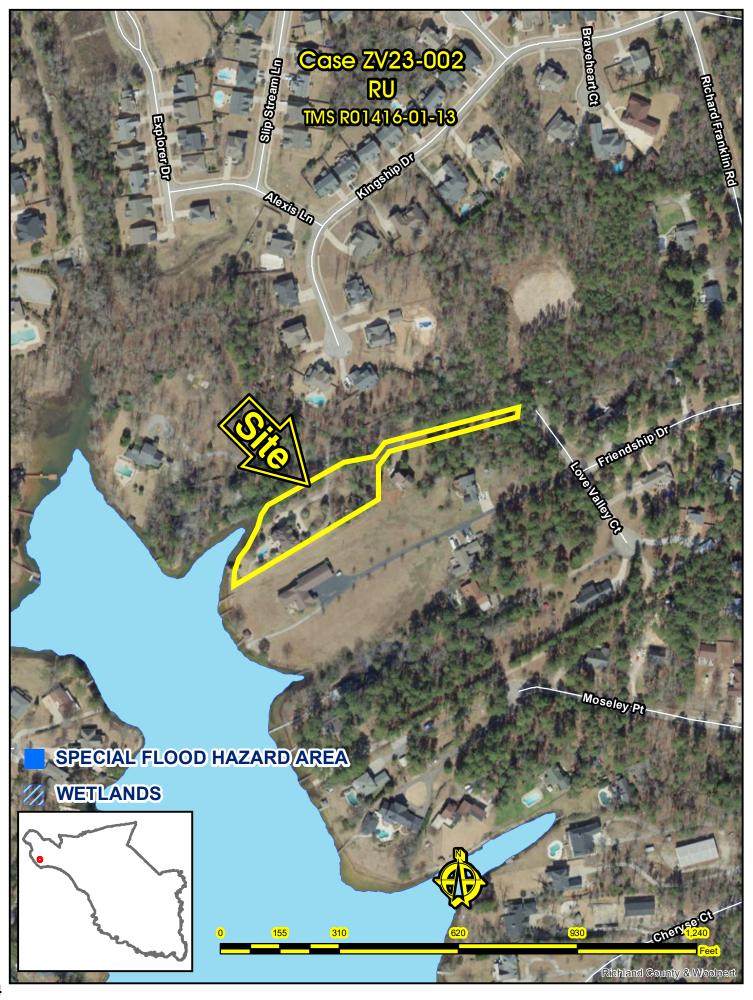
- (a) *General.* A nonconforming vacant lot is a lot that was lawfully created prior to the effective date of this chapter, or any amendment thereto, but which does not conform to the dimensional or area requirements for the zoning district in which it is located.
- (b) Standards. A nonconforming vacant lot may be used for any of the uses permitted by Article V. of this chapter in the zoning district in which it is located if the use of the lot meets the following standards:
 - (1) All other minimum requirements for the particular zoning district and proposed use must be met or a variance obtained from these requirements.
 - (2) The nonconforming vacant lot does not adjoin and have continuous frontage with one or more other vacant lots in the same ownership. If a nonconforming lot does adjoin and have continuous frontage with one or more other vacant lots in the same ownership, such lots shall be combined or recombined as necessary to form a conforming lot or lots. This subsection shall not apply to a nonconforming vacant lot if a majority of the developed lots located on either side of the road where such a lot is located and within five hundred (500) feet of such lot are also nonconforming. The intent of this subsection is to require nonconforming lots to be combined with other lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has been previously developed.

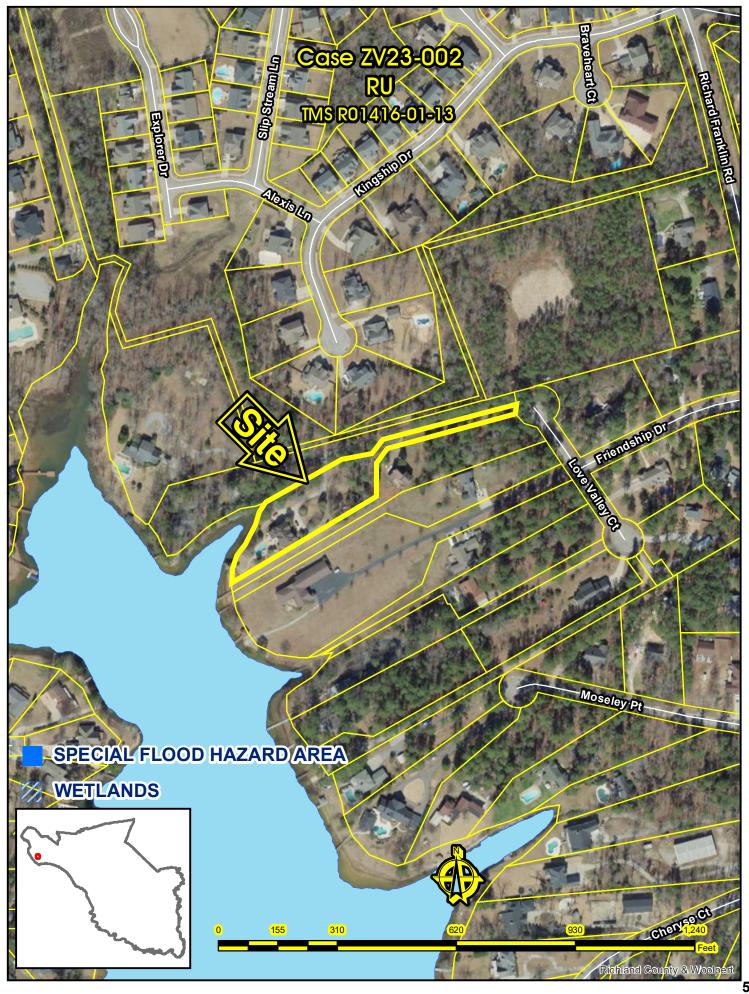
CASE HISTORY:

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

ATTACHMENTS:

- Plat
- Application





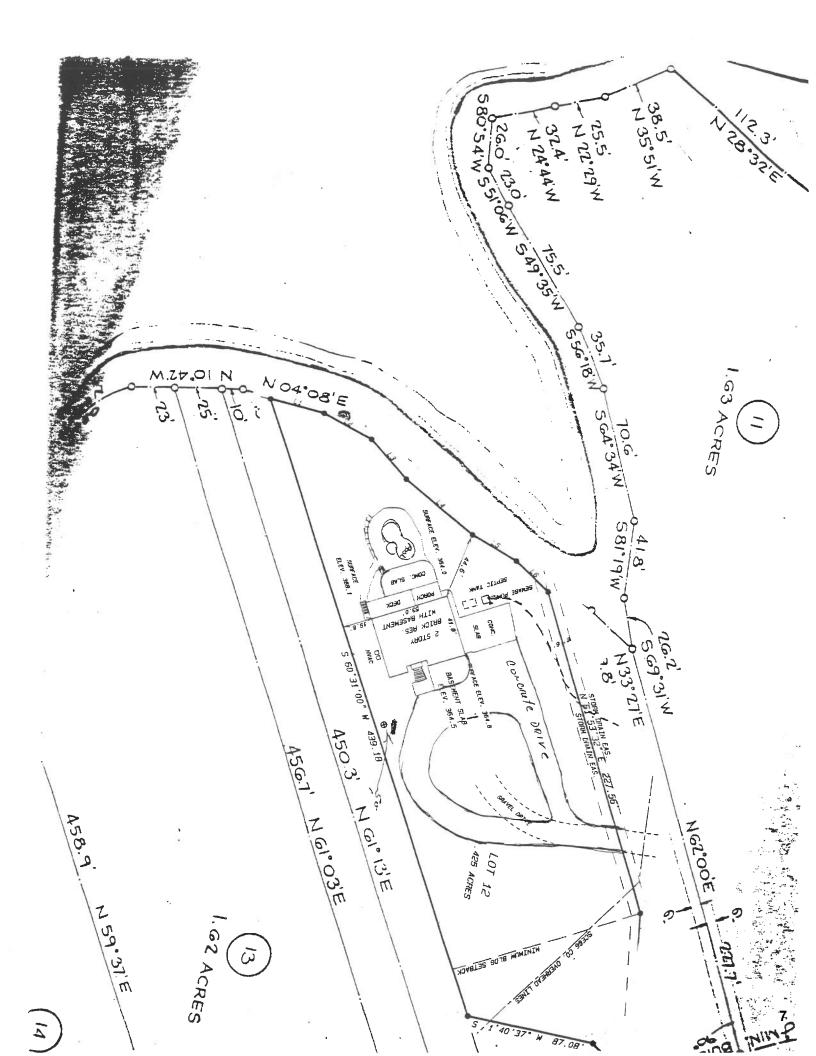


BOARD OF ZONING APPEALS VARIANCE APPEALS



Application # 7

1.	Location 47 Love Volley C+ Chaper Se 29036
	TNS Page Rol41 Slock of Lot 13 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 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: 0110W CONSTRUCTION OF building laffect train Side property 120 Rather than 20 foot Sideline Sethack (15)
ı.	The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Sec. 28-602.3b(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: a 1 th Dug in Dur Lot is 1.38 acres, the 1cl is long und Nation Which limits our ability to Dui it Structures in Close proxim, by to our house.
	b) Describe how the conditions listed above were created: The conditions listed above were created due to weighbor hood restrictions that were signed 45 years ago
	c) These conditions do not generally apply to other property in the vicinity as shown by: These yesty ctrows allo Not of ply to newer subdivisions such as Eagles Rest, etc in the vicinity of my Newbor 1000
	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: Mithout a particular to the utilization of the property as follows: Mithout a particular to the utilization of the property as follows: Mithout a particular to the utilization of the property as follows: Mithout a particular to the utilization of the property as follows: Mithout a particular to the utilization of the property as follows: Mithout a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: Mithout a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: Mithout a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: Mithout a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: Mithout a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: Mithout a particular piece of property would effectively prohibit and property as follows: Mithout a particular piece of property would effectively prohibit and property as follows: Mithout a particular piece of property would effectively prohibit and property prohibits and property prohibits and property prohibits and property prohibits are property as follows: Mithout a particular piece of property prohibits and property prohibits are property prohibits and prohibits are property prohibits and property prohibits are property prohibits and prohibits are property prohibits and prohibits are property prohibits and prohibits are property prohib
	e) The authorization of the variance will not be of substantial detriment to the edjacent 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: 1 No. 10 to 1 No. 10
-	The following documents are submitted in support of this application [a site plan must be submitted]: a) RC intervet map with proposed structure and closest house
	b) Copy of land Dist
	G)
	(Attach additional pages if necessary) Willie 6. Ft. d (Attach additional pages if necessary) Attack Velle, et [803] 530-7951 Address Telephone Number Che in Sc25036
1	Willie Flad Chein Sc28036
	Printed (typed) Nam City, State, Zip Code Alternate Number





6 March 2024 Board of Zoning Appeals

REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

ZV23-003

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a variance to encroach into the required front yard setback in the Residential Single Family - Low Density (RS-LD) district.

GENERAL INFORMATION:

Applicant: Virginia L. Newman

TMS: 07308-03-09

Location: 2027 Elm Abode Terrance, Columbia, SC 29210

Parcel Size: .59 acres

Existing Land Use: Currently the property is residentially developed.

Proposed Land Use: The applicant proposes establish an open carport which will encroach into the

required front yard setback.

Character of Area: The area is residentially developed.

ZONING ORDINANCE CITATION:

Section 26-33 (a) (2) of the Land Development Code empowers the Board of Zoning Appeals to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in an unnecessary hardship. Such appeals shall be made in accordance with the procedures and standards set forth in Sec. 26-57 of this chapter.

CRITERIA FOR VARIANCE:

Standard of review. The board of zoning appeals shall not grant a variance unless and until it makes the following findings:

- a. That there are extraordinary and exceptional conditions pertaining to the particular piece of property; and
- b. That these conditions do not generally apply to other property in the vicinity; and
- c. That because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. That 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.

DISCUSSION:

The applicant is proposing to establish a 528 open carport that will encroach into the required twenty-five (25) foot front yard setback by twenty (20) feet.

The existing structure, constructed in 1970, encroaches into the required front yard setbacks along Elm Abode Terrance and Melissa Avenue by five (5) and eight (8) feet, respectively.

According to the applicant, the presence of a septic tank at the edge of the concrete driveway restricts the ability to establish the proposed carport further into the property.

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 residential structure encroaches into the both front yard setbacks. In addition, a septic tank is located in the area outside of the required setbacks.

b. Conditions applicable to other properties

Staff was unable to identify encroachment into the required front yard setback by other residential structures in the general area of the subject parcel.

c. Application of the ordinance restricting utilization of property

Applying the setback requirements for the RS-LD district would prevent the practical utilization of the property as it pertains to the establishing of the proposed carport.

d. Substantial detriment of granting variance

There would be no substantial detriment to the surrounding properties if the variance is granted.

CONDITIONS:

26-57(f)(3)

Conditions. In granting a variance, the board of zoning appeals may attach to it such conditions regarding the location, character, or other features of the proposed building, structure or use as the board of zoning appeals may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. The board of zoning appeals may also prescribe a time limit within which the action for which the variance was sought shall be begun or completed, or both.

OTHER RELEVANT SECTIONS:

26-57 (f) (1) Formal review.

- (1) Action by the board of zoning appeals. Upon receipt of the application for a variance request from the planning department, the board of zoning appeals shall hold a public meeting on the proposed variance request. Any party may appear in person or be represented by an authorized agent. In considering the application, the board of zoning appeals shall review the application materials, the staff comments and recommendations, the general purpose and standards set forth in this chapter, and all testimony and evidence received at the public hearing. After conducting the public hearing, the board of zoning appeals may:
- a. Approve the request;
- b. Continue the matter for additional consideration; or
- c. Deny the request.

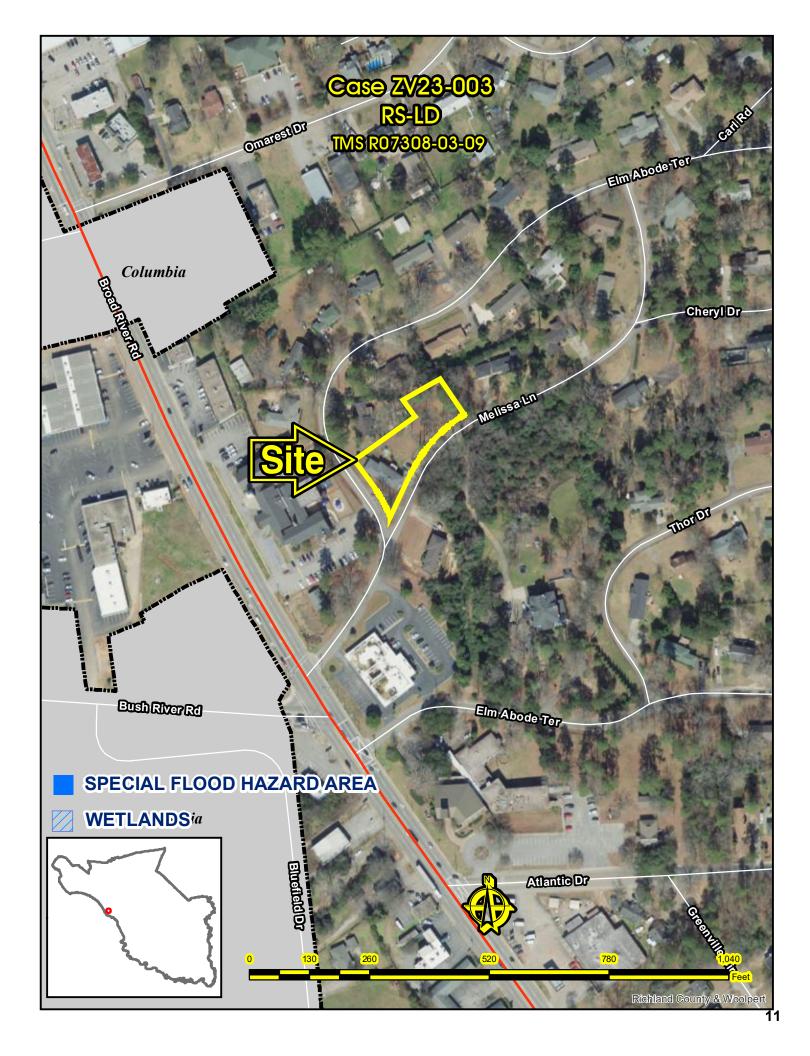
Any approval or denial of the request must be by a concurring vote of a majority of those members of the board of zoning appeals both present and voting. The decision of the board of zoning appeals shall be accompanied by written findings that the variance meets or does not meet the standards set forth in the Standard of Review. The decision and the written findings shall be permanently filed in the planning department as a public record. The written decision of the board of zoning appeals must be delivered to the applicant.

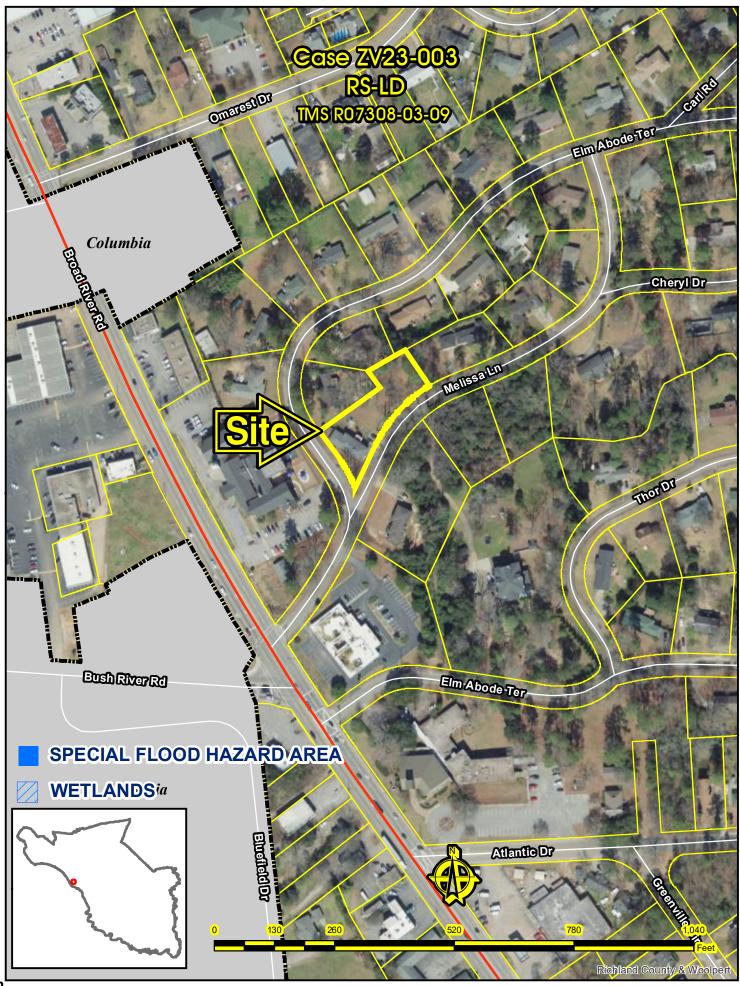
CASE HISTORY:

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

ATTACHMENTS:

- Plat
- Plans for the structure
- Application





Case# ZV23-003
Virginia L. Newman
2027 Elm Abode Terrance
Columbia, SC 29210



Case# ZV23-003 Virginia L. Newman 2027 Elm Abode Terrance Columbia, SC 29210 TMS: R07308-03-09





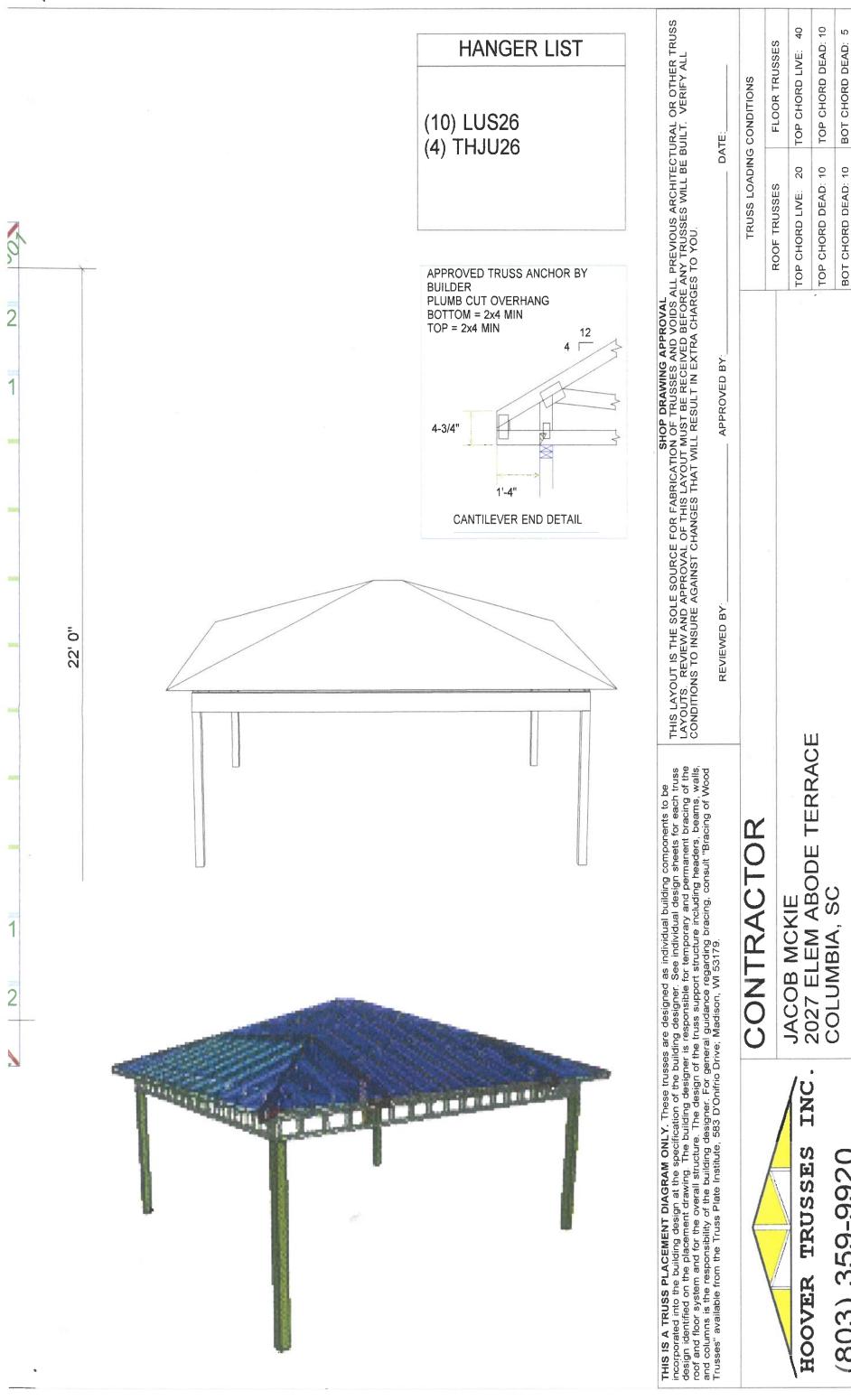


BOARD OF ZONING APPEALS VARIANCE APPEALS



Application # 7\23\W3

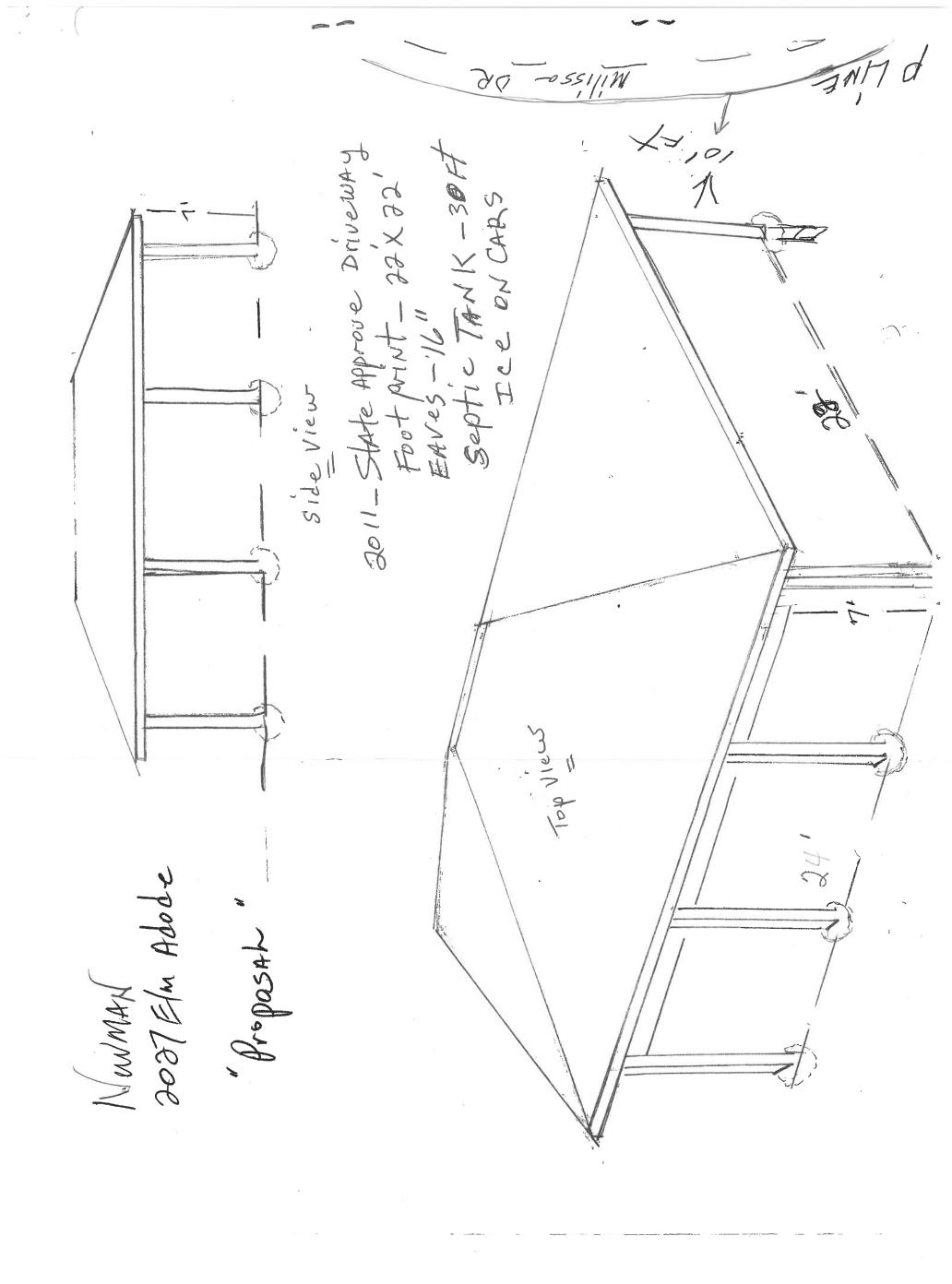
	1.	Loc	ation
:70 m		TM	S Page <u>0708</u> Block <u>03</u> Lot <u>09</u> Zoning District <u>R5-LD</u>
, Asserted Sections	2.		olicant hereby appeals to the Zoning Board of Appeals for a variance from the strict application to the perty as described in the provisions of Sectionof the Richland County Zoning Ordinance.
	· 43.	App des	olicant requests a variance to allow use of the property in a manner shown on the attached site plan, scribed as follows: LICOCHERCIT INTO FRONT (ARI)
	4.		e application of the ordinance will result in unnecessary hardship, and the standards for a variance set by c. 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:
		b)	Describe how the conditions listed above were created: When House
		c)	These conditions do not generally apply to other property in the vicinity as shown by:
		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:
		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:
	5.	The	following documents are submitted in support of this application [a site plan must be submitted]:
		a)	- LAGOYT,
		b) c)	ARea of presenty
		U,	(Attach additional pages if necessary)
, MN =	2	24	Applicant's Signature 2007 Elm-Hode Terr 813-361-1170 Address Telephone Number
	_	Vii	Ginia L Newman Columbia SC 2920 803-995-7569 City State Zip Code Alternate Number



TOTAL LOAD: 40 PSF BOT CHORD DEAD: **STRESS 1.15 DRAWN BY: JBH**

TOTAL LOAD: 55 PSF

STRESS 1.00



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.

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:

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

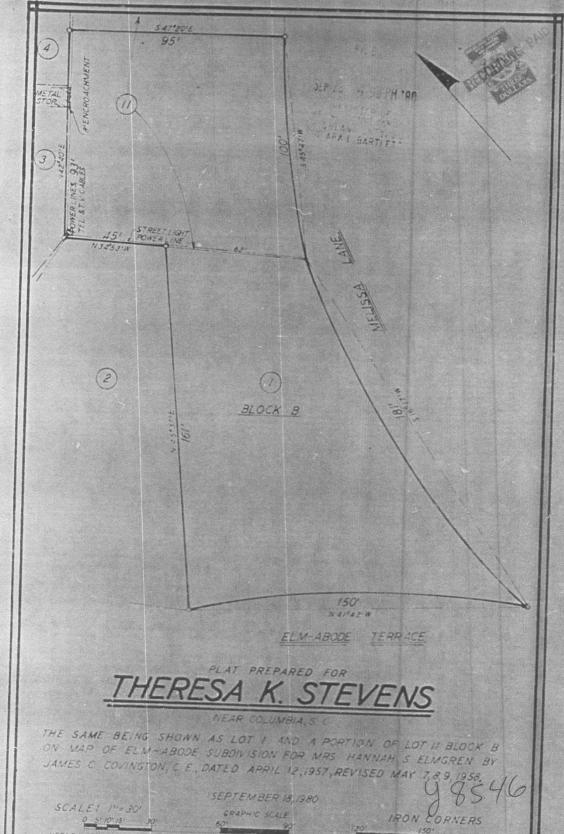




BOARD OF ZONING APPEALS SPECIAL EXCEPTION



1. Location: 817 Longtown Road							
	TN	AS Page: 17500	Block: 03 Lot: 41 Zoning District: RU				
2.		Residential GROV	s is requested to consider the granting of a special exception permitting:				
3.	De	Describe the proposal in detail: FACILITY to temperanty house yours. Who Are Awarthus ferminant Placement by State Agency.					
		who are awarts	is ferminat Placement by State Agency.				
4.	Are	ea attributed to the propos	al (square feet): 2377				
5.	Are	e other uses located upon stage attributed to each us	the subject property? No Yes (if Yes, list each use and the square				
	a.	Use	square footage				
	b.	Use	square footage				
	C.	Use	square footage				
6.	Tol	tal number of parking space	es on the subject property:				
7.		t .	on shift of greatest employment:				
8.	De ans	velopment Code). Pleas	ndards of Review (Sec. 26-56 (f) (2) of the Richland County Land be note that the members of the Board of Zoning Appeals will use your as they evaluate your request.				
		Visit Andread Control of Control					
	b.	Vehicle and pedestrian s	atety: Well Established FRAMIC PATTERN WILL				
	c. [‡]		lights, fumes or obstruction of airflow on adjoining property:				
	d.	Adverse impact of the p	roposed use on the aesthetic character of the environs, to include possible new: $//o/V\mathcal{E}$				
	e.	Orientation and spacing of	of improvements or buildings:				
		COMMUNICATION OF THE PROPERTY					



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

AUDE R MCMILLAN JR PE & RLS NO 1034

