

**BOARD OF ZONING APPEALS**

March 3, 2010

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3  
4 *Present: Mr. Meetze, Elaine Perrine, Torrey Rush, Joshua McDuffie, Susanne Cecere,*  
5 *Sheldon Cooke, William Smith*

6  
7 Called to order: 1:15 pm

8 CHAIRMAN MCDUFFIE: We will call the March Meeting of the Board of Zoning  
9 Appeals to order. We do have a quorum here today and at this time Ms. Amelia Linder,  
10 our attorney, will give instructions to the applicants who are coming up to speak today.

11 MS. LINDER: Thank you Mr. Chairman. Good afternoon ladies and gentlemen,  
12 my name is Amelia Linder, I'm the attorney for the Board of Zoning Appeals. I would  
13 like to take a few minutes and just go over some procedures on how we're going to  
14 operate this afternoon. We should not be here that long this afternoon because we only  
15 have two cases. What's gonna happen is we'll take up the cases as they're presented  
16 on the Agenda and then the applicant will have a chance to come to the podium,  
17 introduce him or herself and present their case, what they're asking for. And it would  
18 really help show the, the Board, whom I represent, how you meet the criteria of our  
19 Land Development Code. If there's any opposition after the applicant has spoken, they  
20 will have up three minutes to oppose what the applicant is requesting and then the  
21 applicant again has five minutes to rebut the opposition. Please when you're at the  
22 podium address all your comments to the Board Members, they will be the ones making  
23 the decision today. If you're coming to the podium and if you plan to speak, you will be  
24 under oath and I will give you the oath as we expect you to tell the truth as you're, as  
25 you're speaking to us. Please speak into the microphone. We're not gonna be quite as  
26 formal as a court, but this is a *quasi* judicial body, which means that the decisions the

1 Board makes today will be a final decision subject to next month's, when they approve  
2 the Minutes and then once that, the Minutes are approved, then their decision is final.  
3 An order will be sent to all the persons of interest, including the applicant and then if  
4 you're not happy with the decision that the Board makes, you have 30 days to appeal to  
5 circuit court. Are there any questions about what's gonna happen this afternoon?  
6 Okay, if you have a cell phone, if you would please turn it to silent or vibrate or turn it  
7 off. If you're planning to speak, make sure you signed the sign-in sheet so we've got  
8 your name and address. If you need to leave, we just ask that you leave quietly. Okay,  
9 at this time if you are planning to speak and address the Board, I'd like to ask you to  
10 stand and raise your right hand. Do you swear or affirm that the testimony you shall  
11 give shall be the truth, the whole truth and nothing but the truth so help you God?

12 AUDIENCE: I do.

13 MS. LINDER: Thank you.

14 CHAIRMAN MCDUFFIE: Alright, the first item of business is the approval of the  
15 Minutes from February, but nobody has seen the Minutes as far as I know, so.

16 MS. HAYNES: Geo, do you want to explain?

17 MR. PRICE: No, he can do it.

18 CHAIRMAN MCDUFFIE: At this point -

19 MS. HAYNES: The Minutes, we had a problem downloading them -

20 MR. PRICE: Could you come up to the microphone? [Laughter]

21 CHAIRMAN MCDUFFIE: Could you speak into the microphone please?

22 MS. HAYNES: We had a problem downloading the Minutes, so you haven't seen  
23 them yet, you'll get them in your package next month.

1 CHAIRMAN MCDUFFIE: Alright, so we will at this point defer the, the Minutes  
2 until, from 2000, from February, 2010 -

3 MS. HAYNES: If you recall there were no cases.

4 CHAIRMAN MCDUFFIE: That's correct. So at this time if Mr. Price would  
5 please call the first case?

6 **CASE NO: 09-27 SE:**

7 MR. PRICE: Allow me to pull this up for you. Okay, the first case is, the first item  
8 is case 09-27, SE, it's a Special Exception. The applicant is Carl Parrot, who's  
9 representing I believe it's Rhema Word Restoration Ministries. The applicant is  
10 requesting to establish a place of worship on property zoned single-family low density  
11 and it is to be located at 908 North Brickyard Road. The subject parcel is a little bit  
12 more three acres and we have it designed as residential because there was an existing  
13 home on the property, so that seems to be the last use for it. The, the existing  
14 residential structure on the property is about 1,500 square feet. The applicant will need  
15 to state for the Record what the intended use will be for that particular structure; it could  
16 be used as a parsonage for the church, it could also be used as, you know, commercial  
17 use for the church essentially. So they we need to establish what the will, the use will  
18 be. The surrounding is a mixture of single-family residential, institutional and  
19 commercial structures and uses. Along the, the rear portion of the property is, it's a  
20 large tract that is currently undeveloped and as you can see it's a lot along these  
21 wetlands that runs through the rear of the adjacent parcels, so we're not sure exactly  
22 sure how the likelihood of that being developed, but we have Carl Parrott here to  
23 represent Rhema Word Restoration Ministries, kind of go through some of the pictures

1 for the, the site. This is a view of the, this is a view of North Brickyard Road from the  
2 site. As you can see this is right near the existing residential structure that I referenced  
3 earlier. You can see it's a pretty good distance from North Brickyard Road. This is the  
4 abutting parcel and once we go to an aerial you will see it, but this is the parcel if facing  
5 the property, this is located right of the subject parcel. And this some of the vacant land  
6 in front of it, this is all on the same, this is the same parcel where the applicant is  
7 requesting to place the church. Once again another view, now this is the existing  
8 residential structure, this is the rear of the property, as you can see a good bit of trees  
9 behind it, but in the immediate area it is vacant. The rear of the property. And this is a  
10 view from North Brickyard Road looking in. And here's a site plan of the proposed  
11 structure. I actually met with the applicant and also the gentleman who designed the  
12 plans for them to insure that what is depicted on here would meet the requirements for a  
13 place a worship such as the location of the parking spaces, setbacks of the drive. So,  
14 the, the, the development standards have been applied to this site plan. Another view  
15 of the proposed structure and this is more the interior of the proposed structure. That is  
16 it for my presentation.

17 [Smith in at 1:11pm]

18 CHAIRMAN MCDUFFIE: Alright, at this time I'd like to call the applicant, Mr. Carl  
19 Parrott? Please state your name and address for the Record.

20 **TESTIMONY OF CARL PARROT:**

21 MR. PARROT: My name is Carl Parrot, address, 908 North Brickyard Road.

22 CHAIRMAN MCDUFFIE: If you would, tell us about what you're proposing for  
23 the site?

1 MR. PARROT: The proposed plan was actually what you viewed on the screen.  
2 We desire to put a place of worship there, we're a community based church. I even  
3 read over some of the information that we filled out as it pertains to some of the criteria.  
4 You asked about the noise level, whether we would bring down the value of the  
5 community by way of looks, and I think that we would actually enhance that area by way  
6 of what we're doing because we're a community based church. The most noise that  
7 you'll probably have is kids outside running in the yard like any other family would.

8 CHAIRMAN MCDUFFIE: Are there any questions from the Board for the  
9 applicant at this time?

10 MS. CECERE: Yes, I do. Mr. Parrott, you have a church now?

11 MR. PARROT: Yes, ma'am.

12 MS. CECERE: And where is it located?

13 MR. PARROT: We are actually located inside of an office plaza off of Trenholm  
14 Road Extension, it's, the actual location is 208 Dawson Road, and we have several  
15 buildings that are actually connected that we share parking spaces.

16 MS. CECERE: And how many members do you have in your church?

17 MR. PARROT: With children and all it's approximately about a hundred.

18 MS. CECERE: I'm sorry?

19 MR. PARROT: With children and all it's probably about a hundred or so.

20 MS. CECERE: Okay, and the proposed church will be how many?

21 MR. PARROT: The proposed church -

22 MS. CECERE: How many people?

23 MR. PARROT: - we'll probably seat no more than about 300 hundred people.

1 MS. CECERE: And there is an existing structure on that property, what will  
2 happen to that?

3 MR. PARROT: We intend to continue to use it as like a parsonage type facility  
4 for the church.

5 MS. CECERE: So someone will be living there?

6 MR. PARROT: It'll would probably be a place where I would use, you know, for  
7 residence and stuff.

8 MS. CECERE: Okay. And one thing I noticed on where it says the structure is,  
9 is proposed, I guess 4,000 square feet sanctuary and it says with classrooms, offices, a  
10 media room and a café?

11 MR. PARROT: Yes, ma'am.

12 MS. CECERE: Explain the café to me, please?

13 MR. PARROT: A small room, we have what we call Rhema Café now and it's  
14 just a corner in the back of the church where after church we sell like juices and snacks  
15 and whatnot for the children.

16 MS. CECERE: So it's sort of like, you wouldn't have like a, I know at my church  
17 we have like in our fellowship hall we have like a kitchen on the end and -

18 MR. PARROT: Oh, no, it's not gonna be a, a kitchen set up at all, it will be  
19 basically a room that's set up where maybe we have some of my CDs or tapes and also  
20 maybe some chips, juice and stuff like that, and it will probably be large enough so that  
21 if we do like potluck, we'll bring it in there and have it set up so that people can get trays  
22 or whatnot while they're exiting the church.

1 MS. CECERE: Okay, okay, thank you. I have a question for Mr. Price. Mr.  
2 Price, was the signage discussed in regards to this piece of property?

3 MR. PRICE: No, ma'am, it wasn't. Based on what our current Code allows  
4 within a residential district or -

5 MS. CECERE: Um-hum (affirmative) -

6 MR. PRICE: - or a rural district, they're limited to a sign of 50 square feet, no  
7 more than four feet in height if located within the required setbacks, which would be 25'.  
8 If located outside of the 25' setback, it can go up to six feet, but it still remains no more  
9 than 50 square feet.

10 MS. CECERE: Do you understand that?

11 MR. PARROT: I, it -

12 MS. CECERE: Because most churches would like to have like some type of  
13 signage out front saying what -

14 MR. PARROT: Oh, the sign?

15 MS. CECERE: - right.

16 MR. PARROT: Saying that we can't have it more than five feet or six feet tall?

17 MR. PRICE: Four feet tall.

18 MR. PARROT: Four feet?

19 MR. PRICE: No more than 50 square feet.

20 MR. PARROTT: Okay, that shouldn't be a problem at all.

21 MR. RUSH: Mr. Price, as far as the residence that's still existing, is it in  
22 compliance with that, would that be a part of the worship facility?

23 MR. PRICE: If it is, if it's intended -

1 MR. RUSH: Place of worship?

2 MR. PRICE: - if it's intended to be used for anything other than residential, I  
3 believe the Building Code would require them to, to submit plans and do any  
4 convergence that would be necessary to make it comply with commercial standards. If  
5 it is intended to be used for residential, there really shouldn't be much of an issue.

6 MR. RUSH: I guess I'm asking because in C in our Ordinance, Ordinance, it  
7 says no parking spaces or drives shall be located or closer than 20' to a residence.

8 MR. PRICE: Well, yeah -

9 MR. RUSH: So if that's gonna be used as a residence with parking all around it -

10 MR. PRICE: Well, typically that's for exterior properties, if you have abutting  
11 parcels. It's very similar to what we do, when we deal with cell towers in which we say a  
12 cell tower has to meet a certain distance, but if you're gonna put a cell tower on the  
13 same property as your home, you know, you understand the risk from the beginning so  
14 you don't get that same level of protection.

15 MR. COOKE: Mr. Price, it says residence not associated with the place of  
16 worship, so we're assuming that that, that residence is associated with a place of  
17 worship.

18 MR. PRICE: Yes, if, if it is to be used as a parsonage, yes.

19 MS. CECERE: Mr. Price, let's say this church, I have a, just a hypothetical  
20 question here, if this building went up and, and the church let's say would not make it,  
21 then what would happen to this building?

22 MR. PRICE: You would have an, a building that would be approved for, to be  
23 used as a, a place of worship.



1 MS. CECERE: Only? It couldn't be used as anything else?

2 MR. PRICE: No, ma'am.

3 MS. CECERE: Alright.

4 MR. PRICE: Any changes to that would have to meet the requirements of our  
5 Code and if it's not an outright permitted use it requires a special exception, it would  
6 have to come back before the Board of Zoning Appeals. I don't know of any uses within  
7 a single-family that aren't residential that they could come here to be a detriment to the  
8 surrounding properties.

9 MS. CECERE: Thank you.

10 CHAIRMAN MCDUFFIE: Are there any other questions either for Staff or for the  
11 applicant at this time? We have several other individuals that were signed up to speak  
12 for. I don't believe that they stood to be sworn in.

13 MR. PARROT: They're actually not speaking for, they're just in support.

14 CHAIRMAN MCDUFFIE: They're here in support of? Okay. We do not have  
15 anyone signed up against, so, at this time, if we could get someone to go through the,  
16 the Findings of Fact for us?

17 MR. COOKE: Okay, have the Findings of Facts for the special requirements for  
18 the Special Exception been met? I'm want to, I'm gonna say yes. Will traffic be  
19 impacted by this proposal? No. Will this proposal affect vehicle or pedestrian safety?  
20 No, it won't affect vehicle and pedestrian safety. Is there a potential impact of noise,  
21 lights, fumes or obstruction of, of air flow to the adjoining properties? The answer to  
22 that would be also no. Would the proposed use have an adverse impact on aesthetic

1 character of the environs? That's also going to be no. Are the orientation and spacing  
2 of, of improvements or buildings appropriate? At this time I'm going to say yes.

3 CHAIRMAN MCDUFFIE: Alright, Mr., does anyone wish to make a motion at this  
4 time?

5 MR. COOKE: I'd like to make a motion that we move to approve Exception 09-  
6 27 based on the facts of the finding.

7 MS. PERRINE: I second.

8 CHAIRMAN MCDUFFIE: Okay, we have a motion and it has been properly  
9 seconded. Mr. Price, do you want to call roll?

10 MS. LINDER: Mr., Mr. Chairman if, if I may just ask the maker of the motion, is  
11 that subject to conditions of the Land Development Code? Is it approved with the  
12 condition, as long as the church meets those conditions?

13 MR. COOKE: Yes, as long as the church meets those conditions.

14 CHAIRMAN MCDUFFIE: I would like to also put in a timeframe beyond which  
15 the church would have to come back and, and reapply for, for the Special Exception.  
16 So I would say a timeframe of within two years to be actually occupying the, the facility.  
17 Is that an acceptable amendment?

18 MS. CECERE: Yes.

19 MR. COOKE: That's an acceptable amendment.

20 CHAIRMAN MCDUFFIE: Okay. Mr. Price, do you want to call roll?

21 MR. PRICE: I guess for the Record, Mr. Smith, will you be voting?

22 MR. SMITH: I will be.

23 MR. PRICE: Okay, okay, you can go ahead.

1 CHAIRMAN MCDUFFIE: Okay, all in favor?

2 MR. PRICE: Those in favor, Meetze, Perrine, Rush, McDuffie, Cecere, Cooke  
3 and Smith.

4 *[Approved: Meetze, Perrine, Rush, McDuffie, Cecere, Cooke, Smith]*

5 CHAIRMAN MCDUFFIE: I believe that's everyone that's here today. Alright, Mr.  
6 Parrot you have your Special Exception and staff will be in touch. Mr. Price, will you call  
7 our next case?

8 **CASE NUMBER 10-02 V:**

9 MR. PRICE: Okay, the next case, well the next item is Case 10-02V, the City of  
10 Columbia is represented by Joseph Jaco. I believe we have discussed who the  
11 applicant will be and it is the City of Columbia. The location, we don't have a specific  
12 address, it is on Heritage Hills Drive. According to our records, it's about a little less  
13 than what, well a little more than, excuse me, than six-hundredths of an acre. The  
14 existing land use is a, almost at grade water facility. I don't believe there's much height  
15 to it. The, as I said the subject property has an existing water facility. The applicant is  
16 proposing to house a pressure reducing station within a 200 square foot building. The  
17 area is comprised of residential subdivisions and large undeveloped tracts. Let me go  
18 through this. What we have found is that this parcel was, is originally part of the  
19 Heritage Hills Subdivision and it was actually approved through our Department, which I  
20 just recently found out, so it may be contradictory to what you have in your discussion  
21 with the Land Development Code, but it was found that it was approved, there was a lot  
22 split, which I'm trying to understand because it shouldn't have been approved with the  
23 square footage. Thirty-three thousand is the required lot width for a, excuse me, lot

1 area for a rural lot, however it is a lot of record and it's been recorded. So, what the  
2 applicant is, they're coming into, to erect a structure and that structure of course would  
3 need to meet the required setbacks in the rural district, which would be 40 front, 50 rear,  
4 20 sides. Due to the configuration of the lot I don't declare this to have a rear, it's really  
5 two, a front and two sides. You know, so their setbacks are 40, 20, 20 and they are  
6 unable to meet those setbacks for this addition, so they had to come to the Board of  
7 Zoning Appeals for a variance to encroach into the required setbacks. I believe I have  
8 stated in here that they will be encroaching 23' from the front, 10 from the southern side  
9 of the property, and four, about four and half feet from the northern side of the property.  
10 This is a picture of the site and this is, you know, what's out there currently. This is,  
11 would be across the street from it, it looks like a greenhouse back in this area, but it's a  
12 large tract, it's, looks more for agricultural type use. Another view of the site. And this  
13 is the proposed addition, I couldn't get the entire site plan on there, but this pretty much  
14 tells you what they're looking to put here and shows you the encroachments. As the  
15 applicant stated there will be a chain link fence with a swing gate around it. And that will  
16 be all.

17 CHAIRMAN MCDUFFIE: Alright, at this, I'd like to call the, the applicant to, to  
18 the stand. Would you please state your name and address for the Record?

19 **TESTIMONY OF JAMES MAZZY:**

20 MR. MAZZY: Okay, good afternoon, I'm James Mazzy, Brown and Caldwell, we  
21 are consultants for the City of Columbia, the design engineers for this project.

1 MR. PRICE: Just, just for the Record I, I did speak with the City of Columbia  
2 representative and they did state they would have others coming to actually present the  
3 case.

4 CHAIRMAN MCDUFFIE: If you could please state your, your address for the  
5 Record as well.

6 MR. MAZZY: 3800 Fernandina Road in Columbia.

7 CHAIRMAN MCDUFFIE: And if, if you would, please enlighten us as to what  
8 you're proposing?

9 MR. MAZZY: This, this project, the purpose of this building is, is a part of a much  
10 larger project. As you I'm sure are well aware the City of Columbia is investing a lot of  
11 capitol into their water system infrastructure in Northeast Columbia, a lot of pipeline,  
12 large pump stations, storage tanks and this is just one of those components of that  
13 system to help deliver water to Northeast Columbia. The conclusion of this project here,  
14 which also included some pipe line in the adjacent areas, delivering approximately four  
15 million gallons of water a day through this, this line. The existing infrastructure is a  
16 tec(?) valve that was installed by the City years ago in 2001 when the property was  
17 deeded back to the City of Columbia. As a part of the improvements, the intended use  
18 of this parcel, attempting to deconstruct this pressure releasing valve It'd be a really  
19 small building, house two valves, some control equipment, some lights and low meter  
20 that will register back to the Canal and the Lake Murray Water Treatment Plant.

21 CHAIRMAN MCDUFFIE: Alright, are there any questions for the applicant at this  
22 time?

1 MS. CECERE: I have a question. Close to this is a water tower and, on property  
2 I assume that also belongs to the City, why was it not put there?

3 MR. MAZZY: I, ma'am, I don't have the answer to that question right now. This  
4 is Jason Shaw, he's with the City of Columbia, he's a hydraulics engineer, but that, that  
5 tank's actually been out of service.

6 CHAIRMAN MCDUFFIE: Mr. Shaw, were you sworn in today?

7 MR. SHAW: No.

8 CHAIRMAN MCDUFFIE: Okay, would you please?

9 MS. LINDER: Would you please raise your right hand? Do you swear or affirm  
10 that the testimony you shall give shall be the truth, the whole truth and nothing but the  
11 truth so help you God?

12 MR. SHAW: I do.

13 MS. LINDER: Thank you.

14 CHAIRMAN MCDUFFIE: Please, please state your name and address for the  
15 Record?

16 **TESTIMONY OF JASON SHAW:**

17 MR. SHAW: My name is Jason Shaw, I'm the Assistant City Engineer for  
18 Planning for the City of Columbia and I'm at 1136 Washington Street here in Columbia.  
19 That tank has been out of service for several years now. It's immediately north of this  
20 site and the, the pressure reducing station allows us to separate what we call water  
21 pressure zones, which help us regulate the ability to maintain pressure in, in certain  
22 areas of the city. And where that, where that tank is wasn't at the place that we felt it

1 was most appropriate to have a pressure zone break between what we call our  
2 Northeast Pressure Zone and what we call our Horseshoe Pressure Zone.

3 MS. CECERE: Well, I don't know, I don't know much about -

4 MR. SHAW: Well, it's kind -

5 MS. CECERE: - water pressure, but my, my problem with that is when, every  
6 time you, there is a piece of property and you've already messed it up with a tower  
7 that's now you're telling me not functional and now you're going to go to another piece  
8 of property and you're asking for us to make a special exception or variance for that.  
9 Now, this piece of property is it, does, is it deeded to the city, it, that belongs to the city?

10 MR. SHAW: Yes, ma'am.

11 MS. CECERE: So that makes the subdivision contiguous to a city piece of  
12 property?

13 CHAIRMAN MCDUFFIE: And I guess -

14 MS. CECERE: Is that?

15 MR. RUSH: I guess another question would be -

16 MR. PRICE: Well the, the, may I, may I address the question?

17 MS. CECERE: Go ahead.

18 MR. PRICE: The, the parcel is owned, it's, within the, within the unincorporated  
19 area of Richland County, it's just owned by the city, so it's still a county maintained  
20 piece of property.

21 MS. CECERE: Okay.

22 MR. RUSH: Does the property have to, is it a part of the subdivision? It is a part  
23 of Heritage?

1 MR. PRICE: That part, that, that parcel and I will kind of go in a little bit - what,  
2 what I found was this parcel here, that I'm showing right now with existing house on it, it  
3 seemed like this was all one piece at one time and then this was actually subdivided for  
4 the purpose of the City of Columbia installing some, a type of utility, a water utility.

5 MR. RUSH: So are there any deed restrictions or anything with the subdivision  
6 that would relate to this property? I mean, [inaudible] -

7 MR. PRICE: I'm, I'm not aware of that, of any.

8 MR. RUSH: Have you talked to the representatives of the subject parcel?

9 MR. PRICE: We haven't. You know, once again that's, you know, the purpose  
10 of advertising the, the parcel or the case and also posting the, posting the signage on  
11 the property and so that if someone has some interest or some information that may be  
12 pertinent to, to the, the request before you that they would come in and bring that to us.

13 MS. CECERE: I have another question for Mr. Price. Did they have to have a  
14 permit to start this building?

15 MR. PRICE: Yes.

16 MS. CECERE: From, from the county?

17 MR. PRICE: They will.

18 MS. CECERE: Is that how it came to light that it didn't meet the requirements?

19 MR. PRICE: Well, they actually had to submit some plans for the addition, for,  
20 for what they were doing and that's how it came to light that it didn't meet the setbacks.

21 MS. CECERE: Okay, because, you know -

22 MR. RUSH: I'm sorry, but -



1 MS. CECERE: - I drive, I drive up and down that road a good bit and, I mean,  
2 I've seen that out, I've seen that out there, but without any, any permit or anything on it.

3 MR. PRICE: You mean the existing, the existing, let me pull this out -

4 MS. CECERE: The stakes are in the ground, if you go back to that, yeah.

5 MR. PRICE: Are you referring -

6 MS. CECERE: Right there, um-hum (affirmative).

7 MR. PRICE: Yes? That, normally when you, when we get into the setbacks  
8 we're looking at structures, typically anything with a roof on it is considered to be a  
9 structure. Usually these type of utility devices that you may see normally don't, just  
10 depending on the height, wouldn't be considered a structure, so they're allowed to  
11 encroach more, outright without having to go for a variance.

12 MS. CECERE: How will, how will that impact what it will look like on Wilson  
13 Boulevard?

14 MR. PRICE: You mean the new structure?

15 MS. CECERE: The new structure and shrubbery and that sort of -

16 MR. PRICE: We'll require some landscaping.

17 MS. CECERE: Yeah.

18 MR. PRICE: I was looking at the plans to see if there was anything that they  
19 proposed, but we would require some landscaping. Just, once again, just as we do with  
20 cell towers, we try to get them to put some type of landscaping, some shrubbery that  
21 would, you know, I don't know if you can totally, you know, block the view of it, but  
22 clearly that is just to kind of make it blend in more with the surrounding area and not just  
23 stand out as a structure.

1 MR. RUSH: What do you mean by like instead of a chain link fence?

2 MR. PRICE: Oh no, they may, they can still use the fence, but they may have to  
3 put in some, you know, Leland cypresses or some type of, some type of shrubbery that  
4 will, as it grows will kind of block the view of it.

5 MR. MAZZY: Mr. Price, if I might, in preparation for this meeting, we've, the city  
6 has several of these structures around and we've just recently constructed one and so  
7 we took some photos of it and it is very similar to what we're proposing for this site,  
8 except that it's gonna have a blue, a metal roof instead, in lieu of a concrete roof. Sort  
9 of, very similar type of building, this is nearly identical, with different, with a different  
10 roof. It's gonna have more of an architectural roof on this new building similar to that.

11 MR. PRICE: And if there, you know, just for, and also if there are some concerns  
12 that the Board may have you are allowed to put certain stipulations on your approval.

13 MR. RUSH: So did you talk to any of the representatives with the neighborhood?  
14 Like was there a neighborhood or anybody, did anybody with the city?

15 [Inaudible discussion]

16 MR. SHAW: The site is really blocked from view from the neighborhood facing  
17 Wilson Boulevard.

18 MR. MEETZE: I believe that is a gated community is it not?

19 MR. PRICE: No, sir.

20 MS. CECERE: It's not gated, but it's a -

21 MR. MEETZE: I thought there was a wall behind that area.

22 MR. PRICE: No, sir. I've been in there a couple of times, it's not.

1 CHAIRMAN MCDUFFIE: Are there, are the any other questions for the applicant  
2 or for Staff at this time?

3 MR. MEETZE: I have one question which may be irrelevant. What would  
4 happen in the event that Highway 21 and Wilson Boulevard is ever four laned?

5 MR. PRICE: That's a good question. In the event that, let's say the road was  
6 widened, well, their setback would be decreased more, you know, there may be a case,  
7 I don't know if they'd ever be widening that would result in the building having to be  
8 moved, but if that were the case, then we would probably have to revisit this to see, to  
9 re-establish it on the property. But I know a lot of times when they're doing these road  
10 widenings, the intent is not to encroach into where an existing building is.

11 MS. CECERE: Have you looked at any, have you looked at any other locations  
12 where this is possible?

13 MR. MAZZY: This was the logical location, it was the planned location as part of  
14 the development of Heritage Hills. The pipeline runs north from Turkey, Turkey Farm,  
15 it's an 18" pipeline that runs down towards 21, it's going to -

16 MS. CECERE: Then it comes right by that -

17 MR. MAZZY: There's a -

18 MS. CECERE: - we're back to that tower again. It comes right by that tower if it  
19 comes from Turkey Farm Road.

20 MR. MAZZY: Yes, ma'am, that pipeline was just installed lately.

21 MS. CECERE: Right.

22 MR. RUSH: I don't know, I, I guess my concern, you know, in light of those  
23 pictures, just making sure that, because I know that neighborhood is gonna, there's

1 some new architectural board or, and if you put something in your backyard there's out,  
2 or a swing set in your backyard, so if this is still a part of that neighborhood, that would  
3 come under, under the same regulations or the deed restrictions or covenants of that  
4 neighborhood. So I would, you know, I would like to defer this case actually and let the  
5 representatives of that neighborhood at least be able to see that or be able to examine  
6 the architectural plans of that -

7 MR. PRICE: I, I would welcome input from your attorney at this time, but I  
8 believe that the county is only, when it comes to restrictions and covenants, we, we deal  
9 mostly with use. If there's a use that would be prohibited by any covenants or  
10 restrictions then we would have to honor that, but as far as any type of architectural  
11 standards that would be imposed on this, we have no legal standing from a county of  
12 upholding that.

13 MR. RUSH: Well, I understand that, but if the subdivision, they a right -

14 MR. PRICE: They do, I mean, one of the things that we did look at -

15 Mr. RUSH: [inaudible]

16 MR. PRICE: - - one of the things that we did look at as a staff and which we  
17 typically deal when we're dealing with these type of requests that come before you is  
18 that if there's gonna be a major impact on the community, we, we suggest talk to the  
19 abutting neighbors. However, if you look at this, this is, while it was actually a part, the  
20 parent parcel was part of the Heritage Hills Subdivision, this piece that was cut out is  
21 actually outside of it. It's, it's on Wilson Boulevard, it's not within the subdivision.

22 CHAIRMAN MCDUFFE: That, that being the case, I mean, this has been posted  
23 properly and, and advertised and the, the residents of the neighborhood have certainly

1 had an opportunity and will continue to have an opportunity for the next month to voice  
2 any concerns that they might have.

3 MR. PRICE: And, and, and -

4 MR. RUSH: Well, it's been posted, but at the same time those pictures weren't,  
5 they didn't talk to the neighborhood folk.

6 MR. PRICE: Right and, and, you know, once again -

7 MR. RUSH: [Inaudible].

8 MR. PRICE: - once again I welcome input from your attorney, but I believe what  
9 you have before you is not necessary a, a request to establish this particular use which  
10 would typically be found as a special exception. But I'm just saying what we're looking  
11 at before us is that there's a parcel with certain conditions that would prevent the, a use  
12 and that's what's before you, not so much the station because whatever is put there  
13 would require a variance. But I believe your attorney can -

14 MS. LINDER: If any Board Member would like legal advice, at this time I'd  
15 recommend an Executive Session.

16 CHAIRMAN MCDUFFIE: I, I have one question for Staff before we may or may  
17 not break for Executive Session. But, if we were to approve a variance, could we put  
18 the same types of restrictions that we would normally put on variances or special  
19 exceptions for if the use is discontinued, that kind of thing?

20 MR. PRICE: Sure.

21 CHAIRMAN MCDUFFIE: I can't see any, any -

22 MR. PRICE: Yeah.

1 CHAIRMAN MCDUFFIE: - obviously any instance when the city is not going to  
2 be using this for a water system, but, but again I never knew that they might have a  
3 water tower that was not being used either, so.

4 MS. CECERE: And within a half a mile.

5 MR. PRICE: Well I, I think you can put some issues on there.

6 CHAIRMAN MCDUFFIE: does anyone feel the need for a, to break for Executive  
7 Session for the purposes of receiving legal advice at this, at this time? Okay, would  
8 anyone care to go through the Findings of Fact?

9 MS. PERRINE: I'll try.

10 CHAIRMAN MCDUFFIE: Okay. Thank you.

11 MS. PERRINE: Are there extraordinary and exceptional conditions pertaining to  
12 the particular piece of property? I'd say yes. Do the conditions generally apply to other  
13 property in the vicinity? No. Would application of this chapter to this particular piece of  
14 property effectively prohibit or unreasonably restrict the utilization of the property  
15 because of the aforesaid extraordinary and exceptional conditions?

16 MR. RUSH: Can I ask a question if you don't mind? Mr. Price, even with that  
17 first question are there any -

18 MR. PRICE: Extraordinary and exceptional -

19 MR. RUSH: - extraordinary and exceptional circumstances of the property, if you  
20 create those extraordinary conditions by cutting the property that small and try to build  
21 something on it, [inaudible] extraordinary or just buying a regular lot that drops off the  
22 side of the hill that -

1 MR. PRICE: Yeah, if there was a piece of property that you bought knowing that  
2 you would have trouble building upon, I would say yes, you know, you, you kind of took  
3 that risk upon yourself. Unfortunately this parcel was actually approved by the county.  
4 It never should have been approved anyway, so it was approved by the county prior to  
5 them placing any type of utilities on the property.

6 MS. PERRINE: I think I was at number six and that answer would be yes. Will  
7 the granting of this variance be of substantial detriment to adjacent property or to the  
8 public good or will it harm the character of the district? No. Therefore I make a motion  
9 that we approve this variance with stipulations that they put some type of landscaping  
10 around -

11 CHAIRMAN MCDUFFIE: Screening from view?

12 MS. PERRINE: - screening, um-hum (affirmative), and did we want to put -

13 CHAIRMAN MCDUFFIE: I'd like to see a time, a time on the discontinuance of  
14 use in it as well -

15 MS. PERRINE: - so if it's not -

16 CHAIRMAN MCDUFFIE: - for a period of one year.

17 MS. PERRINE: - okay, if it's not being used in a year then it would be removed.

18 Okay.

19 MR. PRICE: So if it's discontinued for a year, the structure would need to be  
20 removed?

21 MS. PERRINE: Right.

22 CHAIRMAN MCDUFFIE: Is there a second?

23 MR. SMITH: I second that.

1 CHAIRMAN MCDUFFIE: Alright, we have a motion that's been seconded. At  
2 this time all in favor?

3 MR. PRICE: Those in favor are, Meetze, Perrine, McDuffie, Cooke, Smith.

4 CHAIRMAN MCDUFFIE: All opposed?

5 MR. PRICE: Those opposed, Rush, Cecere.

6 *[Approved: Meetze, Perrine, McDuffie, Cooke, Smith; Opposed: Rush, Cecere]*

7 MR. RUSH: Are those, are those pictures part of the Record now?

8 CHAIRMAN MCDUFFIE: Yes.

9 MR. RUSH: I would like to -

10 CHAIRMAN MCDUFFIE: Alright, you have your variance and Staff will be in  
11 touch. Thank you very much.

12 MR. MAZZY: Thank you.

13 CHAIRMAN MCDUFFIE: I guess at this time are there any other business?  
14 Alright, hearing none, meeting adjourned.

15

16

*[Meeting Adjourned at 1:50 pm]*