

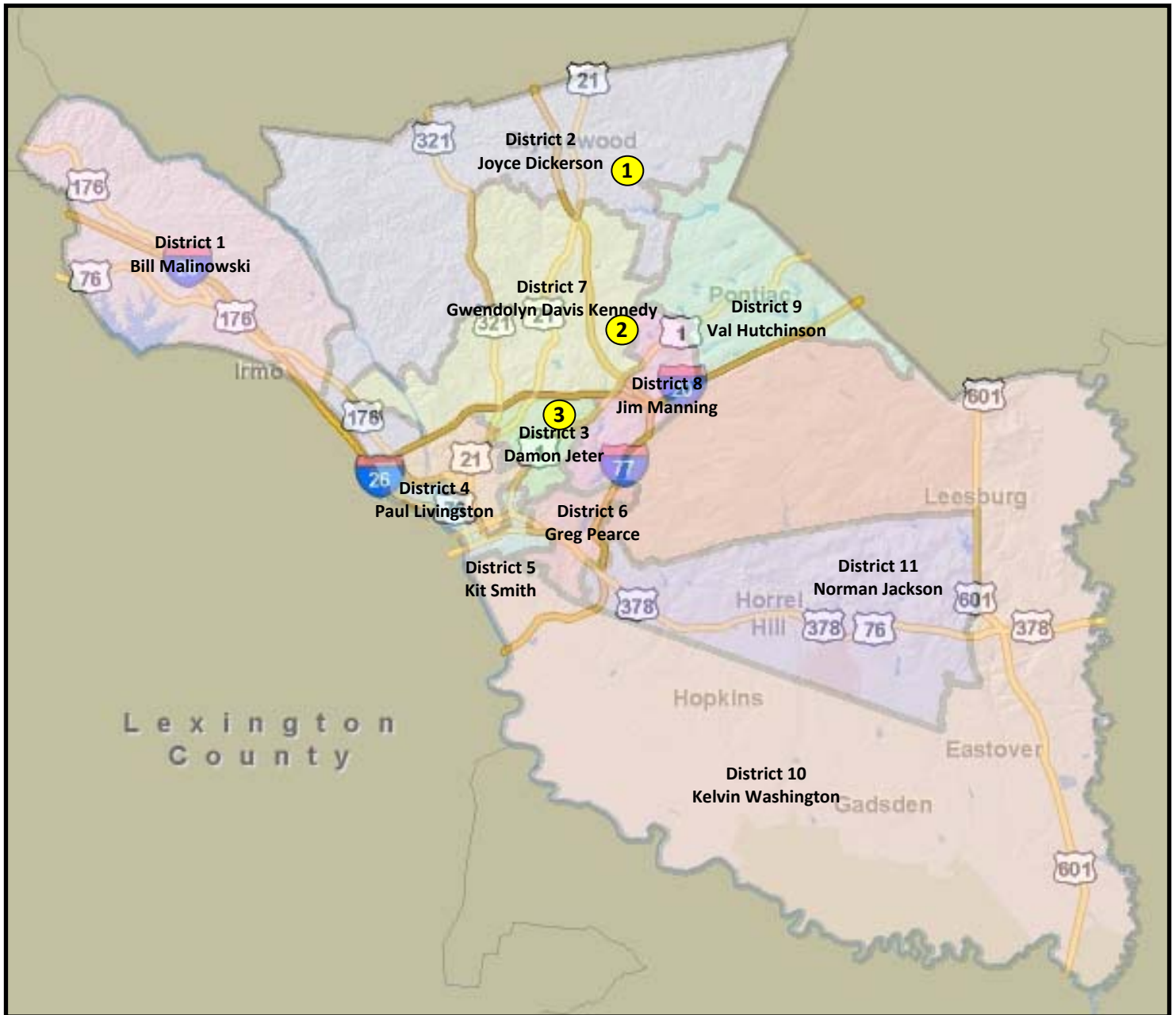
RICHLAND COUNTY BOARD OF ZONING APPEALS



Wednesday, 1 December 2010
1:00 p.m.
Council Chambers

RICHLAND COUNTY BOARD OF ZONING APPEALS

September 1, 2010



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 10-21 V	Gary Davis	20500-01-17	615 Rimer Pond Rd., Blythewood, SC	Dickerson
2. 10-22 V	Neel Shah	17206-02-02	8910 Farrow Rd., Columbia, SC	Kennedy
3. 10-23 V	Mark Barber	14214-05-04	1457 Bella Vista Dr., Columbia, SC	Jeter



**Richland County
Board of Zoning Appeals
Wednesday, December 1, 2010
2020 Hampton Street
2nd Floor, Council Chambers**

Agenda

I. CALL TO ORDER & RECOGNITION OF QUORUM

**Joshua McDuffie,
Chairman**

II. RULES OF ORDER

**Amelia Linder,
Attorney**

III. APPROVAL OF MINUTES – October 2010

IV. PUBLIC HEARING

**Geonard Price,
Zoning Administrator**

OPEN PUBLIC HEARING

10-21 V Gary Davis 615 Rimer Pond Road Blythewood, SC 29016 20500-01-17	Request a variance to encroach into the side yard setback on property zoned RU. (Rural)	P. 01
10-22 V Neel Shah 8910 Farrow Road Columbia, SC 29223 17206-02-02	Request a variance to exceed the maximum height for a pylon sign on property zoned GC. (General Commercial)	P. 11
10-23 V Mark Barber 1457 Bella Vista Drive Columbia, SC 29223 14214-05-04	Request a variance to encroach into the front yard setback on property zoned GC. (General Commercial)	P. 23

V. ADJOURNMENT

10-21 V

Gary Davis

615 Rimer Pond Road

Blythewood, SC 29016

20500-01-17



REQUEST, ANALYSIS
AND
RECOMMENDATION

10-21 Variance

REQUEST

The applicant is requesting the Board of Appeals to grant a variance to encroach into the required side yard setback on property zoned RU (Rural).

GENERAL INFORMATION

Applicant

Gary Davis

Tax Map Number

20500-01-17

Location

615 Rimer Pond Road

Parcel Size

1 acre tract

Existing Land Use

Residential

Existing Status of the Property

The subject property has 850 square foot residential structure which was constructed, according to county records, in 1960.

Proposed Status of the Property

The applicant is proposing to construct an addition to the existing structure which will encroach into the required side yard setback.

Character of the Area

The area is comprised of single-family residential dwellings.

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

Staff visited the site.

The applicant is requesting a variance to construct an 690 square foot addition to the existing residential structure which will encroach into the required side yard setback by five (5'). In the RU district, the required setbacks for principle structures are:

- Front - 40 feet
- Rear - 20 feet
- Side - 20 feet

The parcel is conforming according to the rural district requirements for lot area (33,000 square feet). The current residential structure is 10.1 feet from the side property line and determined to be nonconforming.

According to the applicant, the purpose of the addition is to create a bedroom for a foster child. The applicant states that the location of a septic tank restricts the addition to the proposed location.

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 location of the septic tank restricts the location of the addition.

b. How were conditions created

According to the applicant, this was the only location that the land would perk.

c. Conditions applicable to other properties

Many of the structures were developed prior to land development regulations.

d. Application of the ordinance restricting utilization of property

The application of the ordinance would restrict the addition of the structure.

e. Substantial detriment of granting variance

Staff was unable to establish that the granting of the variance would be a detriment to the abutting properties.

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 each of the standards set forth in subparagraph (2) below. 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.

ATTACHMENTS

- Application
- Plats

CASE HISTORY

No record of previous special exception or variance request.

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10-21 V
GARY DAVIS
615 RIMER POND ROAD
BLYTHEWOOD, SC 29016
20500-01-17



*10-21 V
GARY DAVIS
615 RIMER POND ROAD
BLYTHEWOOD, SC 29016
20500-01-17*





BOARD OF ZONING APPEALS

VARIANCE APPEALS



Application #

1. Location 615 Rimer Pond Rd Blythewood, S.C. 29016
 TMS Page 20500 Block 01 Lot 17 Zoning District RH

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: Five feet VARIANCE From property line

4. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Sec. 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: septic system is on other side of house

b) Describe how the conditions listed above were created: only place land would perk

c) These conditions do not generally apply to other property in the vicinity as shown by: Plat Dated 1989 and house was built in 1966

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: The addition other rooms for an adoptive child

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: positive development for the community and the child

5. The following documents are submitted in support of this application [a site plan must be submitted]:

- a) Copy of Plat
- b) _____
- c) _____

(Attach additional pages if necessary)

Mary Davis
Applicant's Signature

615 Rimer Pond Rd Blythewood
Address

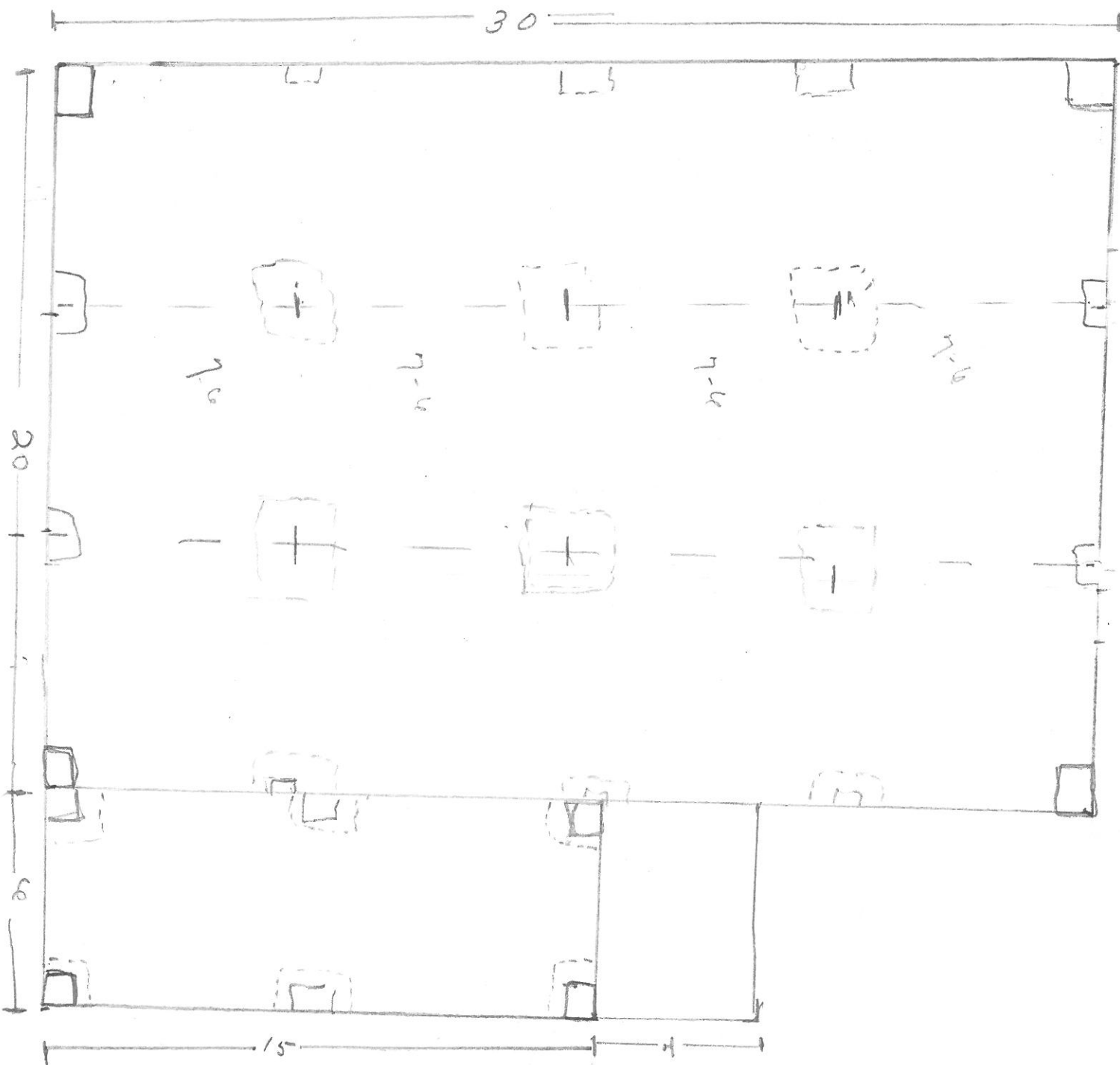
803 754 2536
Telephone Number

GARY DAVIS
Printed (typed) Name

City, State, Zip Code

Alternate Number

Foundation



10-22 V

Neel Shah

8910 Farrow Road

Columbia, SC 29223

17206-02-02

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1 December 2010
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

10-22 Variance

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a variance to exceed the maximum height for a pylon sign in a GC (General Commercial) district.

GENERAL INFORMATION

Applicant

Neel Shah

Tax Map Number

17206-02-01

Location

8910 Farrow Road

Parcel Size

3.13 acre tract

Existing Land Use

Commercial

Existing Status of the Property

The subject property has a newly constructed hotel (Hilton Garden Inn).

Proposed Status of the Property

The applicant proposes to exceed the maximum height for a pylon sign in the GC district by 29.59 feet.

Character of the Area

The area is comprised of commercially and institutionally developed parcels.

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

Staff visited the site.

The maximum allowed height for a pylon sign in the GC zoning district is 50 feet. The applicant is proposing to erect a sign which will stand 79'-7" in height.

According to the applicant, "The visibility of this property is greatly diminished due to the neighboring property's foliage which is a direct result of the watershed environmental project by the DOT. Therefore, future changes to this parcel are highly unlikely." The applicant also states that the "...drainage area and underground gas lines make vegetation necessary to avoid erosion." At the time of publication, staff has been unable to establish the development possibility of the neighboring parcel. However, it was noted by staff that the property is available for sale/lease.

Also, while the applicant has identified the potential obstacles that the abutting parcel may have during development, what has failed to be established is what would become of the sign if the variance is granted and the parcel is later developed.

If the variance is denied, the applicant will be allowed to establish a sign with the following measurements: height - 50 feet and sign face area - 250 square feet.

Staff believes that the subject parcel does not meet all of the criteria required for the granting of a variance. Staff recommends that the request be **denied**. According to the standard of review, a variance shall not be granted until the following findings are made:

- a. **Extraordinary and exceptional conditions**
Staff was unable to determine that extraordinary and/or exceptional conditions apply to the subject parcel.
- b. **How were conditions created**
- c. **Conditions applicable to other properties**
- d. **Application of the ordinance restricting utilization of property**
- e. **Substantial detriment of granting variance**

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

N/A

ATTACHMENTS

- Application
- Proposed signage plan

CASE HISTORY

N/A

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*10-22 V
NEEL SHAH
8910 FARROW ROAD
COLUMBIA, SC 29223
17206-02-02*



*10-22 V
NEEL SHAH
8910 FARROW ROAD
COLUMBIA, SC 29223
17206-02-02*





BOARD OF ZONING APPEALS VARIANCE APPEALS



Application #

1. Location Hilton Garden Inn, 8910 Farrow Road, Columbia, SC

TMS Page 172016 Block 02 Lot 0202 Zoning District GC

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: Property was purchased with the intent of development for this hotel.

4. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Sec. 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: The visibility of this property is greatly diminished due to the neighboring property's foliage which is a direct result of the watershed environmental project by the DOT. Therefore, future changes to this parcel are highly unlikely.

b) Describe how the conditions listed above were created: The neighboring plot is home to the watershed, as well as gas and power lines, all of which run to the rear office park. The drainage area and underground gas lines make vegetation necessary to avoid erosion.

c) These conditions do not generally apply to other property in the vicinity as shown by: Views of other properties from the exit and roads are clear from the primary viewing area of travelers. They are free of similar obstacles. Please see attachment B.

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: Not allowing this variance would unreasonably restrict the hotel's visibility, and thereby, condemns this new local business to a competitive disadvantage within its immediate market. There are other, older hotels located *(see below)*

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: This exit has already been developed to target travelers, and other businesses have similar signage on their properties. Their signage is lower as they are not subject to these obstacles. This sign will in no way change this area's look or intent.

5. The following documents are submitted in support of this application [a site plan must be submitted]:

- a) Site Plan
- b) Other Business Signage (Photos)
- c) Photos of visibility of proposed sign

(Attach additional pages if necessary)

Neel Shah
Applicant's Signature

330 Research Court
Address

678-514-2340
Telephone Number

Neel Shah
Printed (typed) Name

Norcross, GA, 30092
City, State, Zip Code

678-858-0232
Alternate Number

On the same side of I-77 on Farrow Road whose signage has no permanent barrier to visibility (DOT Trees & SCE&G Right of way). This business will be the newest and most upscale hotel in Northeast Columbia for high end corporate and transient travelers; and will serve well as a participating member of the local business community having taxes and employing between 30-50 people.

2) Cont.

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10-23 V

Mark Barber

1457 Bella Vista Drive

Columbia, SC 29223

14214-05-04

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REQUEST, ANALYSIS
AND
RECOMMENDATION

10-23 Variance

REQUEST

The applicant is requesting the Board of Appeals to grant a variance to encroach into the required front yard setback on property zoned GC (General Commercial).

GENERAL INFORMATION

Applicant

Mark Barber

Tax Map Number

14214-05-04

Location

1457 Bella Vista Drive

Parcel Size

.35 acre tract

Existing Land Use

Warehouse

Existing Status of the Property

The subject property has a 5225 square foot building, constructed circa 1999, which serves as an office/warehouse for a heating and air business (Air Waves Inc., Heating and Air).

Proposed Status of the Property

The applicant is proposing to place a 30kw standby generator which will encroach into the required front yard setback.

Character of the Area

The area is comprised primarily of warehouses. Commercial businesses and a club are located near the entrance of Bella Vista Drive.

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

Staff visited the site.

The applicant is requesting a variance to construct a concrete pad for a standby generator which will encroach into the required front yard setback by twenty-three (23) feet. In the GC district, the required setbacks for a structure are:

- Front - 25 feet
- Rear - 10 feet
- Side - 0 feet

The purpose of the generator is to provide back-up power and a level of comfort for employees that are working late.

According to the applicant, the proposed location is the only viable area for the generator. The applicant states that the sides are not an option due to the driveway on one side and the lack of space between the building and the other side property line. Placing the structure outside of the required front yard setback would result in an elimination of existing off-street parking spaces. The applicant states that the placement of the generator at the rear of the property would result in the structure being stolen.

Staff believes that the subject parcel does not meet all of the criteria required for the granting of a variance. Staff recommends that the request be **denied**. According to the standard of review, a variance shall not be granted until the following findings are made:

a. Extraordinary and exceptional conditions

Staff was unable to determine that extraordinary and/or exceptional conditions apply to the subject parcel.

b. How were conditions created

c. Conditions applicable to other properties

d. Application of the ordinance restricting utilization of property

e. Substantial detriment of granting variance

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 each of the standards set forth in subparagraph (2) below. 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.

ATTACHMENTS

- Application

CASE HISTORY

No record of previous special exception or variance request.

*10-23 V
MARK BARBER
1457 BELLA VISTA DRIVE
COLUMBIA, SC 29223
14214-05-04*



10-23 V
MARK BARBER
1457 BELLA VISTA DRIVE
COLUMBIA, SC 29223
14214-05-04



*10-23 V
MARK BARBER
1457 BELLA VISTA DRIVE
COLUMBIA, SC 29223
14214-05-04*





BOARD OF ZONING APPEALS

VARIANCE APPEALS



Application #

1. Location 1457 Bella Vista Dr. Col. SC 29206
 TMS Page _____ Block _____ Lot _____ Zoning District GC

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: install a 30KW standby Generator in The front of The Parking lot on The Embankment next to Bella Vista Dr.

4. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Sec. 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: NO ROOM FOR GEN ON LEFT DUE TO 3' CLEARANCE TO PROPERTY LINE. NO ROOM ON RIGHT DUE TO DRIVEWAY. TOO MUCH CRIME IN THE AREA TO INSTALL UNIT IN REAR (WILL GET STOLEN)
- b) Describe how the conditions listed above were created: OTHER UNITS HAVE BEEN STOLEN OR VANDALIZED ON THE PROPERTY. EMPLOYEES WORKING AT NIGHT DO NOT FEEL SAFE IF POWER FAILS.
- 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: NO OTHER PLACE TO INSTALL GEN WHERE IT CANNOT BE STOLEN. CANT INSTALL INSIDE WAREHOUSE BECAUSE IT MUST EXHAUST OUTSIDE.
- 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: GEN WILL BE IN THE EMBANKMENT & NOT VERY VISIBLE FROM RD. OTHER UTILITIES (PHONE BOX & ELEC. Poles) ARE ALREADY THERE

5. The following documents are submitted in support of this application [a site plan must be submitted]:
- a) _____
 - b) _____
 - c) _____

(Attach additional pages if necessary)

<u>Mark J. Baker</u> Applicant's Signature	<u>1457 Bella Vista Dr</u> Address	<u>803 413-2861</u> Telephone Number
<u>MARK J. Baker</u> Printed (typed) Name	<u>Col., SC 29223</u> City, State, Zip Code	<u>803 754-9099</u> Alternate Number

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Richland County Government
2020 Hampton Street
Columbia, SC 29204

Phone (803) 576-2180
Fax (803) 576-2182
