

RICHLAND COUNTY BOARD OF ZONING APPEALS



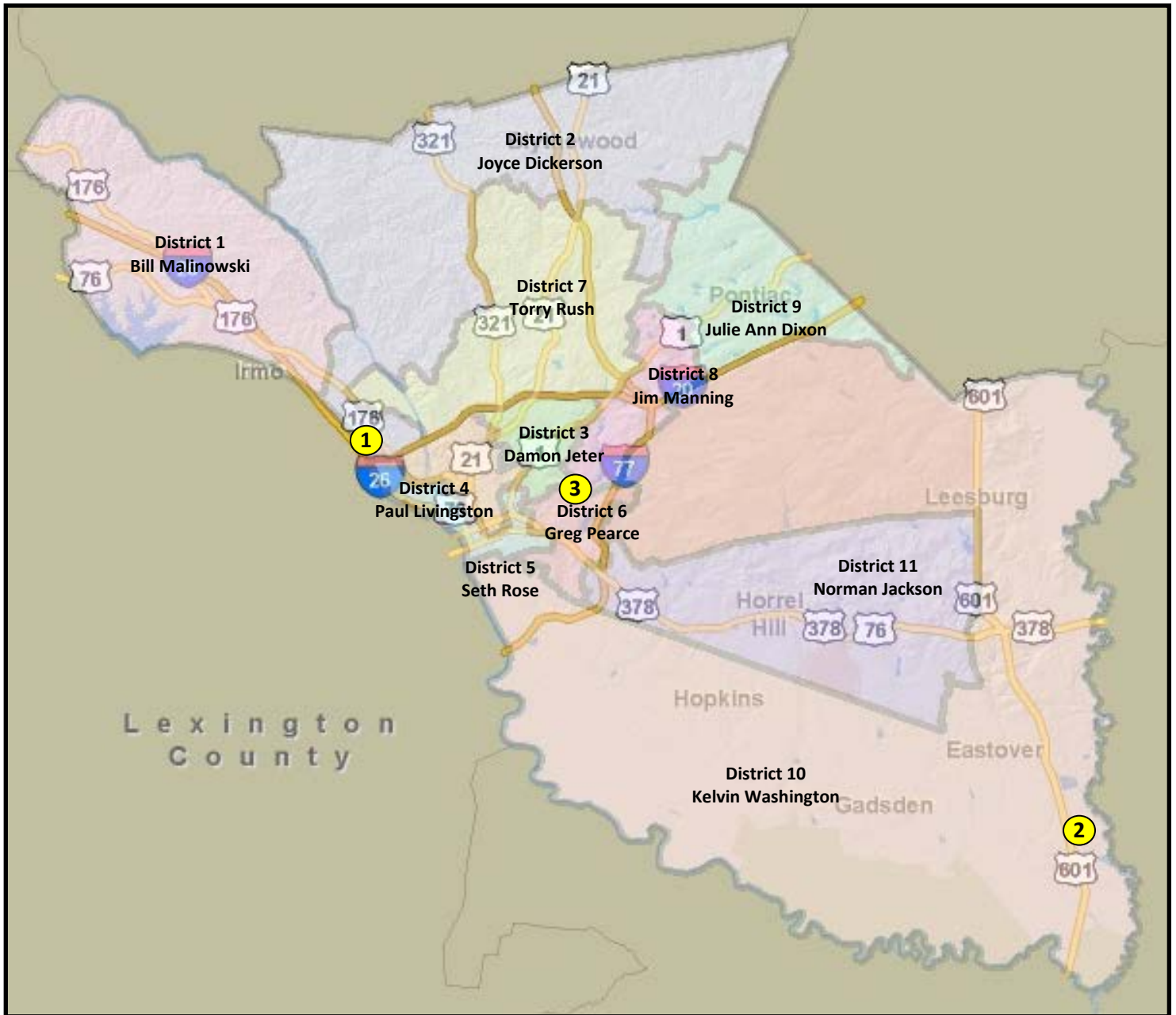
Wednesday, 4 December 2013

1:00 p.m.

Council Chambers

RICHLAND COUNTY BOARD OF ZONING APPEALS

December 4, 2013



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 13-07 V	Gator St. Andrew LLC.	06008-01-07	817 St. Andrews Rd. Columbia, SC 29223	Dickerson
2. 13-08 SE	SCANA Communication	38800-02-07	Highway 601 Eastover, SC 20944	Washington
3. 13-09 V	East Richland County Public Service District	16603-02-14	4951 Quail Lane Columbia, SC 29206	Pearce



**Richland County
Board of Zoning Appeals
Wednesday, December 4, 2013
2020 Hampton Street
2nd Floor, Council Chambers**

Agenda

I. CALL TO ORDER & RECOGNITION OF QUORUM **Joshua McDuffie, Chairman**

II. PUBLIC NOTICE ANNOUNCEMENT

III. RULES OF ORDER

Amelia Linder, Attorney

IV. APPROVAL OF MINUTES – October 2013

V. PUBLIC HEARING

**Geonard Price,
Deputy Planning Director/ Zoning Adm.**

OPEN PUBLIC HEARING

**13-07 V
Gator St. Andrew LLC.
817 St. Andrews Rd.
Columbia, SC 29223
TMS# 06008-01-07**

Requests a variance to exceed the height limitation for a sign on property zoned General Commercial (GC)

P. 01

**13-08 SE
SCANA Communication
Highway 601
Eastover, SC 20944
TMS# 38800-02-07**

Requests a special exception for a cell tower on property zoned Heavy Industrial (HI)

P. 11

**13-09 V
East Richland County Public
Service District
4951 Quail Lane
Columbia, SC 29206
TMS# 16603-02-14**

Requests a variance to encroach into the setbacks on property zoned Residential Low Density (RS-LD)

P. 27

VI. OTHER BUSINESS

VII. ADJOURNMENT



REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

13-07 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 the GC (General Commercial) district.

GENERAL INFORMATION:

Applicant: William Goldsmith
Gator St. Andrew's LLC

TMS: 06008-01-07

Location: 817 St. Andrews Road, Columbia, SC 29210

Parcel Size: 8.64 acres

Existing Land Use: Currently there is a 70,000+ square foot structure on the site which was previously anchored by a Kroger grocery store.

Proposed Land Use: Unknown.

Character of Area: The area is commercially developed along St. Andrews Road.

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 erect a 100 foot tall pylon sign which will exceed the maximum allowed height in the GC district by 65 feet.

According to the applicant, "...the subject property is off-set and visibility is compromised by existing conditions, neighboring property and geographical visibility limitations." The applicant also states that the "...Limited visibility to all vehicular traffic due to geographical limitations restrict all tenant signage."

It is staff's opinion that there is ample visibility along Saint Andrew's Road for any proposed signage. The allowed signage for this development would be similar to that of the other businesses along Saint Andrew's Road. Also, it appears that the purpose of the applicant's request is to gain visibility along Interstate 26. The businesses along Saint Andrew's Road do not enjoy additional visibility along the interstate by way of on-premise signage. A majority of the visible signs from the interstate are off-premise (billboards).

If the variance is denied, the applicant will be allowed to establish a sign with a height of 35 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. Conditions applicable to other properties

c. Application of the ordinance restricting utilization of property

d. 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 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:

- Site Plans

13-07 V
817 Saint Andrew's Road
TMS: 06008-01-07



RICHLAND COUNTY
BOARD OF ZONING APPEALS
VARIANCE APPEALS



Rept# 3-03896

Application# _____

Paid \$ \$100.00

Filed 7/9/13

1. Location 817 St. Andrews Rd. Columbia, Sc 29223

2. Page D6008 Block 01 Lot 07 Zoning District GC

3. 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.

4. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows: Increase Allowable Signage for Interstate

Signage

5. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Sec. 26-502.3b(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: _____

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: _____

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

a) Exhibit A

b) Exhibit B

c) Exhibit C

(Attach additional pages if necessary)

Explanation Sheet for Application for a Variance "Exhibit A"

5. a. Extraordinary and exceptional conditions pertaining to the particular piece of property:

Relief from 50. ft. Height maximum area because strict enforcement of the present sign ordinance would impose a hardship to the subject property because the subject property is off-set and visibility is compromised by existing conditions, neighboring property and geographical visibility limitations. The variation request is in harmony with the general intent and purpose of the sign ordinance and current zoning district.

100 ft. Overall height of signage is the minimum needed relief to satisfy the hardship.

Current existing sign area is approximately 35 Ft Tall.

5. b. the extraordinary conditions listed above were created:

The conditions were created from years of growth of geographical limitations i.e neighboring trees. blocking the referenced properties visibility

5.c. These conditions do not generally apply to other property in the vicinity as shown by:

Attached "Exhibit B" neighboring centers with unobstructed geographical visibility limitations along highway i-26.

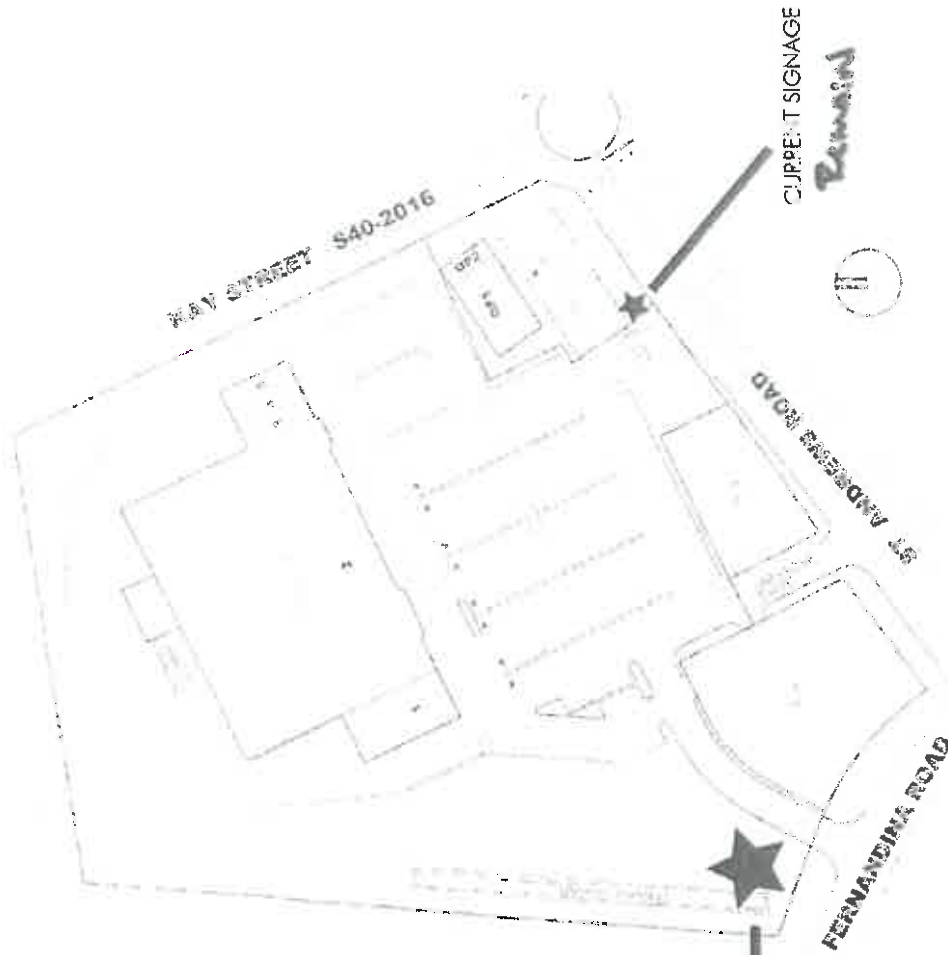
5.d. Because of these conditions, the applications of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

Limited visibility to all vehicular traffic due to geographical limitations restrict all tenant signage.

5.e. The Authorization of the variance will not be of substantial determinant to the adjacent property or to the public good and the character of the district will not be at harm by the granting of the variance for the following reasons.

Allowance of a 100 ft. sign will co inside with neighboring properties see "exhibit B". other highway properties have similar overall height proposed per this application.

KROGER PLAZA
7467 ST. ANDREWS RD.



PROPOSED SIGN PLACEMENT

*Remain Existing
Place with attached
Sign package.*

EXISTING SIGNAGE

Remain

SITE PLAN

APPROVED APPROVED AS NOTED REVISE AND RESUBMIT

SIGNATURE: _____

DATE: _____

PROJECT: KROGER PLAZA
7467 ST. ANDREWS RD.

P: 803-791-7504

F: 803-739-2344



CarolinaCustomSign
DESIGN • MANUFACTURE • INSTALL • SERVICE
PO BOX 316 • LENOIR, NC 28641 • 1016 INDUSTRIAL BLVD. LENOIR, NC 28642

KROGER PLAZA
7467 ST. ANDREWS RD.



26'



CarolinaCustomSign
 DESIGN • MANUFACTURE • INSTALL • SERVICE
PO BOX 510, LENOIRTON, SC 29027 | 2019 8 INDUSTRIAL BLVD LENOIRTON, SC 29027

PROJECT: KROGER PLAZA
7467 ST. ANDREWS RD.

P: 803-791-7504
F: 803-739-2344



APPROVED APPROVED AS NOTED REVISE AND RESUBMIT

SIGNATURE: _____

DATE: _____

Exhibit C



REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

13-08 Special Exception

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the construction of a communication tower in a HI (Heavy Industrial) district.

GENERAL INFORMATION:

Applicant: Gary Pennington
SCANA Communications, Inc.

TMS: 38800-02-07

Location: US Highway 601, Eastover, SC 29044

Parcel Size: 1028+ acre tract

Existing Land Use: The parcel is agriculturally developed.

Proposed Land Use: The applicant proposes to erect a 300-foot telecommunications tower, within a 10,000 (100x100) square foot leased area.

Character of Area: The immediate surrounding area consists of agricultural and industrial developed parcels.

ZONING ORDINANCE CITATION:

Table 26-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to authorize radio, television and all other types of communications towers subject to the provisions of section 26-152 (d) (22).

CRITERIA FOR SPECIAL EXCEPTION:

In addition to definitive standards in this chapter, the Board shall consider the following:

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

Special exception requirements (as found in section 26-152 (d) (22)):

(22) *Radio, television and telecommunications and other transmitting towers.*

- a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; LI Light Industrial; Heavy Industrial.
- b. Communication towers shall have a maximum height of three hundred (300) feet. For towers on buildings, the maximum height shall be twenty (20) feet above the roofline of buildings forty (40) feet or four stories in height or less. For buildings greater than four stories or forty-one (41) feet in height, the maximum height of communication towers shall be forty feet above the roofline.

- c. The minimum setbacks for communication towers from abutting districts shall be as follows: (Ord. No. 040-09HR; 7-21-09)
 1. Communication towers abutting a residentially zoned parcel shall have a minimum setback of one (1) foot for each foot of height of the tower as measured from the base of the tower. The maximum required setback shall be two hundred and fifty (250) feet. (Ord. No. 040-09HR; 7-21-09)
 2. Communication towers abutting a non-residentially zoned parcel with a habitable residential dwelling shall have a minimum setback of fifty (50) feet. (Ord. No. 040-09HR; 7-21-09)
 3. Communication towers abutting a non-residentially zoned parcel without a habitable residential dwelling shall observe the setbacks of the district in which it is located. (Ord. No. 040-09HR; 7-21-09)
- d. The proposed user must show proof of an attempt to collocate on existing communication towers, and must be willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure. Evidence of an attempt to collocate must show that alternative towers, buildings, or other structures are not available for use within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, or provide a location free of interference from other communication towers.
- e. Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration, or other regulatory agencies. However, no nighttime strobe lighting shall be incorporated unless required by the Federal Communications Commission, the Federal Aviation Administration, or other regulatory agency.
- f. Each communication tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.
- g. Each communication tower site shall be landscaped in accordance with the requirements of Section 26-176 of this chapter.
- h. No signage may be attached to any portion of a communications tower. Signs for the purpose of identification, warning, emergency function or contact or other as required by applicable state or federal rule, law, or regulation may be placed as required by standard industry practice.
- i. A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

DISCUSSION:

The applicant proposes to erect a 300-foot self-support lattice telecommunications tower, within a 10,000 square foot compound.

Staff visited the site.

According to the provisions of subsection 26-152 (d) (22) (c) (3), "...towers abutting a non-residentially zoned parcel without a habitable residential dwelling shall observe the setbacks of the district in which it is located." The required setbacks for the HI district are:

- Front - 25 feet
- Rear - 10 feet
- Side – None

The tower is proposed to be located at least 230 feet from each property line.

Meeting the criteria for a special exception in section 26-152 (d) (22) (c) may indicate that the applicant has taken necessary measures to minimize the impact of a communication tower on the surrounding area. Staff believes that this request will not impair the properties in the immediate or surrounding area.

The applicant must address, before the Board, the special exception requirements of section 26-152 (d) (22) (d).

Staff recommends approval for this request.

CONDITIONS:

Section 26-56 (f) (3)

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

OTHER RELEVANT SECTIONS:

N/A

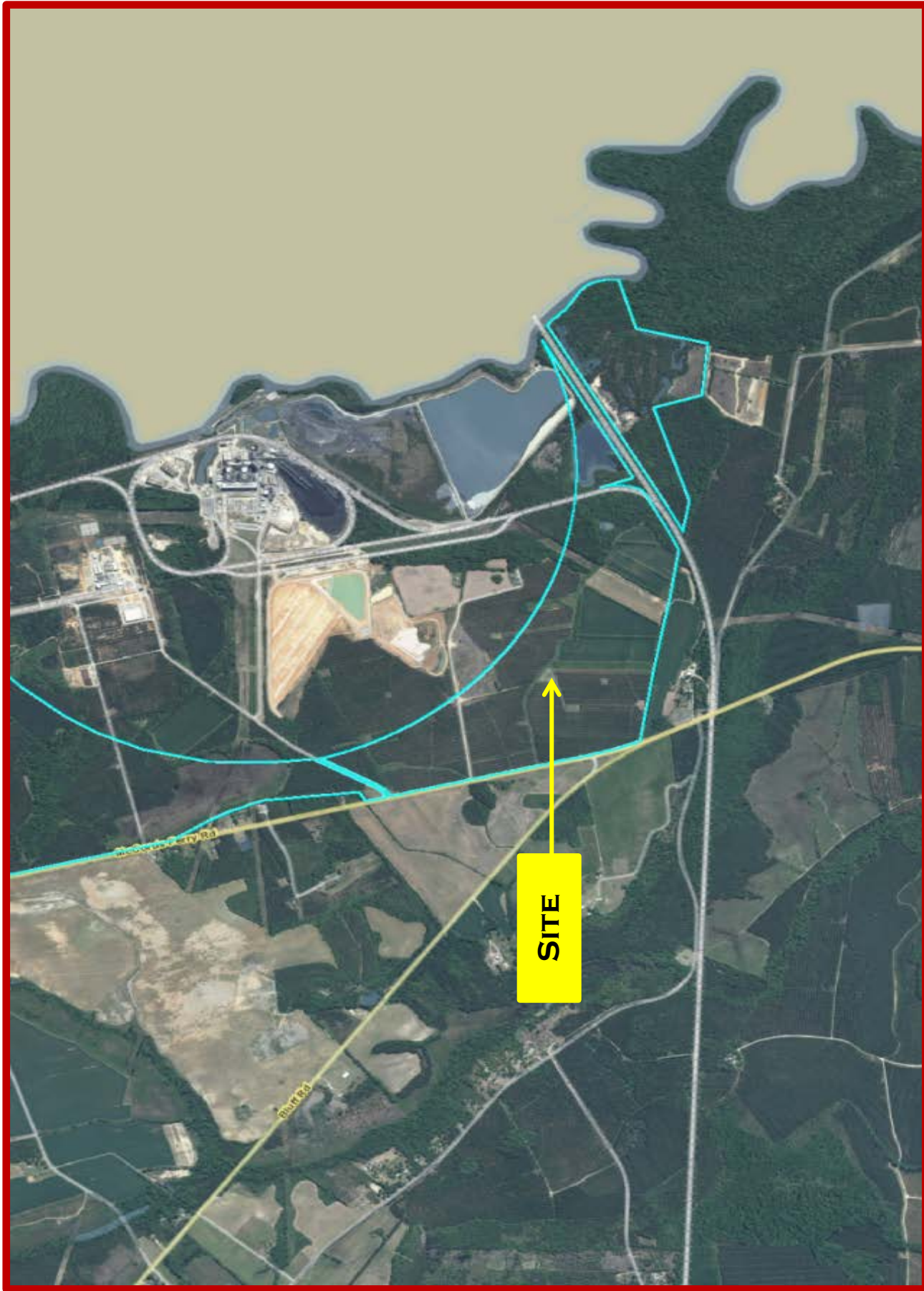
CASE HISTORY:

No record of previous special exception or variance request.

ATTACHMENTS:

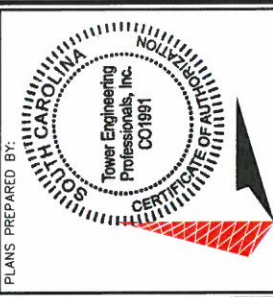
- Site plan
- Zoning Application Packet

**13-08 SE
HIGHWAY 601
TMS: 38800-02-07**

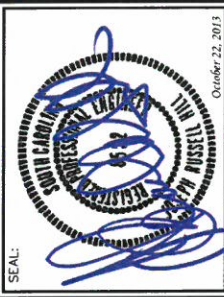


PLANS PREPARED FOR:
SCANA COMMUNICATIONS
 220 OPERATION WAY
 CAYCE, SC 29033
 Office: (803) 217-8138

PROJECT INFORMATION:
WATEREE 091-386
 U.S. HIGHWAY 601
 EASTOVER, SC 29044
 (RICHLAND COUNTY)



PLANS PREPARED BY:
TOWER ENGINEERING PROFESSIONALS
 3703 JUNCTION BOULEVARD
 RALEIGH, NC 27605-5263
 OFFICE: (919) 661-6351
 www.tepgroup.net



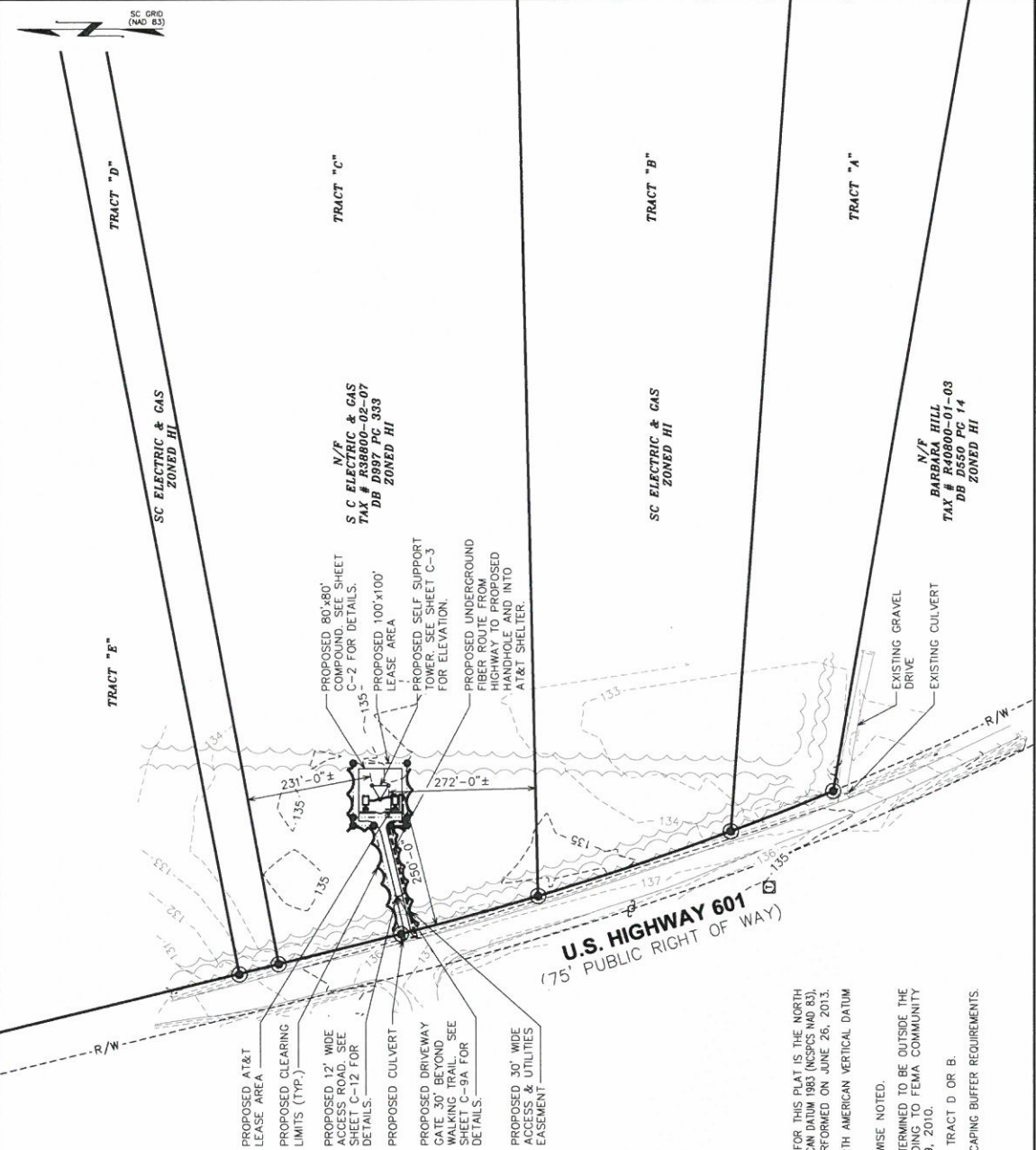
October 22, 2013

REV	DATE	ISSUED FOR:
3	10-22-13	CONSTRUCTION REVISION
2	10-01-13	CONSTRUCTION
1	09-05-13	PRELIMINARY REVISION
0	07-30-13	PRELIMINARY

DRAWN BY: ARS | CHECKED BY: GVA
 SHEET TITLE:

SITE PLAN

SHEET NUMBER: **C-1**
 REVISION: **3**
 TEP #: 47412



LEGEND

—	EXIST. PROPERTY LINE
⊕	EXIST. UTILITY POLE
⊕	EXIST. TELCO PEDESTAL
⊙	PROPERTY CORNER
---	EXIST. CONTOUR LINE
—	EDGE OF PAVEMENT
---	OVERHEAD WIRE
---	RIGHT-OF-WAY
X	CHAIN LINK FENCE
~	EXISTING TREE LINE

PROPOSED AT&T LEASE AREA
 PROPOSED CLEARING LIMITS (TYP.)
 PROPOSED 12' WIDE ACCESS ROAD, SEE SHEET C-12 FOR DETAILS.
 PROPOSED CULVERT
 PROPOSED DRIVEWAY GATE 30' BEYOND WALKING TRAIL, SEE SHEET C-9A FOR DETAILS.
 PROPOSED 30' WIDE ACCESS & UTILITIES EASEMENT

PROPOSED 80'x80' COMPOUND, SEE SHEET C-2 FOR DETAILS.
 PROPOSED 100'x100' LEASE AREA
 PROPOSED SELF SUPPORT TOWER, SEE SHEET C-3 FOR ELEVATION.
 PROPOSED UNDERGROUND FIBER ROUTE FROM HIGHWAY TO PROPOSED HANDHOLE AND INTO AT&T SHELTER.

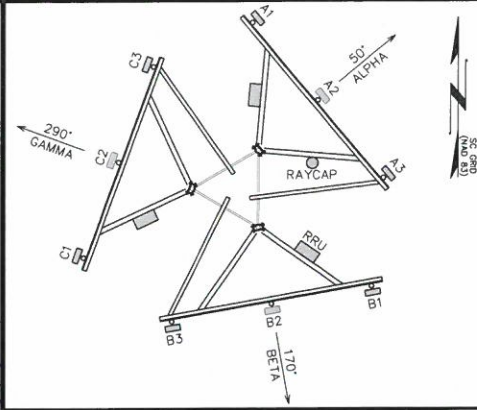
PROPOSED 100'x100' LEASE AREA
 PROPOSED SELF SUPPORT TOWER, SEE SHEET C-3 FOR ELEVATION.
 PROPOSED UNDERGROUND FIBER ROUTE FROM HIGHWAY TO PROPOSED HANDHOLE AND INTO AT&T SHELTER.

NOTES:

1. THE BASIS OF THE MERIDIANS AND COORDINATES FOR THIS PLAT IS THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983 (NCSPCS NAD 83), BASED ON DIFFERENTIAL GPS OBSERVATIONS PERFORMED ON JUNE 26, 2013.
2. VERTICAL INFORMATION SHOWN, BASED ON THE NORTH AMERICAN VERTICAL DATUM OF NAVD 1988 IN FEET.
3. ALL DISTANCES ARE GROUND UNLESS OTHERWISE NOTED.
4. THE TOWER IS LOCATED IN ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN ACCORDING TO FEMA COMMUNITY PANEL #45079C0575K, DATED SEPTEMBER 29, 2010.
5. THERE ARE NOT HABITABLE STRUCTURES ON TRACT D OR B.
6. EXISTING VEGETATION TO BE USED TO MEET LANDSCAPING BUFFER REQUIREMENTS.



SITE PLAN
 SCALE: 1" = 200'

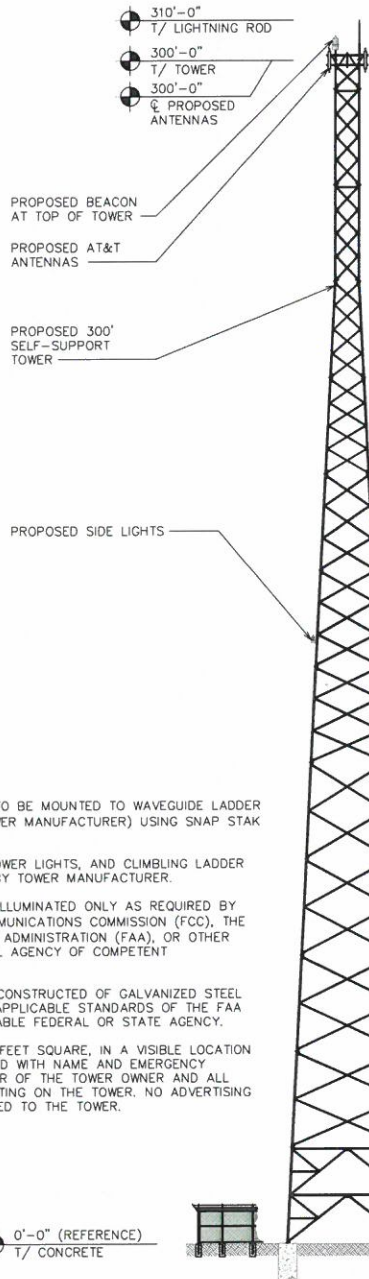


MOUNT ORIENTATION

N.T.S.

ANTENNA / COAX SCHEDULE

SECTOR	MANUFACTURER (MODEL #)	AZIMUTH (TRUMAG)	MOUNTING HEIGHT	FEEDER LENGTH	COAX SIZE	MECH. TILT
ALPHA 1 (A1)	ERICSSON KRC118054-1	50°	300'-0"±	325'-0"±		0°
ALPHA 2 (A2)	CELL-MAX CMA-B-6519-EO-B-A2	50°	300'-0"±	325'-0"±		0°
ALPHA 3 (A3)	ERICSSON KRC1181601-3	50°	300'-0"±	325'-0"±	(2) FIBER	0°
BETA 1 (B1)	ERICSSON KRC118054-1	170°	300'-0"±	325'-0"±	(3) POWER	0°
BETA 2 (B2)	CELL-MAX CMA-B-6519-EO-B-A2	170°	300'-0"±	325'-0"±		0°
BETA 3 (B3)	ERICSSON KRC1181601-3	170°	300'-0"±	325'-0"±		0°
GAMMA 1 (C1)	ERICSSON KRC118054-1	290°	300'-0"±	325'-0"±		0°
GAMMA 2 (C2)	CELL-MAX CMA-B-6519-EO-B-A2	290°	300'-0"±	325'-0"±		0°
GAMMA 3 (C3)	ERICSSON KRC1181601-3	290°	300'-0"±	325'-0"±		0°

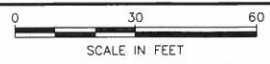


NOTES:

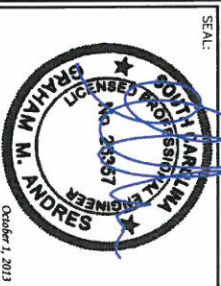
1. PROPOSED FIBER TO BE MOUNTED TO WAVEGUIDE LADDER (PROVIDED BY TOWER MANUFACTURER) USING SNAP STAK HANGERS.
2. LIGHTNING ROD, TOWER LIGHTS, AND CLIMBLING LADDER TO BE PROVIDED BY TOWER MANUFACTURER.
3. TOWER SHALL BE ILLUMINATED ONLY AS REQUIRED BY THE FEDERAL COMMUNICATIONS COMMISSION (FCC), THE FEDERAL AVIATION ADMINISTRATION (FAA), OR OTHER STATE OR FEDERAL AGENCY OF COMPETENT JURISDICTION.
4. TOWER SHALL BE CONSTRUCTED OF GALVANIZED STEEL OR PAINTED PER APPLICABLE STANDARDS OF THE FAA OR OTHER APPLICABLE FEDERAL OR STATE AGENCY.
5. A SINGLE SIGN, 2 FEET SQUARE, IN A VISIBLE LOCATION SHALL BE REQUIRED WITH NAME AND EMERGENCY TELEPHONE NUMBER OF THE TOWER OWNER AND ALL COMPANIES OPERATING ON THE TOWER. NO ADVERTISING SHALL BE ATTACHED TO THE TOWER.

TOWER ELEVATION

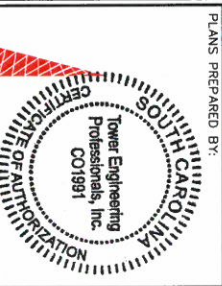
SCALE: 1" = 30'



SHEET NUMBER: C-3	REVISION: 2	
TOWER ELEVATION		
DRAWN BY: AJS CHECKED BY: GMA		
REV	DATE	ISSUED FOR
2	10-01-13	CONSTRUCTION
1	09-05-13	PRELIMINARY REVISION
0	07-30-13	PRELIMINARY



SEAL: TOWER ENGINEERING PROFESSIONALS
3703 LUNCION BOULEVARD
RALEIGH, NC 27603-5263
OFFICE: (919) 861-6351
WWW.TEPGPA.NET



PLANS PREPARED BY:
WATEREE 091-386
US HIGHWAY 801
EASTOVER, SC 29014
(RICHLAND COUNTY)

PLANS PREPARED FOR:
SCATMA COMMUNICATIONS
220 OPERATION WAY
CAYCE, SC 29033
Office: (803) 217-8138

PLANS PREPARED FOR:



220 OPERATION WAY
CAYCE, SC 29033
Office: (803) 217-8138

PROJECT INFORMATION:

WATEREE 091-386
U.S. HIGHWAY 601
EASTOVER, SC 29044
(RICHLAND COUNTY)

PLANS PREPARED BY:

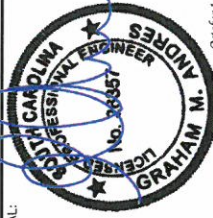


Tower Engineering Professionals, Inc.
CO1991



TOWER ENGINEERING PROFESSIONALS
3703 JUNCTION BOULEVARD
RALEIGH, NC 27603-5263
OFFICE: (919) 661-6351
www.tengroup.net

SEAL:



October 1, 2013

2	10-01-13	CONSTRUCTION
1	09-05-13	PRELIMINARY REVISION
0	07-30-13	PRELIMINARY
REV	DATE	ISSUED FOR:

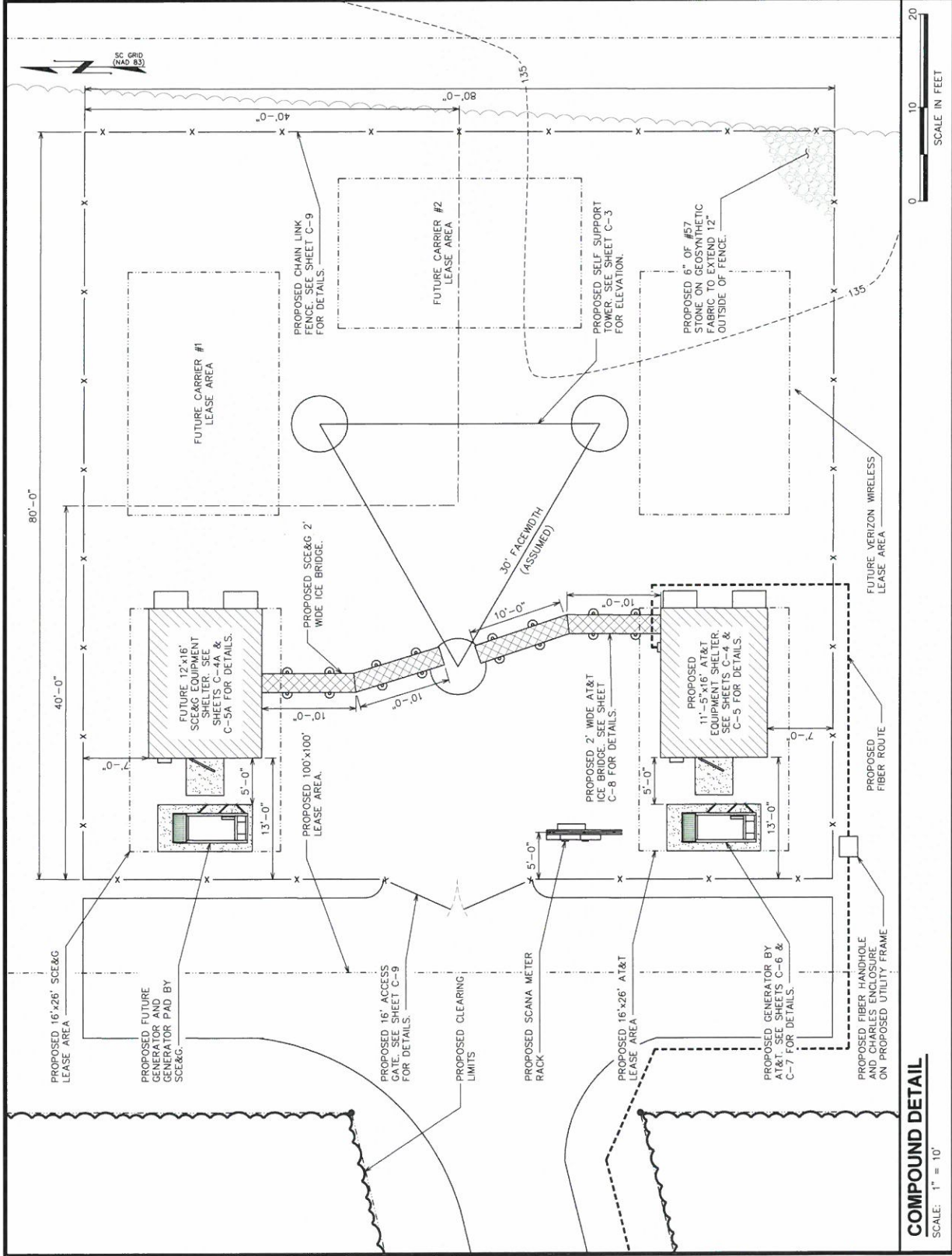
DRAWN BY: AFS | CHECKED BY: GWA
SHEET TITLE:

COMPOUND DETAIL

SHEET NUMBER: **C-2**

REVISION: **2**

TEP #: 47412



COMPOUND DETAIL
SCALE: 1" = 10'



BOARD OF ZONING APPEALS

SPECIAL EXCEPTION



1. Location: US Highway 601, Eastover, SC 20944

TMS Page: R3800 Block: 2 Lot: 7 Zoning District: HI

2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting: the construction of a telecommunications tower and related appurtenances.

3. Describe the proposal in detail: SCANA Communications, Inc. proposes to construct a three hundred foot (300') self-support lattice telecommunications tower and ancillary equipment shelters.

4. Area attributed to the proposal (square feet): 10,000

5. Are other uses located upon the subject property? No Yes (if Yes, list each use and the square footage attributed to each use):

a. Use None square footage

b. Use None square footage

c. Use None square footage

6. Total number of parking spaces on the subject property: 0

7. Total number of employees on shift of greatest employment: 0

8. Address the following **Standards of Review** (Sec. 26-56 (f) (2) of the Richland County Land Development Code). Please note that the members of the Board of Zoning Appeals will use your answers, among other things, as they evaluate your request.

a. Traffic impact: There will be no traffic impact. The tower will be unmaned, and subsequent to its construction, there will be limited access to by service personnel. Routine maintenance may require two visits per month by a single vehicle.

b. Vehicle and pedestrian safety: There will be no impact on vehicle and pedestrian safety. The tower will be fenced with a security fence to limit access.

c. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property: The tower will not generate noise, fumes, or obstruct airflow, and uses minimum lighting.

d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view: The tower is located in a heavily wooden and rural area, with a natural heavily wooded buffer around the site.

e. Orientation and spacing of improvements or buildings: The orientation and spacing are shown on Sheet C-2 of the Construction Drawings.

**APPLICATION FOR ZONING APPROVAL BY SCANA COMMUNICATIONS, INC.,
FOR THE CONSTRUCTION OF A TELECOMMUNICATIONS TOWER AND
RELATED APPURTENANCES**

(WATEREE SITE)

I. INTRODUCTION

- A. **OVERVIEW.** This is an application by SCANA Communications, Inc. seeking zoning approval for the construction of a telecommunications tower and related appurtenances on a parcel with a Tax Map Number of R38800-02-07, pursuant to the requirements of the Richland County Land Development Code (the "Ordinance").
- B. **PURPOSE.** The application is for the purpose of allowing for the construction of a new telecommunications tower. The telecommunications facility will consist of a 300' self-support lattice tower and ancillary equipment shelters.
- C. **OWNERSHIP/OPERATION.** The proposed telecommunications tower will be owned and operated by SCANA Communications, Inc. SCANA Communications' address is 220 Operation Way, MC B212, Cayce, SC 29033. SCANA Communications' contact is Tom Chambers, at (803) 217-8138. An innovative carrier's carrier since 1985, SCANA Communications, Inc. is a subsidiary of SCANA Corporation, an energy company that has been doing business in the Southeast for 160 years. SCANA Communications, Inc. has constructed, owned, and operated telecommunications towers in the Southeast for many years.
- D. **STATEMENT OF NEED.** The anchor tenant of the proposed communications tower will be AT&T. The proposed wireless communications tower is needed to enable AT&T to meet its objective of providing continuous wireless coverage in Richland County. The proposed telecommunications tower will enable AT&T to provide additional wireless coverage and signal strength along US 601 and its junction with SR 48, specifically at Bluff Road, McCords Ferry Road, Joe Collins Road, and Godspeed Road. The proposed telecommunications tower will also provide indoor and outdoor coverage around the residential area of Wateree.

II. THE PROPERTY.

- A. **OWNERSHIP.** The subject property is owned by South Carolina Electric & Gas, with a mailing address of 220 Operation Way, Cayce, SC 29033.
- B. **LOCATION.** The property upon which the proposed telecommunications tower will be constructed is located on US Highway 601, Eastover SC 20944. The property is identified as Tax Map Number R38800-02-07 and

is further described in Deed Book 1219, at Page 766, as recorded in the Richland County Register of Deeds Office. The current use of the property is heavy industrial.

- C. **LEASED PROPERTY.** SCANA Communications, Inc. has leased a 100' x 100' portion of the property from the property owner and has obtained a 30' wide easement for access and utilities.
- D. **OVERALL PROPERTY.** The overall property of which the leased property is a portion contains approximately ninety-four (94) acres upon information and belief. The property is zoned Heavy Industrial ("HI").

III. INTENDED FACILITY.

- A. **TOWER.** SCANA Communications, Inc. proposes to construct a free-standing telecommunications tower and related appurtenances ("Communications Facility") on the subject property. The telecommunications tower will be three hundred (300') feet in height.

RESPONSE: Please refer to the Construction Drawings attached hereto as Exhibit 3, Sheet C3.

IV. COMPLIANCE WITH THE ORDINANCE.

A. **Section 26-152(d)(22). Special Exceptions: Radio, Television, and Telecommunications and Other Transmitting Towers.**

- a. **Section 26-152(d)(22)(a). Use Districts:** Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; LL Light Industrial; Heavy Industrial.

RESPONSE: Acknowledged and agreed. The site is zoned as Heavy Industrial ("HI") and therefore can be used for a tower.

- b. **Section 26-152(d)(22)(b). Tower Height.** Towers have a maximum height limit of three hundred (300) feet.

RESPONSE: Please refer to the Construction Drawings attached hereto as Exhibit 3, Sheet C3.

- c. **Section 26-152(d)(22)(c). Minimum setback requirements from abutting districts.**

- i. For a communication tower abutting a residentially zoned parcel, the tower must have a minimum setback of one foot for each foot of height of the tower as measured from the base of the tower, with a maximum required setback of two hundred and fifty (250) feet.

RESPONSE: The telecommunications tower does not abut a residentially zoned parcel. The abutting parcels, Parcel B and Parcel D, are both zoned Heavy Industrial. Please refer to the Construction Drawings attached hereto as Exhibit 3, Sheet C1.

- ii. For a communication tower abutting a non-residentially zoned parcel with a habitable residential dwelling, the tower must be setback a minimum of fifty (50) feet.

RESPONSE: There are no habitable residential dwellings on abutting properties, and even if there were the minimum setback requirements are met. Please refer to the Construction Drawings attached hereto as Exhibit 3, Sheet C1.

- iii. For a communication tower abutting a non-residentially zoned parcel without a habitable residential dwelling, the tower only has to observe the setbacks of the district in which it is located. For a heavy industrial district, the minimum setback for principal uses is 25 feet in the front, none on the sides, and 10 feet in the rear. Section 26-101(c)(4).

RESPONSE: Please refer to the Construction Drawings attached hereto as Exhibit 3, Sheet C-1. The telecommunications tower will be setback 250' from the public right of way to the West, 231' to the north, 272' to the south, and well over 800' in the rear.

- d. **Section 26-152(d)(22)(d). No collocation.** Provide a statement and supporting documentation that there are no structures or facilities suitable for collocation within the coverage area.

RESPONSE: Please refer to the Statement of Inability to Collocate, attached hereto as Exhibit 20, and the Existing Towers Map, attached hereto as Exhibit 21. Please refer to the AT&T Propagation Maps and Justification Statement attached hereto as Exhibits 4 and 5.

- e. **Section 26-152(d)(22)(d). Shared Use of Tower.** The proposed user must be willing to allow third parties to collocate on the proposed tower in the future subject to engineering capabilities of the structure.

RESPONSE: Please refer to SCANA Communications' Statement regarding Wateree Tower Shared Use attached hereto as Exhibit 6. Please also refer to the AT&T Application for Co-Location attached hereto as Exhibit 7.

- f. **Section 26-152(d)(22)(e). Compliance with Laws.** Tower must be illuminated as required by the FCC, FAA, or other regulations.

RESPONSE: Please refer to SCANA Communications' Statement regarding Compliance with Laws attached hereto as Exhibit 8. Please refer to the Lighting Specifications attached hereto as Exhibit 9. Please refer to the Airspace Study attached hereto as Exhibit 10. Please refer to the FAA's Determination of No Hazard to Air Navigation attached hereto as Exhibit 11. Please refer to the Section 106 Filing Notification from the FCC, attached hereto as Exhibit 14.

- g. **Section 26-152(d)(22)(f). Fencing.** Compound must be enclosed by a fence at least 7' in height.

RESPONSE: The compound will be enclosed by a fence seven (7) feet in height. Please refer to the Fence Details on the Construction Drawings, Sheet C-9, attached hereto as Exhibit 3.

- h. **Section 26-152(d)(22)(g). Landscaping Standards.** Each communication tower site must be landscaped in accordance with Section 26-176, which is attached as Exhibit 5.

RESPONSE: Acknowledged and agreed. Please refer to the Construction Drawings attached hereto as Exhibit 3, Sheet C-1, Note 5: "Existing vegetation to be used to meet landscaping buffer requirements."

- i. **Section 26-152(d)(22)(h). No signs.** No signs may be attached to proposed tower. Signs for the purpose of identification, warning, emergency function, contact, or other as required by applicable state or federal rule, law, or regulation may be placed as required by standard industry practice.

RESPONSE: Please refer to the Construction Drawings for Gate Signage Details, on Sheet C-10, attached hereto as Exhibit 3.

- j. **Section 26-152(d)(22)(i). Abandonment.** Tower must be dismantled within one hundred twenty (120) days of discontinued service. No action required.

RESPONSE: Acknowledged and agreed.

B. Section 26-56. Special Exceptions – General Requirements

- a. **Section 26-56(c)(1): Plan submittal.** The application for a special exception is to be filed by the owner of the property or an authorized agent on the planning department's form.
- b. **Section 26-56(d): Staff Review.** The planning department will review the application for completion within fifteen (15) days of its submittal. If the application is complete, the planning department will schedule the matter for consideration at a public hearing by the board of zoning appeals. The planning department will prepare a staff evaluation and recommendation regarding the application.

RESPONSE: Acknowledged and agreed.

- c. **Section 26-56(e): Public Notification.** Notice of the public hearing will be posted on the property for which a special exception is sought and published in a newspaper of general circulation within the county no less than fifteen (15) days prior to the public hearing.

RESPONSE: Acknowledged and agreed.

- d. **Section 26-56(f)(2): Formal Review, Standard of Review.**
 - i. **Section 26-56(f)(1): Action by the board of zoning appeals.** The board of zoning appeals will hold a public meeting on the proposed special exception and approve, deny or continue the proposed special exception. Any approval or denial must be by a concurring vote of a majority of the members of the board present and voting.
 - ii. **Section 26-56(f)(2): Standard of Review.** The board of zoning appeals will consider:

- 1. Traffic impact;

RESPONSE: There will be no impact on traffic by the approval of the proposed communications tower. This will be an unmanned tower. Subsequent to construction of the communications tower, which is short term, there will be limited access to the communications tower by service personnel. Routine maintenance of the site may require two (2) visits per month by a single vehicle. There will be no impact on traffic.

- 2. Vehicle and pedestrian safety;

RESPONSE: The proposed communications tower will have no impact on vehicle or pedestrian safety. The tower will be fenced with a security fence to limit access to the communications tower.

3. Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining properties;

RESPONSE: The property or surrounding properties will not be impacted by noise, lights, fumes, or obstruction of air flow. The tower will not generate noise or fumes, nor will it obstruct air flow. The telecommunications tower will have a medium intensity dual xenon lighting system, which is designed to limit the light on adjacent parcels. Please refer to the lighting system specifications, attached hereto as Exhibit 9.

4. Adverse impact of the proposed use on the aesthetic character of the environs, to include the possible need for screening from view; and

RESPONSE: The proposed telecommunications tower will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties. There are several high tension power lines supported by large pole structures surrounding the proposed site of the telecommunications tower. The heavily wooded buffer around the perimeter of the property make the site suitable for a communications facility. Photographs which demonstrate the heavily wooded and rural nature the location and the surrounding property are attached hereto as Exhibit 13.

5. Orientation and spacing of improvements or buildings.

RESPONSE: The layout of the proposed improvements is shown on Sheet C-2 of the Construction Drawings attached hereto as Exhibit 2.

- iii. **Section 26-56(f)(4). Conditions.** The board of zoning appeals may prescribe additional conditions and safeguards.

RESPONSE: Acknowledged and agreed.

VI. CONCLUSION.

SCANA Communications, Inc. respectfully requests that the application for Zoning be approved allowing the construction of a Communications Facility.

Submitted by Gary C. Pennington, attorney to SCANA Communications, Inc., who hereby attests to the truth and completeness of the information provided in the application, as supplied by SCANA Communications, Inc.

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REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

13-09 Variance

REQUEST:

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

GENERAL INFORMATION:

Applicant: Larry Brazell
East Richland County Public Service District

TMS: 16603-02-14

Location: 4951 Quail Lane, Columbia, SC 29206

Parcel Size: .76± acres

Existing Land Use: The parcel contains the Quail Lane Pump Station.

Proposed Land Use: The expansion of the existing pump station.

Character of Area: The area is comprised of residentially developed and heavily wooded, undeveloped parcel.

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 improvements to the Quail Lane Pump Station (established in 1961). The improvements will consist of the addition of bar screens and permanent bypass pumps to the rear of the existing pump station. The addition will encroach into the required 20 foot rear yard setback, resulting in a zero foot setback. Also, the proposed addition will cross the rear property line, necessitating a variance request before the City of Columbia Board of Zoning Appeals (which is scheduled for December).

According to the applicant, "...the proposed improvements...have to be installed in a linear progression from the existing gravity interceptor to the existing pump station to maintain gravity flow conditions; the size and constructability of the proposed improvements (structures) necessitate that the furthestmost structure from the existing pump station be situated on the property line." The applicant also states that the reason for the improvements is to "...increase the reliability of the pump station operation beyond the standard regulatory requirements in order to provide the highest level of protection for Gills Creek and Lake Katherine from an overflow of raw wastewater."

If the variance is denied, there are no other options for the proposed improvements.

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 area for improvements on the parcel is limited to the rear. The current pump station occupies a majority of the parcel.

b. Conditions applicable to other properties

There are no other parcels in the area which contain a pump station.

c. Application of the ordinance restricting utilization of property

The application of the ordinance regarding the rear yard setback would restrict any ability to make substantial improvements to the structure.

d. Substantial detriment of granting variance

The granting of the variance will not create a detriment to the abutting or adjacent 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 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.

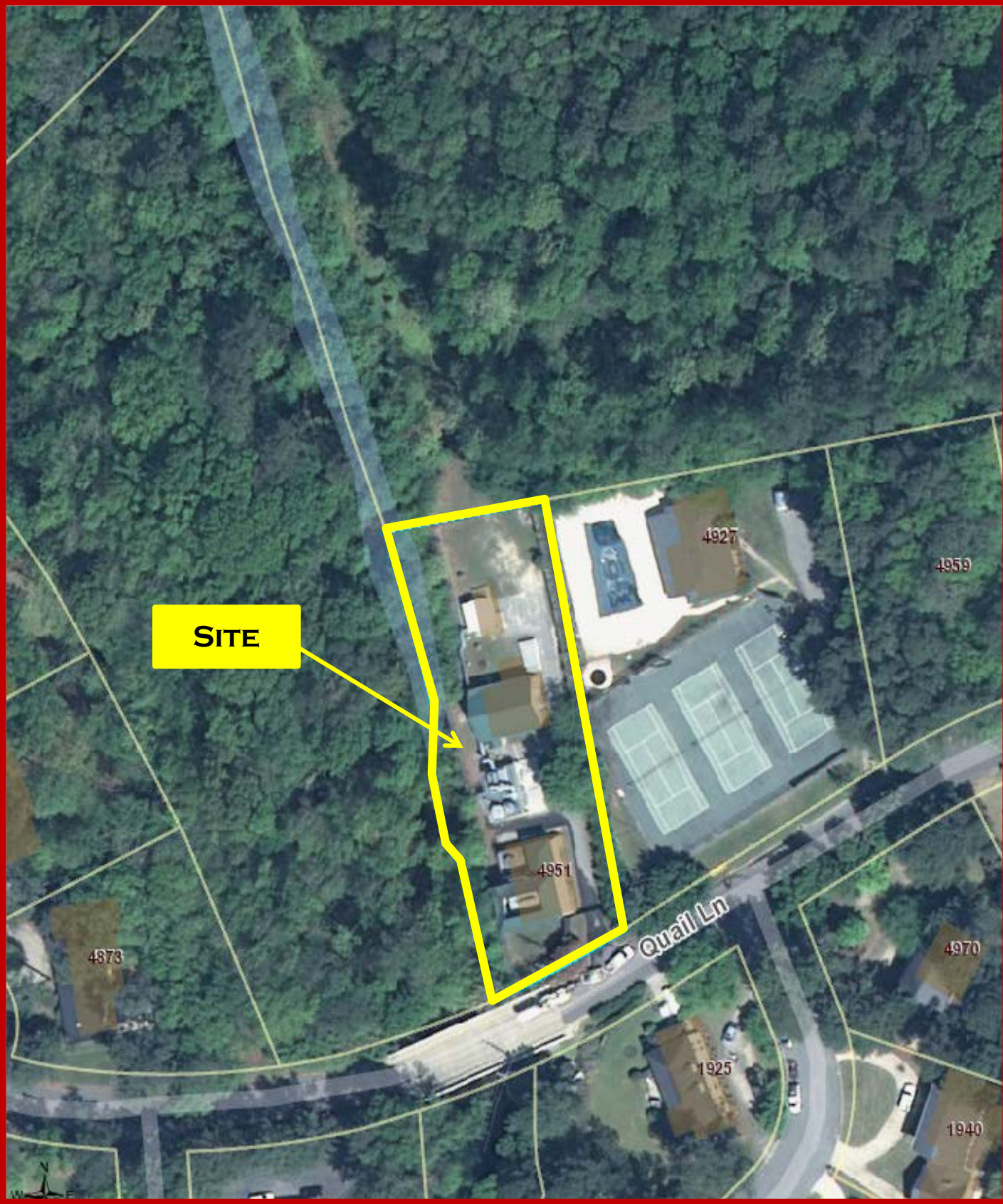
CASE HISTORY:




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

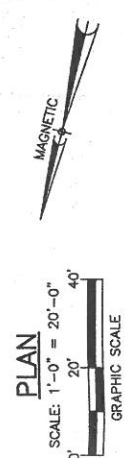
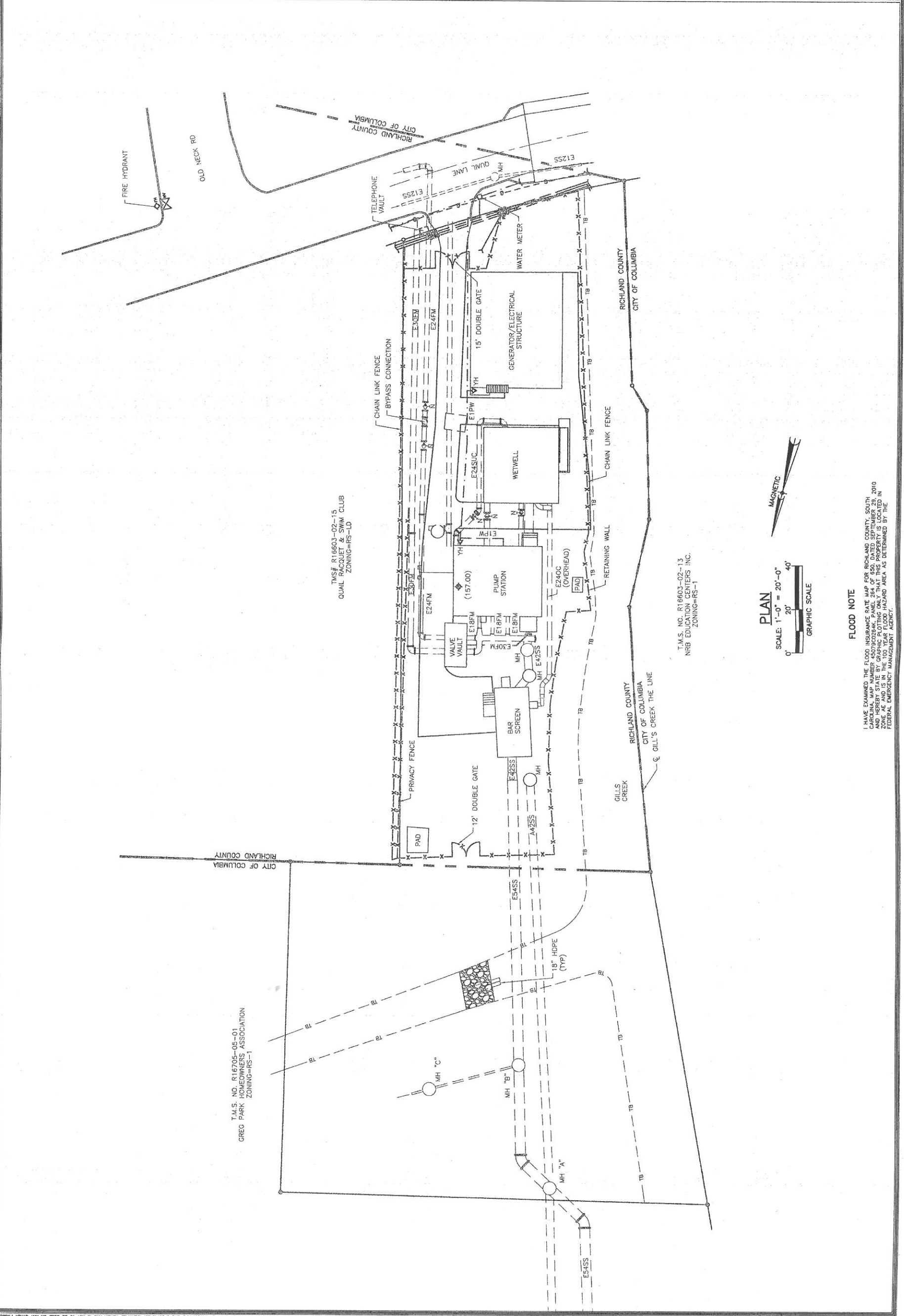
ATTACHMENTS:

- Site Plans
- Application

13-09 V
4951 QUAIL LANE
TMS: 16603-02-14



<p>REVISIONS</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:5%;">NO.</th> <th style="width:45%;">DESCRIPTION</th> <th style="width:15%;">DATE</th> <th style="width:15%;">BY</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DESCRIPTION	DATE	BY													<p>APPROVALS</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">PROJECT ENG. TVT</td> <td style="width:30%;">DESIGNED BY: CSM</td> <td style="width:30%;">DRAWN BY: CSM</td> </tr> <tr> <td>CHECKED BY: CSM</td> <td colspan="2">APPROVED: _____</td> </tr> </table>	PROJECT ENG. TVT	DESIGNED BY: CSM	DRAWN BY: CSM	CHECKED BY: CSM	APPROVED: _____		<p>DATE: 5/1/2013</p> <p style="text-align: center;">  CERTIFICATE OF AUTHORIZATION URS CORPORATION NO. 00934 </p>	<p style="text-align: center;">  SOUTH CAROLINA PROFESSIONAL ENGINEER LICENSE NO. 7973 TONYA VICTOR ENGINEER </p>	<p style="text-align: center;">  URS 101 Research Drive Columbia, South Carolina 29203 Telephone (803) 254-4400 : Fax (803) 771-6676 www.URSCorp.com </p>	<p>DATE: MARCH 2013 SCALE: AS SHOWN</p> <p style="text-align: center;">EXISTING CONDITIONS PLAN</p>	<p>PROJECT: IMPROVEMENTS TO THE QUAIL LANE PUMP STATION FOR THE EAST RICHLAND COUNTY PUBLIC SERVICE DISTRICT BAR SCREENS AND PERMANENT BYPASS PUMPS RICHLAND COUNTY SOUTH CAROLINA</p>	<p>SHEET: C01.10</p> <p>DWG. NAME: 11069C0110 N.B. NO.: M-1002.12-7 REF: 98186-00642 PROJECT NO.: 11069 FILE NO.: 23-07-18</p>
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PROJECT ENG. TVT	DESIGNED BY: CSM	DRAWN BY: CSM																											
CHECKED BY: CSM	APPROVED: _____																												



FLOOD NOTE

I HAVE EXAMINED THE FLOOD INSURANCE RATE MAP FOR RICHLAND COUNTY, SOUTH CAROLINA, PANEL NUMBER 450790264K, PANEL 264 OF 950, DATED SEPTEMBER 29, 2010. THE FLOOD HAZARD AREA IS SHOWN IN RED. THE FLOOD HAZARD AREA IS ZONED IN ZONE AE AND IS IN THE 100 YEAR FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

T.M.S. NO. E16603-02-13
 NRB EDUCATION CENTERS, INC.
 ZONING=RS-1

T.M.S. NO. R16705-05-01
 GREG PARK HOMEOWNERS ASSOCIATION
 ZONING=RS-1

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