

BOARD OF ZONING APPEALS

September 5, 2012

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4 *Present: Joshua McDuffie, Michael Spearman, Elbert Meetze, Torrey Rush, Susanne*
5 *Cecere, Sheldon Cooke, William Smith]*

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7 Called to order: 1:03 pm

8 CHAIRMAN MCDUFFIE: I'd like to call this meeting of the Richland County
9 Board of Zoning Appeals to order and recognize that the Board does have a quorum
10 today. In accordance with the Freedom of Information Act, a copy of the Agenda was
11 sent to radio and television stations, newspapers, persons requesting notification, and
12 posted on the bulletin board located in the lobby of the County Administration Building.
13 At this time I'd like to turn the meeting over to our attorney, Ms. Amelia Linder, to
14 present the Rules of Order and swear in anybody that's going to speak today.

15 MS. LINDER: Thank you. My name is Amelia Linder and I'm the attorney for the
16 Board of Zoning Appeals that you're about to appear before. I'd like to go over these
17 Rules of Procedure. This Board is a *quasi* judicial body which means that their decisions
18 are final, and if there's any disagreement with their decision you would then appeal to
19 Circuit Court. Okay? You, the Applicant, will have up to 15 minutes to speak and
20 address the Board. If there's anyone here in this audience that's against the application
21 request they will have up to three minutes to speak. And then you again, the Applicant,
22 would have five minutes to rebut what the opposition said. We've got the cases as they
23 appear on the Agenda. Please when you come to the podium here address your
24 remarks to the Board up here, not to any members of the audience or to Staff unless
25 questions are asked of you. You will be under oath, your testimony will be recorded. It's
26 not quite as formal as a court, if you have any documents you want to submit you may

1 do so. The Board will then taken into consideration the weight of the evidence that they
2 hear and make a decision accordingly. If you have a cell phone we would ask that you
3 mute or silence or turn off your cell phones. Make sure if you're going to testify that your
4 name is on the sign up sheet. If you are finished with your business you may leave, I
5 would just ask you go quietly. In the case the Board has any legal questions or any
6 legal advice they require, we may go into Executive Session but at this time I don't
7 anticipate that. So those that are wishing to testify today, would you please stand at this
8 time. Raise your right hand. Do you swear or affirm that the testimony you shall give
9 shall be the truth, the whole truth, and nothing but the truth so help you God?

10 AUDIENCE: [Affirmative]

11 MS. LINDER: Thank you.

12 CHAIRMAN MCDUFFIE: Alright, thank you. At this time we'll being the public
13 hearing portion of our Agenda and, or portion of our meeting and I'll turn the meeting
14 over to Mr. Geonard Price.

15 **CASE NO. 12-06 SE:**

16 MR. PRICE: We have just one item before you today, one case, and that case is
17 12-06 Special Exception. The Applicant is requesting the Board of Zoning Appeals to
18 grant a special exception to permit the establishment of a place of worship in a RS-LD,
19 which is Residential, Single-Family, Low-Density District. The Applicant is Dr. Sheldon
20 Hudson, representing Across All Boundaries Christian Church and Outreach Ministries.
21 The location of the parcel is at 3416 Hardscrabble Road, it's a little bit more than four
22 acres and it's currently undeveloped. The Applicant proposes to establish a 7,500
23 square foot place of worship. The area is primarily, it's residential, a lot of large lots,

1 there's a, there is a church just about across the street from this and as stated in your
2 Agenda, it was permitted in '07, and it was Special Exception Case 07-41 for a church.
3 Staff did visit the site. We didn't really see anything that would negatively impact the
4 surrounding area from a traffic standpoint. You know, DOT is in the process of widening
5 Hardscrabble Road so that should help alleviate some traffic concerns and also, we
6 also took a look at the typical operating hours of a place of worship kind of compared to
7 the traffic and other uses. Once again, we don't see a negative impact in that area.
8 Also, the Applicant, of the 7,500 square feet that's proposed for the place of worship,
9 5,500 of it's gonna be used as, it's kind of mixed use; a sanctuary and gym that would
10 take place in the same area. And the rest of it will be for more offices and other general
11 uses associated with a church. Other than that, that is all Staff has for it. As you can
12 see, I wish I was able to pull up Google Earth and get a more updated view of it but as
13 you can see, there's your site highlighted with a blue boundary and right across the
14 street, at least, excuse me, diagonally across the street is the church as a reference that
15 was approved in '07. You can see it's located, I do have it – yeah, it's about a fourth of a
16 mile from Brickyard Road and about a tenth of a mile from Sloan Road, you're at Sloan
17 Road – there are traffic lights at both intersections. That's pretty much what Staff has to
18 present for it, if you need to we can look at the street view of the area but as stated,
19 DOT is in the process of widening those roads so I'm not sure.

20 CHAIRMAN MCDUFFIE: Is that all?

21 MR. PRICE: That's it.

1 CHAIRMAN MCDUFFIE: Alright, at this time the Board would like to call the
2 Applicant, Dr. Sheldon Hudson to speak. And please state your name and address for
3 the Record.

4 **TESTIMONY OF DR. SHELDON HUDSON:**

5 DR. HUDSON: Alright, I'm Dr. Sheldon Hudson, I reside at 1310 Bellefield Road
6 in Ridgeway, South Carolina. Currently our sanctuary is at 7201 Parklane Road in
7 Columbia, South Carolina. Also with the sanctuary on Longtown Road in Ridgeway. And
8 we're looking at purchasing this parcel of land for our sanctuary, being that most of our
9 congregates come out of the Northeast area of Columbia, with predominately children at
10 this point; 100 of our 171 members are children. And that's why we applied for the
11 special exemption. Currently there are three churches on Hardscrabble that are close to
12 us and so we want to purchase the land, and again it will be pending on whether or not
13 we can get a special exception to build there. We see no problem. I did go through the
14 questionnaire that was sent to us and our building also came out to look at the property.
15 We don't see any – our worship hours are at 10:00 am and sometimes at 6:00 pm on
16 Sundays only. Any practices or any other scheduled events take place after 7:00 in the
17 afternoon, so we don't see that we would impact the traffic in any negative way. We will
18 be building on the back end of the property so that the children especially will not be
19 exposed to traffic, and so the acreage is two across, two back, it's almost a complete
20 square and we will be building on the back end of the property for the protection of the
21 children as well as not to impact the traffic or be affected by the traffic. We will be
22 building at least 200' off of the boundaries, if not in the middle of the property. We've
23 planned on using earth tones that not adversely affect the environment which we are in.

1 And again, it's a multi purpose building that will be used for worship as well as
2 gymnasium and activities for the children.

3 CHAIRMAN MCDUFFIE: Alright, are there any questions either for Staff or for
4 the Applicant at this time?

5 MS. CECERE: I have one for Mr. Price. There will be enough parking spaces?

6 DR. HUDSON: We have, and I did give you a drawing of the proposal, 68 parks
7 are designated for the building.

8 MS. CECERE: Does that include the handicapped?

9 DR. HUDSON: Yes, ma'am.

10 MS. CECERE: Thank you.

11 MR. PRICE: And during the Staff's review of – if this is approved and once they
12 do a formal submittal to Staff, there are a required number of parking spaces that a
13 place of worship must have so we'll look at that. They do have to meet those
14 requirements.

15 MS. CECERE: But, I mean, they have enough acreage to do that?

16 MR. PRICE: Oh, with four acres they should have plenty.

17 MS. CECERE: Okay.

18 MR. COOKE: Also, at that time do they also agree to, that there won't be parking
19 what is called in the front yard?

20 MR. PRICE: In the front yard setbacks.

21 MR. COOKE: Yeah, front yard setbacks. So they'll agree to that also at that
22 point?

1 MR. PRICE: Well, I mean, that is, as you – as required under 26-152(D)(2) of the
2 Special – additional standards that the Board has –

3 MR. COOKE: Right.

4 MR. PRICE: - to apply to any approval of the Special Exception, it states here,
5 “No parking space or drive shall be located . . .”, oh I’m sorry, let me make sure I have
6 the right one here. “No parking area may be located in the front setback.” So in this
7 particular it’s 25’ so all parking must be at least 25’ from the front property line.

8 MR. COOKE: Okay. Dr. Hudson, you agree to that?

9 DR. HUDSON: Yes, sir, we’re quite fond of that.

10 CHAIRMAN MCDUFFIE: I have a question, Dr. Hudson. There won’t be any
11 access to the church’s property off of the Rockefeller Lane that’s behind you?

12 DR. HUDSON: No, sir. We did look at Rockefeller, there’s really no access
13 because you have housing behind you.

14 CHAIRMAN MCDUFFIE: Okay, okay. Are there any other questions for either
15 the Applicant or Staff at this time? Would someone like to volunteer to go through the
16 Findings of Fact?

17 MR. COOKE: Yes, Mr. Chairman, I will. Since this is a special exception for place
18 of worship the property is zoned for RS-LD, notice was publicly placed about the
19 hearing and it was posted, also the notice was published in the newspaper circulation.
20 Would the proposed place of worship be located on a site of at least three acres or
21 more? The answer is yes, we’re at 4.18 acres. Would the proposed place of worship
22 have primary access from a collector or thoroughfare road? The answer is yes, I’m
23 thinking that would be, of course, Hardscrabble. Will proposed parking spaces and/or

1 drives be at least 20' from any residence not associated with the place of worship? The
2 answer to that is also yes, if you reference your drawing. Has the Applicant agreed that
3 parking will not be located in the required front yard? And that's also yes. Would the
4 front setbacks be at least 25'? That is yes, we're at 125 in this particular proposal.
5 Would the side and rear setbacks be at least 30'? And the answer to that is yes at 180.
6 Question number 10, would traffic be impacted by the proposal? As Dr. Hudson has
7 stated the answer would be no, they only have services on Sundays from 10:00, I
8 mean, at 10:00 am and 6:00 pm and only after 7:00 pm during the week, so I say no to
9 that. Will this proposal affect vehicle or pedestrian safety? I'm gonna say no. Is there a
10 potential impact of noise, lights, fumes or obstruction of airflow on adjoining properties?
11 That is also no. Will the proposed place of worship have an adverse impact on the
12 aesthetics or character of the environs? That is also no. Is the orientation and spacing
13 of improvements or buildings appropriate? And that would be yes.

14 CHAIRMAN MCDUFFIE: Would you care to make a motion then at this time?

15 One moment?

16 MR. COOKE: Mr. Price?

17 MR. PRICE: I believe you stated that they said they would only have services on
18 certain days.

19 MR. COOKE: That's correct, at certain times. I think Dr. Hudson stated that she
20 would have services on Sunday and –

21 MR. PRICE: Yeah, I was wondering if potentially you could kind of rephrase that
22 –

23 MR. COOKE: Okay.

1 MR. PRICE: - since it's gonna be on the Record, that the Applicant is stating that
2 they intend to primarily have services and, and I guess other, you know, choir practice
3 and those things, on certain days, but you know, just not to make it a certainty that
4 those are the only days that they'll be operating.

5 MR. COOKE: Okay. With the answer to the question number 10 for the Special
6 Exception for this particular proposal, would traffic be impacted by this proposal? The
7 answer was no. The actual place of worship primarily will have services on Sundays at
8 10:00 am and 6:00 pm and primarily they will have meetings and things of that nature
9 during the week after 7:00 pm.

10 CHAIRMAN MCDUFFIE: Alright, would you care to make a motion at this time?

11 MR. COOKE: Yes, Mr. Chairman. At this time based on the Facts of the
12 Findings, I move that we make a motion to approve Special Exception 12-06 SE.

13 MR. SMITH: I'd like to second.

14 CHAIRMAN MCDUFFIE: Okay, so we have a motion that has been seconded.
15 And the motion is based on the Findings of Fact we approve 12-06 SE. All in favor?

16 MR. PRICE: Those in favor: Spearman, Meetze, Rush, McDuffie, Cecere,
17 Cooke, and Smith.

18 *[Approved: Spearman, Meetze, Rush, McDuffie, Cecere, Cooke, Smith]*

19 CHAIRMAN MCDUFFIE: Alright, and that would leave no opposed, none
20 opposed. Dr. Hudson, you have your Special Exception and Staff will be in touch.

21 DR. HUDSON: Thank you so much.

22 CHAIRMAN MCDUFFIE: Alright, at this time that concludes the Open Public
23 Hearing section. Is there any other business either from the Board or from Staff?

1 MR. PRICE: Not from Staff.

2 MR. SPEARMAN: We need to approve the Minutes from our last meeting.

3 MR. PRICE: You had a special meeting, did we not have a special called
4 meeting for that?

5 MR. SPEARMAN: Yeah, we had a special called meeting to approve the Minutes
6 from the cell tower, but we had some Minutes from that meeting as well.

7 CHAIRMAN MCDUFFIE: I don't recall having received those Minutes yet to
8 approve them, if there were Minutes taken.

9 MR. PRICE: I think it was a very short meeting [inaudible].

10 [Inaudible discussion]

11 MR. PRICE: That was it, so we can, we can get those to you, but it was really
12 just, like a two minute meeting just for the approval of the March Agenda.

13 CHAIRMAN MCDUFFIE: Alright, is there any other business at this time? Yes,
14 Mr. Spearman.

15 MR. SPEARMAN: During the last meeting I brought up maybe changing time of
16 our meetings and per the Code if I read it correctly the meetings are at the call of the
17 Chairperson. It doesn't specify what time that we meet and I know that a lot of y'all work
18 during the daytime, I'm fortunately retired, and I had brought up a motion and I withdrew
19 it for us to start our meetings at 4:00 to where not only the, it would benefit the
20 individuals who would come to testify either for against or the Applicant, but it may help,
21 you know, some of the Board Members as well, you know, get a more fuller day in at
22 their jobs. This is, I'd like to make that in the form of a motion again.

1 CHAIRMAN MCDUFFIE: Okay, so the motion then is to move the meetings to
2 begin at 4:00 on the same day.

3 MR. SPEARMAN: First Wednesday.

4 CHAIRMAN MCDUFFIE: That'd be the first Wednesday of the month. Is there a
5 second? Alright, yeah the motion's failed for lack of a second. But I would entertain
6 further discussion about it. I personally would have no problem moving the time of the
7 meetings but if that would impact other people's commitments and schedules, then I
8 certainly don't want to, don't want to inconvenience anyone else. But I personally would
9 benefit from moving the meeting to later in the day. Barring a situation where we started
10 having a large number of, of lengthy and contentious cases, which we have had in the
11 past, you know, that push the meeting well into the evening. You know, if the meetings
12 were to continue to go the way that they're going right now where they're 30 minutes
13 long, 4:00 starts looking pretty good to be a time to start the meeting. But I don't want it
14 to be jumping all around on the schedule cause that will –

15 MS. CECERE: I think, and you also need to think about the, you have to keep
16 Staff here after hours and I know we have to pay the stenographer and, you know,
17 whatever else needs to be done so that might have an impact also.

18 CHAIRMAN MCDUFFIE: So at this time the meetings will remain at the, at the
19 1:00 time. Is there any further business? Alright, then at this point the meeting is
20 adjourned.

21
22 *[Meeting Adjourned at 1:25pm]*