

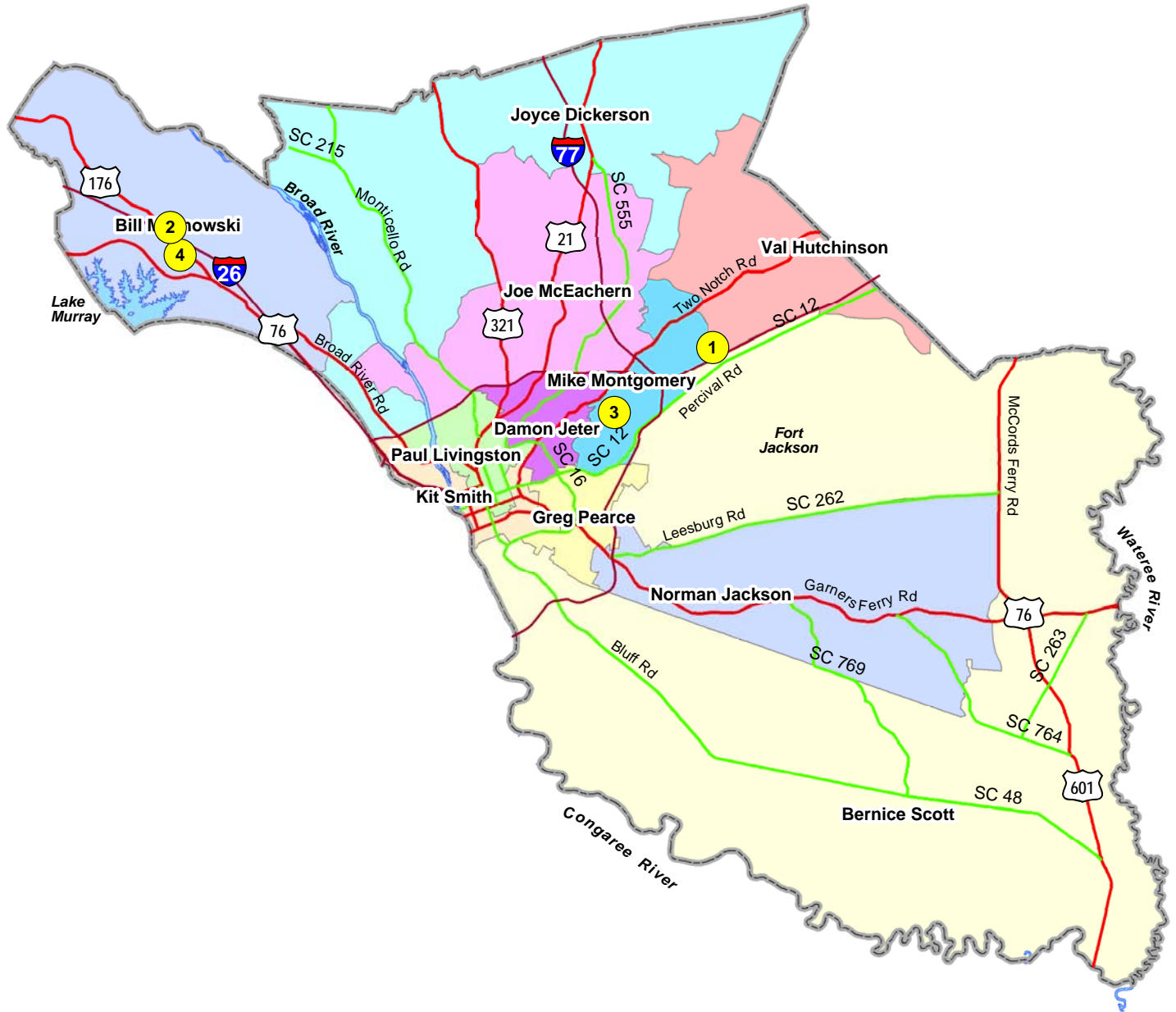
RICHLAND COUNTY  
BOARD OF  
ZONING APPEALS



Wednesday, 3 September 2008  
1:00 p.m.  
Council Chambers



# RICHLAND COUNTY BOARD OF ZONING APPEALS SEPTEMBER 3, 2008



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 08-46 V	Kevin Nahigian	22705-01-08	841 Polo Rd., Columbia	Hutchinson
2. 08-57 V	Paige Watson	02600-07-08	11107 Broad River Rd., Irmo	Malinowski
3. 08-59 V	David Nute	16905-08-08	6615 Longbrook Rd., Columbia	Montgomery
4. 08-60 V	Plex Indoor Sports	02500-07-26	1019 Broad Stone Rd., Irmo	Malinowski







Richland County  
Board of Zoning Appeals  
Public Hearing  
1:00 p.m.  
Wednesday, 3 September 2008  
2020 Hampton Street  
2<sup>nd</sup> Floor, Council Chambers

Agenda

- I. CALL TO ORDER & RECOGNITION OF QUORUM Margaret Perkins,  
Chairman
- II. RULES OF ORDER Amelia Linder,  
Attorney
- III. APPROVAL OF MINUTES – August 2008
- IV. PUBLIC HEARING Geonard Price,  
Zoning Administrator

**OPEN PUBLIC HEARING**

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08-46 V Kevin Nahigian 841 Polo Rd. Columbia, SC 29223 22705-01-08	Requests a sidewalk waiver on property zoned General Commercial. (GC)	Page 1
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08-57 V Paige Watson 11107 Broad River Rd. Irmo, SC 29063 02600-07-08	Requests a variance to exceed the allowable footage on a sign on property zoned M-1. (Light Industrial)	Page 11
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08-59 V David Nute 6615 Longbrook Rd. Columbia, SC 29206 16905-08-08	Requests a variance to encroach into the required setbacks on property zoned RS-LD. (Residential Low Density)	Page 23
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08-60 V Plex Indoor Sports 1019 Broad Stone Rd. Irmo, SC 29063 02500-07-26	Requests a variance to reduce the required parking on property zoned M- 1. (Light Industrial)	Page 33
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- V. OTHER BUSINESS
- VI. ADJOURNMENT





3 September 2008  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

08-46 Variance

### REQUEST

The applicant is requesting the Board of Appeals to grant a waiver to the sidewalk requirements on property zoned GC (General Commercial).

### GENERAL INFORMATION

**Applicant**

Kevin Nahigian

**Tax Map Number**

22705-01-08

**Location**

841 Polo Road

**Parcel Size**

4.78 acres

**Existing Land Use**

Commercial

**Existing Status of the Property**

The subject property is currently being developed for multiple commercial uses.

**Proposed Status of the Property**

The parcel currently has an operating commercial building (convenience store w/gas pumps). The second phase of this development is currently under development.

**Character of the Area**

This area is comprised of multi-family uses north, south and west of the subject parcel. A recreational park is located west of the subject 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

Staff visited the site.

The applicant is requesting a waiver from the requirements of section 26-179 (a) (2) (a).

According to this section, new developments are required to provide sidewalks along all sides of abutting roads. The basis for the applicant requesting to have this requirement waived is as follows (included is staff's response – in bold):

1. The parcel is located along a busy road with high speed curve.  
**The volume of traffic in this area is typically dictated by the activities of the surrounding parcels. Polo Road Elementary School is located at the southwestern end of Polo Road. The peak hours for the school are 7:30 – 8:30 am and 2:30 – 3:15 pm. The park, located across the street from the subject parcel, provides recreational activities, such as, soccer, baseball, football and basketball. The traffic generated from these activities typically occurs in the evenings between 5:30 – 9 pm, Monday thru Friday, and most of the day on the weekends. It must be stated that most of these activities are seasonal.**  
**A stop light is located at the corner of Mallet Hill Road and Polo Road. This serves to slow down the speed of traffic, particularly in the area of the proposed sidewalks.**
2. There are no curbs and the sidewalk would lead to a drainage ditch.  
**There are no curbs in the area.**  
**Drainage ditches are typically located in the right-of-way. The sidewalks would be located outside of the right-of-way, on the property of this development.**
3. The sidewalk would encourage kids to jaywalk.  
**The proximity of the development to the park, not the accessibility of sidewalks, would seem to be the factor that encourages pedestrians to use the shortest point of access.**
4. There are no other sidewalks in the area.  
**The adjacent parcels were developed prior to the development requirements of this ordinance.**

It is staff's opinion that this commercial development will receive a considerable amount of business from the neighboring residences. As previously stated, three-fourths of the development is abutted by residential developments. While it can be argued that because no other parcels in the vicinity have sidewalks and sidewalks on this development wouldn't lead "anywhere", it can also be argued that, other than the park, no other development serves as an attraction for vehicular and pedestrian traffic.

Staff is unable to support this request.

### CONDITIONS

N/A

#### **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

#### **26-179 (a) (2) (a)**

(2) *Commercial, office, industrial, and PDD districts.*

- a. *Sidewalks.* All new development within any commercial, office, industrial, or PDD district is required to provide sidewalks along all sides of abutting roads, except along controlled access facilities. Sidewalks shall have a minimum width of five (5) specifications of the public works department.

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**

- Site plan
- Pictures of site

#### **CASE HISTORY**

No record of previous special exception or variance request.



**CASE 08-46 V**  
**KEVIN NAHIGIAN**  
**TMS 22705-01-08**

Saddlechase Lr  
Polo Rd

Miles Rd

Miles Park Dr

Beaver Dam Ct

Village Farm Rd

Smallwood Cir

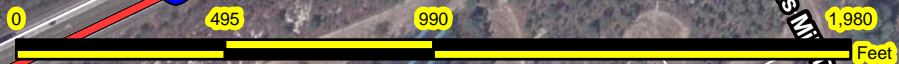
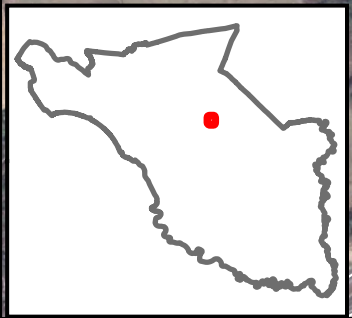
Wildewood Downs Pkwy

Wildewood Downs Cir

Mallet Hill Rd

Site

-  FLOOD ZONE A
-  FLOOD ZONE AE
-  WETLANDS





# CASE 08-46 V





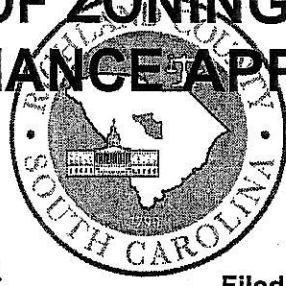
# CASE 08-46 V



**Views along Mallet Hill Road**



RICHLAND COUNTY  
BOARD OF ZONING APPEALS  
VARIANCE APPEALS



Rcpt# 359546

Application# \_\_\_\_\_

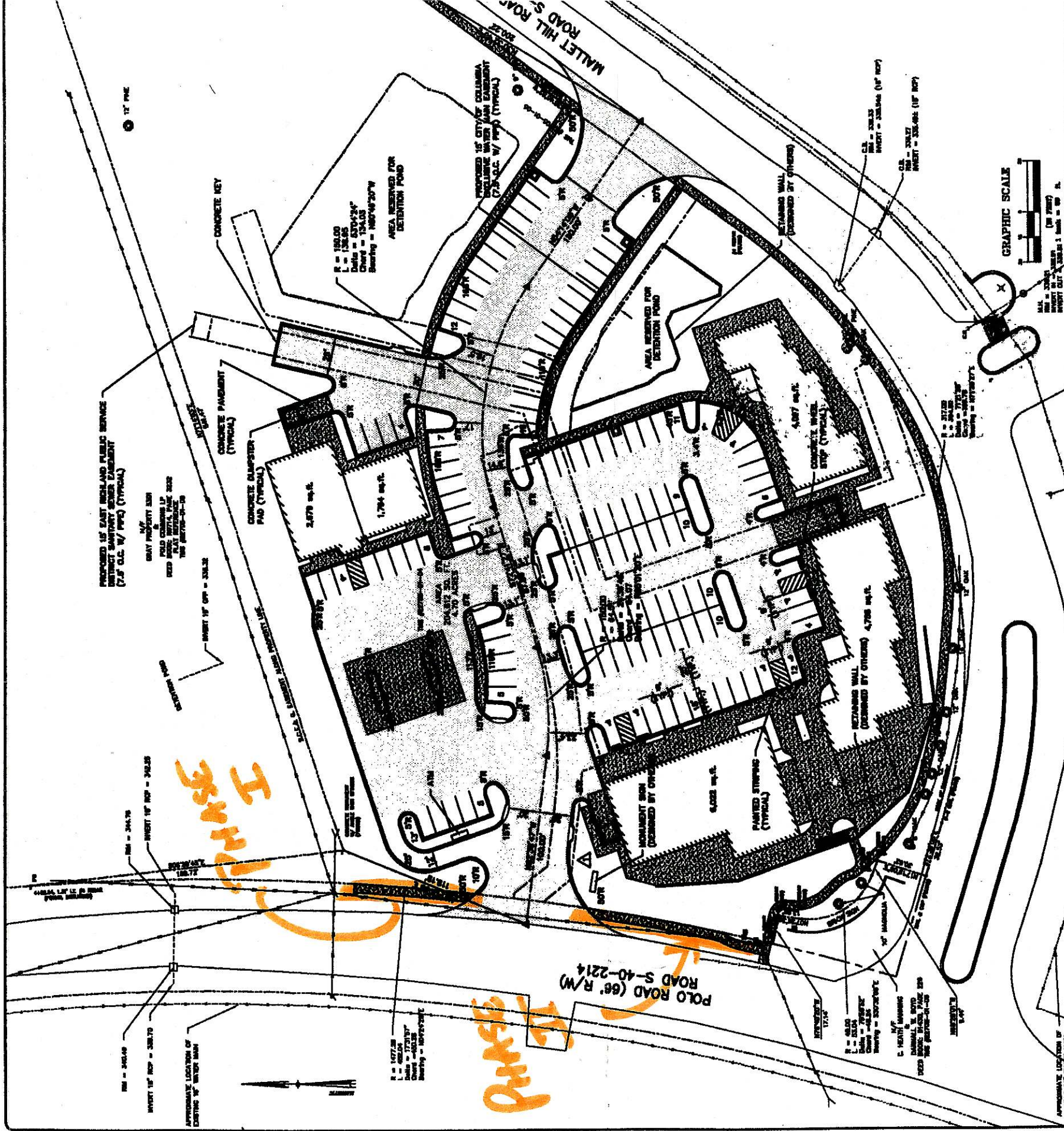
Paid \$ 100<sup>00</sup>

Filed 5-12-08

1. Location 841 Polo Road
2. Page 22705 Block 01 Lot 08 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: DELETE SIDEWALK REQUIREMENT
5. 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: HIGH SPEED CURVE ON BUSY ROAD / NO CURB & SIDEWALK GOES TO DRAINAGE DITCH / ENCOURAGES KIDS TO J-WALK
  - b) Describe how the conditions listed above were created: REQUIRED TO PUT IN SIDEWALK
  - c) These conditions do not generally apply to other property in the vicinity as shown by: ALL OTHER PROPERTY PLAT
  - 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: N/A
  - 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: NO OTHER SIDEWALKS ANYWHERE
6. The following documents are submitted in support of this application [a site plan must be submitted]:
  - a) SITE PLAN
  - b) \_\_\_\_\_
  - c) \_\_\_\_\_

(Attach additional pages if necessary)





PROPOSED 15' EAST HIGHLANDS PUBLIC SERVICE DISTRICT SEWERAGE TREATMENT PLANT (7.5' O.C. W/ PERS) (TYPICAL)

1/4" = 1' SCALE  
 DRY PIT FRONT VIEW  
 FIELD CONDITIONS LP  
 DEED PLAN REFERENCE: SEE THE PLAT 187-188-189-190-191-192

MM - 344.70  
 SHEET 10' R/W - 342.05

MM - 346.60  
 SHEET 10' R/W - 338.70

**PHASE I**

**PHASE II**

R = 150.00  
 L = 136.66  
 Delta = 63°04'34"  
 Chord = 134.03  
 Bearing = N89°49'20"W  
 AREA RESERVED FOR DETENTION POND

R = 147.28  
 L = 136.04  
 Delta = 61°03'37"  
 Chord = 143.28  
 Bearing = S89°52'07"E

POLO ROAD (66' R/W)

AREA RESERVED FOR DETENTION POND  
 4.75 ACRES

R = 45.00  
 L = 107.87  
 Delta = 43°02'  
 Chord = 43.82  
 Bearing = S50°32'07"E

R = 45.00  
 L = 107.87  
 Delta = 43°02'  
 Chord = 43.82  
 Bearing = S50°32'07"E

R = 317.00  
 L = 107.87  
 Delta = 43°02'  
 Chord = 43.82  
 Bearing = S50°32'07"E

R = 317.00  
 L = 107.87  
 Delta = 43°02'  
 Chord = 43.82  
 Bearing = S50°32'07"E



APPROXIMATE LOCATION OF EXISTING 10' WATER MAIN

DATE	DATE
DESIGNED BY	APPROVED BY
DRAWN BY	CHECKED BY
SCALE	PROJECT NO.

100% FINISHED PLAN DATE: 11/15/2011  
 PROJECT NO.: 11111111  
 SHEET NO.: 11111111

**WKS DICKSON**  
 CONSULTING ENGINEERS

THE SHOI PRE KEVIN IN COLUMBIA, RICHLA





## REQUEST, ANALYSIS AND RECOMMENDATION

08-57 Variance

### REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a variance to exceed the allowable square footage for a wall sign in a M-1 (Light Industrial) district.

### GENERAL INFORMATION

**Applicant**

Paige Watson

**Tax Map Number**

02600-07-08

**Location**

11107 Broad River Road

**Parcel Size**

8+ acre tract

**Existing Land Use**

Retail

**Existing Status of the Property**

The subject property is located within a new retail shopping development.

**Proposed Status of the Property**

The applicant proposes to exceed the allowed square footage for a wall sign by 26 square feet (proposed – 70, allowed 44).

**Character of the Area**

The surrounding area is dedicated to commercial uses.

### 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 proposes to exceed the allowable square footage for a wall sign in order to increase advertising visibility.

According to the applicant, the structure is located “approximately twelve (12) feet below road grade at the intersection of I-26 and Broad River Road...” The applicant also states that orientation of the building limits its visibility from Broad River Road.

Due to these conditions, the increase in allowed signage is necessary in order to provide visibility. The granting of the variance will allow for signage to be located on two sides of the building. According to the applicant, the additional visibility is designed for the vehicular and pedestrian traffic along Broad River Road. There is a pylon sign located along Broad River Road which advertises for the Learning Express Toy Store, as well as other tenants.

## 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

- Proposed signage plan

## CASE HISTORY

N/A



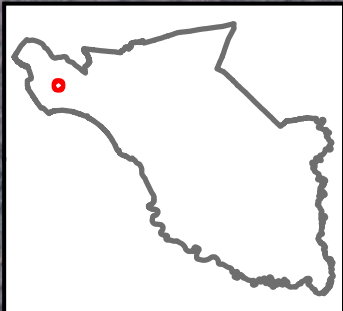
**CASE 08-57 V**  
**PAIGE WATSON**  
**TMS 02600-07-08**

W Shady Grove Rd

Broad River Rd

Site

-  FLOOD ZONE A
-  FLOOD ZONE AE
-  WETLANDS



26

I26

I26

0

305

610

1,220

Feet





# CASE 08-57





**RICHLAND COUNTY  
BOARD OF ZONING APPEALS  
VARIANCE APPEALS**



Rcpt# 08-04288

Application# \_\_\_\_\_

Paid \$ 100<sup>00</sup>

Filed 7-31-08

1. Location 11107 Broad River Road, Suite A+B, Irmo, SC 29063

2. Page \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_ Zoning District \_\_\_\_\_

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: \_\_\_\_\_

See attached

5. 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: \_\_\_\_\_

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) Request

b) Letter from JDH Capital

c) letter from Learning Express

(Attach additional pages if necessary)

d) Photos (2 pages)

e) site Plan Aerial

f) site Topo

g) acceptance letter from JDH Capital

h) Sign-Teck Contract

#### **4. Request**

This application for a variance requests an additional 11 square feet of sign area in order to provide visible signage for the Learning Express Toy Store.

5. I (we) now appeal to the Board of Zoning Appeals for a variance permitting the action denied by the administrative official in that:
- a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.
  - b. Literal interpretation of the provisions of the zoning ordinance would deprive me (us) of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
  - c. The special conditions and circumstances do not result from my (our) actions.
  - d. Granting the variance requested will not confer on me (us) any special privilege that is denied by this ordinance to owners of other lands, structures, or buildings in the same district. As stores in the same building are also applying for the same consideration.
  - e. The use involved is permitted generally or by special exception in the district, and is not a use prohibited expressly or by implication.
  - f. The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure.
  - g. I (we) do not claim as grounds for this variance any nonconforming use of neighboring lands, structures, or buildings in the same district, or any permitted use of lands, structures, or buildings in other districts.

#### **Existing Conditions:**

Broad River Village Shopping Center is a retail shopping complex encompassing two buildings. Construction of is 100% complete. Signage or a Master Sign Program was not part of the initial approval by Richland County. The approval for Broad River Village Shopping Center is a legally conforming use and meets all applicable zoning criteria as set forth by Richland County and applicable regulatory agencies.

#### **Justification Statement:**

The land consists of an irregular shape parcel due to the configuration of existing adjacent roadways. Specifically the property abuts Broad River Road to the north and east and Interstate 26 to the south and west, which creates a "V" shaped property.

The property lies immediately west of the off-ramp from Interstate 26; therefore the road network surrounding the property includes a busy intersection design to allow Broad River Road to fly over I-26. This busy intersection includes two lanes of traffic on Broad River Road

and three lanes of traffic on the off-ramp of I-26. Because of the fly-over condition of the road network, there is a significant change in elevation of the land; therefore the site is constrained. The additional signage requested is to provide the signage visibility.

In order use the property in an efficient manner and create a viable community shopping facility, the BBB shopping center consists of two buildings in a "L" shaped configuration. The larger of the two buildings is situated parallel to Broad River Road. The smaller of the buildings lies perpendicularly to Broad River Road.

The smaller of the two buildings is located approximately twelve (12) feet below road grade at the intersection of I-26 and Broad River Road, a two lane highway. Access to the smaller of the two building is achieved by driving behind the building and approaching from the "rear" of the shopping center.

Because of constraints of the property configuration, the "L" shape buildings arrangement and the access to the parking area for the smaller of the two (2) buildings, the tenants of the smaller building, specifically Learning Express and Subway, have requested additional signage. This signage is necessary for this smaller building to have visibility from the roadway.

The proposed signage will be attractive, aesthetically pleasing and will improve the visibility for drivers and pedestrians along Broad River Road who may patronize the future businesses.

This sign copy area variance request is the minimum variance that will make possible the reasonable use of the land and existing structures. The Master Sign Program for Broad River Village Shopping Center is limited to the exterior signage as well as one pylon/monument sign on Broad River Road. The proposed signage will not conflict with other commercial uses found in the vicinity of the Broad River Village Shopping Center. The proposed signage will enhance the visibility of future on-site businesses and help to direct motorists and pedestrians to their desired destinations.



July 30, 2008

Richland County Board of Zoning Adjustment

Dear Chairman and Board members,

In June 2007 Learning Express Toy Store contracted with Sign –Tech (currently New Media) to fabricate and install two signs for our new store. Enclosed is a copy of our contract that shows the agreement that they would secure all necessary permits for these signs.

Learning Express was made aware by a letter from Ms. Carol Williams, Richland County Planning and Development Department on June 20, 2008 that the signs for our business were not correctly permitted. The letter came as a shock and disappointment Learning Express Toy Store

We understand that as business owners it is our responsibility to follow through and verify that the sign did have appropriate permits. Although, we thought we had followed all the appropriate steps, we understand that the signs do not meet the code stipulations, which is why we are applying for the variance.

What we do know is that the sign has been posted for almost a year now and is vital to our business. Our entire location selection was based on their being a side sign. When looking at the location of the building and corresponding traffic patterns the front store space is almost 70% below street level. Without the sign on the side of the building our business is very difficult to locate.

We have full support of landlord. In fact they encouraged the sign as a selling aspect of the retail center.


We are a young business trying to survive in this economic downturn. With our sign being covered up and or remove it decreases our advertising space and risks our chance of survival. We have already had customers asking if we are closing.

We beg you to reconsider and allow our side sign, which serves as the primary location indicator for our store.

Thank you in advance for your time and consideration.

Sincerely,

  
Deedra Senter  
Co-Owner

  
Paige Watson  
Co-Owner

11107 Broad River Road • Suite A & B • Irmo, SC 29063  
Phone: (803) 407-1290 • Fax: (803) 407-1288



July 30, 2008

Richland County  
Board of Zoning Appeals

**RE: Application for Sign Variance – Broad River Village Shopping Center**


To Whom It May Concern:

Please be advised that we are aware of the signage Variance Appeals for both the Learning Express Toy Store and the Subway at the above mentioned shopping center and as the managing agent for the owners of the center we fully support their requests.

The entire center has been allotted 620 Square Feet of signage including the main pylon sign. We do not feel that this allotment will be exceeded once the center is full to capacity since our standard sign criteria specifically limits tenants to 1 square foot of signage per linear foot of store front as restricted by the City of Irmo. We have granted signage exceptions to both of these tenants due to their premises location within the shopping center.

Thank you for your consideration.

Sincerely,  
JDH Capital LLC; as managing agent for the owner,  
Broad River Retail Investors, LLC

  
Kelly Clark  
Director of Property Management

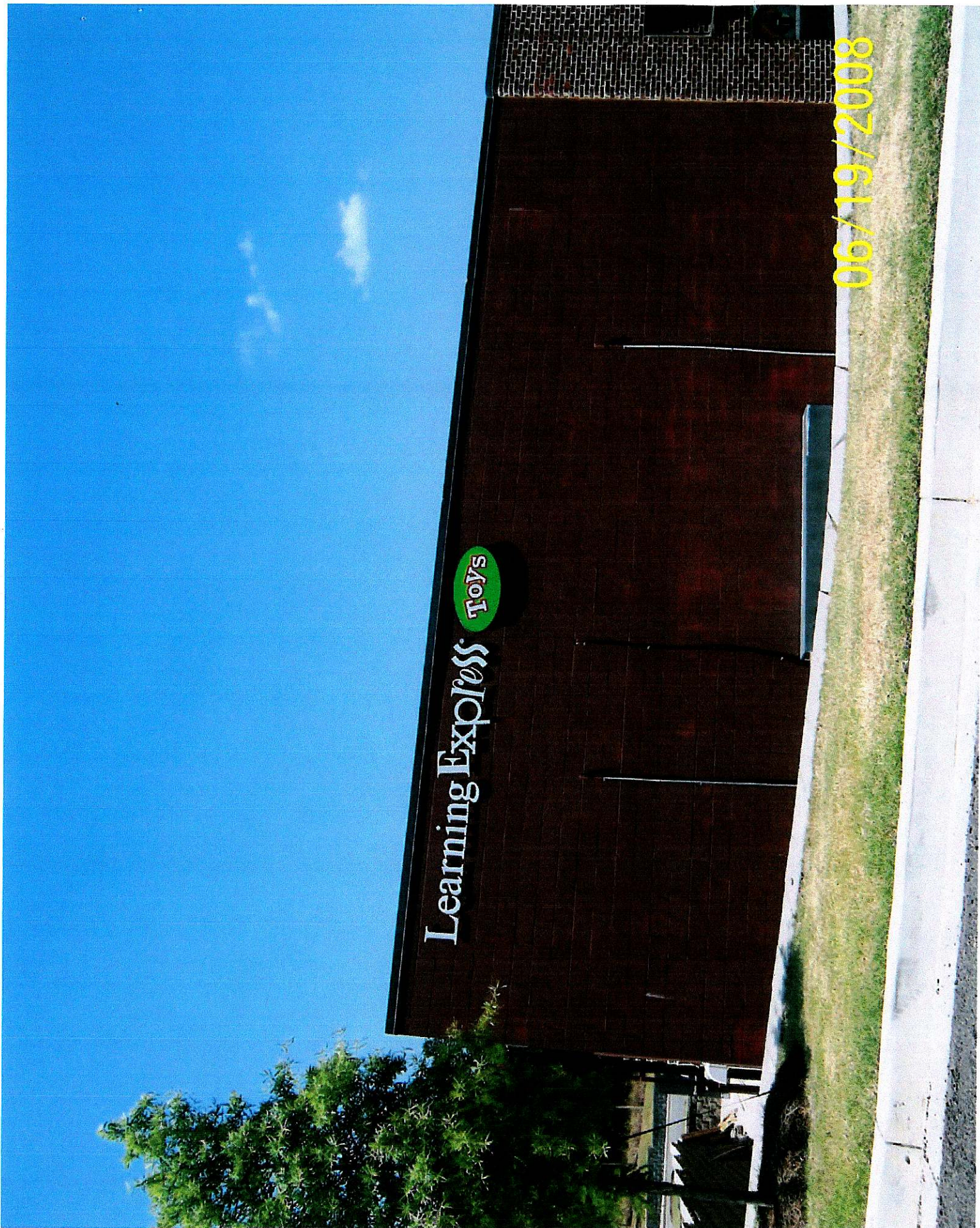
KELLY CLARK  
DIRECTOR OF  
PROPERTY MANAGEMENT



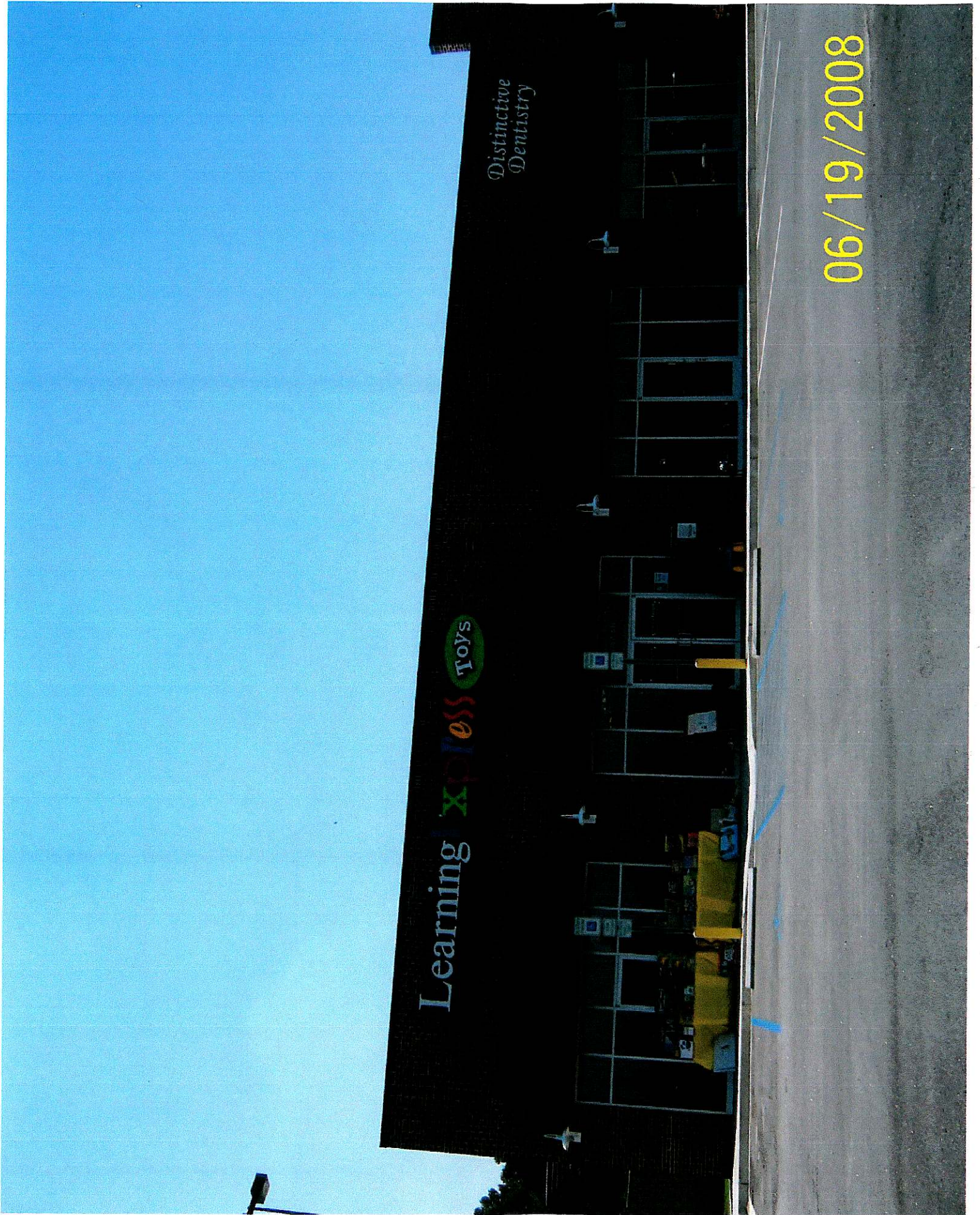
TEL 704-357-1220  
DIRECT: 704-496-7136  
CELL 704-496-7137  
FAX: 704-357-0018  
E-MAIL: [kelly.clark@jdhcapital.com](mailto:kelly.clark@jdhcapital.com)  
WEBSITE: [www.jdhcapital.com](http://www.jdhcapital.com)

PO Box 19868  
Charlotte, NC 28219  
3715 Beam Road  
Suite B  
Charlotte, NC 28217









Learning **Express** Toys

Distinctive  
Dentistry

06/19/2008









3 September 2008  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

08-59 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 RS-LD (Single Family Residential, Low Density).

### GENERAL INFORMATION

**Applicant**

David and Carol Nute

**Tax Map Number**

16905-08-08

**Location**

Nx6615 Longbrook Road

**Parcel Size**

.20 acre tract

**Existing Land Use**

Undeveloped

**Existing Status of the Property**

The subject property is wooded and undeveloped.

**Proposed Status of the Property**

The applicant is proposing to construct a residential structure which would encroach into the required front yard setback.

**Character of the Area**

The area is comprised of a community of residential structures.

### 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 encroach into the 25-foot required front yard setback by 15 feet.

The applicant is proposing to construct a residential structure. The parcel is located at the corner of Longbrook Road and Sandy Shore Road. According to section 26-172 (b) (3) of the LDC:

*Setbacks for lots with more than one road frontage.*  
**Structures shall meet the front yard requirements for all sides of the structure abutting public roads.**

The required front yard setback for the RS-LD zoning district is 25 feet.

According to the applicant, the application of the required setbacks would make the parcel too narrow to reasonably construct a home. It is the applicant’s desire to have his home constructed along the same setback pattern as other homes (which were built prior to 2005) located on corner lots, in order to preserve the prevailing yard pattern of the area and to construct a residential structure similar to the other structures in the area.

**\*The previous land development code stated that corner lots would observe a primary and secondary front yard setback. The primary setback for a single-family residential district was 25 feet and the secondary setback was 12½ feet.**

**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.

<b>ATTACHMENTS</b>
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- Site Plan

<b>CASE HISTORY</b>
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No record of previous special exception or variance request.



**CASE 08-59 V**  
**DAVID NUTE**  
**TMS 16905-08-08**





# CASE 08-59 V



RICHLAND COUNTY  
BOARD OF ZONING APPEALS  
VARIANCE APPEALS



Rcpt# SN

Application# \_\_\_\_\_

Paid \$ 100.00

Filed 7-31-08

1. Location NX6615 on Longbrook ROAD
2. Page PLAT BOOK 12 Page PAGE 0518 Block A Lot 23 Zoning District RSLD
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:  
TO ALLOW SECONDARY ROAD SETBACK OF 25' REDUCED TO 10'
5. 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: THIS LOT IS ONLY (50) FIFTY FEET WIDE. CURRENT SETBACKS RENDER A HOME TOO NARROWS - 20' FEET
  - b) Describe how the conditions listed above were created: DO NOT KNOW DIRECTLY - THE OTHER ADJACENT LOTS ARE MORE THAN TWICE AS WIDE
  - c) These conditions do not generally apply to other property in the vicinity as shown by: ATTACHED MAP
  - 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: CURRENT SET BACKS TAKE 60% OF LOT WIDTH. BUILDING A "SHOTGUN" HOME WOULD NOT BE IN BEST TASTE OF AREA.
  - 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: THE ADJACENT HOME ON CORNER LOT IS ABOUT 8' FROM SIDE PROPERTY LINE (SECONDARY SETBACK)
6. The following documents are submitted in support of this application [a site plan must be submitted]:
  - a) RICHLAND COUNTY MAP SHOWING LOT WITH ADJACENT PROPERTIES
  - b) SCALED DRAWING OF LOT (SURVEY BEING DONE NOW)
  - c) SEE TYPED ATTACHMENT / MEMO

(Attach additional pages if necessary)



## **Attachment C. Memo to Board**

We would like to build a home for our daughter and her family facing Longbrook Road that corners Sandy Shore (which dead ends at the end of the lot). The dimensions of our lot are 50'x180' as shown on the scaled drawing (attachment b.). Following the current setbacks of 25' on the secondary front and 5' on the other side would take 60% of the total width fronting Longbrook Road. If allowed, a setback of 10' on the secondary front (Sandy Shore Rd.), it would be in keeping with the residence on the adjacent corner of Longbrook and Sandy Shore which has an approximately 8' setback from the secondary front on Sandy Shore.

If our appeal will be heard, we would like to bring a proposed site plan showing a proposed residence and footprint to be constructed on the lot in question and how it relates to residences adjacent to the proposed build.

Thank you very much for your consideration to hear our appeal.

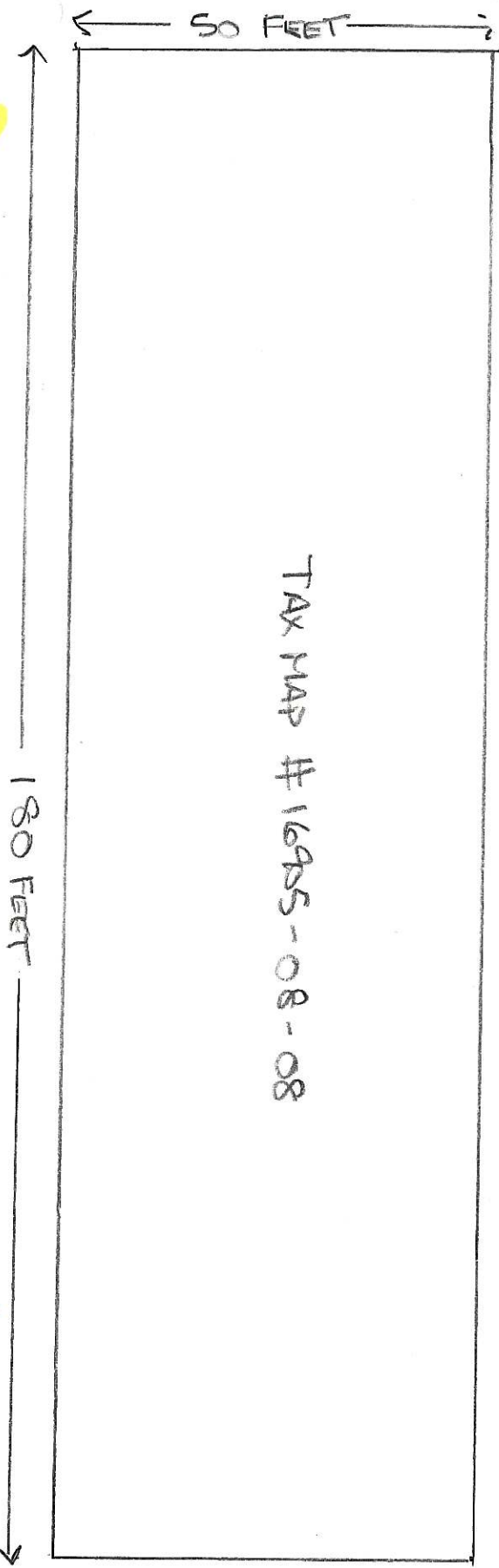
David and Carol Lynn Nute  
121 Alexander Circle  
Columbia, SC 29206

Tel: 803.790.1568  
Fax: 803.790.1190

15. SCALED DRAWING

ADJACENT LOT AND STRUCTURE

SCALE  
1" = 20'



DEAD END

ADJACENT LOT WITH STRUCTURE APPROX 8' FROM PROPERTY LINE

LONGBROOK ROAD



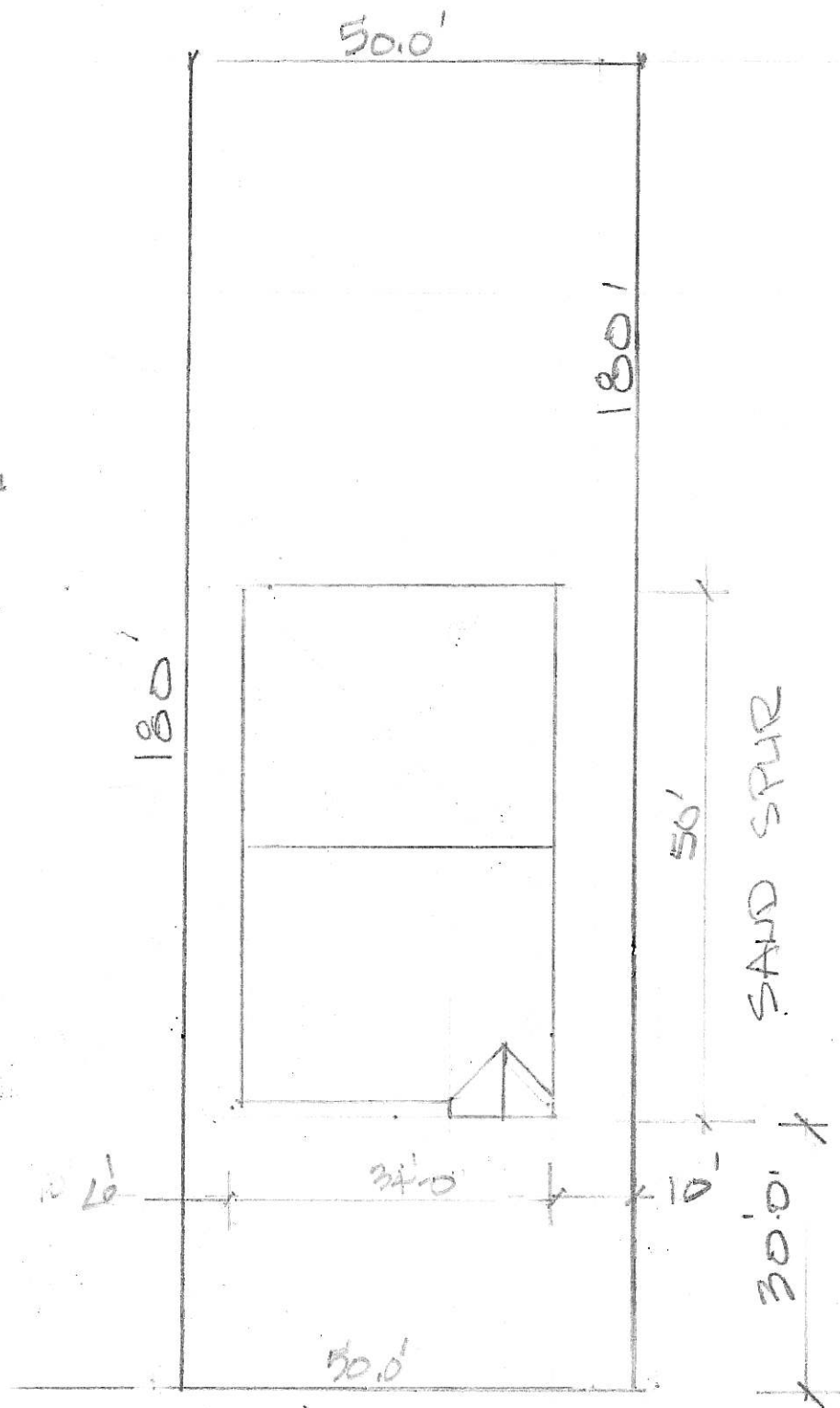
\* ADDENDUM FOR VARIANCE  
DAVID & CAROL LYNN NUTE  
803-740-1568

TAX MAP

No. 16905-08-08

SITE PLAN

EXISTING  
HOME







3 September 2008  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

08-60 Variance

### REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a variance to reduce the minimum number of parking spaces on property zoned M-1 (Light Industrial).

### GENERAL INFORMATION

**Applicant**

Michael Harris

**Tax Map Number**

02500-07-26

**Location**

1019 Broad Stone

**Parcel Size**

7.29 acre tract

**Existing Land Use**

Recreational

**Existing Status of the Property**

The subject property has an existing 40,939 square foot building which is used primarily for recreational ice skating.

**Proposed Status of the Property**

The applicant is proposing a 29,497 square foot addition. The proposed use of the addition is a multi-use (soccer, football, basketball, etc.) recreational facility.

**Character of the Area**

The surrounding area is comprised of large undeveloped parcels, Department of Transportation facilities, and self-storage warehouses. A residential subdivision is located south of the 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

Staff visited the site.

The applicant is requesting a variance to reduce the minimum number of parking spaces from 352 spaces to 172 (the existing number of spaces).

The new Land Development Code has a minimum and maximum required off-street parking standard, dependent upon the type of land use. This type of land use is categorized as "indoor recreational use". The applicant is required to provide a minimum of 352 parking spaces, but cannot exceed 700 parking spaces.

The applicant states that the need for the reduction in the number of parking spaces is necessitated by the inability of the parcel to accommodate additional parking.

The ice arena provides various recreational activities for the public. These activities include ice skating lessons, free skating, and hockey. While a majority of the facility is designed for ice activities, areas for video games, refreshments and parties are provided.

It is recommended by staff that the Board of Zoning Appeals take into consideration:

1. Hours and days of operation.
2. Size and capacity of the fields and courts.
3. Seating available for public to view activities.
4. Types of activities offered (lessons, recreational leagues, parties, after school programs, etc.).
5. Similarities with the Northeast Columbia Plex.

## 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

### **Sec. 26-173. Off-street parking standards**

- (a) *General requirements.* Permanent off-street parking is required in all districts unless otherwise specified. Such parking shall be provided in the amount required by this section at the time of erection, alteration, enlargement, establishment, or change in any building or land use. Any permit application submitted to the planning department shall include information as to the location and dimensions of off- street parking and the means of ingress and egress to such space.

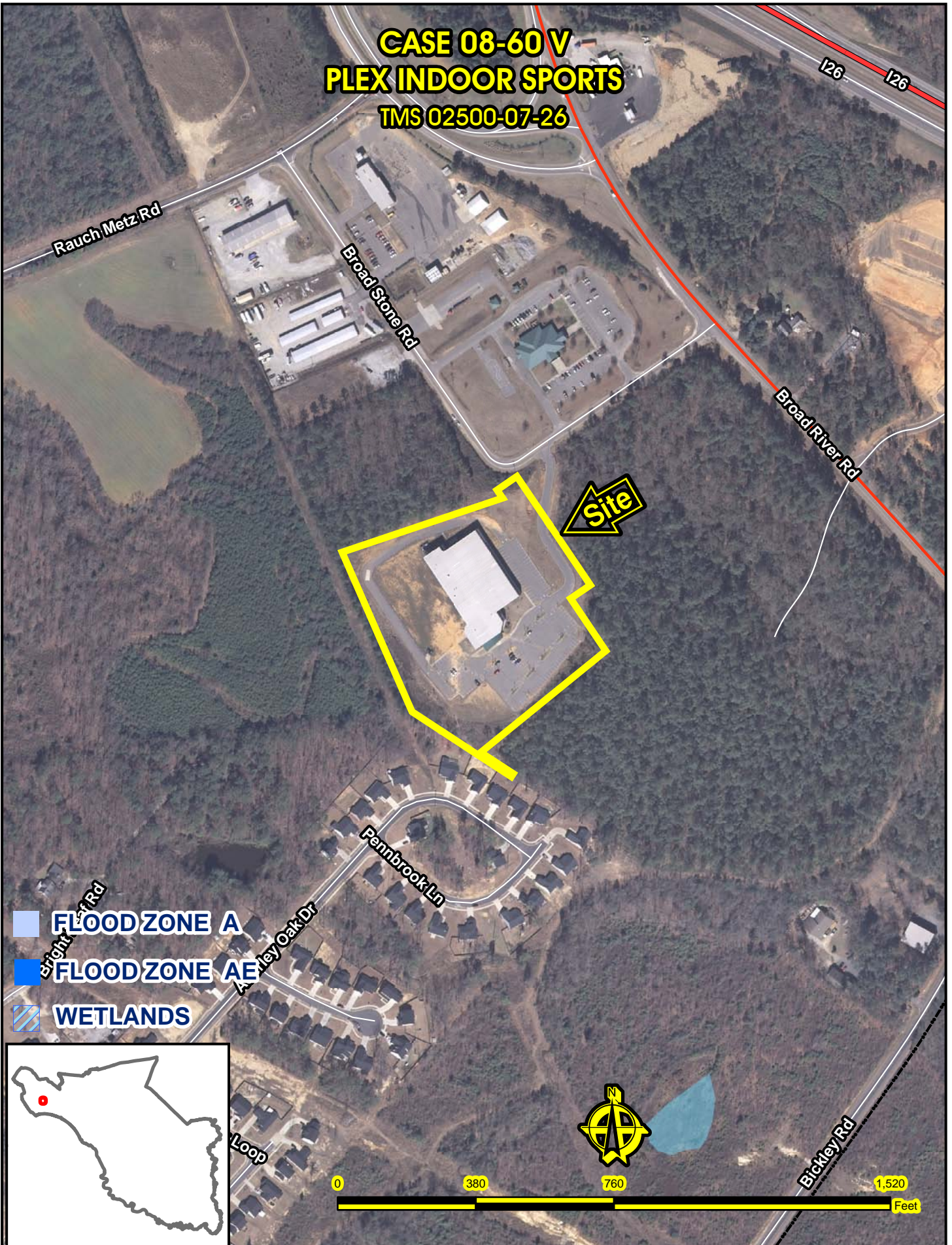
## ATTACHMENTS

- Site plan

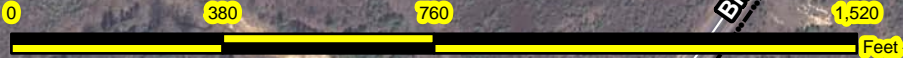
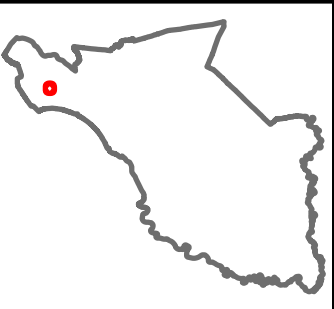
## CASE HISTORY

No record of previous special exception or variance request.

**CASE 08-60 V**  
**PLEX INDOOR SPORTS**  
**TMS 02500-07-26**



-  FLOOD ZONE A
-  FLOOD ZONE AE
-  WETLANDS





# CASE 08-60 V



**RICHLAND COUNTY  
BOARD OF ZONING APPEALS  
VARIANCE APPEALS**



Rcpt# \_\_\_\_\_

Application# \_\_\_\_\_

Paid \$ \_\_\_\_\_

Filed \_\_\_\_\_

1. Location Plex Sports 1019 Broad Stone Road, Irmo, SC 29063
2. Page 02500 Block 07 Lot 26 Zoning District M1
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 26 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: Expansion of the existing building to include an indoor soccer field and basketball court without an increase in the number of parking spaces, and sidewalk.
5. 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 zoning ordinance does not have a use category for the specific use of this property. Also, the grade along the road is too steep for a sidewalk.
  - b) Describe how the conditions listed above were created: The zoning ordinance classifies this space as indoor recreation causing a gross overestimation of the required parking for the facility.
  - c) These conditions do not generally apply to other property in the vicinity as shown by: There is no other similar use in the vicinity. No other sites in this area has sidewalks. This is a rural area.
  - 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: There is not sufficient property to provide the number of parking spaces the ordinance requests.
  - 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: The use of the building will not significantly change from it's current or past use. The sidewalk would not serve any purpose on this site.
6. The following documents are submitted in support of this application [a site plan must be submitted]:
  - a) Sheet C100 Existing Conditions Plan
  - b) Sheet C200 Site Layout Plan
  - c) \_\_\_\_\_

(Attach additional pages if necessary)

**RECEIVED**  
JUL 14 2008  
R. ZONING OFFICE

LOCATION	DATE	BY	APP

**REVISONS**  
**APPROVALS**  
**PROJECT MANAGER**  
**DESIGN**  
**ARCHITECT/ENGINEER**  
**SITE ENGINEERING**  
**STRUCTURAL ENGINEERING**  
**ELECTRICAL ENGINEERING**  
**Mechanical Engineering**  
**TRANSPORTATION ENGINEERING**  
**LANDSCAPE ARCHITECTURE**  
**CIVIL ENGINEERING**  
**CONSTRUCTION**

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**Flitts & Goodwin**  
 General Contractors  
**CARLISLE ASSOCIATES**  
**ARCHITECTS ENGINEERS**

1015 CERVINS STREET  
 COLUMBIA, SC 29204  
 (803) 799-9654  
 www.carlisle-ae.com



**PROJECT TITLE**  
 SHEET TITLE

**EXISTING CONDITIONS**  
**PLAN**



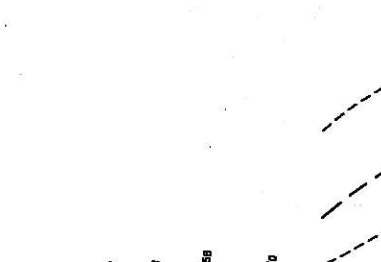
**C100**  
 SHEET NUMBER

1 OF 7 SHEETS

**NOT FOR CONSTRUCTION**

**NOTICE:**  
 1. CONTRACTOR SHALL VERIFY LOCATION OF PROPERTY CORNERS AND ALL EXISTING IMPROVEMENTS PRIOR TO BEGINNING CONSTRUCTION. NOTIFY ENGINEER IMMEDIATELY OF ANY DISCREPANCIES BETWEEN FIELD CONDITIONS AND INFORMATION SHOWN ON PLANS.  
 2. EXISTING UTILITIES SHOWN ARE BASED ON INFORMATION AS PROVIDED TO THE ENGINEER, AND ARE FOR INFORMATION PURPOSES ONLY. UTILITIES SHOWN HEREON ARE NOT WARRANTED TO BE EXACTLY AS SHOWN, NOR ARE ALL UTILITIES WARRANTED TO BE SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTHS OF ALL UTILITIES PRIOR TO BEGINNING CONSTRUCTION. CONTACT PALMER UTILITY PROTECTION SERVICES, INC. AT 1-888-721-7877 OR AT WWW.SUPPLYFORG.COM AT LEAST 72 HOURS PRIOR TO BEGINNING CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGES TO EXISTING UTILITIES RESULTING FROM NEGLIGENCE AND/OR FAILURE TO PROPERTY LOCATE AND PROTECT SAID UTILITIES.  
 3. CONTRACTOR IS TO COORDINATE ALL WORK WITH OWNER TO MINIMIZE INTERRUPTION TO OPERATIONS.  
 4. PROPERTY SHOWN ON THIS PLAN IS LOCATED ON RICHLAND COUNTY THE R02500-07-26 AND IS ZONED M-1.  
 5. EXISTING LAND USE IS COMMERCIAL.

**VICINITY MAP**  
 NO SCALE



**CIVIL SHEET INDEX**

NO.	TITLE	REVISION NO.	DATE
C100	EXISTING CONDITIONS PLAN	-	04/02/08
C200	SITE LAYOUT AND STAKING PLAN	-	04/02/08
C201	LANDSCAPING PLAN	-	04/02/08
C300	GRADING AND UTILITY PLAN	-	04/02/08
C500	EROSION & SEDIMENT CONTROL PLAN	-	04/02/08
C700	DETAIL SHEET	-	04/02/08
C701	DETAIL SHEET	-	04/02/08

RO2500-07-05  
 PEAK HOLDINGS, LLC  
 ZONE: M-1  
 LAND USE: MARKET VALUE OF AGRIC LAND

RO2500-07-26  
 BUSINESS LOAN CENTER, INC  
 ZONE: M-1  
 LAND USE: COMMERCIAL LAND

RO2500-07-27  
 F & D DEVELOPMENT, INC  
 ZONE: M-1  
 LAND USE: COMMERCIAL LAND

RO2500-07-11  
 BARNETT, LORRAINE J.  
 ZONE: RU  
 LAND USE: RESIDENTIAL LAND

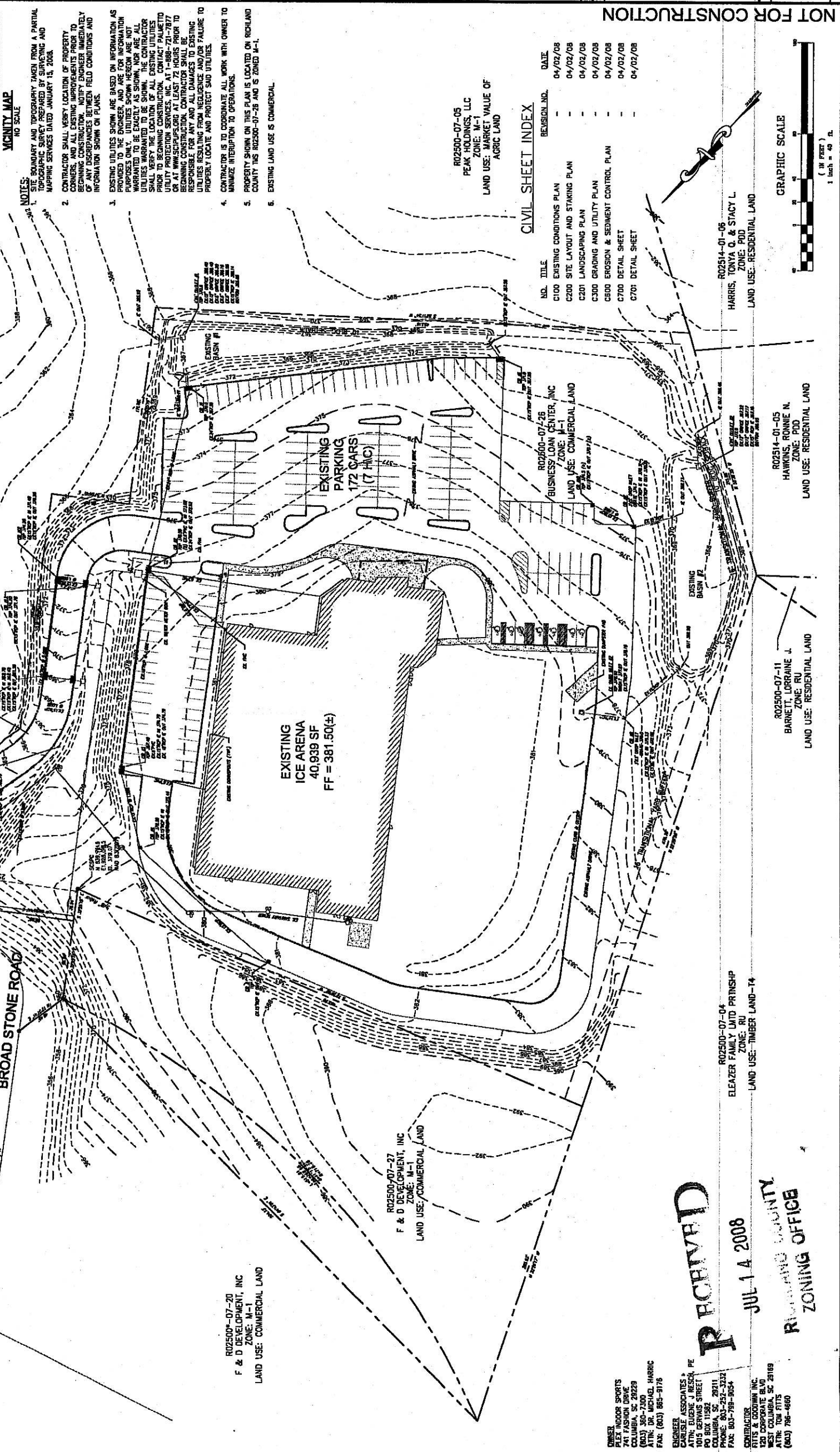
RO2500-07-16  
 SC DEPT. OF PUBLIC SAFETY  
 ZONE: U  
 LAND USE: -

RO2500-07-20  
 F & D DEVELOPMENT, INC  
 ZONE: M-1  
 LAND USE: COMMERCIAL LAND

RO2500-07-04  
 ELEAZER FAMILY LMTD PRTNRSHP  
 ZONE: RU  
 LAND USE: TIMBER LAND-14

RO2514-01-05  
 HAWKINS, RONNIE N.  
 ZONE: PDD  
 LAND USE: RESIDENTIAL LAND

RO2514-01-06  
 HARRIS, TONYA Q. & STACY L.  
 ZONE: PDD  
 LAND USE: RESIDENTIAL LAND



EXISTING ICE ARENA  
 40,939 SF  
 FF = 381.50(±)

EXISTING PARKING  
 172 CARS  
 (7 HIC)

**RICHLAND**  
 JUL 14 2008  
 RICHLAND COUNTY  
 ZONING OFFICE

**CONTRACTOR**  
 FLITTS & GOODWIN, INC.  
 120 CORPORATE BLVD  
 WEST COLUMBIA, SC 29169  
 ATTN: TOM FITTS  
 (803) 798-4660

**ENGINEER ASSOCIATES**  
 CARLISLE ASSOCIATES, INC.  
 ATTN: EUGENE J. HESLIN, P.E.  
 1015 CERVINS STREET  
 PO BOX 11582  
 COLUMBIA, SC 29211  
 PHONE: 803-799-3333  
 FAX: 803-799-9654

**ENGINEER**  
 FLITTS & GOODWIN, INC.  
 741 FASHION DRIVE  
 COLUMBIA, SC 29229  
 (803) 350-7200  
 ATTN: DR. MICHAEL HARRIC  
 FAX: (803) 865-8176

**SCALE**  
 1 inch = 40 feet









Richland County Government  
2020 Hampton Street  
Columbia, SC 29204

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

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