

RICHLAND COUNTY BOARD OF ZONING APPEALS



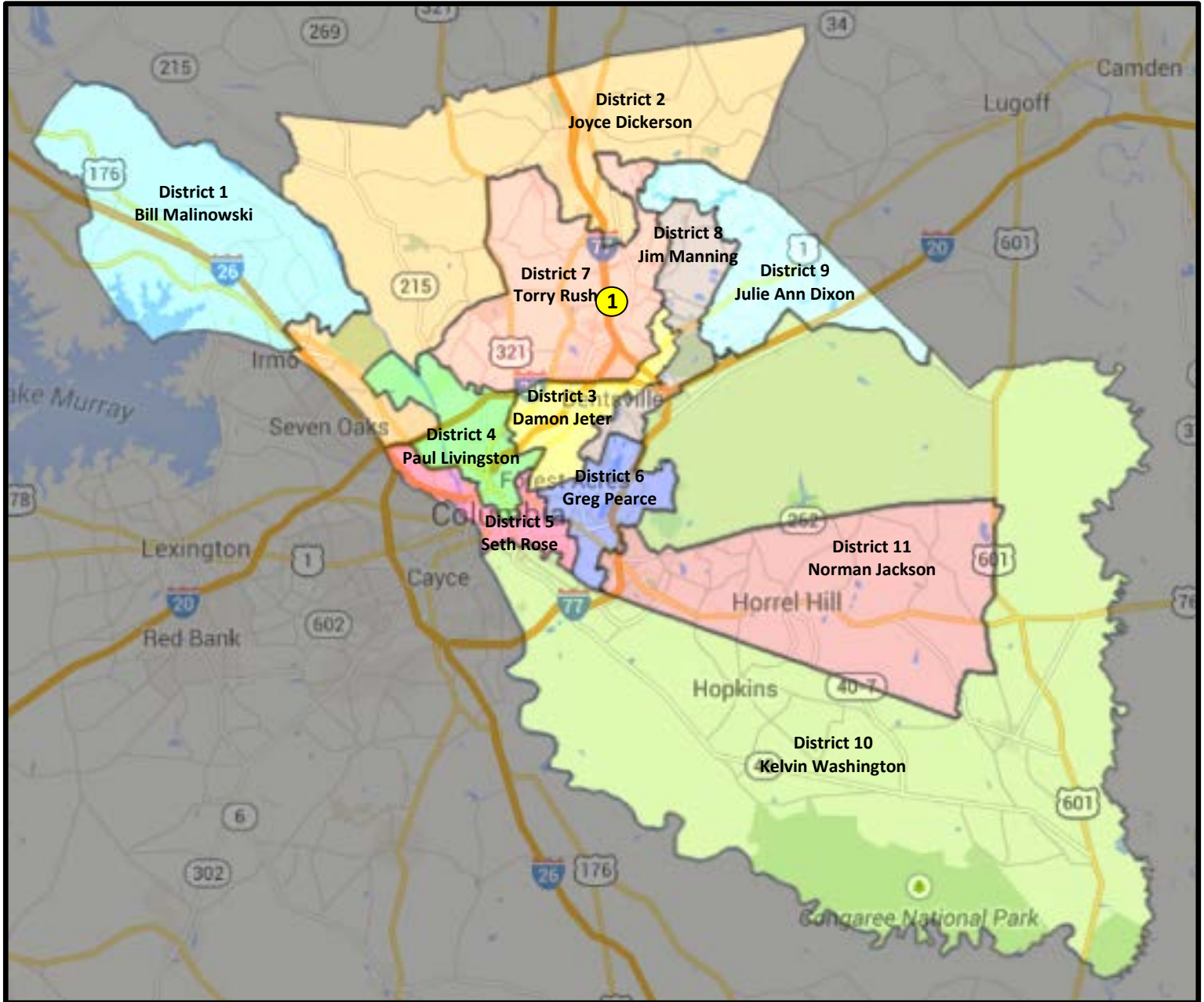
Wednesday, 4 November 2015

3 p.m.

Council Chambers

RICHLAND COUNTY BOARD OF ZONING APPEALS

November 4, 2015



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 15-03 V	Shaquan Maxwell	17204-02-08	106 E L Hunter Road Columbia, SC 29203	Rush



**Richland County
Board of Zoning Appeals
Wednesday, 4 November 2015
2020 Hampton Street
2nd Floor, Council Chambers
3:00 p.m.**

Agenda

- I. CALL TO ORDER & RECOGNITION OF QUORUM** **Joshua McDuffie, Chairman**
- II. ADOPTION OF AGENDA**
- III. PUBLIC NOTICE ANNOUNCEMENT**
- IV. RULES OF ORDER** **Amelia Linder, Attorney**
- V. APPROVAL OF MINUTES – September 2015**
- VI. PUBLIC HEARING** **Geonard Price,
Deputy Planning Director/ Zoning Adm.**

OPEN PUBLIC HEARING

15-03 V Shaquan Maxwell 106 E L Hunter Rd. Columbia, SC 29203 TMS# 17204-02-08	Requests a variance to encroach into the rear setbacks on property zoned Rural (RU).
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- VII. OTHER BUSINESS**
- VIII. ADJOURNMENT**



REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

15-03 Variance

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a variance to encroach into the required rear yard setback in the Rural (RU) district.

GENERAL INFORMATION:

Applicant: Shaquan Maxwell

TMS: 17204-02-08

Location: 106 El Hunter, Columbia, SC 29203

Parcel Size: .45+ acres

Existing Land Use: Currently the property is vacant.

Proposed Land Use: Establishment of a residential structure.

Character of Area: The area is residentially developed.

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 construct a residential structure which will encroach into the required rear yard setback of fifty (50) feet by twenty-five (25) feet. According to the applicant, the purpose

of the encroachment is to prevent the proposed residential structure from being constructed under an overhead electric line which runs across the front portion of the property.

According to the SCE&G electric transmission right-of-way guidelines, buildings are among the types of structures prohibited in their right-of-way.

Staff has noted that a number of the residential structures in the general area of the subject parcel are nonconforming due to setback encroachments; although, none of the encroachments seem to be as a result of the overhead line.

It should also be noted that due to the configuration and nonconformity (doesn't meet the minimum size requirements for a RU zoned parcel - 33,000 square feet) of the parcel, a variance request would most likely be needed, even if the utility lines were not present on the property.

If the variance is denied, it is staff's opinion that it would be extremely difficult for a residential structure to be constructed on the subject parcel.

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 configurations of the lot limit the ability to construct on the property.

b. Conditions applicable to other properties

Staff was unable to determine if other properties in the surrounding area (although nonconforming) would be limited by the required setbacks for the district.

c. Application of the ordinance restricting utilization of property

Application of the setbacks for the rural district would restrict utilization of the property.

d. Substantial detriment of granting variance

There would be no substantial detriment to the surrounding properties if the variance is granted. The property located north of the site is zoned light industrial (M-1) and would have a required rear yard setback of ten (10) feet. The abutting residential parcels currently encroach into the required front and side yard setbacks.

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:

- Plat

15-03 V
106 E L Hunter Rd.
Columbia, SC 29203
TMS# 17204-02-08



15-03 V
106 E L Hunter Rd.
Columbia, SC 29203
TMS# 17204-02-08





BOARD OF ZONING APPEALS

VARIANCE APPEALS



Application #

1. Location 106 EL Hunter DR CO1A SC
 TMS Page R17204 Block 02 Lot 08 Zoning District _____

2. Applicant hereby appeals to the Zoning Board of Appeals for a variance from the strict application to the property as described in the provisions of Section _____ of the Richland County Zoning Ordinance.

3. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows: Home b. new construction

4. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Sec. 26-602.3b(1) of the Richland County Zoning Code are met by the following facts.

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as following: The electric pole was put on land a long time ago instead of being properly conscious they ran poles in way that make lot difficult to use
- b) Describe how the conditions listed above were created: power pole roadway was done whentime and a whole lot of things was not regulate and property is use that is not new
- c) These conditions do not generally apply to other property in the vicinity as shown by: Because pole roadway now is ascending on property line and not go through property
- 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: for new home construction
- 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: property on side has enough for setback property in rear is commercial and will not have any variance problems

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

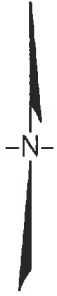
- a) Plat
- b) _____
- c) _____

(Attach additional pages if necessary)

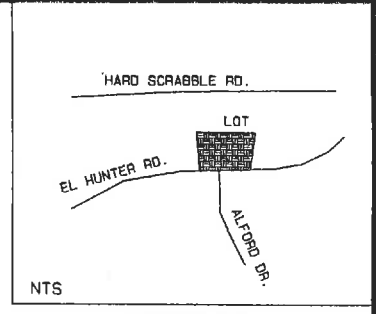
Shaqueen Maxwell 3245 Lucius Rd 916-584-0627
 Applicant's Signature Address Telephone Number
Shaqueen Maxwell NOT A-1 Columbia SC
 Printed (typed) Name City, State, Zip Code 29201 Alternate Number

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN

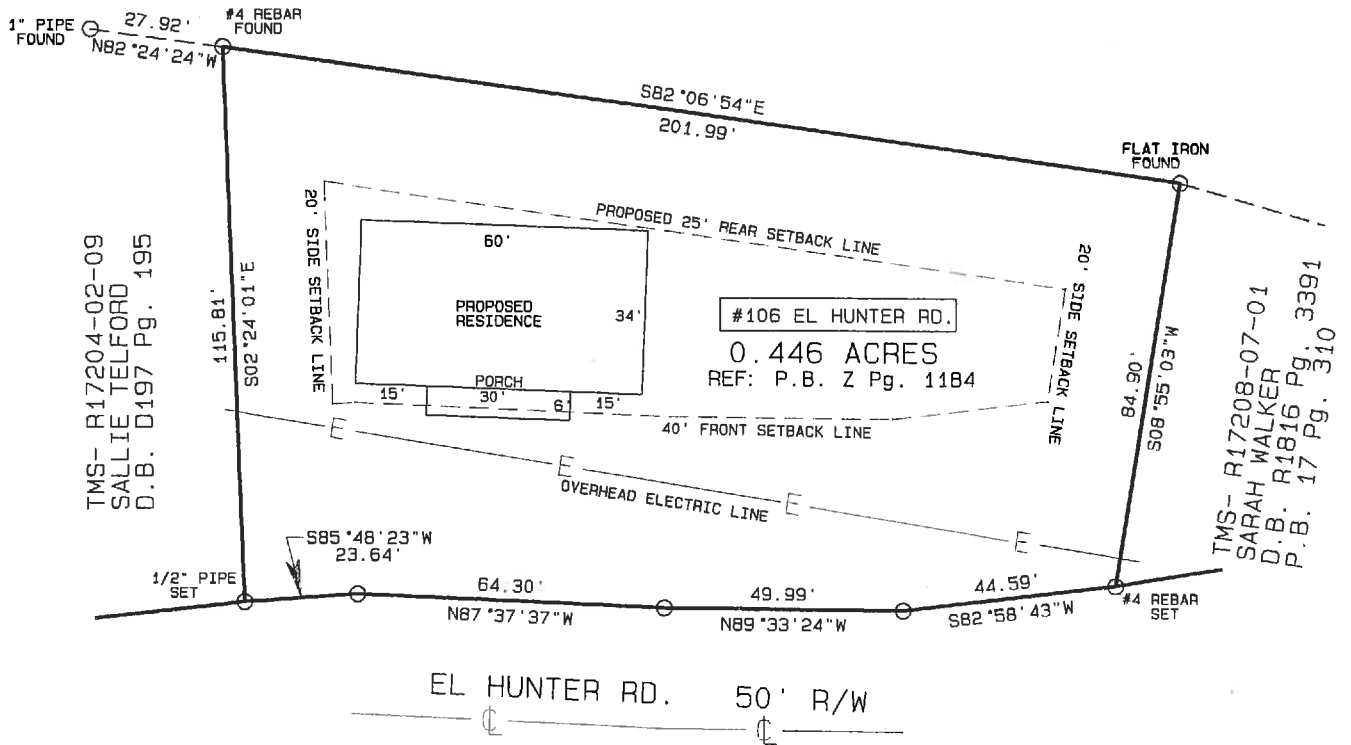
NOTE: THE DECREASE OF ACREAGE AND SIDELINE DISTANCES ARE DUE TO RIGHT OF WAY BEING OBTAINED FOR THE PAVING OF "EL HUNTER RD."



MAGNETIC NORTH
1991



TMS- R17301-02-01
SPS, LLC
D.B. D1294 Pg. 662



TMS- R17204-02-09
SALLIE TELFORD
D.B. D197 Pg. 195

TMS- R17208-07-01
SARAH WALKER
D.B. R1816 Pg. 3391
P.B. 17 Pg. 310

EL HUNTER RD. 50' R/W

ALFORD DR.

GRAPHIC SCALE 1"=40'



LEGEND: (F) - CORNER PIN FOUND
(S) - CORNER PIN SET



BOUNDARY SURVEY FOR	
SHAQUAN O. MAXWELL	
NORTHEAST AREA	RICHLAND COUNTY
STATE OF SOUTH CAROLINA	
TAX MAP #:	R17204-02-08 DFT: 444
REFERENCES:	D.B. R1990 Pg. 3970
SCALE:	1"=40' DATE: 08/19/2015 JOB # SMAXWELL
HUEL C. BAILEY	
SCPLS #14523 647 CARTERSVILLE HIGHWAY TIMMONSVILLE, S.C. 29161 803.229.7475	



Richland County Government
2020 Hampton Street
Columbia, SC 29204

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Fax (803) 576-2182
