

RICHLAND COUNTY BOARD OF ZONING APPEALS



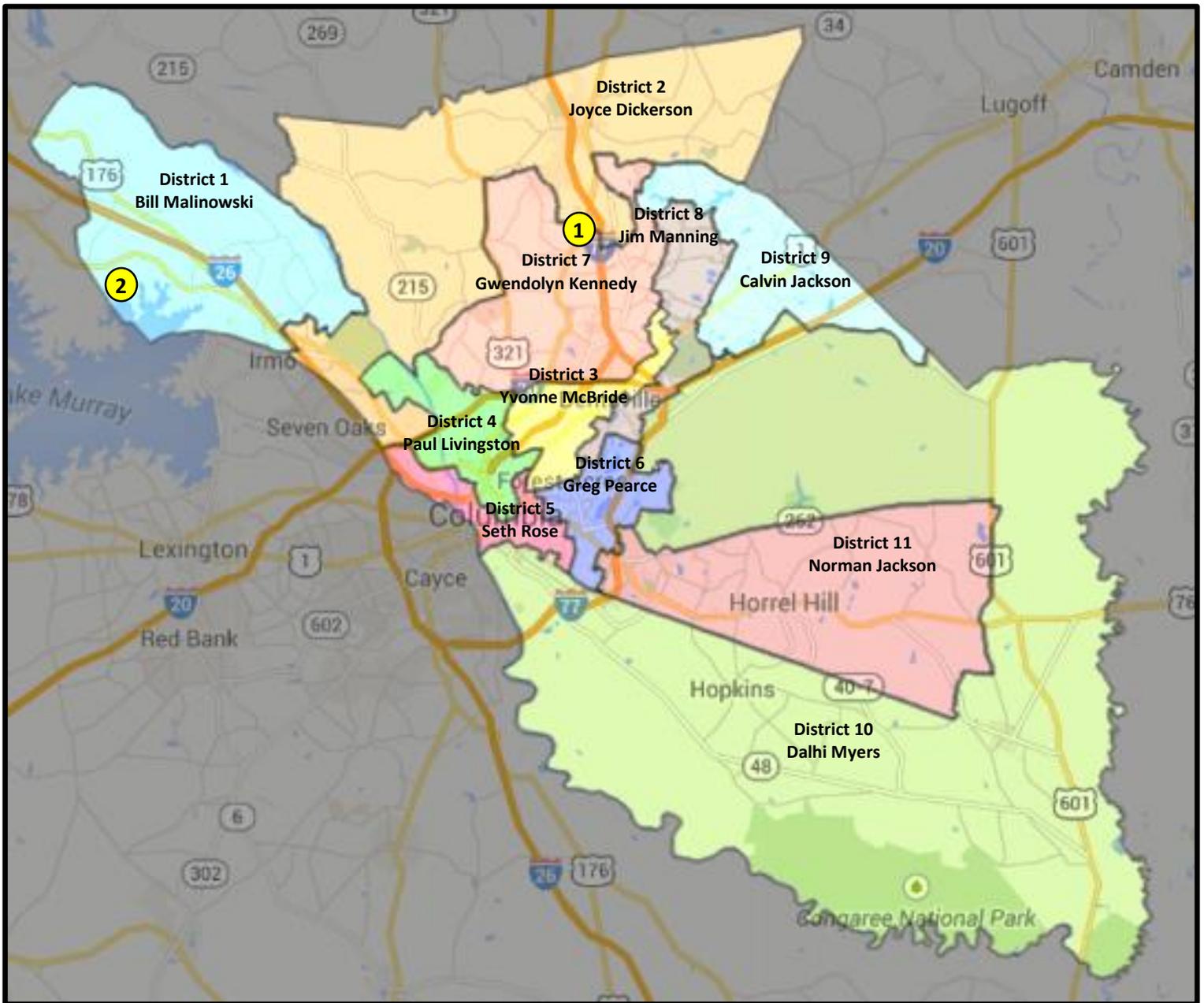
Wednesday, 5 April 2017

3 p.m.

Council Chambers

RICHLAND COUNTY BOARD OF ZONING APPEALS

April 5, 2017



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 17-06 SE	Willie Belton III	R17400-11-02	1320 Killian Loop Road Columbia, SC 29203	Kennedy
2. 17-07 SE	Valerie and Mark Parsons	R01401-01-05	28 Beards Creek Circle Chapin, SC 29036	Malinowski



**Richland County
Board of Zoning Appeals
Wednesday, April 5, 2017
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. ELECTION OF OFFICERS**
- V. RULES OF ORDER** **Chairman**
- VI. APPROVAL OF MINUTES - March 2017**
- VII. PUBLIC HEARING** **Geonard Price,
Deputy Planning Director/Zoning Adm.**

OPEN PUBLIC HEARING

**17 – 06 SE
Willie Belton III
1320 Killian Loop Road
Columbia, SC 29203
TMS# 17400-11-02
Page 1**

Request a special exception to establish a manufactured home on property zoned Light Industrial (M-1)

**17 - 07 V
Valerie and Mark Parsons
28 Beards Creek Circle
Chapin, SC 29036
TMS# 01401-01-05
Page 7**

Request a variance to encroach into the required side yard setbacks on property zoned Rural (RU)

- VIII. OTHER BUSINESS**
- IX. ADJOURNMENT**



REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

17-06 Special Exception

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the placement of a manufactured home on property zoned Light Industrial (M-1) district.

GENERAL INFORMATION:

Applicant: Willie Belton III

TMS: 17400-11-02

Location: 1320 Killian Loop Road, Columbia, SC 29203

Parcel Size: .29 acre tract

Existing Land Use: The parcel is currently undeveloped.

Proposed Land Use: The applicant proposes to establish a manufactured home on the subject site.

Character of Area: The general area consists of a mix of residentially developed parcels.

ZONING ORDINANCE CITATION:

Table 26-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to permit manufactured homes on property zoned Light Industrial (M-1), subject to the provisions of section 26-152 (d) (11).

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) (11)):

- (11) *Dwellings, Manufactured Homes on Individual Lots.*
 - a. Use districts: M-1 Light Industrial.
 - b. Manufactured homes must meet the standards set by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976), as revised and in effect on the date the application is made for a land development permit.
 - c. The tongue, axles, transporting lights, and removable towing apparatus must be removed subsequent to final placement.
 - d. Manufactured home skirting or a continuous, permanent masonry foundation, unpierced except for openings required by the building code for ventilation, utilities and access, shall be installed under the manufactured home.

DISCUSSION:

Staff visited the site.

The applicant is proposing to establish a 16 x 80 manufactured home on the subject site.

The surrounding area is residentially developed with a mix of single-family detached structures and manufactured homes. The parcel is located at the end of a dead-end street (Killian Loop Road) and abuts I-77.

Staff did not observe any conditions or factors that would negatively impact the properties in the surrounding area by the approval of this request.

Staff recommends **approval**.

CONDITIONS:

Section 26-56 (f) (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:

N/A

ATTACHMENTS:

- Application

17 - 06 SE
Willie Belton III
1320 Killian Loop Road
Columbia, SC 29203
TMS# 17400-11-02





BOARD OF ZONING APPEALS SPECIAL EXCEPTION



1. Location: 1320 KILLIAN LOOP COLUMBIA, SC 29203
 TMS Page: BOOK R0495 Pg 267 Block: — Lot: — Zoning District: M-1

2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting:
A MOBILE HOME TO BE PLACED BACK ON THE PROPERTY.

3. Describe the proposal in detail: MY INTENT IS TO PLACE A MOBILE HOME BACK ON THIS PROPERTY. THE OWNER IS WILLING TO SELL PROPERTY TO ME, BUT WANTED TO GO THROUGH PROPER CHANNELS FIRST. SO IM ASKING FOR A SPECIAL EXCEPTION FOR TO UPDATE AS "RESIDENTIAL LAND" VS "COMMERCIAL LAND"

4. Area attributed to the proposal (square feet): LAND DESCRIPTION IS 90 x 737 x 86 x 751

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 <u>- N/A -</u>	square footage <u>- N/A -</u>
b. Use <u>- N/A -</u>	square footage <u>- N/A -</u>
c. Use <u>- N/A -</u>	square footage <u>- N/A -</u>

6. Total number of parking spaces on the subject property: POSSIBLY 2-3 VEHICLES

7. Total number of employees on shift of greatest employment: 1

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: NONE

 - b. Vehicle and pedestrian safety: SAFETY IS HIGH

 - c. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property: NO IMPACTS

 - d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view: N/A

 - e. Orientation and spacing of improvements or buildings: ADD A 16 x 80 MOBILE HOME ON THE LAND



REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

17-07 Variance

REQUEST:

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

GENERAL INFORMATION:

Applicant: Valerie and Mark Parsons

TMS: 01401-01-05

Location: 28 Beards Creek Circle, Chapin, SC 29036

Parcel Size: .35 acres

Existing Land Use: Currently the property is residentially developed.

Proposed Land Use: The applicant proposes an addition to the existing structure which will encroach into the required side yard setback.

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 “Add an addition to current house which is an inefficient octagon –style.” which was constructed in 1983. The addition will encroach into the west and east side yards by 11 and 13 feet, respectively.

The minimum lot area for a parcel in the RU district is 33,000 square feet and the lot width is 120 feet. The lot area (15,246 square feet) and lot width (44 feet) for the subject site are both nonconforming.

According to the applicant, the subject parcel is the “smallest and narrowest lot in the Beard’s Creek community.” The applicant also states that the other homes are larger due to the structures being constructed on “double” parcels. The applicant states that if a variance is not granted, “...we could not add on to the existing octagon-shaped house to make it more efficient.” and “...bring our house up to the standards set by the surrounding homes.”

Staff believes that the subject parcel does not meet all of the criteria required for the granting of a variance. While the applicant has established that the nonconformity of the parcel limits the areas where the structure could be expanded, the applicant has not demonstrated that the conditions are exclusive to the subject site. The parcels along Beard’s Creek Circle are nonconforming in area and width. 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

The nonconformity of the parcel, in addition to the required setbacks for the district, restricts the ability to expand the current structure.

b. Conditions applicable to other properties

Staff determined that the other parcels in the general area of the subject site are nonconforming in area and width.

c. Application of the ordinance restricting utilization of property

While applying the setback requirements for the RU district would not prevent the utilization of this parcel, it does effectively prohibit further side yard additions.

d. Substantial detriment of granting variance

There would be no substantial detriment to the surrounding properties if the variance is granted. The adjacent developed parcels currently encroach into the required side yard setbacks.

Records indicate that side yard encroachment variances were granted by the Board of Zoning Appeals for parcels 01401-01-06 and 01401-01-07 (92-12 V and 92-11 V).

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.

Sec. 26-252. Nonconforming vacant lots.

- (a) *General.* A nonconforming vacant lot is a lot that was lawfully created prior to the effective date of this chapter, or any amendment thereto, but which does not conform to the dimensional or area requirements for the zoning district in which it is located.
- (b) *Standards.* A nonconforming vacant lot may be used for any of the uses permitted by Article V. of this chapter in the zoning district in which it is located if the use of the lot meets the following standards:
 - (1) All other minimum requirements for the particular zoning district and proposed use must be met or a variance obtained from these requirements.
 - (2) The nonconforming vacant lot does not adjoin and have continuous frontage with one or more other vacant lots in the same ownership. If a nonconforming lot does adjoin and have continuous frontage with one or more other vacant lots in the same ownership, such lots shall be combined or recombined as necessary to form a conforming lot or lots. This subsection shall not apply to a nonconforming vacant lot if a majority of the developed lots located on either side of the road where such a lot is located and within five hundred (500) feet of such lot are also nonconforming. The intent of this subsection is to require nonconforming lots to be combined with other lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has been previously developed.

CASE HISTORY:

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

ATTACHMENTS:

- Plat
- Application

17 - 07 V
Valerie and Mark Parsons
28 Beards Creek Circle
Chapin, SC 29036
TMS# 01401-01-05





BOARD OF ZONING APPEALS

VARIANCE APPEALS



Application #

1. Location 28 Beards Creek Circle, Chapin
 TMS Page R0140 Block 01 Lot 058 Zoning District RU

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 26.86 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: Add an addition to current house which is an inefficient Octagon-style.

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: Smallest and narrowest lot in the Beards Creek community. Other existing homes are bigger and on double lots.

b) Describe how the conditions listed above were created: When the structure was built in 1983 it met compliance.

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

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: Without a variance, we could not add on to the existing Octagon-shaped house to make it more efficient.

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: Granting of a variance would allow us to do an addition that would bring our house up to the standards set by the surrounding homes.

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

- a) Survey
- b) proposed addition plan
- c) _____

(Attach additional pages if necessary)

Valerie Parsons
 Applicant's Signature
Valerie Parsons
 Printed (typed) Name

28 Beards Creek Cir.
 Address
Chapin SC 29036
 City, State, Zip Code

803-732-3377
 Telephone Number
767-7943
 Alternate Number

NOTE:

A PORTION OF THIS PROPERTY DOES LIE WITHIN A SPECIAL FLOOD HAZARD AREA (ZONE "AE") AS TAKEN FROM THE NATIONAL FLOOD INSURANCE PROGRAM (FLOOD INSURANCE RATE MAP), RICHLAND COUNTY FIRM MAP NO. 45079C0185K, PANEL 185 OF 650, DATED SEPTEMBER 29, 2010.

THIS PROPERTY IS LOCATED AT 28 BEARDS CREEK CIRCLE, IS SHOWN AS RICHLAND CO. TMS# R01401-01-05, AND IS LOCATED ON LAKE MURRAY NEAR WHITE ROCK. THIS PARCEL IS SHOWN AS LOT 6 ON A FINAL PLAT PREPARED FOR W.F. GRAHAM BY WILLIAM WINGFIELD DATED OCTOBER 11, 1961 AND RECORDED AT RICHLAND COUNTY R.O.D. OFFICE IN PLAT BOOK S PAGE 123.

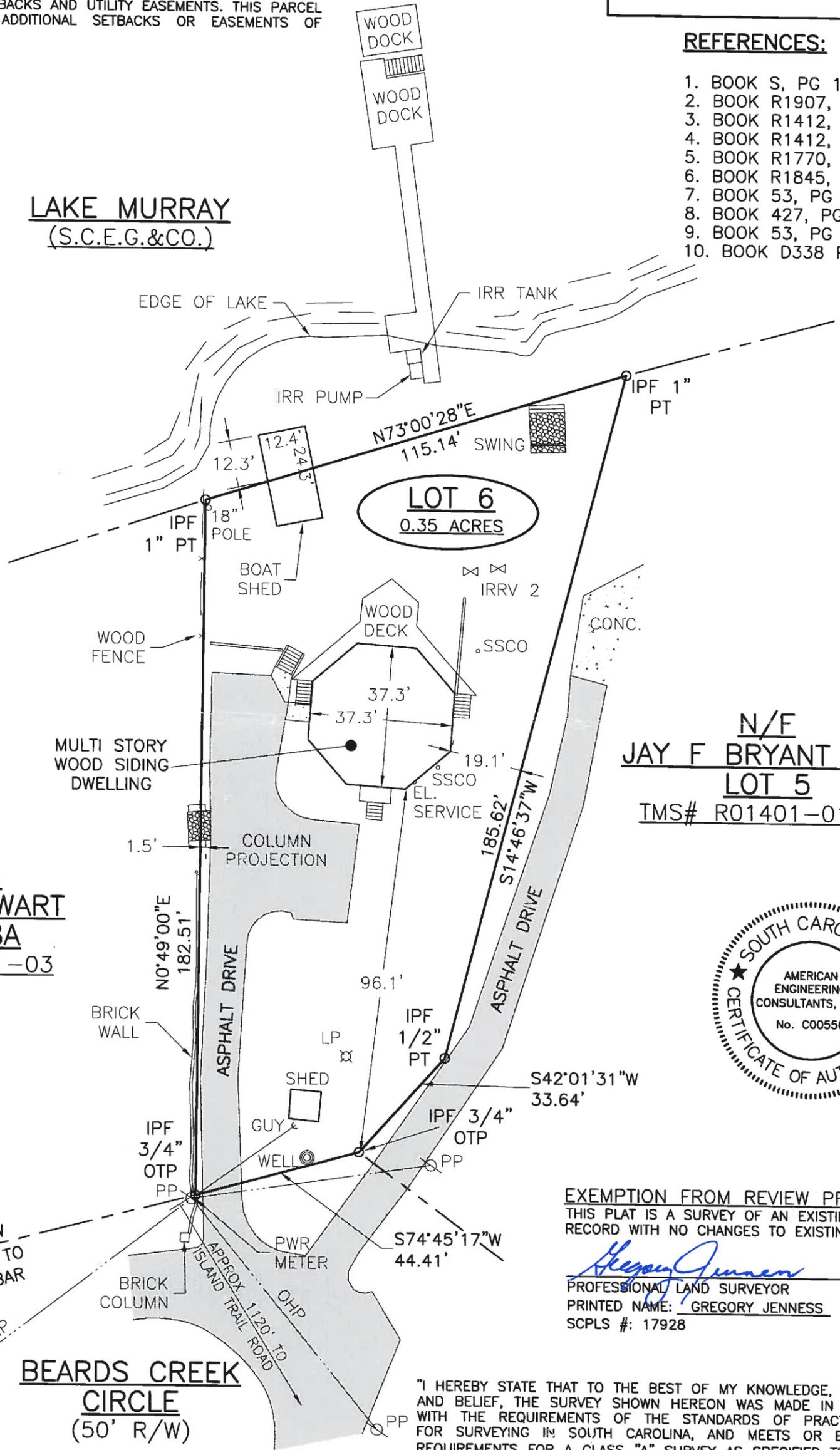
SEE SUBDIVISION PLAT FOR SETBACKS AND UTILITY EASEMENTS. THIS PARCEL MAY ALSO BE SUBJECT TO ADDITIONAL SETBACKS OR EASEMENTS OF RECORD NOT SHOWN HEREON.

LEGEND	
○ IPF	= IRON PIN FOUND
PP	= POWER POLE
GUY	= GUY WIRE
LP	= LIGHT POLE
IRRV	= IRRIGATION VALVE
OHP	= OVERHEAD POWER
MB	= MAILBOX
SSCO	= SANITARY SEWER CLEANOUT
PWR METER	= POWER METER

REFERENCES:

1. BOOK S, PG 123.
2. BOOK R1907, PG 325.
3. BOOK R1412, PG 1633.
4. BOOK R1412, PG 1634.
5. BOOK R1770, PG 2395.
6. BOOK R1845, PG 2668.
7. BOOK 53, PG 3917.
8. BOOK 427, PG 1937.
9. BOOK 53, PG 9919.
10. BOOK D338 PG 922.

LAKE MURRAY
(S.C.E.G.&CO.)



N/F
DAVID F & ROCHELLE STEWART
LOT 7,8&8A
TMS# R01401-01-03

N/F
JAY F BRYANT ETAL
LOT 5
TMS# R01401-01-06



EXEMPTION FROM REVIEW PROCESS
THIS PLAT IS A SURVEY OF AN EXISTING LOT OF RECORD WITH NO CHANGES TO EXISTING LOT LINES.

Gregory Jenness
PROFESSIONAL LAND SURVEYOR
PRINTED NAME: GREGORY JENNESS
SCPLS #: 17928

"I HEREBY STATE THAT TO THE BEST OF MY 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 "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN."

Gregory Jenness
GREGORY JENNESS PLS # 17928



Scale 1" = 30 ft



AMERICAN ENGINEERING CONSULTANTS, INC.
1300 12th Street · P.O. Box 2299 · Cayce, SC 29171
Phone: (803) 791-1400 · Fax: (803) 791-8110
Internet: www.aec-sc.com · Email: info@aec-sc.com

Boundary Survey
Prepared For
Nicholas Martin, Mark Parsons
and Valerie Parsons
Richland County, South Carolina

DATE 5-28-14
SCALE 1"=30'
DRAWN CAO
JOB NO. 14-522
CAD FILE CLOSING

DRAWING NO. 1
OF 1

PT

LOT 6
0.35 ACRES

IPF
1" PT

18" POLE

BOAT
SHED

IRR V 2

SSCO

CONC.

WOOD
FENCE

JAY

TM

MULTI STORY
WOOD SIDING
DWELLING

COLUMN
PROJECTION

1.5'

N 85.62°
S 14.46' 37" W

ASPHALT DRIVE

N 0° 49' 00" E
182.51'

ASPHALT DRIVE

96'

BRICK
WALL

IPF
1/2" PT

SHED

S 42° 01' 31" W
33.64'

IPF
3/4" OTP

GUY

WELL

IPF 3/4" OTP

PP

EXEMPTI 13



Richland County Government
2020 Hampton Street
Columbia, SC 29204

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