

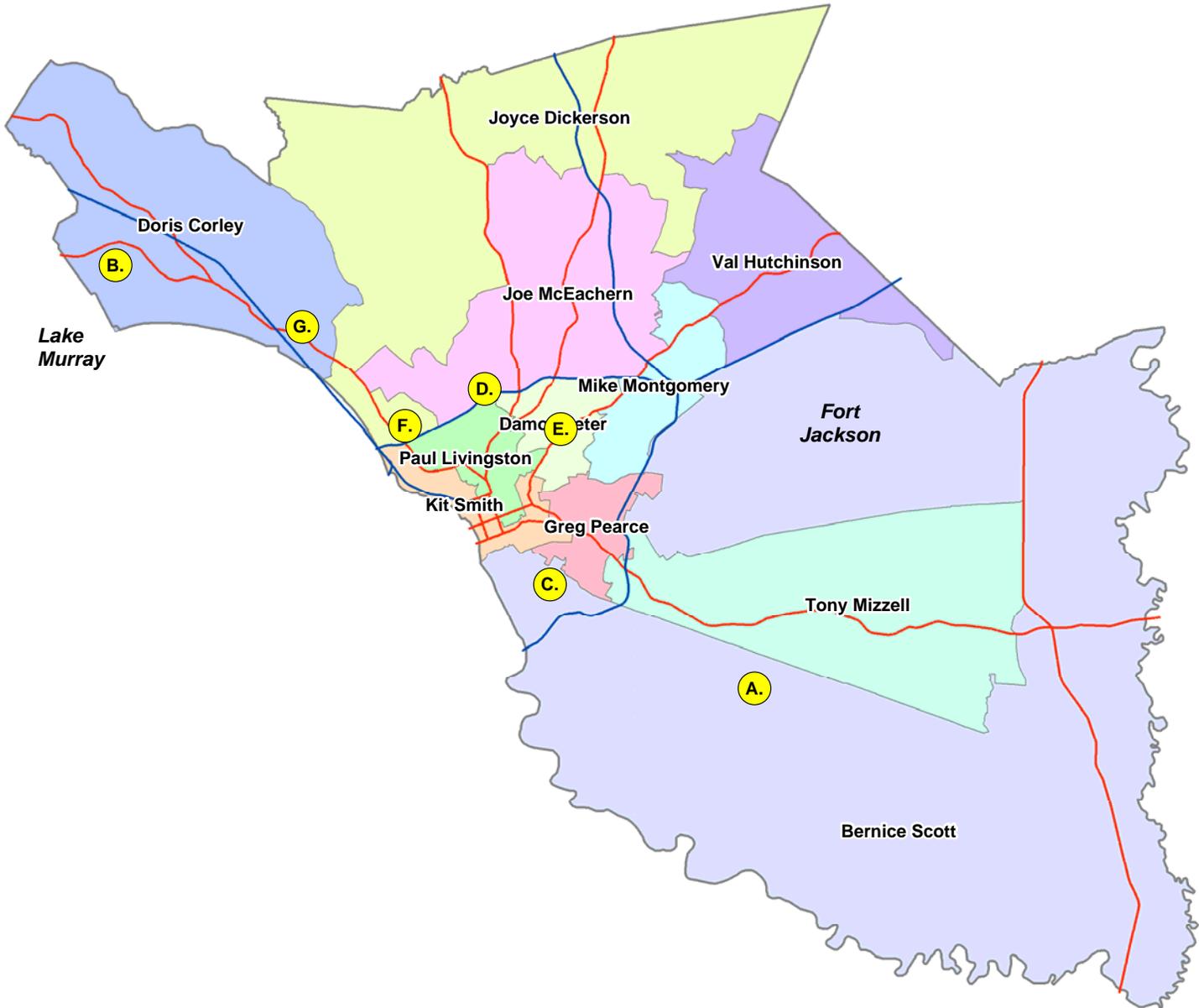
RICHLAND COUNTY  
BOARD OF  
ZONING APPEALS



Wednesday, April 6, 2005  
1:00 p.m.  
Council Chambers



# RICHLAND COUNTY BOARD OF ZONING APPEALS PUBLIC HEARING APRIL 6, 2005



CASE NO.	APPLICANT	TMS NO.	ADDRESS	DISTRICT
A. 05-49 SE	Johnathan Yates	21600-02-03	5690 Lower Richland Boulevard	Scott
B. 05-56 SE	Johnathan Yates	01509-01-04	Forest Shealy Road	Corley
C. 05-58 SE	Nathaniel Brown	11116-03-56	1120 Abbott Road	Scott
D. 05-59 V	Jim Judy	09409-01-22	95b Sunbelt Boulevard	McEachern
E. 05-60 SE	David Turner	14104-04-02	1020 Bluebird Drive	Jeter
F. 05-61 SE	Brenda Evans	07404-04-06	10 Ambrose Circle	Dickerson
G. 05-62 SE	Shirley McCrimmon	05101-01-32	94 Johnny Lorick Road	Corley



**RICHLAND COUNTY  
BOARD OF ZONING APPEALS  
PUBLIC HEARING  
APRIL 6, 2005, 1:00 P.M.**

**2020 HAMPTON STREET  
2<sup>nd</sup> FLOOR COUNTY COUNCIL CHAMBER**

**AGENDA**

- |             |                                       |   |
|-------------|---------------------------------------|---|
| <b>I.</b>   | CALL TO ORDER & RECOGNITION OF QUORUM | TERRY BROWN,<br>CHAIRPERSON                         |
| <b>II.</b>  | RULES OF ORDER                        | BRAD FARRAR,<br>DEPUTY COUNTY<br>ATTORNEY           |
| <b>III.</b> | PUBLIC HEARING                        | GEONARD PRICE,<br>ASSISTANT ZONING<br>ADMINISTRATOR |

**OPEN PUBLIC HEARING**

- |                         |   |  |
|-------------------------|---|--|
| <b>A</b><br><b>(1)</b>  | 05-49 SE<br>Johnathan Yates<br>5690 Lower Richland Blvd.<br>21600-02-03 | Requests special exception for the construction of a communication tower on property zoned rural (RU)              |
| <b>B</b><br><b>(17)</b> | 05-56 SE<br>Johnathan Yates<br>Forest Shealy Rd.<br>01509-01-04         | Requests special exception for the construction of a communication tower on property zoned rural (RU)              |
| <b>C</b><br><b>(31)</b> | 05-58 SE<br>Nathaniel Brown<br>1120 Abbott Rd.<br>11116-03-56           | Requests a special exception to place a manufactured home on property zoned general residential (RG-1)             |
| <b>D</b><br><b>(39)</b> | 05-59 V<br>Jim Judy<br>95b Sunbelt Blvd.<br>09409-01-22                 | Requests a variance to reduce the required number of parking spaces by 38 on property zoned light industrial (M-1) |



- E** 05-60 SE  
**(47)** David Turner  
1020 Bluebird Dr.  
14104-04-02
- Requests a special exception to place a manufactured home on property zoned general residential (RG-2)
- F** 05-61 SE  
**(55)** Brenda Evans  
10 Ambrose Circle  
07404-04-06
- Requests special exception for the establishment of a family day care for 6 children on property zoned single family residential (RS-2)
- G** 05-62 SE  
**(67)** Shirley McCrimmon  
94 Johnny Lorick Road  
05101-01-32
- Requests special exception for the establishment of a family day care for 6 children on property zoned single family residential (RS-2)

**IV. APPROVAL OF MINUTES**  
**March 2, 2005**

- V. OTHER BUSINESS**
- A. Cell Tower Discussion**
  - B. Review and Approval of By-laws and Rules of Procedures**

**VI. ADJOURNMENT**





2 March 2005  
Board of Zoning Appeals

## REQUEST AND ANALYSIS

05-49 Special Exception

### REQUEST

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

### GENERAL INFORMATION

**Applicant**

Jonathan Yates

**Tax Map Number**

21600-02-03

**Location**

Lower Richland Blvd.

**Existing Zoning**

RU (Rural District)

**Parcel Size**

43.89 acre tract

**Existing Land Use**

Undeveloped

**Existing Status of the Property**

It is undeveloped and heavily wooded.

**Proposed Status of the Property**

The applicant proposes to erect a 225-foot self-support tower, within a 10,000 square foot leased compound.

**Immediate Adjacent Zoning and Land Use**

- North - RU; residential
- South - RU; commercial/residential
- East - RU; residential
- West - RU; undeveloped/church

**Character of the Area**

The subject property is amongst a community of residential structures, undeveloped parcels, commercial and institutional uses.

### ZONING ORDINANCE CITATION

Section 26-61.4(4) of the Zoning Ordinance authorizes the Board of Zoning Appeals to authorize radio, television and all other types of communications towers subject to the provisions of section 26-94A.

## CRITERIA FOR SPECIAL EXCEPTIONS

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

**1. Traffic impact.**

N/A

**2. Vehicle and pedestrian safety.**

N/A

**3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.**

The lights of the communication tower could pose a potential impact on adjoining properties. The applicant has addressed these concerns in previous applications.

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

The depth of the structure within the heavily wooded parcel should serve to help minimize the aesthetic impact of the communication tower on the environs.

**5. Orientation and spacing of improvements or buildings.**

The submitted site plan does not seem to necessitate any changes.

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(9) Special exception requirements (as found in section 26-94):

(a) In addition to the requirements for special exceptions found in section 26-602.2c, the zoning board of adjustment shall consider the following:

**(1) Will the proposed structure endanger the health and safety of residents, employees or travelers, including but not limited to the likelihood of the failure of such structures.**

To be addressed by the applicant.

**(2) Is the proposed tower located in an area where it will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.**

To be addressed by the applicant.

**(3) Is the proposed structure necessary to provide a service that is beneficial to the surrounding community.**

To be addressed by the applicant.

**(4) Does the proposed use meet the setback requirements of the underlying zoning district in which it is located.**

The site plan indicates that the proposed tower meets all required setbacks, however, the site plan review phase will ensure that all requirements have been met.

**(5) Is the proposed tower within one thousand (1,000) feet of another tower unless on the same property.**

To be addressed by the applicant.

**(6) Has the applicant attempted to collocate on existing communication towers and is the applicant willing to allow other users to collocate on the proposed tower in the future subject to engineering**

**capabilities of the structure and proper compensation from the additional user.**

To be addressed by the applicant.

**DISCUSSION**

The applicant proposes to erect a 225-foot self-support tower tower, within a 10,000 square foot leased compound.

Staff visited the site.

The criteria for a special exception in section 26-602 indicates that applicant has taken necessary measures to minimize the impact of a communication tower on the surrounding area.

The applicant must address before the Board the special exception requirements of section 26-94.

**CONDITIONS**

1. The setback requirements, as measured from the lease area, must be met, unless, as stated in section 26-94A (2), a special exception is granted by the Board of Zoning Appeals.

**26-602.2(d)**

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

**OTHER RELEVANT SECTIONS**

Due to consideration for health, safety impact on neighboring properties and aesthetics, any such uses proposed for the county shall comply with the following supplemental requirements:

(1) At the time of application for a special exception or zoning permit satisfactory evidence shall be submitted that alternative towers, building or other structures do not exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria or provide a location free from interference of any nature, or are otherwise not available for use.

(2) When a proposed site for a communication tower adjoins a residential zoning district, or property on which an inhabited residence is situated, the minimum setback

from the property line(s) adjoining the residential zoning district or residential use shall be fifty (50) feet. For towers over fifty (50) feet in height, the set back shall increase one (1) foot for each one (1) foot of tower height in excess of fifty (50) feet; with the maximum required separation being two hundred fifty (250) feet.

**When the separation requirement as set forth herein from a residential zoning district or residential use cannot be met, such location may be permitted by a special exception approval from the zoning board of adjustment subject to the provisions of section 26-94A below.**

(3) Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agencies. However, no nighttime strobe lighting shall be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agency.

(4) Each communications tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.

(5) Each tower site shall be landscaped in accordance with the requirements of Article 5 of the county landscape ordinance.

(6) No signage of any nature may be attached to any portion of a communications tower.

(7) Communications towers shall have a maximum height of three hundred (300) feet.

(8) A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

(9) Special exception requirements:

(a) In addition to the requirements for special exceptions found in section 26-602.2c, the zoning board of adjustment shall consider the following:

(1) Will the proposed structure endanger the health and safety of residents, employees or travelers, including but not limited to the likelihood of the failure of such structures.

(2) Is the proposed tower located in an area where it will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.

(3) Is the proposed structure necessary to provide a service that is beneficial to the surrounding community.

(4) Does the proposed use meet the setback requirements of the underlying zoning district in which it is located.

(5) Is the proposed tower within one thousand (1,000) feet of another tower unless on the same property.

(6) Has the applicant attempted to collocate on existing communication towers and is the applicant willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure and proper compensation from the additional user.

(b) A site plan, elevation drawing(s), photographs and other appropriate documentation must be submitted with the request for special exception which provide the following information:

(1) Site plan must include the location of the tower(s), guy anchors (if any), transmission building and other accessory uses, parking, access, fences and adjacent land use. Landscaping and required buffering must also be shown.

(2) Elevation drawings must clearly show the design of the tower and materials to be used.

(3) Photographs must show the proposed site and the immediate area.

(4) Submittal of other detailed information, such as topography and aerial views, which support the request are encouraged at the option of the applicant.

(Ord. No. 048-95HR, § I, 9-5-95; Ord. No. 012-99HR, § III, 4-20-99)

<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.

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

**RICHLAND COUNTY  
BOARD OF ZONING APPEALS  
SPECIAL EXCEPTION**

Filed \_\_\_\_\_

**NOTICE TO APPLICANTS**

No application for a special exception will be processed unless the following conditions are met no later than the first (1<sup>ST</sup>) day of the month prior to the date of the Board meeting, which is generally held the first Wednesday of each month:

- a. All questions on this application have been fully answered;
- b. The application has been signed by the owner or his/her agent with the written authorization of the owner;
- c. A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted an 8½" x 11" size pieces of paper.

1. Location: Lower Richland Blvd.  
TMS #: Page 21600 Block 02 Lot 03 Zoning District RU
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting:  
A wireless communications tower.
3. The Board of Zoning Appeals is authorized to grant or deny a special exception of this specific nature in Section \_\_\_\_\_ Zoning Ordinance.

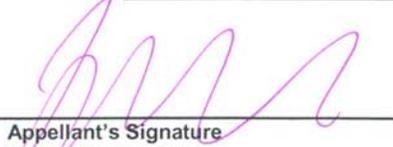
**PROPOSED NEW CONSTRUCTION**

1. Free standing structure () Addition to an existing structure ()
2. Use Comm. tower Number of square footage 2400
3. Answer only if a commercial or manufacturing use:
  - a. Total number of parking spaces on parcel: N/A
  - b. Number of trucks: 0 size(s): \_\_\_\_\_
  - c. Number of signs: proposed 0 existing 0
  - d. Number of employees working of premises: 0

**EXISTING USES AND STRUCTURES ON LOT**

1. Number of existing uses/structures: 0
2. Size and use:
 

a. Use <u>Commercial</u>	square footage _____
b. Use _____	square footage _____
c. Use _____	square footage _____
d. Use _____	square footage _____

  
Appellant's Signature

151 Meeting St.  
Address

843-853-5200  
Telephone Number

Cingular Wireless/JLYates  
Printed (typed) Name

Charleston, SC 29401  
City, State, Zip Code

\_\_\_\_\_  
Alternate Number

# Nelson Mullins

## Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law

151 Meeting Street / Sixth Floor / Charleston, South Carolina 29401-2239

Tel: 843.853.5200 Fax: 843.722.8700

www.nelsonmullins.com

Brian A. Hellman

843.534.4416

brian.hellman@nelsonmullins.com

December 6, 2004

### Via Federal Express

Mr. Geonard Price  
Richland County Planning Department  
2020 Hampton Street  
Columbia, SC 29202  
(803) 576-2180

RE: Cingular Wireless / # 091-412 B / TMS # 21600-02-03 / 5690 Lower Richland  
Blvd. Hopkins, SC 29061  
Application for Special Exception  
Our file number: 21772/09475

Dear Mr. Price:

On behalf of our client, Cingular Wireless, Inc., I am enclosing for your review the requisite applications, fees, and the following supporting details regarding compliance of the above site with the Richland County Zoning Ordinance Section 26-94A.

### For Section 26-94A – Supplemental Requirements

- (1) At the time of application for a special exception or zoning permit satisfactory evidence shall be submitted that alternative towers, building or other structures do not exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria or provide a location free from interference of any nature, or are otherwise not available for use.

**Cingular is in the business of providing cellular communications and does not engage in building towers. As such, Cingular only builds these towers as a last resort. The first thing Cingular looks for in placing its equipment is an existing structure or tower that will allow us to provide coverage in the designated area. In this case, there are no structures or towers under the**

**control of Cingular or other entities that could be used. If such sites were available, Cingular would use those sites.**

- (2) When a proposed site for a communication tower adjoins a residential zoning district, or property on which an inhabited residence is situated, the minimum setback from the property line(s) adjoining the residential zoning district or residential use shall be fifty (50) feet. For towers over fifty (50) feet in height, the set back shall increase one (1) foot for each one (1) foot of tower height in excess of fifty (50) feet; with the maximum required separation being two hundred fifty (250) feet.

When the separation requirement as set forth herein from a residential zoning district or residential use cannot be met, such location may be permitted by a special exception approval from the zoning board of adjustment subject to the provisions of section 26-94A below.

**This 225' tower will be located at least 250'-10" from any adjoining property line, which are zoned RU. The underlying zoning district (RU) setbacks are forty (40) feet for front yards, twenty (20) feet for side yards, and fifty (50) feet for rear yards. The setback line is the same as the depth or width of any required yard. This communications tower will be set back at least 250'-10" from any property line, or 12.5 times the minimum required by the underlying zoning district.**

- (3) Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agencies. However, no night time strobe lighting shall be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agency.

**The tower will be finished in a galvanized gray finish which quickly oxidizes to a dull gray patina and will be non-reflective and omit no glare. This tower will be illuminated; however, Cingular will employ the use of a very sophisticated illumination package which involves an intermittent white light during the day and at night, the white light will turn into a soft red light. This light is designed to channel the light above the horizontal to aid air navigation but not to be noticeable from the ground. At night, the light has the same effect on the ground as a forty watt patio bulb.**

- (4) Each communications tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.

**This tower and associated buildings are enclosed and secured by a security fence at least seven (7) feet in height.**

- (5) Each tower site shall be landscaped in accordance with the requirements of Article 5 of the county landscape ordinance.

**This tower site shall be landscaped in accordance with the requirements of Article 5 of the county landscape ordinance.**

- (6) No signage of any nature may be attached to any portion of a communications tower.

**No signage of any nature may be attached to any portion of this communications tower.**

- (7) Communications towers shall have a maximum height of three hundred (300) feet.

**This proposed wireless communications tower is a 225' lattice design.**

- (8) A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

**Cingular Wireless has agreed to remove the tower and/or antenna within 90 days after cessation of use as is provided in the enclosed letter by South Carolina counsel, Jonathan L. Yates, attached as Exhibit B.**

**Special exception requirements:**

- a. requirements for special exceptions found in section 26-602.2c

- i. Traffic impact;

**Upon completion of construction, this facility will be unmanned and only visited 8-10 times per year, having virtually no traffic impact.**

- ii. Vehicle and pedestrian safety.

**Due to the inherent safety features of wireless communication devices, this wireless communications facility will have a positive impact on vehicle and pedestrian safety.**

- iii. Potential impact of noise, lights, fumes or obstruction of air flow on adjoining property

**This tower is lighted as required by the FAA (see section 3, above), and will have no impact with respect to noise, fumes, or obstruction of air flow on adjoining property.**

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

**The tower will be finished in a galvanized gray finish which quickly oxidizes to a dull gray patina and will be non-reflective and omit no glare. Also, this tower site shall be landscaped in accordance with the requirements of Article 5 of the county landscape ordinance.**

- v. Orientation and spacing of improvements or buildings.

**There are no other improvements or buildings on this parcel.**

- (1) Will the proposed structure endanger the health and safety of residents, employees or travelers, including but not limited to the likelihood of the failure of such structures.

**Due to the inherent safety features of wireless communication devices, this wireless communications facility will be a beneficial addition not only to the health and safety of residents, employees or travelers, but to law enforcement personnel as well. The proposed tower is set back from all property lines a distance equal to or greater than its proposed height so that in the event of structural failure, the health and safety of residents, employees or travelers will not be compromised.**

- (2) Is the proposed tower located in an area where it will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.

**The proposed communications tower is being placed in a rural section of Hopkins in Richland County. The proposed tower is being placed on the property of Phillip Stewart, which is zoned RU. The subject property is perfect for this proposed tower in that it is a rather large parcel with significant tree cover. With our placement on the subject property, we will be able to effectively cover the Hopkins and surrounding vicinity with a**

**minimum visual impact to the surrounding area. In addition, the tower will be finished in a galvanized gray finish which quickly oxidizes to a dull gray patina and will be non-reflective and omit no glare.**

- (3) Is the proposed structure necessary to provide a service that is beneficial to the surrounding community.

**Wireless devices are enabled by communications towers. With their inherent safety features, wireless devices and the towers that enable their use provide a service that is beneficial to the surrounding community, residents, travelers, and law enforcement.**

- (4) Does the proposed use meet the setback requirements of the underlying zoning district in which it is located.

**The underlying zoning district (RU) setbacks are forty (40) feet for front yards, twenty (20) feet for side yards, and fifty (50) feet for rear yards. The setback line is the same as the depth or width of any required yard. This communications tower will be set back at least 250'-10" from any property line, or 12.5 times the minimum required by the underlying zoning district.**

- (5) Is the proposed tower within one thousand (1,000) feet of another tower unless on the same property.

**The tower will not be located within 1,000 feet of any existing tower or antenna.**

- (6) Has the applicant attempted to collocate on existing communication towers and is the applicant willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure and proper compensation from the additional user.

**Cingular always attempts to co-locate its equipment on an existing tower. Cingular has investigated all nearby publicly and privately owned sites and was unable to find a suitable site.**

- b. A site plan, elevation drawing(s), photographs and other appropriate documentation must be submitted with the request for special exception which provides information required by this ordinance section:

Mr. Geonard Price  
December 6, 2004  
Page 6

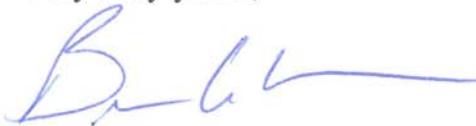
**A copy of the site plan incorporating the typical specification for this structure is attached hereto, as Exhibit A.**

- (1) Site plan must include the location of the tower(s), guy anchors (if any), transmission building and other accessory uses, parking, access, fences and adjacent land use. Landscaping and required buffering must also be shown.

**A copy of the site plan incorporating these requirements is attached hereto, as Exhibit A.**

There is a sense of urgency to us in getting this special exception approved; therefore any assistance you can give us is very much appreciated. Please contact me at 843-534-4416 or [brian.hellman@nelsonmullins.com](mailto:brian.hellman@nelsonmullins.com) once the hearing date has been set, or if you have any questions or concerns that I may answer or address.

Very truly yours,



Brian A. Hellman

*Enclosures*

cc: Jonathan L. Yates, Esq.

# Nelson Mullins



**Nelson Mullins Riley & Scarborough LLP**

Attorneys and Counselors at Law

151 Meeting Street / Sixth Floor / Charleston, South Carolina 29401-2239

Tel: 843.853.5200 Fax: 843.722.8700

www.nelsonmullins.com

Jonathan L. Yates

843.534.4240

jonathan.yates@nelsonmullins.com

December 6, 2004

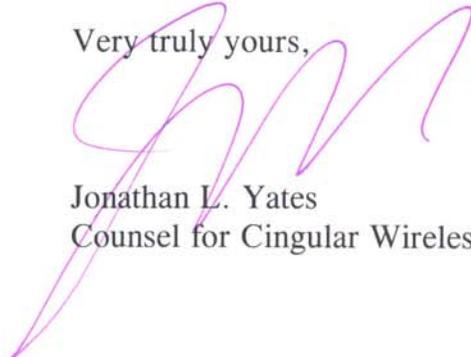
Mr. Geonard Price  
Richland County Planning Department  
2020 Hampton Street  
Columbia, SC 29202  
(803) 576-2180

RE: Cingular Wireless / # 091-412 B / TMS # 21600-02-03 / 5690 Lower Richland  
Blvd. Hopkins, SC 29061  
Application for Special Exception  
Our file number: 21772/09475

Dear Mr. Price:

Regarding a 225 foot lattice tower to be located at the address indicated above in Hopkins, South Carolina, TMS # # 21600-02-03, Cingular Wireless hereby agrees to remove the said tower and/or antenna within 90 days after cessation of use.

Very truly yours,

  
Jonathan L. Yates  
Counsel for Cingular Wireless

JLY:dls



**CASE 05-48 SE  
JOHNATHAN YATES**

TMS 21600-02-03







2 March 2005  
Board of Zoning Appeals

## REQUEST AND ANALYSIS

05-56 Special Exception

### REQUEST

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

### GENERAL INFORMATION

**Applicant**

Jonathan Yates

**Tax Map Number**

01509-01-04

**Location**

Forest Shealy Road

**Existing Zoning**

RU (Rural District)

**Parcel Size**

8.97 acre tract

**Existing Land Use**

Undeveloped

**Existing Status of the Property**

It is undeveloped and heavily wooded.

**Proposed Status of the Property**

The applicant proposes to erect a 150-foot self-support tower, within a 10,000 square foot leased compound.

**Immediate Adjacent Zoning and Land Use**

North - RU; undeveloped/residential

South - RS-1; residential

East - RS-1; residential

West - RU/PUD; undeveloped/institutional/residential

**Character of the Area**

The neighboring parcels are composed of wooded and undeveloped lots, a mixture of single-family dwellings on large tracts, developing subdivisions, and an elementary school.

### ZONING ORDINANCE CITATION

Section 26-61.4(4) of the Zoning Ordinance authorizes the Board of Zoning Appeals to authorize radio, television and all other types of communications towers subject to the provisions of section 26-94A.

## CRITERIA FOR SPECIAL EXCEPTIONS

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

**1. Traffic impact.**

N/A

**2. Vehicle and pedestrian safety.**

N/A

**3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.**

The lights of the communication tower could pose a potential impact on adjoining properties. The applicant has addressed these concerns in previous applications.

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

The depth of the structure within the heavily wooded parcel should serve to help minimize the aesthetic impact of the communication tower on the environs.

**5. Orientation and spacing of improvements or buildings.**

The submitted site plan does not seem to necessitate any changes.

---

(9) Special exception requirements (as found in section 26-94):

(a) In addition to the requirements for special exceptions found in section 26-602.2c, the zoning board of adjustment shall consider the following:

**(1) Will the proposed structure endanger the health and safety of residents, employees or travelers, including but not limited to the likelihood of the failure of such structures.**

To be addressed by the applicant.

**(2) Is the proposed tower located in an area where it will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.**

To be addressed by the applicant.

**(3) Is the proposed structure necessary to provide a service that is beneficial to the surrounding community.**

To be addressed by the applicant.

**(4) Does the proposed use meet the setback requirements of the underlying zoning district in which it is located.**

The site plan indicates that the proposed tower meets all required setbacks, however, the site plan review phase will ensure that all requirements have been met.

**(5) Is the proposed tower within one thousand (1,000) feet of another tower unless on the same property.**

To be addressed by the applicant.

**(6) Has the applicant attempted to collocate on existing communication towers and is the applicant willing to allow other users to collocate**

**on the proposed tower in the future subject to engineering capabilities of the structure and proper compensation from the additional user.**

To be addressed by the applicant.

## **DISCUSSION**

The applicant proposes to erect a 150-foot self-support tower tower, within a 10,000 square foot leased compound.

Staff visited the site.

The criteria for a special exception in section 26-602 indicates that applicant has taken necessary measures to minimize the impact of a communication tower on the surrounding area.

The applicant must address before the Board the special exception requirements of section 26-94.

At the time of agenda preparation, staff has been unable to deduce whether a residential structure on the parcel.

## **CONDITIONS**

N/A

### **26-602.2(d)**

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

## **OTHER RELEVANT SECTIONS**

Due to consideration for health, safety impact on neighboring properties and aesthetics, any such uses proposed for the county shall comply with the following supplemental requirements:

(1) At the time of application for a special exception or zoning permit satisfactory evidence shall be submitted that alternative towers, building or other structures do not exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria or provide a location free from interference of any nature, or are otherwise not available for use.

(2) When a proposed site for a communication tower adjoins a residential zoning district, or property on which an inhabited residence is situated, the minimum setback from the property line(s) adjoining the residential zoning district or residential use shall

be fifty (50) feet. For towers over fifty (50) feet in height, the set back shall increase one (1) foot for each one (1) foot of tower height in excess of fifty (50) feet; with the maximum required separation being two hundred fifty (250) feet.

When the separation requirement as set forth herein from a residential zoning district or residential use cannot be met, such location may be permitted by a special exception approval from the zoning board of adjustment subject to the provisions of section 26-94A below.

(3) Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agencies. However, no nighttime strobe lighting shall be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agency.

(4) Each communications tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.

(5) Each tower site shall be landscaped in accordance with the requirements of Article 5 of the county landscape ordinance.

(6) No signage of any nature may be attached to any portion of a communications tower.

(7) Communications towers shall have a maximum height of three hundred (300) feet.

(8) A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

(9) Special exception requirements:

(a) In addition to the requirements for special exceptions found in section 26-602.2c, the zoning board of adjustment shall consider the following:

(1) Will the proposed structure endanger the health and safety of residents, employees or travelers, including but not limited to the likelihood of the failure of such structures.

(2) Is the proposed tower located in an area where it will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.

(3) Is the proposed structure necessary to provide a service that is beneficial to the surrounding community.

(4) Does the proposed use meet the setback requirements of the underlying zoning district in which it is located.

(5) Is the proposed tower within one thousand (1,000) feet of another tower unless on the same property.

(6) Has the applicant attempted to collocate on existing communication towers and is the applicant willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure and proper compensation from the additional user.

(b) A site plan, elevation drawing(s), photographs and other appropriate documentation must be submitted with the request for special exception which provide the following information:

(1) Site plan must include the location of the tower(s), guy anchors (if any), transmission building and other accessory uses, parking, access, fences and adjacent land use. Landscaping and required buffering must also be shown.

(2) Elevation drawings must clearly show the design of the tower and materials to be used.

(3) Photographs must show the proposed site and the immediate area.

(4) Submittal of other detailed information, such as topography and aerial views, which support the request are encouraged at the option of the applicant.

(Ord. No. 048-95HR, § I, 9-5-95; Ord. No. 012-99HR, § III, 4-20-99)

<b>ATTACHMENTS</b>
--------------------

- Site plan

<b>CASE HISTORY</b>
---------------------

No record of previous special exception or variance request.

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

**RICHLAND COUNTY  
BOARD OF ZONING APPEALS  
SPECIAL EXCEPTION**

Filed \_\_\_\_\_

**NOTICE TO APPLICANTS**

No application for a special exception will be processed unless the following conditions are met no later than the first (1<sup>ST</sup>) day of the month prior to the date of the Board meeting, which is generally held the first Wednesday of each month:

- a. All questions on this application have been fully answered;
- b. The application has been signed by the owner or his/her agent with the written authorization of the owner;
- c. A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted on an 8½" x 11" size piece of paper.

1. Location: Forest Shealy Road  
TMS #: Page 01509 Block 01 Lot 04 Zoning District RU

2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting:  
A wireless communications tower.

3. The Board of Zoning Appeals is authorized to grant or deny a special exception of this specific nature in Section \_\_\_\_\_ Zoning Ordinance.

**PROPOSED NEW CONSTRUCTION**

1. Free standing structure () Addition to an existing structure (  
2. Use Comm. tower Number of square footage 2400

3. Answer only if a commercial or manufacturing use:  
a. Total number of parking spaces on parcel: N/A  
b. Number of trucks: 0 size(s): \_\_\_\_\_  
c. Number of signs: proposed 0 existing 0  
d. Number of employees working of premises: 0

**EXISTING USES AND STRUCTURES ON LOT**

1. Number of existing uses/structures: 0  
2. Size and use:  
a. Use Commercial square footage \_\_\_\_\_  
b. Use \_\_\_\_\_ square footage \_\_\_\_\_  
c. Use \_\_\_\_\_ square footage \_\_\_\_\_  
d. Use \_\_\_\_\_ square footage \_\_\_\_\_

  
\_\_\_\_\_  
Appellant's Signature

151 Meeting St.  
\_\_\_\_\_  
Address

843-853-5200  
\_\_\_\_\_  
Telephone Number

Cingular Wireless/JLYates  
\_\_\_\_\_  
Printed (typed) Name

Charleston, SC 29401  
\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Alternate Number

# Nelson Mullins

## Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law

151 Meeting Street / Sixth Floor / Charleston, South Carolina 29401-2239

Tel: 843.853.5200 Fax: 843.722.8700

www.nelsonmullins.com

Brian A. Hellman

843.534.4416

brian.hellman@nelsonmullins.com

January 5, 2005

### Via Federal Express

Mr. Geonard Price  
Richland County Planning Department  
2020 Hampton Street  
Columbia, SC 29202  
(803) 576-2180

RE: Cingular Wireless / #091-259A White Rock / TMS # 01509-01-04 / Forrest Shealy  
Road, Chapin, SC 29036  
Our file number: 21772/09545

Dear Mr. Price:

On behalf of our client, Cingular Wireless, Inc., I am enclosing for your review the appropriate completed special exception application forms, a \$50 check for the special exception application fee, and the following details regarding compliance of the above-mentioned site with the Richland County Zoning Ordinance Section 26-94A.

### For Section 26-94A – Supplemental Requirements

- (1) At the time of application for a special exception or zoning permit satisfactory evidence shall be submitted that alternative towers, building or other structures do not exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria or provide a location free from interference of any nature, or are otherwise not available for use.

**Cingular is in the business of providing cellular communications and does not engage in building towers. As such, Cingular only builds these towers as a last resort. The first thing Cingular looks for in placing its equipment is an existing structure or tower that will allow us to provide coverage in the designated area. In this case, there are no structures or towers under the control of Cingular or other entities that could be used. If such sites were available, Cingular would use those sites.**

- (2) When a proposed site for a communication tower adjoins a residential zoning district, or property on which an inhabited residence is situated, the minimum setback from the property line(s) adjoining the residential zoning district or residential use shall be fifty (50) feet. For towers over fifty (50) feet in height, the set back shall increase one (1) foot for each one (1) foot of tower height in excess of fifty (50) feet; with the maximum required separation being two hundred fifty (250) feet.

**This 150 foot tower will be located at least the maximum required separation of one hundred fifty (150) feet from property adjoining a residential zoning district, or property on which an inhabited residence is situated.**

- (3) Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agencies. However, no night time strobe lighting shall be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agency.

**This 150 foot tower will not be illuminated.**

- (4) Each communications tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.

**This tower and associated buildings are enclosed and secured by a security fence at least seven (7) feet in height.**

- (5) Each tower site shall be landscaped in accordance with the requirements of Article 5 of the county landscape ordinance.

**This tower site shall be landscaped in accordance with the requirements of Article 5 of the county landscape ordinance.**

- (6) No signage of any nature may be attached to any portion of a communications tower.

**No signage of any nature may be attached to any portion of this communications tower.**

- (7) Communications towers shall have a maximum height of three hundred (300) feet.

**This proposed wireless communications tower is a 150 foot self support (monopole) design.**

- (8) A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

**Cingular Wireless has agreed to remove the tower and/or antenna within 90 days after cessation of use as is provided in the enclosed letter by South Carolina counsel, Jonathan L. Yates, attached as Exhibit B.**

**Special exception requirements:**

a. requirements for special exceptions found in section 26-602.2c

i. Traffic impact;

**Upon completion of construction, this facility will be unmanned and only visited 8-10 times per year, having virtually no traffic impact.**

ii. Vehicle and pedestrian safety.

**Due to the inherent safety features of wireless communication devices, this wireless communications facility will have a positive impact on vehicle and pedestrian safety.**

iii. Potential impact of noise, lights, fumes or obstruction of air flow on adjoining property

**This tower is unlighted, and will have no impact with respect to noise, fumes, or obstruction of air flow on adjoining property.**

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

**The tower will be finished in a galvanized gray finish which quickly oxidizes to a dull gray patina and will be non-reflective and omit no glare. Also, this tower site shall be landscaped in accordance with the requirements of Article 5 of the county landscape ordinance.**

v. Orientation and spacing of improvements or buildings.

**There are no other improvements or buildings on this site.**

(1) Will the proposed structure endanger the health and safety of residents, employees or travelers, including but not limited to the likelihood of the failure of such structures.

**Due to the inherent safety features of wireless communication devices, this wireless communications facility will be a beneficial addition not only to the health and safety of residents, employees or travelers, but to law enforcement personnel as well. The proposed tower is set back from all property lines a distance equal to or greater than its proposed height so that in the event of structural failure, the health and safety of residents, employees or travelers will not be compromised.**

- (2) Is the proposed tower located in an area where it will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.

**The proposed communications tower is being placed in a rural section of Richland County. The proposed tower is being placed on the property of Joseph and Dorothy Goscinski, which is zoned RU. The subject property is perfect for this proposed tower in that it is a reasonably large, odd-shaped parcel that is trisected by power lines. With our placement on the subject property, we will be able to effectively cover portions of Highway 76, Chapin, Lake Murray, and surrounding areas with a minimum visual impact to the surrounding area. In addition, the tower will be finished in a galvanized gray finish which quickly oxidizes to a dull gray patina and will be non-reflective and omit no glare.**

- (3) Is the proposed structure necessary to provide a service that is beneficial to the surrounding community.

**Wireless devices are enabled by communications towers. With their inherent safety features, wireless devices and the towers than enable their use provide a service that is beneficial to the surrounding community, residents, travelers, mariners, and law enforcement.**

- (4) Does the proposed use meet the setback requirements of the underlying zoning district in which it is located.

**The underlying zoning district (RU) setbacks are forty (40) feet for front yards, twenty (20) feet for side yards, and fifty (50) feet for rear yards. The setback line is the same as the depth or width of any required yard. This communications tower will be set back at least 150' from any property line, or 3.0 to 7.5 times the minimum required by the underlying zoning district.**

- (5) Is the proposed tower within one thousand (1,000) feet of another tower unless on the same property.

**The tower will not be located within 1,000 feet of any existing tower or antenna.**

- (6) Has the applicant attempted to collocate on existing communication towers and is the applicant willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure and proper compensation from the additional user.

**Cingular always attempts to co-locate its equipment on an existing tower. Cingular has investigated all nearby publicly and privately owned sites and was unable to find a suitable site.**

Mr. Geonard Price  
January 5, 2005  
Page 5

- b. A site plan, elevation drawing(s), photographs and other appropriate documentation must be submitted with the request for special exception which provides information required by this ordinance section:

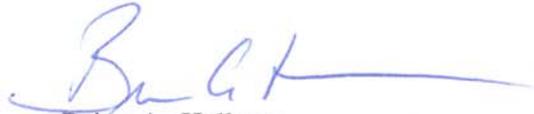
**A copy of the site plan incorporating the typical specification for this structure is attached hereto, as Exhibit A.**

- (1) Site plan must include the location of the tower(s), guy anchors (if any), transmission building and other accessory uses, parking, access, fences and adjacent land use. Landscaping and required buffering must also be shown.

**A copy of the site plan incorporating these requirements is attached hereto, as Exhibit A.**

There is a sense of urgency to us in getting this special exception approved; therefore any assistance you can give us is very much appreciated. Please contact me at 843-534-4416 or [brian.hellman@nelsonmullins.com](mailto:brian.hellman@nelsonmullins.com) once the hearing date has been set, or if you have any questions or concerns that I may answer or address.

Very truly yours,



Brian A. Hellman

*Enclosures*

cc: Jonathan L. Yates, Esq.

# Nelson Mullins

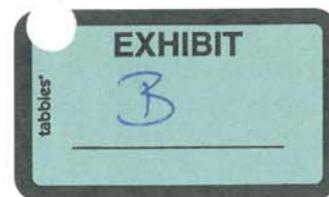
## Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law

151 Meeting Street / Sixth Floor / Charleston, South Carolina 29401-2239

Tel: 843.853.5200 Fax: 843.722.8700

www.nelsonmullins.com



Jonathan L. Yates

843.534.4240

jonathan.yates@nelsonmullins.com

January 5, 2005

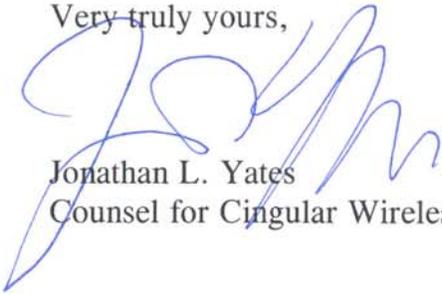
Mr. Geonard Price  
Richland County Planning Department  
2020 Hampton Street  
Columbia, SC 29202  
(803) 576-2180

RE: Cingular Wireless / #091-259A White Rock / TMS # 01509-01-04 / Forrest  
Shealy Road, Chapin, SC 29036  
Our file number: 21772/09545

Dear Mr. Price:

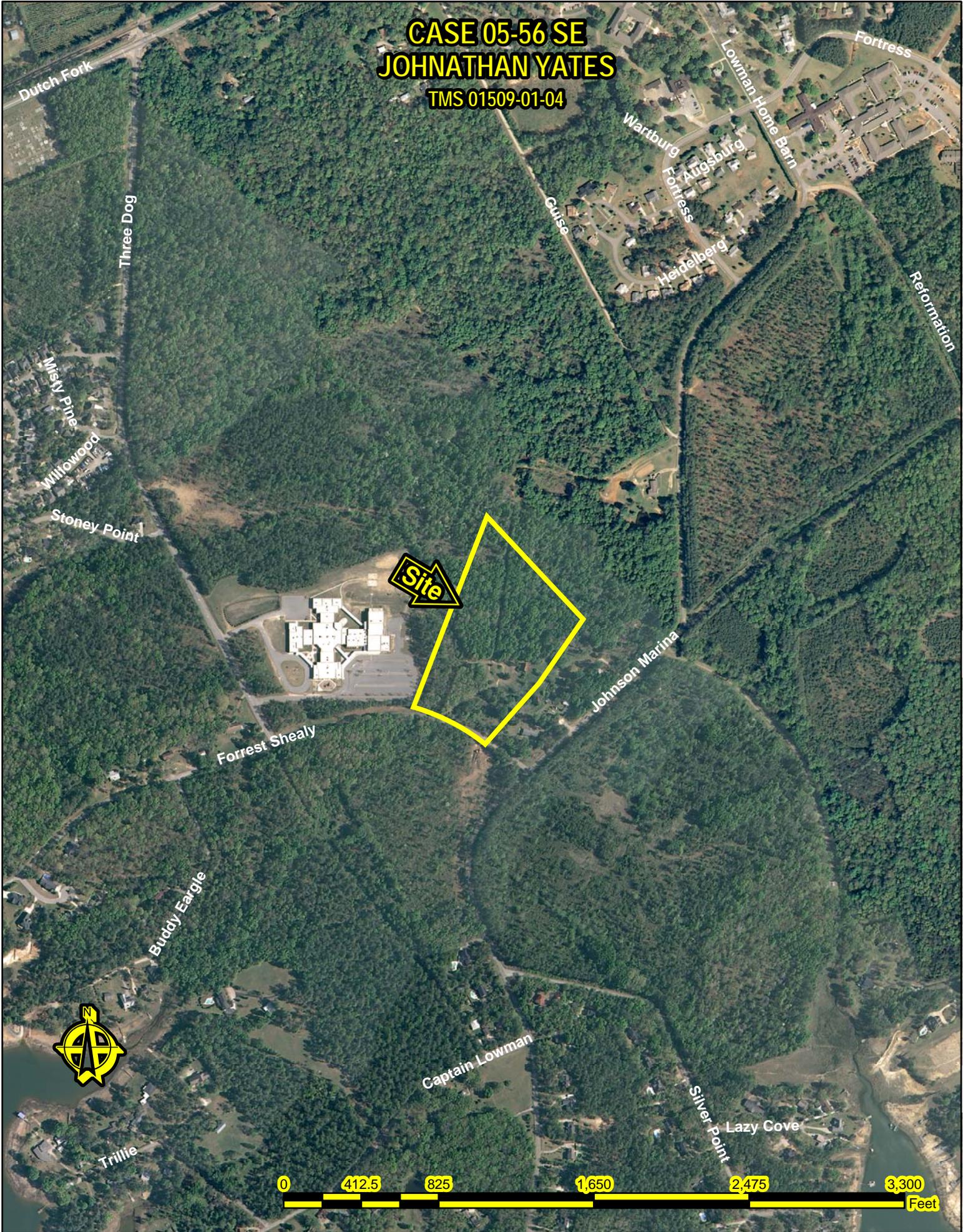
Regarding a 150 foot monopole tower to be located at the address indicated above, Cingular Wireless hereby agrees to remove the said tower and/or antenna within 90 days after cessation of use.

Very truly yours,

  
Jonathan L. Yates  
Counsel for Cingular Wireless

JLY:dls

**CASE 05-56 SE**  
**JOHNATHAN YATES**  
**TMS 01509-01-04**



**Site**







6 April 2005  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

05-58 Special Exception

### REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of a manufactured home on property zoned RG-1 (general residential).

### GENERAL INFORMATION

**Applicant**

Nathaniel Brown

**Tax Map Number**

11116-03-56

**Location**

1120 Abbott Road

**Existing Zoning**

RG-1 (General Residential)

**Parcel Size**

.10± acre tract

**Existing Land Use**

Vacant

**Existing Status of the Property**

The subject property is vacant and undeveloped.

**Proposed Status of the Property**

The applicant proposes to place a manufactured home.

**Immediate Adjacent Zoning and Land Use**

North - RG-1; residential

South - RG-1; residential

East - RG-1; residential

West - RG-1; residential

**Character of the Area**

The surrounding area is a mixture of single-family dwellings and manufactured/mobile homes and undeveloped parcels.

### ZONING ORDINANCE CITATION

Section 26-63.4(3) of the Zoning Ordinance authorizes the Board of Zoning Appeals to permit manufactured home subject to the requirements of section 26-86.

## CRITERIA FOR SPECIAL EXCEPTIONS

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

**1. Traffic impact.**

The average weekday trips per day for a single-family residential structure is approximately 9.5 (based on the Addendum to the Long Range Major Street Plan for Richland County – adopted by the Richland County Planning Commission - Oct.1993).

**2. Vehicle and pedestrian safety.**

There were no obstacles or conditions present that seem to present vehicle or pedestrian safety.

**3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.**

There should be a minimal, if any, impact of noise, lights, fumes or obstruction of airflow by the establishment of a residential structure.

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

The proposed use does not impose an adverse impact on the aesthetic character of the environs and does not require screening.

**5. Orientation and spacing of improvements or buildings.**

The size of the lot and the location of the existing structure precludes the need for changes in orientation and spacing of improvements or buildings.

## DISCUSSION

Staff visited the site.

The applicant proposes to place a doublewide manufactured home on the parcel.

Staff believes that this project will not adversely impact the dwellings or properties in the surrounding area.

## CONDITIONS

N/A

**26-602.2(d)**

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

## OTHER RELEVANT SECTIONS

### Sec. 26-86. Manufactured homes on individual lots.

Manufactured homes placed on individual lots shall comply with the following requirements.

a. *Manufactured home stands:* The manufactured home stand shall be improved to provide adequate support for the placement and tiedown of the manufactured home. The stand shall not heave, shift or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. Anchors or tie-downs, such as cast-in-place concrete "dead-men," eyelets imbedded in concrete, screw augers or arrowhead anchors shall be placed in each corner of the manufactured home stand and at intervals of at least 20 feet. Each device shall be able to sustain a minimum load of 4,800 pounds.

b. *Skirting:* In order to receive a release for electricity, any manufactured home placed on or after January 1, 1990, shall be skirted, entirely enclosing the bottom section. Such skirting shall be fire resistant or an equal substitute.

However, any manufactured home in place prior to January 1, 1990, shall not be required to be skirted, unless such manufactured home is moved to a new location.

c. *[Nonconforming use permits:]* Temporary nonconforming use permits, relieving the property owner from complying with this section 26-86 may be granted, pursuant to section 26-51.5, of the county Code of Ordinances, but such permits may not exceed thirty (30) days. The county administrator, however, may grant an additional extension for a period not to exceed eleven (11) months.

(Ord. No. 1967-90, § I, 4-3-90; Ord. No. 054-00HR, § IV, 10-3-00)

## ATTACHMENTS

- Plat

## CASE HISTORY

No record of previous special exception or variance request.

Rcpt # 368846  
Paid \$ 50.00

Application # \_\_\_\_\_  
Filed 1-24-05

**RICHLAND COUNTY  
BOARD OF ZONING APPEALS  
SPECIAL EXCEPTION APPEAL**

**NOTICE TO APPLICANTS**

No application for special exception will be processed unless the following conditions are met no later than the first (1<sup>st</sup>) day of the month prior to the date of the Board meeting, which is held the first Wednesday of each month:

- All questions on this application have been fully answered;
- The application has been signed by the owner or his agent with the written authorization of the owner;
- A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted on an 8 1/2" X 11" size pieces of paper.

- Location: 1120 Abbott Rd.  
TMS #: Page R11116 Block 03 Lot 56 Zoning District RG-1
- The Board of Zoning Appeals is requested to consider the granting of a special exception permitting : (nature of special exception) mobile home
- The Board of Zoning Appeals is authorized to grant or deny special exception of this specific nature in Section 26-64 4(14) of the Zoning Ordinance.

**PROPOSED NEW CONSTRUCTION**

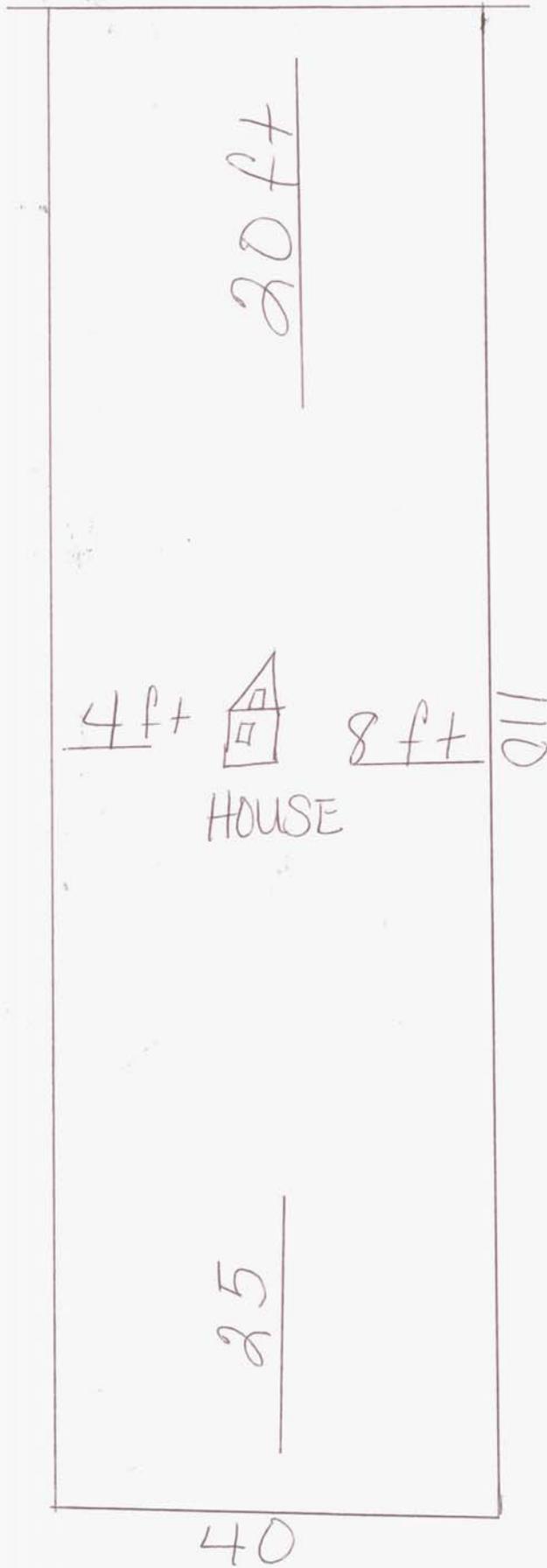
- Free Standing Structure  Addition to an existing building ( )
- Use mobile home Number of square footage doublewide
- Answer only if a commercial or manufacturing use :
  - Total number of parking spaces on lot \_\_\_\_\_
  - Number of trucks \_\_\_\_\_ size \_\_\_\_\_
  - Number of proposed and existing signs \_\_\_\_\_  
Size of proposed or existing signs \_\_\_\_\_
  - Number of employees working on premises \_\_\_\_\_

**EXISTING USES AND STRUCTURES ON LOT**

- Number of existing uses / structures \_\_\_\_\_
- Size and use:
  - Square footage \_\_\_\_\_ Use \_\_\_\_\_
  - Square footage \_\_\_\_\_ Use \_\_\_\_\_
  - Square footage \_\_\_\_\_ Use \_\_\_\_\_

Nathaniel Brown Sr.  
Appellant's Signature  
Nathaniel Brown Sr.  
Print Name  
1120 Abbott Rd.  
Address, City, State & Zip Code

803-786-5704  
Telephone Number



Abbott Rd









6 April 2005  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

05-59 Variance

### REQUEST

The applicant is requesting the Board of Appeals to grant a special exception to reduce the number of required parking spaces in a M-1 (Light Industrial) zoned district

### GENERAL INFORMATION

**Applicant**

Jim Judy

**Tax Map Number**

09409-01-22

**Location**

95b Sunbelt Blvd.

**Existing Zoning**

M-1 (Light Industrial)

**Parcel Size**

3.91 acre tract

**Existing Land Use**

Industrial

**Existing Status of the Property**

The subject property is undeveloped.

**Proposed Status of the Property**

The applicant proposes to construct a 42,000 square foot building (2,000 – office and 40,000 – warehouse).

**Immediate Adjacent Zoning and Land Use**

North - M-1; industrial

South - M-1; industrial

East - M-1; industrial

West - M-1; industrial

**Character of the Area**

The surrounding properties are dedicated to industrial uses.

### ZONING ORDINANCE CITATION

Section 26-602.3 of the Zoning Ordinance authorizes the Board of Zoning Appeals to grant variances from the strict interpretation of the Zoning Ordinance that are not contrary to the public interest when literal enforcement would result in unnecessary hardship.

Under no circumstances shall the Board grant a variance to permit a use not generally or by special exception permitted in the district involved. No nonconforming use of neighboring lands or structures in the same district or in other districts shall be grounds for the issuance of a variance. Under no circumstances shall the Board grant a variance to permit a decrease in minimum lot size, minimum lot width or in any other manner create a nonconforming lot.

### CRITERIA FOR VARIANCE

The board of zoning appeals may grant a variance in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

- (a) That there are extraordinary and exceptional conditions pertaining to the particular piece of property.**  
Staff has not observed any extraordinary or exceptional conditions to the parcel.
- (b) That these conditions do not result from the actions of the applicant.**  
N/A.
- (c) That these conditions do not generally apply to other property in the vicinity.**  
N/A.
- (d) 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.**  
N/A
- (e) That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.**  
The granting of this variance will not create a detriment to the adjacent property, the public good, or the character of the district.

### DISCUSSION

Staff visited the site.

The applicant is requesting a variance to reduce the number of required parking spaces from 70 to 32. The proposed size of the facility requires the number of parking spaces.

### CONDITIONS

N/A

#### **26-602.2(c)**

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall

be deemed a violation of this chapter, punishable under penalties established herein;

- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the variance is granted shall void the variance.

## OTHER RELEVANT SECTIONS

26-78.1 *General requirements.* Off-street parking shall be required as listed below for all general uses, except for specific requirements listed in the following sections for specific uses or unless modified by the requirements of following sections:

a. The following general uses shall provide one (1) off-street parking space for each 300 square feet of gross floor area:

- (1) Offices (excluding medical and dental offices) in all districts;
- (2) Financial institutions in all districts;
- (3) Photography studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments for the teaching of music, dancing or other performing arts in all districts;
- (4) Retail stores, retail sales and display rooms in all districts;
- (5) Eating and drinking establishments in all districts;
- (6) Automobile service stations and automobile repair garages in all districts;
- (7) Personal service establishments in all districts.

b. The following general uses shall provide one (1) off-street parking space for each 600 square feet of gross floor area:

- (1) Service and repair establishments, excluding automobile service stations and automobile repair garages in all districts;
- (2) Laboratories in all districts;
- (3) Private clubs and lodges in all districts;
- (4) Veterinary establishments in all districts;
- (5) Wholesaling, warehousing and distribution operations in all districts;
- (6) Industrial, manufacturing, and processing uses.

26-78.4 *Other regulations relating to off-street parking.*

- (1) Required Improvements for Off-Street Parking Areas:

Off-street parking areas developed to meet minimum requirements of this ordinance, shall be within properly graded, marked and improved parking lots or within parking structures.

(2) Design of Parking Area:

All off-street parking areas with the exception of parking areas for one- and two-family detached dwellings shall be so designed that vehicles will not be required to back onto a public street when leaving the premises.

(3) Size of Required Parking Spaces and Aisle Widths:

a. For purposes of this ordinance the minimum size of one (1) parking space shall be nine (9) feet in width and eighteen (18) feet in length. The parking length may be reduced to sixteen (16) feet if two-foot overhangs are used. A maximum of twenty-five (25) percent of the total number of parking spaces may be nine (9) feet in width and sixteen (16) feet in length if they are designated for use by compact cars.

b. The minimum aisle width shall be as follows:

1. For 90-degree parking: 25 feet.
2. For 60-degree parking: 20 feet.
3. For 45-degree parking: 15 feet.

c. The minimum setback from property lines shall be as follows: Off-street parking areas must be set back ten (10) feet from front and secondary front property lines.

**ATTACHMENTS**

- Plat.

**CASE HISTORY**

There are no records of this property previously requesting a special exception or variance.



**RICHLAND COUNTY  
PLANNING AND DEVELOPMENT SERVICES  
P.O. BOX 192  
2020 HAMPTON STREET  
COLUMBIA, SOUTH CAROLINA 29202**

**BOARD OF ZONING APPEALS  
VARIANCE APPEAL**

Appeal # \_\_\_\_\_ Fee 100.00 Application # 05-59 ✓  
 Filed 2-14-05 Receipt # 369060 Filed \_\_\_\_\_

No application for a variance will be received for inclusion on the Board of Zoning Appeal's Agenda unless the following conditions are met not later than the first day of the month prior to the date of the Board meeting, which is held on the first Wednesday of each month.

(a) All questions on this application have been fully answered.  
 (b) The application has been signed by the owner or his agent with the written authorization of the owner.  
 (c) A plat plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and locations on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted.  
 (d) The Zoning Administrator has certified that the proposed use and/or construction plans comply with all provisions of the Zoning Ordinance except those for which a variance has been requested.

**\*If the Zoning Administrator finds that the requirements of the Zoning Code for a variance have not been met, the application will be rejected.**

1. Location 1 SUNBELT BLVD CT
2. Lot 022 Block 01 Page 09409 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: A REDUCTION OF PARKING SPACES FROM 70 TO 32
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: VERY FEW EMPLOYEES,
  - b) Describe how the conditions listed above were created: NATURE OF BUSINESS
  - 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: WOULD NOT HAVE ENOUGH ROOM FOR TRUCK TRAFFIC
  - 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: TO ALLOW FOR BETTER FLOW OF TRAFFIC
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 NEW CONSTRUCTION**

1. Free-standing structure  Addition to an existing building
2. Use WAREHOUSE No. of sq. 42000
3. Maximum height of building above finished grade 24' OVER HICK No. of stories \_\_\_\_\_
4. Total parking spaces on lot (See Sec. 7-1.4) 36
5. Answer only if a commercial or manufacturing use:
  - a. No. and size of trucks VARRIES
  - b. No. of employees working on premises 20
  - c. No. and size of proposed and existing signs as shown on plot plan \_\_\_\_\_

**EXISTING USES AND BUILDINGS ON LOT**

- No. of existing buildings \_\_\_\_\_
- Sq. ft. \_\_\_\_\_ Use \_\_\_\_\_
- Sq. ft. \_\_\_\_\_ Use \_\_\_\_\_
- Sq. ft. \_\_\_\_\_ Use \_\_\_\_\_

Appellant Jim Judy Address 95 B SUNBELT RD COLUMBIA SC 29223 Phone Number 6918240  
CEL 9706369

The use and construction as proposed herein complies with the terms of the Zoning Ordinance except for the variances

\_\_\_\_\_  
Zoning Administrator

**FOR USE OF BOARD OF ZONING APPEALS**

1. Landmarks commission referral required:  
 Yes  No  
 Date referred \_\_\_\_\_ Date returned \_\_\_\_\_
2. Other referrals: Agency \_\_\_\_\_  
 Date referral \_\_\_\_\_ Date returned \_\_\_\_\_
3. Any previous requests for same variance/special exception  Yes  No  
 If "yes", Appeal No. \_\_\_\_\_ Date \_\_\_\_\_
4. Public hearing set for \_\_\_\_\_ Date posted \_\_\_\_\_
5. Advertised in \_\_\_\_\_ Date \_\_\_\_\_
6. Public hearing held \_\_\_\_\_ Appellant appeared  Yes  No
7. Findings of Board of Zoning Appeals:
  - a. The requirements of Section 26-602.3b(1) have been met by the applicant:  
 Yes  No
  - b. The reasons set forth in the application on the reverse side justify the granting of the variance, and the variance as granted is the minimum variance that will make possible the reasonable use of the land, building, or structure:  
 Yes  No
  - c. The granting of this variance will be in harmony with the general purpose and intent of the ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare:  Yes  No
8.  Requested variance is granted with the following conditions and safeguards:  
 \_\_\_\_\_  
 \_\_\_\_\_
9.  Requested variance is denied for the following reasons:  
 \_\_\_\_\_  
 \_\_\_\_\_

Record of Vote: (1) \_\_\_\_\_ (2) \_\_\_\_\_  
 (3) \_\_\_\_\_ (4) \_\_\_\_\_ (5) \_\_\_\_\_  
 (6) \_\_\_\_\_ (7) \_\_\_\_\_

Date \_\_\_\_\_ Board of Zoning Appeals Chairperson \_\_\_\_\_





6 April 2005  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

05-60 Special Exception

### REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of a manufactured home on property zoned RG-2 (general residential).

### GENERAL INFORMATION

**Applicant**

David Turner

**Tax Map Number**

14104-04-20

**Location**

1020 Bluebird Drive

**Existing Zoning**

RG-2 (General Residential)

**Parcel Size**

.90± acre tract

**Existing Land Use**

Residential

**Existing Status of the Property**

The subject property has an existing residential structure.

**Proposed Status of the Property**

The applicant proposes to place a manufactured home.

**Immediate Adjacent Zoning and Land Use**

- North - RG-2; residential
- South - RG-2; residential
- East - M-1; industrial
- West - RG-2; residential

**Character of the Area**

The surrounding area is a mixture of single-family dwellings and manufactured/mobile homes and undeveloped parcels.

### ZONING ORDINANCE CITATION

Section 26-63.4(3) of the Zoning Ordinance authorizes the Board of Zoning Appeals to permit manufactured home subject to the requirements of section 26-86.

## CRITERIA FOR SPECIAL EXCEPTIONS

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

**1. Traffic impact.**

The average weekday trips per day for a single-family residential structure is approximately 9.5 (based on the Addendum to the Long Range Major Street Plan for Richland County – adopted by the Richland County Planning Commission - Oct.1993).

**2. Vehicle and pedestrian safety.**

There were no obstacles or conditions present that seem to present vehicle or pedestrian safety.

**3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.**

There should be a minimal, if any, impact of noise, lights, fumes or obstruction of airflow by the establishment of a residential structure.

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

The proposed use does not impose an adverse impact on the aesthetic character of the environs and does not require screening.

**5. Orientation and spacing of improvements or buildings.**

The size of the lot and the location of the existing structure precludes the need for changes in orientation and spacing of improvements or buildings.

## DISCUSSION

Staff visited the site.

The applicant proposes to place a 12x60 manufactured home on the parcel.

Staff believes that this project will not adversely impact the dwellings or properties in the surrounding area.

## CONDITIONS

N/A

**26-602.2(d)**

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

## OTHER RELEVANT SECTIONS

### Sec. 26-86. Manufactured homes on individual lots.

Manufactured homes placed on individual lots shall comply with the following requirements.

a. *Manufactured home stands:* The manufactured home stand shall be improved to provide adequate support for the placement and tiedown of the manufactured home. The stand shall not heave, shift or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. Anchors or tie-downs, such as cast-in-place concrete "dead-men," eyelets imbedded in concrete, screw augers or arrowhead anchors shall be placed in each corner of the manufactured home stand and at intervals of at least 20 feet. Each device shall be able to sustain a minimum load of 4,800 pounds.

b. *Skirting:* In order to receive a release for electricity, any manufactured home placed on or after January 1, 1990, shall be skirted, entirely enclosing the bottom section. Such skirting shall be fire resistant or an equal substitute.

However, any manufactured home in place prior to January 1, 1990, shall not be required to be skirted, unless such manufactured home is moved to a new location.

c. *[Nonconforming use permits:]* Temporary nonconforming use permits, relieving the property owner from complying with this section 26-86 may be granted, pursuant to section 26-51.5, of the county Code of Ordinances, but such permits may not exceed thirty (30) days. The county administrator, however, may grant an additional extension for a period not to exceed eleven (11) months.

(Ord. No. 1967-90, § I, 4-3-90; Ord. No. 054-00HR, § IV, 10-3-00)

## ATTACHMENTS

- Plat

## CASE HISTORY

No record of previous special exception or variance request.

Rcpt # 369132  
Paid \$ 50.00

Application # 05-~~157~~ SE  
Filed 2-24-05

**RICHLAND COUNTY  
BOARD OF ZONING APPEALS  
SPECIAL EXCEPTION APPEAL**

**NOTICE TO APPLICANTS**

No application for special exception will be processed unless the following conditions are met no later than the first (1<sup>st</sup>) day of the month prior to the date of the Board meeting, which is held the first Wednesday of each month:

- a. All questions on this application have been fully answered;
- b. The application has been signed by the owner or his agent with the written authorization of the owner;
- c. A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted on an 8 1/2" X 11" size pieces of paper.

1. Location: 1020 Bluebird Lane DE-  
TMS #: Page 14104 Block 04 Lot 20 Zoning District R62
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting : (nature of special exception) 12 X 60 M.H.
3. The Board of Zoning Appeals is authorized to grant or deny special exception of this specific nature in Section \_\_\_\_\_ of the Zoning Ordinance.

**PROPOSED NEW CONSTRUCTION**

1. Free Standing Structure ( )      Addition to an existing building ( )
2. Use M.H.      Number of square footage 12' X 60'
3. Answer only if a commercial or manufacturing use :
  - a. Total number of parking spaces on lot \_\_\_\_\_
  - b. Number of trucks \_\_\_\_\_ size \_\_\_\_\_
  - c. Number of proposed and existing signs \_\_\_\_\_  
Size of proposed or existing signs \_\_\_\_\_
  - d. Number of employees working on premises \_\_\_\_\_

**EXISTING USES AND STRUCTURES ON LOT**

1. Number of existing uses / structures 2 Room Cottage
2. Size and use:
  - a. Square footage 333      Use \_\_\_\_\_
  - b. Square footage \_\_\_\_\_      Use \_\_\_\_\_
  - c. Square footage \_\_\_\_\_      Use \_\_\_\_\_

David Turner  
Appellant's Signature  
David Turner  
Print Name

1851 Bluebird Lane  
Columbia S.C.  
Address, City, State & Zip Code

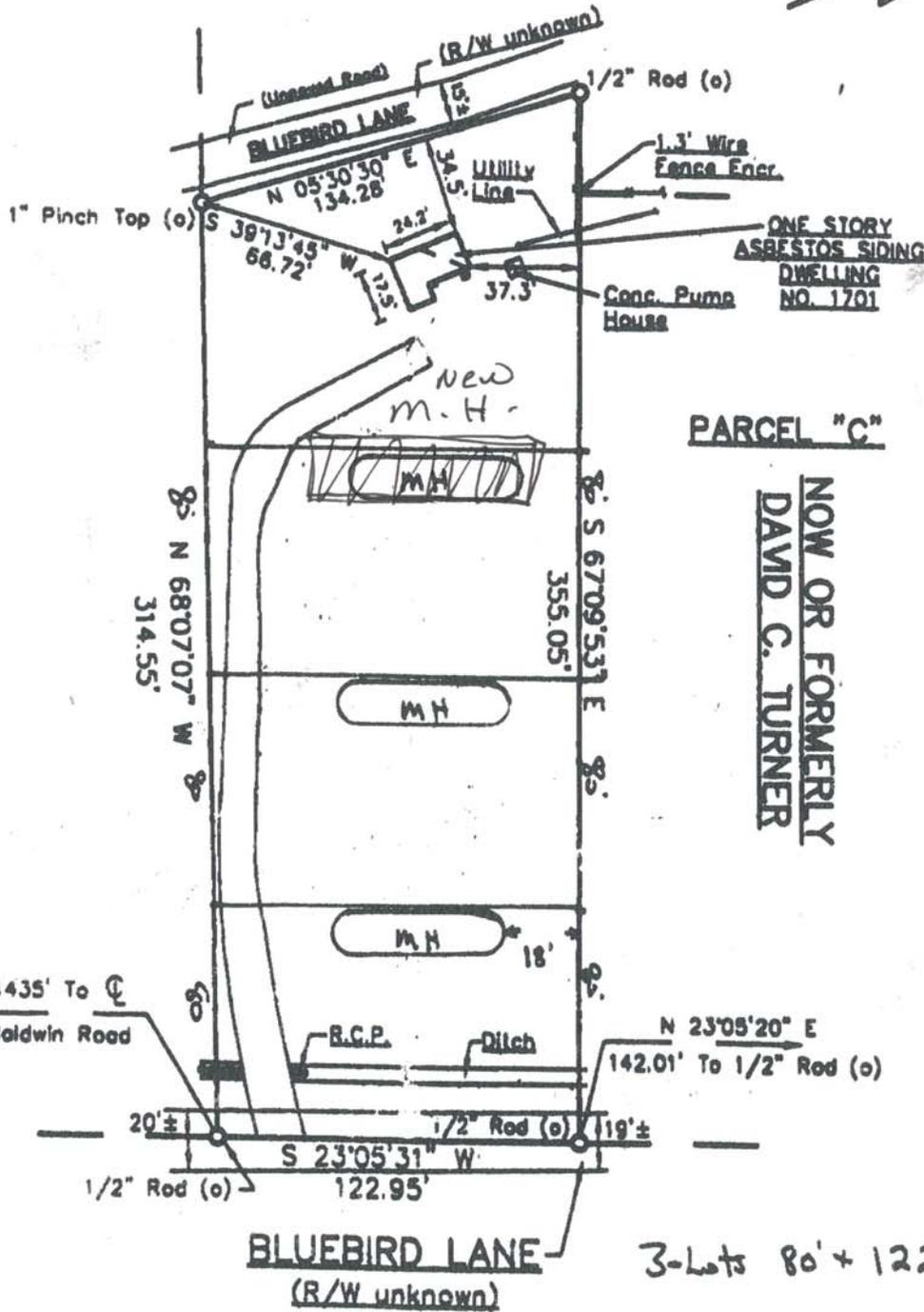
318-8504  
Telephone Number

**PARCEL "A"**

**MAGNETIC**

NO.  
PF NO.

**NOW OR FORMERLY  
SOLDIERS OF THE CROSS**



3-Lots 80' + 122.95'  
3-Lots 9736 Sq Ft. EA

PLAT PREPARED FOR  
**MILFORD D. BURRISS**

RICHLAND COUNTY, NEAR COLUMBIA SC

NAME OF LANDOWNER Gregory Williams  
ADDRESS 1020 Bluebird DR.  
CITY, STATE & ZIP Columbia, S.C.  
DATE 2-24-05

COUNTY OF RICHLAND  
PLANNING & DEVELOPMENT SERVICES  
P. O. BOX 192  
2020 HAMPTON STREET  
COLUMBIA, SC. 29202

REF: SPECIAL EXCEPTION/VARIANCE REQUEST

FOR PROPERTY LOCATED AT 1020 Bluebird DR.  
RICHLAND COUNTY TAX MAP NUMBER 14104

Dear Sir/Madam:

Please be advised that I am the owner of record of this property described above and I

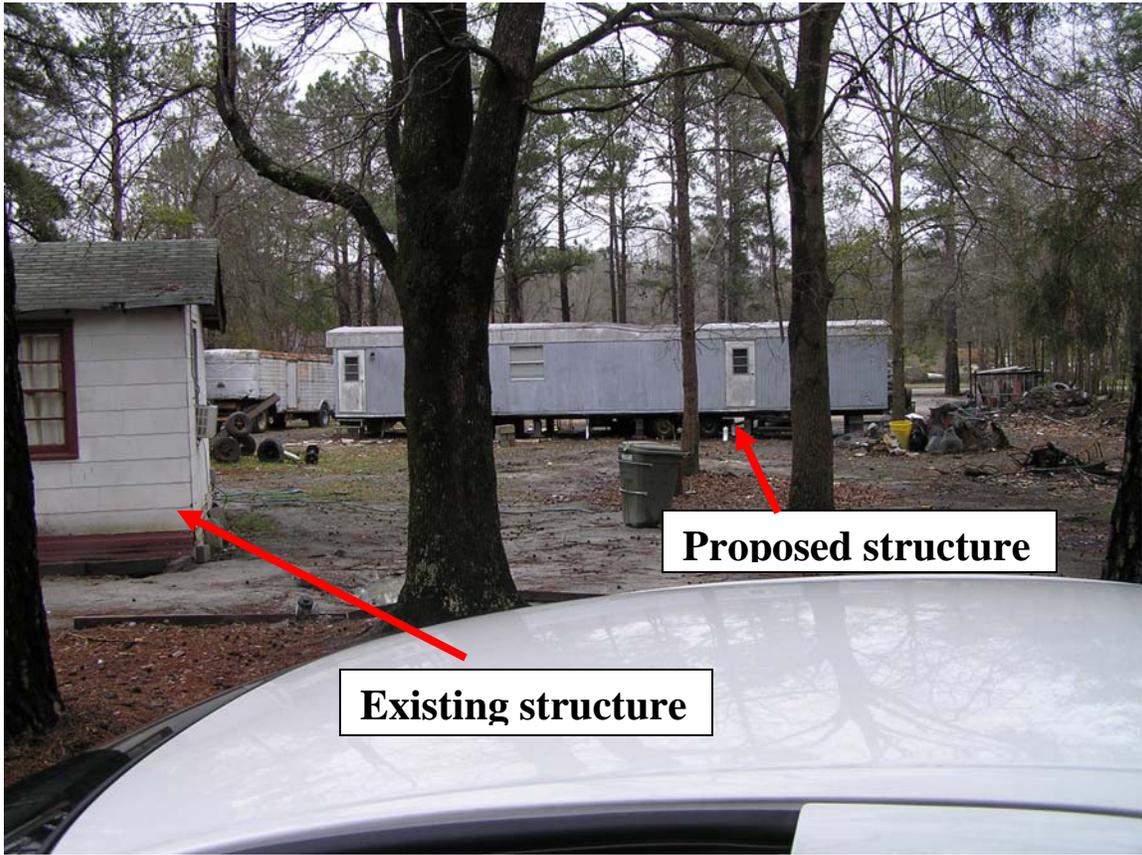
hereby authorize David Turner to

act on my behalf in requesting a SPECIAL EXCEPTION/VARIANCE REQUEST

for the above noted property to allow: \_\_\_\_\_

Sincerely,

Gregory Williams  
Signature of Landowner







6 April 2005  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

05-61 Special Exception

### REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of family daycare on property zoned RS-2 (single family residential).

### GENERAL INFORMATION

**Applicant**

Brenda Evans

**Tax Map Number**

07404-04-06

**Location**

10 Ambrose Circle

**Existing Zoning**

RS-2 (Single Family Residential)

**Parcel Size**

.40 acre tract

**Existing Land Use**

Residential

**Existing Status of the Property**

The subject property has an existing two-story, single-family residential structure, which is located within a cul-de-sac. An unimproved, single car driveway leads into the property. A fence encloses a portion of the property.

**Proposed Status of the Property**

The applicant proposes to establish a family daycare for a maximum of six (6) children. The ages of the children would range from newborn to six (6) years old. The proposed hours of operation are 6:00am to 6:00pm.

**Immediate Adjacent Zoning and Land Use**

North - RS-3; residential

South - RS-3; residential

East - RS-3; residential

West - RS-3; residential

**Character of the Area**

The subject property is located within a community of single-family residential structures (Pine Valley Community).

## ZONING ORDINANCE CITATION

Section 26-63.4(5) authorizes the Board to permit day nurseries and kindergartens as special exception subject to the provisions of Section 26-84. Section 26-84 requires that, before granting such a special exception, the Board will ensure that the Department of Special Services has approved the daycare facility. The applicant has submitted a letter from DSS.

## CRITERIA FOR SPECIAL EXCEPTIONS

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

**1. Traffic impact.**

The average weekday trips per day for a single-family residential structure is approximately 9.5 (based on the Addendum to the Long Range Major Street Plan for Richland County – adopted by the Richland County Planning Commission - Oct.1993). The establishment of this daycare would generate approximately eight (8) additional trips per day.

**2. Vehicle and pedestrian safety.**

The applicant hasn't clearly identified an adequate area for loading and unloading.

**3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.**

There should be a minimal, if any, impact of noise, lights, fumes or obstruction of airflow by the establishment of a family daycare.

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

The proposed use does not impose an adverse impact on the aesthetic character of the environs and does not require screening.

**5. Orientation and spacing of improvements or buildings.**

The size of the lot and the location of the existing structure precludes the need for changes in orientation and spacing of improvements or buildings.

## DISCUSSION

Staff visited the site.

The applicant is proposing to operate a daycare for six (6) children. Staff did not observe any conditions or factors that would negatively impact this community by the establishment of a family daycare.

The applicant is required to provide loading and unloading in an area other than the right-of-way. Staff believes that an area to sufficiently meet these requirements has not been provided.

## CONDITIONS

1. Vacancy, abandonment or discontinuance for any period of twelve (12) months (as verified by a business license) will void the special exception.

### **26-602.2(d)**

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

## OTHER RELEVANT SECTIONS

### **Sec. 26-84. Child day care facilities.**

Child day care facilities are permitted as special exceptions in RS-1, RS-1A, RS-2, RS-3, RR, RG-1, RG-2, MH-1, MH-2 and MH-3 districts, and as permitted uses in C-1, C-2, C-3, D-1 and RU districts subject to the following provisions:

#### *26-84.1 General requirements.*

a. Permitted Uses--Before granting a zoning permit for the establishment of a child day-care center or a group day-care home, the zoning administrator will ensure that the applicant has applied to the South Carolina Department of Social Services (DSS) for a license to operate the facility and has received a letter from the regulatory agency (DSS) that the facility in question is suitable to accommodate the maximum number of children to be cared for. Prior to issuing a zoning permit for the establishment of a family day-care home, the zoning administrator will ensure that the applicant has applied to DSS for registration of the day-care home.

b. Special Exceptions--Before granting a special exception for the establishment of a child day-care facility, the board of adjustment will ensure that the action outlined in paragraph a. above has been accomplished.

#### *26-84.2 Fencing.*

Fencing shall be as prescribed by DSS, but in no case less than 4 feet in height, cyclone type or equivalent.

#### *26-84.3 Play equipment.*

No play equipment shall be closer than 20 feet to any residential lot line.

#### *26-84.4 Loading and unloading.*

An adequate area to accommodate the loading and unloading of children shall be provided and such area shall not be located within any public right-of-way.

#### *26-84.5 Space.*

Indoor and outdoor space shall be as prescribed by relation for child day-care facilities published by DSS.

26-84.6 *Signs.*

Signs are permitted in accordance with Article 8, "Regulation of Signs" as applied to the district in which the child day-care facility is located.

(Ord. No. 1027-83, § 1, 4-5-83; Ord. No. 1191-44, § IV, 9-4-84; Ord. No. 055-00HR, § XI, 10-3-00)

**ATTACHMENTS**

- DSS letter
- Plat
- Day nursery information sheet
- Pictures of subject property

**CASE HISTORY**

No record of previous special exception or variance request.

Rcpt # 369129

Paid \$ 50.00

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

Filed 223-05

# RICHLAND COUNTY BOARD OF ZONING APPEALS SPECIAL EXCEPTION APPEAL

## NOTICE TO APPLICANTS

No application for special exception will be processed unless the following conditions are met no later than the first (1<sup>st</sup>) day of the month prior to the date of the Board meeting, which is held the first Wednesday of each month:

- a. All questions on this application have been fully answered;
- b. The application has been signed by the owner or his agent with the written authorization of the owner;
- c. A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted on an 8 1/2" X 11" size pieces of paper.

1. Location: 10 Ambrose Circle

TMS #: Page 07404 Block 04 Lot 06 Zoning District RS-2

2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting : (nature of special exception) \_\_\_\_\_

3. The Board of Zoning Appeals is authorized to grant or deny special exception of this specific nature in Section \_\_\_\_\_ of the Zoning Ordinance.

## PROPOSED NEW CONSTRUCTION

1. Free Standing Structure ( )                      Addition to an existing building ( )

2. Use \_\_\_\_\_                      Number of square footage \_\_\_\_\_

3. Answer only if a commercial or manufacturing use :

- a. Total number of parking spaces on lot \_\_\_\_\_
- b. Number of trucks \_\_\_\_\_ size \_\_\_\_\_
- c. Number of proposed and existing signs \_\_\_\_\_  
Size of proposed or existing signs \_\_\_\_\_
- d. Number of employees working on premises \_\_\_\_\_

## EXISTING USES AND STRUCTURES ON LOT

1. Number of existing uses / structures \_\_\_\_\_

2. Size and use:

- a. Square footage \_\_\_\_\_ Use \_\_\_\_\_
- b. Square footage \_\_\_\_\_ Use \_\_\_\_\_
- c. Square footage \_\_\_\_\_ Use \_\_\_\_\_

Brenda C Evans  
Appellant's Signature

803-7720099  
Telephone Number

Brenda C EVANS  
Print Name

\_\_\_\_\_  
Address, City, State & Zip Code

# DSS

*Serving Children and Families*

KIM S. AYDLETTE, STATE DIRECTOR

February 3, 2005

Mr. John Hicks  
Richland County Zoning Division  
2020 Hampton Street  
P.O. Box 192  
Columbia, SC 29202

Re: Mrs. Brenda Evans  
10 Ambrose Circle  
Columbia, SC 29210

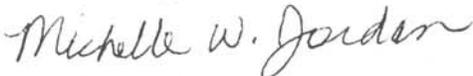
Dear Mr. Hicks:

The Division of Child Day Care Licensing and Regulatory Services of the South Carolina Department of Social Services has received an inquiry from the above-named individual to operate a Family Day Care Home, providing daycare for a maximum of 6 children.

In order to complete the application process, we require verification from your office that zoning requirements have been met. If additional information is needed, please contact me at 929-2740.

Thank you for your assistance in this matter.

Sincerely,



Michelle W. Jordan  
Child Day Care Regulatory Specialist, Region V

RS-2



**RICHLAND COUNTY, SOUTH CAROLINA  
PLANNING & DEVELOPMENT SERVICES DEPARTMENT**

Zoning & Land Development Division  
2020 Hampton Street  
Columbia, SC 29202  
Ph. 803-576-2178 Fax 803-576-2182

DAY NURSERIES

How many children? 6

What ages would the children be? 0-6

What would the hours of operation be? 6a.m. - 6p.m.

How many employees would there be? myself + Husband

Is the rear yard fenced?  Yes  No (If no, what provisions are being made?)

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Are there provisions for the loading and unloading of children off of the public right-of-way?

Yes (if yes, please describe)

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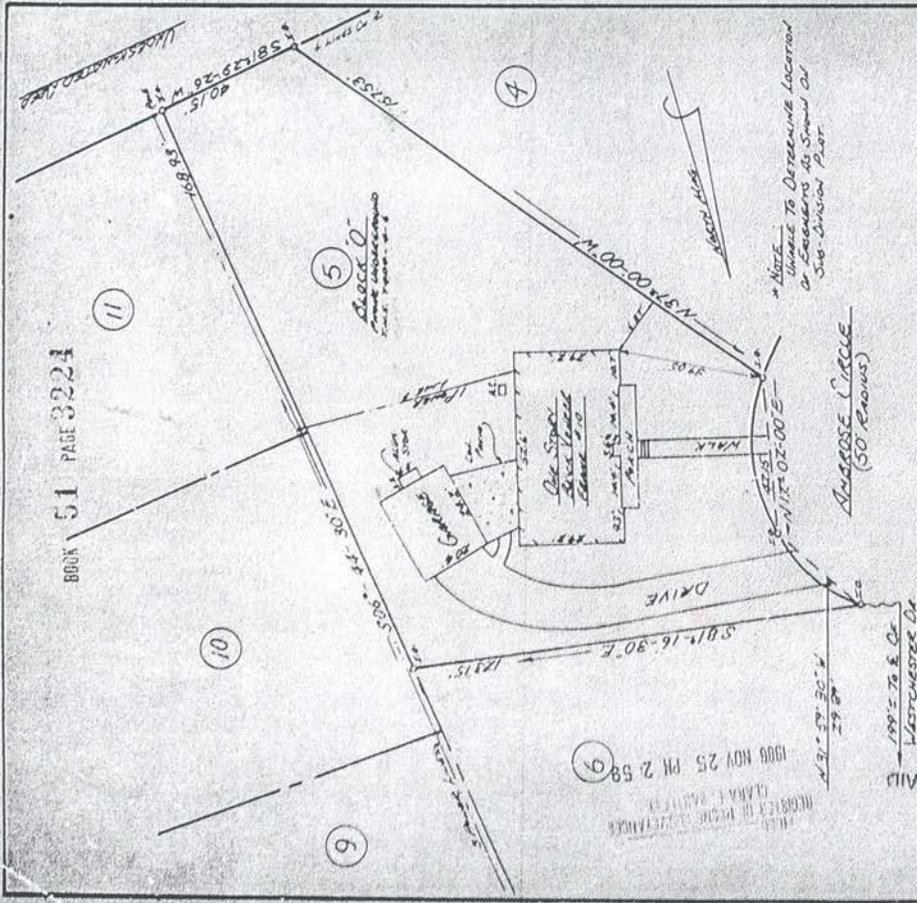
No (if no, what provisions are being made?)

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BOOK 51 PAGE 3224



NOTE: Unable to Determine Location of Bearings as shown on Sub-Division Plat

APPROX. CIRCLE (50' RADII)

RECORDED IN PUBLIC RECORDS CLARK COUNTY GA. 1908 NOV 25 PM 2 58

BOOK 51 PAGE 3224

PLAT PREPARED FOR

KEITH B. EVANS

BRENDA C. EVANS

THE SAME BEING SHOWN AS LOT 5 BLOCK 0 ON A PLAT OF THE VALLEY SECTION II, BY McWILLIAMS ESTATE CO. DATED JANUARY 27, 1970, REVISED AND RECORDED IN BOOK 51 PAGE 3224, CLARK COUNTY, GEORGIA, IN PLAT BOOK 36 SURVEYED BY:

DOUGLASS/DODD & ASSOCIATES, 1000 W. BROAD ST., ATLANTA, GA. 30334

I HEREBY CERTIFY THAT THE MEASUREMENTS ARE CORRECT AND THAT THERE ARE NO ENCUMBRANCES OR MONUMENTS OTHER THAN SHOWN.

I HEREBY CERTIFY THAT THIS PLAT BEARS THE NECESSARY CROSS-REFERENCES TO THE RECORDS OF THE CLARK COUNTY RECORDS OFFICE AND THAT THE PLAT IS CORRECT AND THAT THERE ARE NO ENCUMBRANCES OR MONUMENTS OTHER THAN SHOWN.

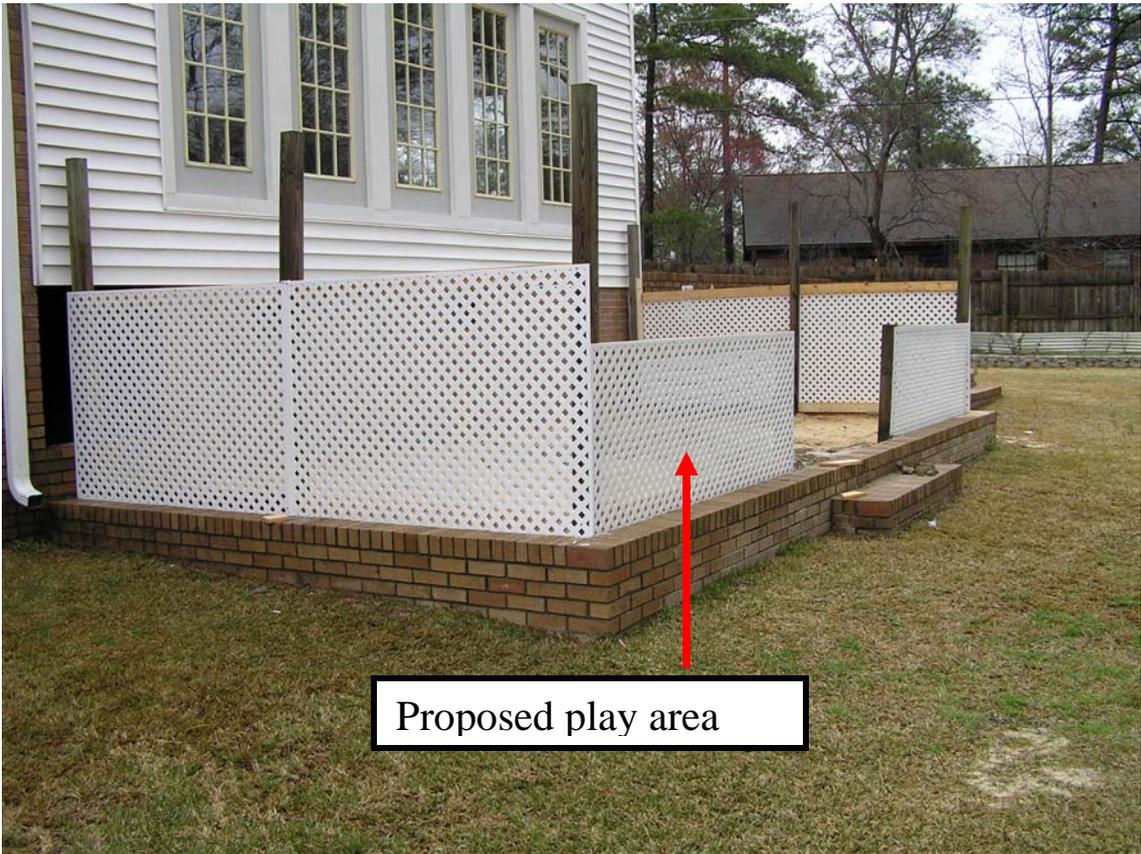
THIS IS TO CERTIFY THAT I HAVE CONSULTED THE PERSONAL INSTRUMENTS ADMINISTRATION RECORDS AND FOUND THAT THE ABOVE DESCRIBED IS NOT LOCATED IN A SPECIAL BOUNDARY MAP, AND FOUND THAT THE ABOVE DESCRIBED IS NOT LOCATED IN A SPECIAL BOUNDARY MAP.



Robert E. Collier, Surveyor



REGISTERED SURVEYOR NO. 2318  
P.O. BOX 3053, CLARK COUNTY, GA. 30117











6 April 2005  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

05-62 Special Exception

### REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of family daycare on property zoned RS-2 (single family residential).

### GENERAL INFORMATION

**Applicant**

Shirley McCrimmon

**Tax Map Number**

05101-01-32

**Location**

94 Johnny Lorick Road

**Existing Zoning**

RS-2 (Single Family Residential)

**Parcel Size**

.19± acre tract

**Existing Land Use**

Residential

**Existing Status of the Property**

The subject property has an existing single-family residential structure. A driveway leads to a garage. The rear of the property is not enclosed by a fence.

**Proposed Status of the Property**

The applicant proposes to establish a family daycare for a maximum of six (6) children. The ages of the children would range from two (2) to four (4) years old. The proposed hours of operation are 7:00am to 6:00pm.

**Immediate Adjacent Zoning and Land Use**

- North - RS-2; residential
- South - RS-2; residential
- East - RS-2; residential
- West - RS-2; residential

**Character of the Area**

The subject property is located within a subdivision of single-family residential structures (Carson Hills subdivision).

## ZONING ORDINANCE CITATION

Section 26-63.4(5) authorizes the Board to permit day nurseries and kindergartens as special exception subject to the provisions of Section 26-84. Section 26-84 requires that, before granting such a special exception, the Board will ensure that the Department of Special Services has approved the daycare facility. The applicant has submitted a letter from DSS.

## CRITERIA FOR SPECIAL EXCEPTIONS

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

**1. Traffic impact.**

The average weekday trips per day for a single-family residential structure is approximately 9.5 (based on the Addendum to the Long Range Major Street Plan for Richland County – adopted by the Richland County Planning Commission - Oct.1993). The establishment of this daycare would generate approximately ten (10) additional trips per day.

**2. Vehicle and pedestrian safety.**

There are concerns by staff that a single car driveway may not provide an adequate area for loading and unloading.

**3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.**

There should be a minimal, if any, impact of noise, lights, fumes or obstruction of airflow by the establishment of a family daycare.

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

The proposed use does not impose an adverse impact on the aesthetic character of the environs and does not require screening.

**5. Orientation and spacing of improvements or buildings.**

The size of the lot and the location of the existing structure precludes the need for changes in orientation and spacing of improvements or buildings.

## DISCUSSION

Staff visited the site.

The applicant is proposing to operate a daycare for six (6) children. Staff did not observe any conditions or factors that would negatively impact this community by the establishment of a family daycare.

The applicant is required to provide loading and unloading in an area other than the right-of-way. Staff believes that an area to sufficiently meet these requirements has not been provided.

## CONDITIONS

1. Vacancy, abandonment or discontinuance for any period of twelve (12) months (as verified by a business license) will void the special exception.

2. A fence is erected in the rear of the property

**26-602.2(d)**

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

<b>OTHER RELEVANT SECTIONS</b>
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**Sec. 26-84. Child day care facilities.**

Child day care facilities are permitted as special exceptions in RS-1, RS-1A, RS-2, RS-2, RR, RG-1, RG-2, MH-1, MH-2 and MH-3 districts, and as permitted uses in C-1, C-2, C-3, D-1 and RU districts subject to the following provisions:

*26-84.1 General requirements.*

a. Permitted Uses--Before granting a zoning permit for the establishment of a child day-care center or a group day-care home, the zoning administrator will ensure that the applicant has applied to the South Carolina Department of Social Services (DSS) for a license to operate the facility and has received a letter from the regulatory agency (DSS) that the facility in question is suitable to accommodate the maximum number of children to be cared for. Prior to issuing a zoning permit for the establishment of a family day-care home, the zoning administrator will ensure that the applicant has applied to DSS for registration of the day-care home.

b. Special Exceptions--Before granting a special exception for the establishment of a child day-care facility, the board of adjustment will ensure that the action outlined in paragraph a. above has been accomplished.

*26-84.2 Fencing.*

Fencing shall be as prescribed by DSS, but in no case less than 4 feet in height, cyclone type or equivalent.

*26-84.3 Play equipment.*

No play equipment shall be closer than 20 feet to any residential lot line.

*26-84.4 Loading and unloading.*

An adequate area to accommodate the loading and unloading of children shall be provided and such area shall not be located within any public right-of-way.

*26-84.5 Space.*

Indoor and outdoor space shall be as prescribed by relation for child day-care facilities published by DSS.

*26-84.6 Signs.*

Signs are permitted in accordance with Article 8, "Regulation of Signs" as applied to the district in which the child day-care facility is located.

(Ord. No. 1027-83, § 1, 4-5-83; Ord. No. 1191-44, § IV, 9-4-84; Ord. No. 055-00HR, § XI, 10-3-00)

### **ATTACHMENTS**

- DSS letter
- Day nursery information sheet
- Pictures of subject property

### **CASE HISTORY**

No record of previous special exception or variance request.