

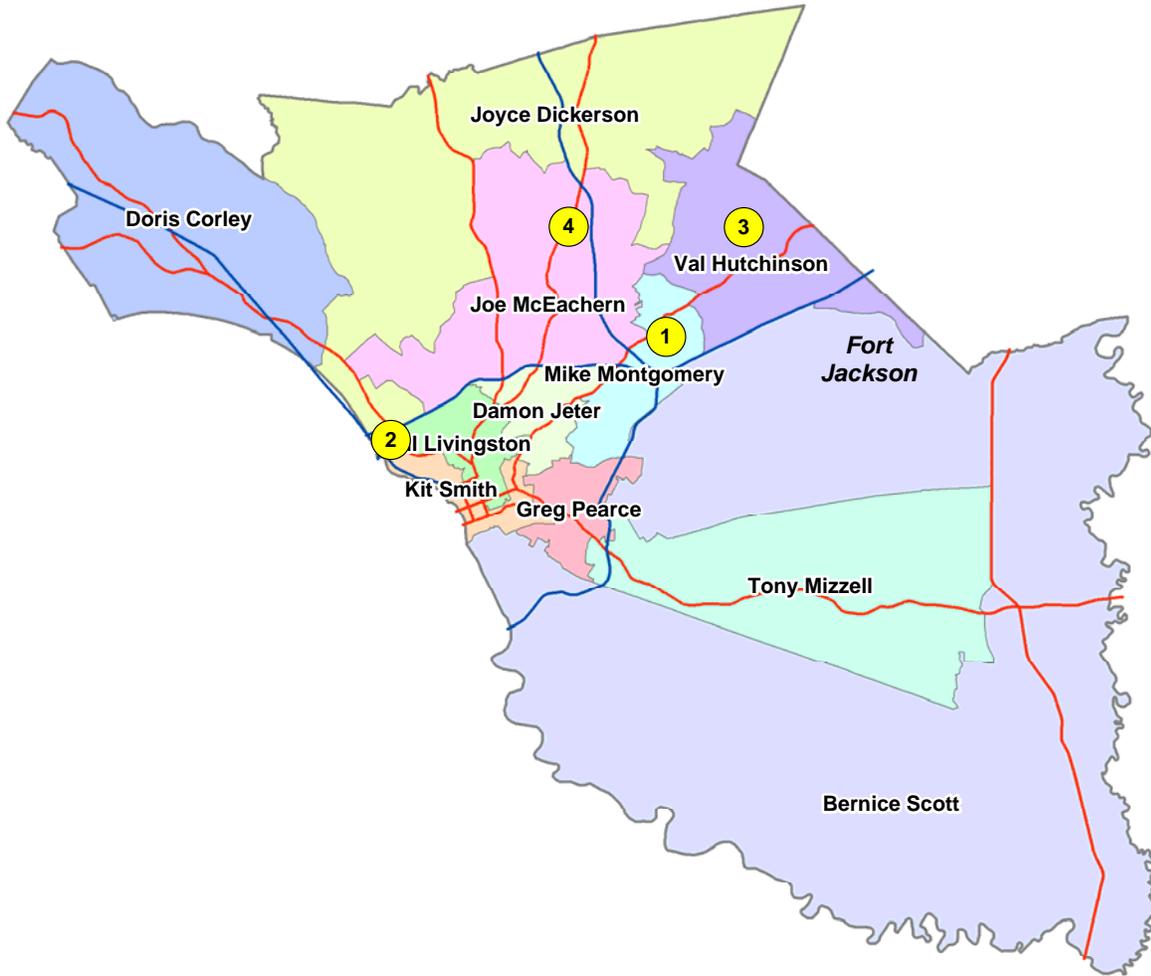
RICHLAND COUNTY  
BOARD OF  
ZONING APPEALS



Wednesday, May 4, 2005  
1:00 p.m.  
Council Chambers



# RICHLAND COUNTY BOARD OF ZONING APPEALS PUBLIC HEARING MAY 4, 2005



CASE NO.	APPLICANT	TMS NO.	ADDRESS	DISTRICT
1. 05-65 SE	Marick Walters	19907-04-18	2821 Larkhall Road	Montgomery
2. 05-67 SE	Alice Muhammad	07401-04-05	1110 Tyeu Trail	Smith
3. 05-68 SE	Gary Pennington	25900-01-04	620 Westridge Road	Hutchinson
4. 05-70 SE	Danny Kiser	14700-07-07	8741 Wilson Boulevard	McEachern



**RICHLAND COUNTY  
BOARD OF ZONING APPEALS  
PUBLIC HEARING  
MAY 4, 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>CHAIRMAN                            |
| <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>               | 05-60 SE<br>David Turner<br>1020 Bluebird Dr.<br>14104-04-02   | <b>DEFERRED</b>   |
| <b>B</b>               | 05-63 SE<br>Carolyn Jones<br>101 Forum Dr.<br>22900-02-05(p)   | <b>WITHDRAWN</b>  |
| <b>C</b>               | 05-64 SE<br>L.K. Stork<br>126 Martin Carter Rd.<br>21516-01-11 | <b>WITHDRAWN</b>  |
| <b>D</b><br><b>(1)</b> | 05-65 SE<br>Marick Walters<br>2821 Larkhall Rd.<br>19907-04-18 | Requests special exception to establish a beauty salon on property zoned residential (RS-1) |
| <b>E</b>               | 05-66 SE<br>Sharlyne Rucker<br>152 Hardwood Dr.<br>17414-01-16 | <b>WITHDRAWN</b>  |

- |                         |   |   |
|-------------------------|---|---|
| <b>F</b><br><b>(7)</b>  | 05-67 SE<br>Alice Muhammad<br>1110 Tyeu Trail<br>07401-04-05    | Requests special exception for the establishment of a family day care for 6 children on property zoned single family residential (RS-2) |
| <b>G</b><br><b>(17)</b> | 05-68 SE<br>Gary Pennington<br>620 Westridge Rd.<br>25900-01-04 | Requests special exception for the construction of a communication tower on property zoned rural (RU)                                   |
| <b>H</b>                | 05-69 V<br>Wade Burgess<br>838 Piney Grove Rd.<br>05114-02-09   | <b>WITHDRAWN</b>  |
| <b>I</b><br><b>(25)</b> | 05-70 SE<br>Danny Kiser<br>8741 Wilson Blvd.<br>14700-07-07     | Requests a special exception for the establishment of a plumbing/heating and air company on property zoned commercial. (C-2)            |

**IV. APPROVAL OF MINUTES**  
**April 6, 2005**

**V. OTHER BUSINESS**  
**A. Review and Approval of By-laws and Rules of Procedures**

**VI. ADJOURNMENT**



4 May 2005  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

05-65 Special Exception

### REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of beauty salon on property zoned RS-1 (single family residential).

### GENERAL INFORMATION

**Applicant**

Shanta Walters

**Tax Map Number**

19907-04-18

**Location**

2821 Larkhall Road

**Existing Zoning**

RS-1 (Single Family Residential)

**Parcel Size**

.39± acre tract

**Existing Land Use**

Residential

**Existing Status of the Property**

The subject property has an existing single-family residential structure. A double driveway leads to a garage.

**Proposed Status of the Property**

The applicant proposes to establish a beauty salon that deals primarily in the braiding of hair. The proposed hours of operation are: Thursday – 5 pm – 10 pm; Friday – 8 am – 6 pm; and Saturday – 8 am – 6 pm.

**Immediate Adjacent Zoning and Land Use**

North - RS-1; residential

South - RS-1; residential

East - RS-1; residential

West - RS-1; residential

**Character of the Area**

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

## ZONING ORDINANCE CITATION

Section 26-63.4 (9) authorizes the Board to permit a beauty salon, as a home occupation subject to the provisions of section 26-83.

## CRITERIA FOR SPECIAL EXCEPTIONS

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

**1. Traffic impact.**

The Addendum to the Long Range Major Street Plan for Richland County – adopted by the Richland County Planning Commission - Oct.1993 does not contain a traffic study for beauty salons. However, the number of clients shall determine the impact.

**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 beauty salon.

**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 beauty salon that will be operated on Thursday, Friday and Saturday. The proposed hours of operation have been noted above. The applicant plans to schedule the appointments.

Staff did not observe any conditions or factors that would negatively impact this community by the establishment of a beauty salon.

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

**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. 26-83. Home occupations.**

Occupations, professions, or trades customarily carried on by occupants of dwelling units as secondary uses which are clearly incidental to use of dwelling units for residential purposes are allowed as accessory uses in districts where dwelling units are permitted or permissible, subject to the following provisions:

26-83.1 *Location.* Home occupations shall be conducted only within principal structures; provided, however, for rural districts, see section 26-61.3(b).

26-83.2 *Area.* An area equal to not more than twenty- five percent (25%) of the floor area of the principal structure may be utilized for home occupational purposes; provided, however, for rural districts, see section 26-61.3(b).

26-83.3 *Employees.* Only persons resident on the premises may be employed.

26-83.4 *Merchandise.* The home occupation shall not involve the retail sale of merchandise manufactured off the premises.

26-83.5 *Visibility of merchandise.* No merchandise shall be displayed in such a manner as to be visible from off the premises.

26-83.6 *Outdoor storage.* No outdoor storage shall be allowed in connection with any home occupation.

26-83.7 *Maintenance of residential character.* No alteration of the residential character of the premises may be made.

26-83.8 *Signs.* Signs relating to home occupations shall be allowed only as provided by section 8.

26-83.9 *Parking.* Off-street parking shall be provided in accordance with requirements of section 26-78.

(Ord. No. 064-00HR, § III, IV, 10-17-01)

## ATTACHMENTS

- Pictures of subject property

## CASE HISTORY

No record of previous special exception or variance request.

Rcpt # 369422  
Paid \$ 50.00

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

Application # 05-05 SE  
Filed 3/29/05

**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: 2821 Larkhall Rd. Columbia SC 29223  
TMS #: Page 19907-02 Block 04 Lot 18 Zoning District RS-1
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting: (nature of special exception) Braiding Shop in Backyard. One Person working, one customer at one time.
3. The Board of Zoning Appeals is authorized to grant or deny special exception of this specific nature in Section 26-63.4(9) 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 1
2. Size and use:
  - a. Square footage 2600 Use living
  - b. Square footage \_\_\_\_\_ Use \_\_\_\_\_
  - c. Square footage \_\_\_\_\_ Use \_\_\_\_\_

Marick Walters  
Appellant's Signature  
Marick Walters  
Print Name

Shanta Walters  
2821 Larkhall Rd. Columbia SC 29223  
Address, City, State & Zip Code

419-0056  
Telephone Number







4 May 2005  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

05-67 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-1 (single family residential).

### GENERAL INFORMATION

**Applicant**

Alice Muhammed

**Tax Map Number**

07401-04-05

**Location**

1110 Tyeu Trail

**Existing Zoning**

RS-1 (Single Family Residential)

**Parcel Size**

.40± 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 an enclosed section of the house. 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 infant to four (4) years old. The proposed hours of operation are 6:00am to 6:00pm.

**Immediate Adjacent Zoning and Land Use**

North - RS-1; residential

South - RS-1; residential

East - RS-1; residential

West - RS-1; residential

**Character of the Area**

The subject property is located within a community of single-family residential structures (Belmont Estates).

## 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 twelve (12) additional trips per day.

**2. Vehicle and pedestrian safety.**

There were concerns by staff that a single car driveway would not provide an adequate area for loading and unloading. However, there is an unimproved area next to the driveway that should 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 exists.

The rear of the property slopes considerably. The applicant states that plans are being made to erect a fence in the rear of the property.

## 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.

## 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-1, RS-1, 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)

<b>ATTACHMENTS</b>
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- DSS letter
- Day nursery information sheet
- Pictures of subject property

<b>CASE HISTORY</b>
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Records show that the applicant previously requested a special exception of the same nature (01-12 SE) on 6 September 2000. The request was denied.

Rcpt # 369457

Application # 05-6758

Paid \$ 50.00

Filed 3/31/05

**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: 1110 Tyen Trail  
TMS #: Page 07401 Block E04 Lot 05 Zoning District RS-1
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting : (nature of special exception) Day Care, Day Nurseries,
3. The Board of Zoning Appeals is authorized to grant or deny special exception of this specific nature in Section 26-63.4(5) 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 2
  - 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 2

**EXISTING USES AND STRUCTURES ON LOT**

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

a. Square footage <u>2700</u>	Use <u>Residence</u>
b. Square footage _____	Use _____
c. Square footage _____	Use _____

Alice Muhammad  
Appellant's Signature  
Alice Muhammad  
Print Name

\_\_\_\_\_  
1110 Tyen Trail Colg, 29210  
Address, City, State & Zip Code

803-561-1344  
Telephone Number



**HLAND COUNTY, SOUTH CAROLINA  
& DEVELOPMENT SERVICES DEPARTMENT**

Zoning & Land Development Division

2020 Hampton Street

Columbia, SC 29202

h. 803-576-2178

Fax 803-576-2182

**DAY NURSERIES**

How many children? 6

What ages would the children be? Infant - 4 years

What would the hours of operation be? 6AM - 6PM

How many employees would there be? 2 person

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

I have person giving estimates  
to put up fence

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

Yes (if yes, please describe)

driveway two car provisions will  
allow person to unload children  
along side of house

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



*Serving Children and Families*

KIM S. AYDLETTE, STATE DIRECTOR

March 3, 2005

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

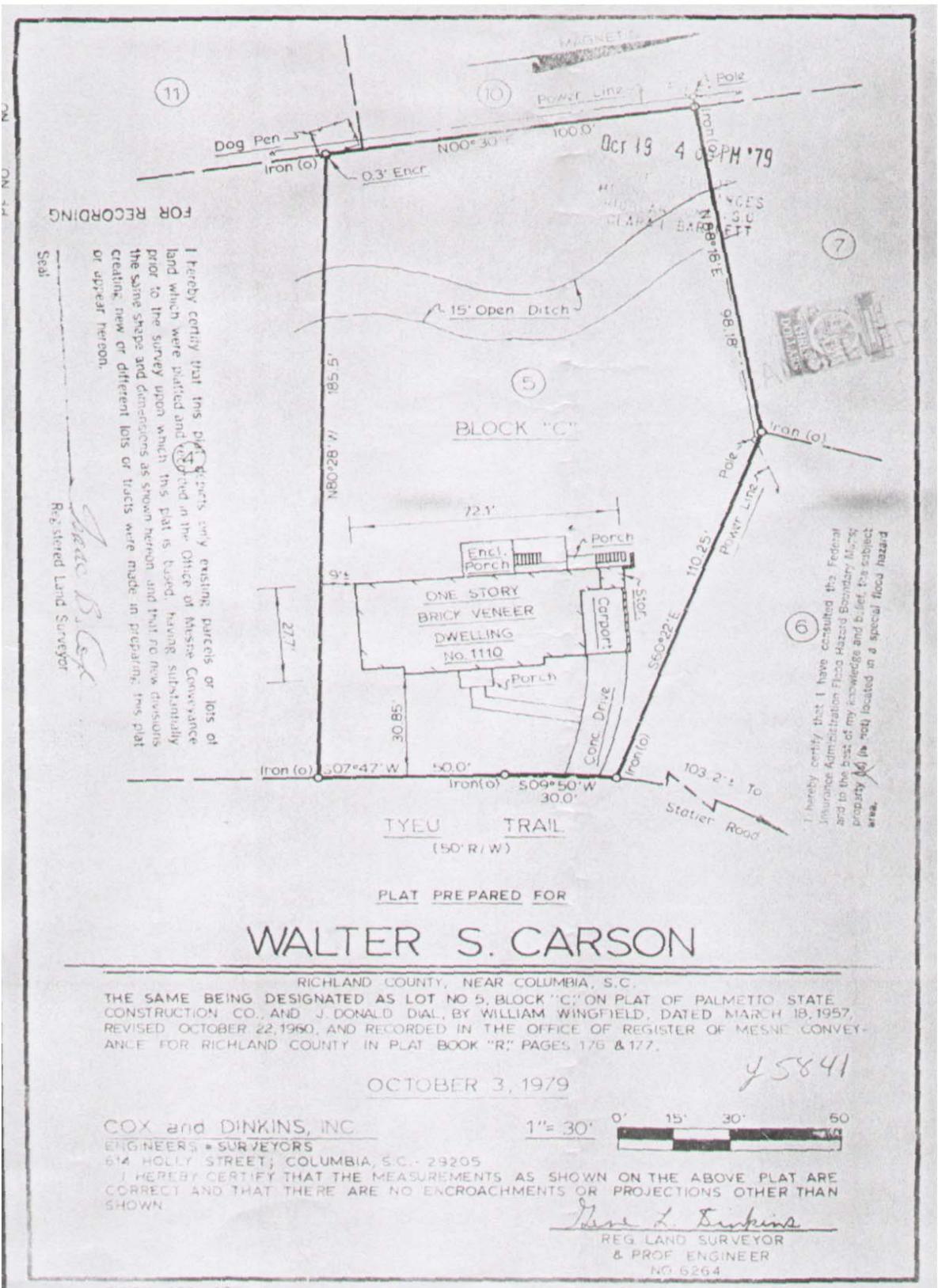
Re: Ms. Alice Muhammad  
1110 Tyeu Trail  
Columbia, SC 29210

Dear Mr. Hicks:

The Division of Child Care Licensing and Regulatory Services of the South Carolina Department of Social Services have received an inquiry on the above-named individual to operate a Family Child Care Home, providing child care 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,

Medea O. Galloway  
Senior Child Care Regulatory Specialist, Region V



FOR RECORDING  
 I hereby certify that this plat depicts only existing parcels or lots of land which were platted and recorded in the Office of Mesic Conveyance prior to the survey upon which this plat is based, having substantially the same shape and dimensions as shown hereon and that no new divisions, creating, new or different lots or tracts were made in preparing this plat or appear hereon.  
 Seal  
 Registered Land Surveyor

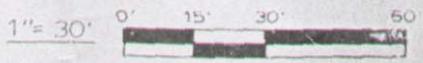
I hereby certify that I have consulted the Federal Insurance Administration Flood Hazard Boundary Map and to the best of my knowledge and belief, the subject property is not located in a special flood hazard area.

PLAT PREPARED FOR  
**WALTER S. CARSON**

RICHLAND COUNTY, NEAR COLUMBIA, S.C.  
 THE SAME BEING DESIGNATED AS LOT NO 5, BLOCK "C," ON PLAT OF PALMETTO STATE CONSTRUCTION CO., AND J. DONALD DIAL, BY WILLIAM WINGFIELD, DATED MARCH 18, 1957, REVISED OCTOBER 22, 1960, AND RECORDED IN THE OFFICE OF REGISTER OF MESIC CONVEYANCE FOR RICHLAND COUNTY IN PLAT BOOK "R," PAGES 176 & 177.

OCTOBER 3, 1979

COX and DINKINS, INC  
 ENGINEERS & SURVEYORS  
 614 HOLLY STREET; COLUMBIA, S.C. - 29205



I HEREBY CERTIFY THAT THE MEASUREMENTS AS SHOWN ON THE ABOVE PLAT ARE CORRECT AND THAT THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

*Gene L. Dinkins*  
 REG. LAND SURVEYOR  
 & PROF. ENGINEER  
 NO. 6264

45841







4 May 2005  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

05-68 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**

Gary Pennington

**Tax Map Number**

25900-01-04

**Location**

620 Westridge Road

**Existing Zoning**

RU (Rural district)

**Parcel Size**

6.86 acre tract

**Existing Land Use**

Utilities

**Existing Status of the Property**

Electrical utility

**Proposed Status of the Property**

The applicant proposes to erect a 195-foot monopole communications tower, within a 9,225 square foot leased compound.

**Immediate Adjacent Zoning and Land Use**

North - RS-1,2; residential

South - RS-2; residential

East - RS-2; residential

West - C-1; institutional/research

**Character of the Area**

The subject property is located amid parcels devoted primarily to residential use. The western portion of the subject parcel is abutted by property owned by Clemson University (861.53 acres).

## 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 potential additional impact of noise, lights, fumes or obstruction of airflow should be no greater than that already found in the area.
  4. **Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view.**  
The aesthetic impact of the communication tower on the environs should be minimal.
  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 195-foot communication tower, within a 9,225 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. Staff believes that this request will not impair the properties in the immediate or surrounding area.

It is unclear to staff whether the proposed tower will be illuminated (section IV (c) of the supplement provided by the applicant).

The applicant must answer 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.

RICHLAND COUNTY  
ZONING BOARD OF APPEALS  
SPECIAL EXCEPTION APPEAL

Appeal # \_\_\_\_\_

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

Filed \_\_\_\_\_

Filed 3-31-05

Receipt No: 318456

No application for a special exception will be received for inclusion on the Board of Zoning Appeal's Agenda unless the following conditions are met not later than the tenth (10th) 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 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;
- d. The Zoning Administrator has certified that the proposed use and construction plans comply with all provisions of the Zoning Ordinance except those for which a special exception has been requested;
- e. In the case of high-rise apartments, this form has been signed by the Planning Commission where applicable.

- 620 Westridge Road, Columbia, SC 29229
1. Location: \_\_\_\_\_  
Lot 25900 Block 01 Page 04 Zoning District RU
  2. The Zoning Board of Appeals is requested to consider the granting of a special exception, permitting: (nature of special exception) Construction of a 185' communications tower on subject property
  3. The Board of Zoning Appeals is authorized to grant or deny special exceptions of this specific nature in Section 29-94 A(9)

PROPOSED NEW CONSTRUCTION

1. Free standing structure (  ) Addition to an existing building (  )
2. Use Communications Tower No. of sq. ft. n/a
3. Maximum height of building above finished grade n/a No. of stories n/a
4. Total parking spaces on lot (See Sec. 7-1.4(2) (3)) n/a
5. Answer only if a commercial or manufacturing use:
  - a. No. and size of trucks n/a
  - b. No. of employees working on premises n/a
  - c. No. and size of proposed and existing signs as shown on plot plan n/a

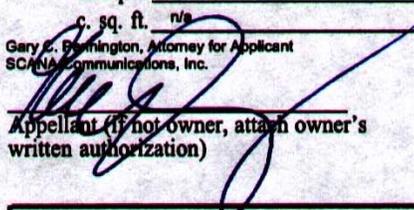
EXISTING USES AND BUILDINGS ON LOT  
(To be answered only if buildings already exist on lot)

1. No. of existing buildings None. n/a
2. Size and use of existing buildings:
  - a. Sq. ft. n/a Use: n/a
  - b. Sq. ft. n/a Use: n/a
  - c. sq. ft. n/a Use: n/a

Gary C. Pennington, Attorney for Applicant  
SCANA Communications, Inc.

Post Office Box 2844, Columbia, SC 29202

(803) 929-1070

  
Appellant (if not owner, attach owner's written authorization)

Address

Phone

The use and construction as proposed herein comply with the terms of the Zoning Ordinance

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







4 May 2005  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

05-70 Special Exception

### REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of a professional service in a C-2 (Neighborhood Commercial) district.

### GENERAL INFORMATION

**Applicant**

Danny Kiser

**Tax Map Number**

14700-07-07

**Location**

8741 Wilson Blvd.

**Existing Zoning**

C-2 (Neighborhood Commercial)

**Parcel Size**

1.5 acre tract

**Existing Land Use**

Commercial

**Existing Status of the Property**

The subject property has an existing, unoccupied structure devoted to commercial use.

**Proposed Status of the Property**

The applicant proposes to establish a plumbing and heating/air company.

**Immediate Adjacent Zoning and Land Use**

- North - RU; residential
- South - RU; residential
- East - RU; residential/institutional
- West - PUD-1R; residential

**Character of the Area**

The subject property is located amid parcels devoted primarily to residential use.

### ZONING ORDINANCE CITATION

Section 26-66.4(2) authorizes the Board to permit personal and professional service establishments not permitted outright under section 26-66.2.

## CRITERIA FOR SPECIAL EXCEPTIONS

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

**1. Traffic impact.**

The average daily trips for a single tenant office is approximately 17 for a 1,500 square foot building (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.**

The potential additional impact of noise, lights, fumes or obstruction of airflow should be no greater than that already found in the area.

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

The aesthetic impact of the use on the environs should be minimal.

**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 establish a plumbing and heating/air company.

Staff did not observe any conditions or factors that would negatively impact this community by the establishment of the proposed use.

If approved, the proposed use will be subject to site plan review by staff.

## CONDITIONS

**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**

N/A

**ATTACHMENTS**

- Plat

**CASE HISTORY**

No record of previous special exception or variance request.

Rcpt # 369455

Application # 05-70

Paid \$ 50.00

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

Filed 3-31-05

**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: Northeast corner of Wilson Blvd ( Hwy 21 N.) + North Pine

TMS #: Page R-14700 Block 07 Lot 07 Zoning District C-2

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

Plumbing Company OR Heat + AC Company.

3. The Board of Zoning Appeals is authorized to grant or deny special exception of this specific nature in Section 26-66.4 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 1

2. Size and use:

- a. Square footage 1500 Use Rental
- b. Square footage \_\_\_\_\_ Use \_\_\_\_\_
- c. Square footage \_\_\_\_\_ Use \_\_\_\_\_

Danny Kiser

Appellant's Signature

Danny Kiser

Print Name

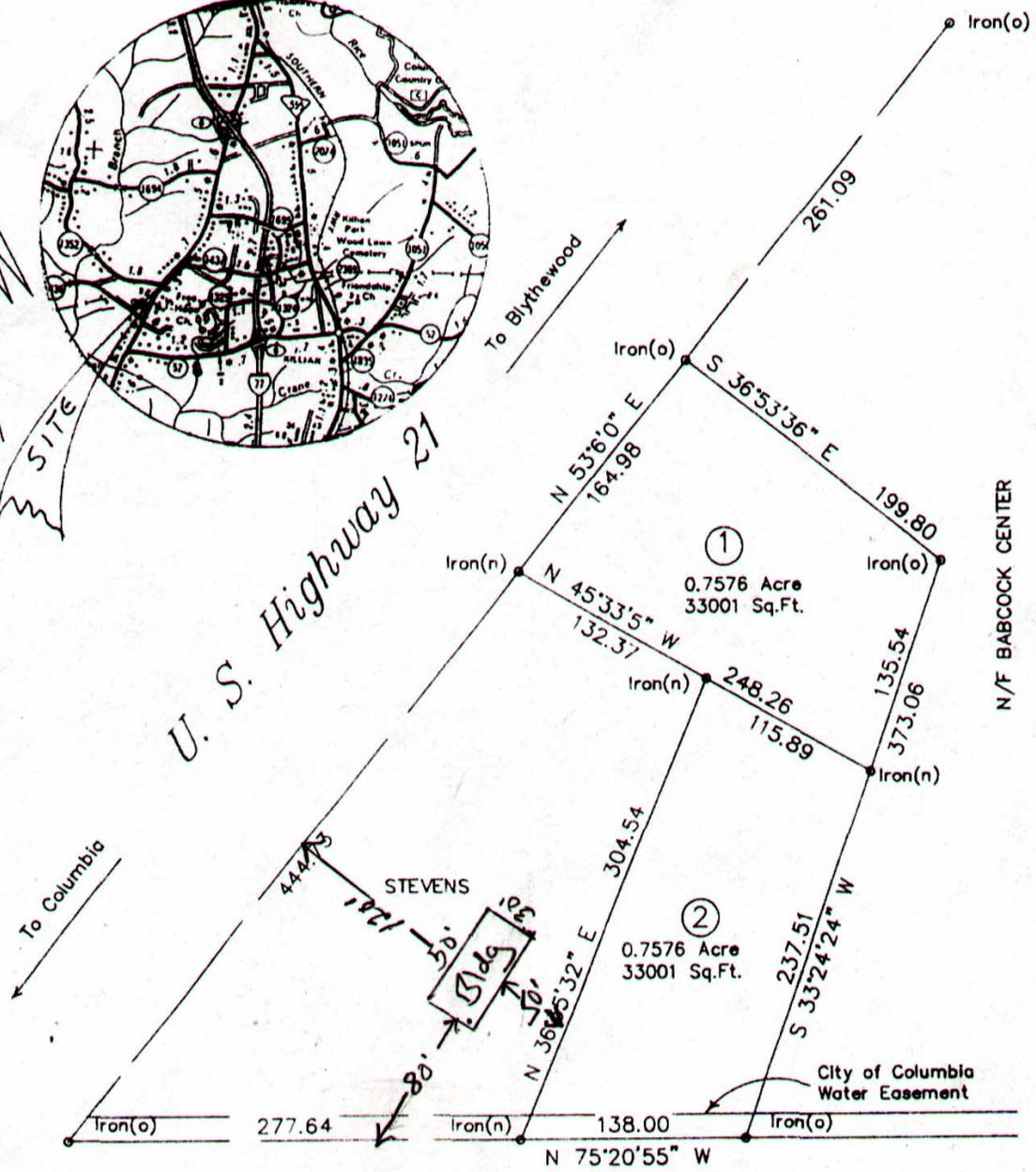
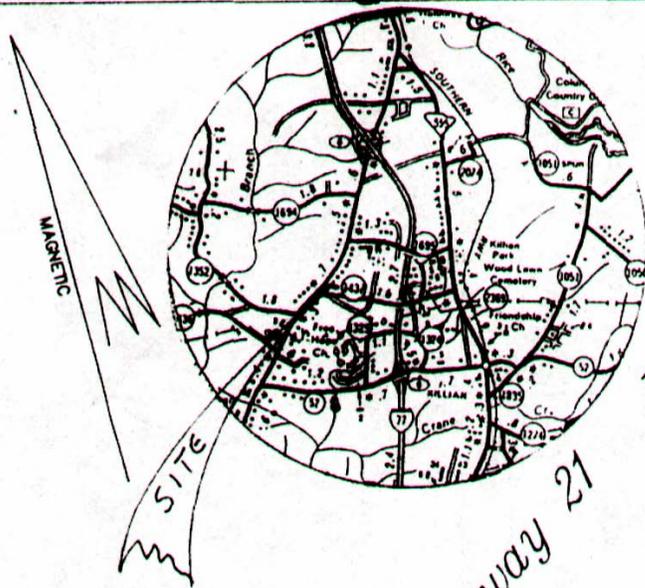
8741 Wilson Blvd

Columbia, SC 29203

Address, City, State & Zip Code

803-786-1136

Telephone Number



*NORTH PINES ROAD S-40-1437*

I HEREBY CERTIFY THAT THE PLAN SHOWN & DESCRIBED  
 HEREON IS A TRUE & CORRECT SURVEY TO THE ACCURACY  
 REQUIRED BY RICHLAND COUNTY SUBDIVISION REGULATIONS  
 AND THE MONUMENTS SHOWN HAVE BEEN PLACED TO THE  
 SPECIFICATIONS SET FORTH IN THOSE REGULATIONS.  
 8/8/50 *William M. ...*  
 PROFESSIONAL LAND SURVEYOR No. 9812

PLAT PREPARED FOR

*JEWELL H. STEVENS*

RICHLAND COUNTY near COLUMBIA, S. C.

