

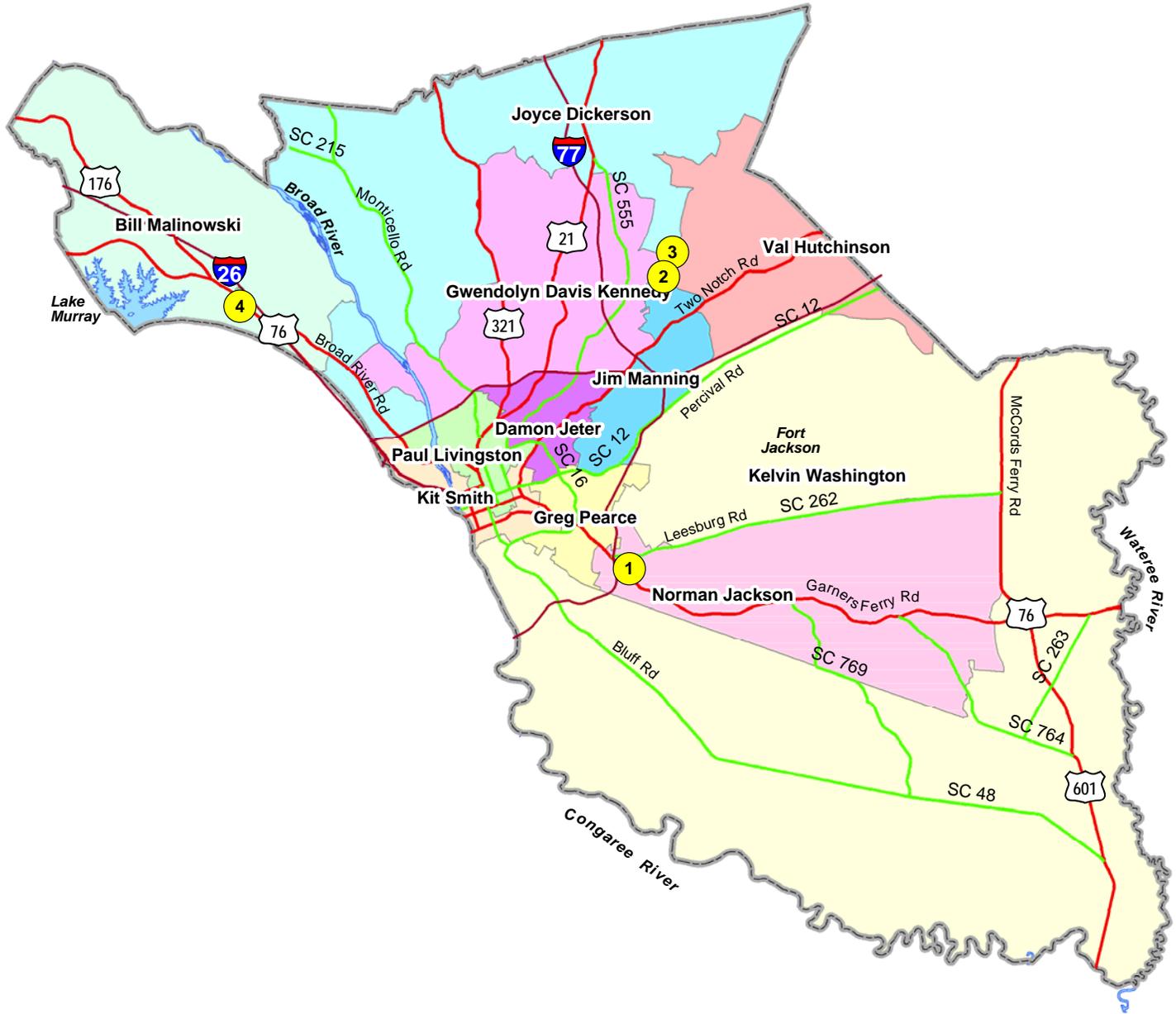
RICHLAND COUNTY  
BOARD OF  
ZONING APPEALS



Wednesday, 4 November 2009  
1:00 p.m.  
Council Chambers



# RICHLAND COUNTY BOARD OF ZONING APPEALS NOVEMBER 4, 2009



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 09-26 SE	Jonathan Yates	16409-01-09	7360 Garners Ferry Rd., Columbia	Jackson
2. 09-27 SE	Carl Parrot	20100-02-26	908 North Brickyard Rd., Columbia	Hutchinson
3. 09-28 V	Jake Williams	20281-01-59	4219 Hard Scrabble Rd., Columbia	Kennedy
4. 09-29 V	Gerald Meetze	04004-01-04	131 Ministry Dr., Irmo	Malinowski





Richland County  
Board of Zoning Appeals  
Wednesday, November 4, 2009  
2020 Hampton Street  
2<sup>nd</sup> Floor, Council Chambers  
Agenda

- I. CALL TO ORDER & RECOGNITION OF QUORUM Joshua McDuffie,  
Chairman
- II. RULES OF ORDER Amelia Linder,  
Attorney
- III. APPROVAL OF MINUTES – September, 2009
- IV. PUBLIC HEARING Geonard Price,  
Zoning Administrator

OPEN PUBLIC HEARING

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09-26 SE Request a special exception to establish a  
communication tower on property zoned General  
Commercial. (GC)  
American Tower  
Jonathan Yates  
7360 Garners Ferry Road  
Columbia, SC 29209  
16409-01-09 P. 01

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09-27 SE Request a special exception for to establish a place of  
worship on property zoned Residential, Single-Family,  
Low Density. (RS-LD)  
Rhema Word Restoration Ministries  
Carl Parrot  
908 North Brickyard Road  
Columbia, SC 29223  
20100-02-26 P. 21

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09-28 V Request a variance to encroach into the required rear  
yard setback on property zoned Office and Institutional.  
(OI)  
Stewart Enterprises, Inc.  
Jake Williams  
4219 Hardscrabble Road  
Columbia, SC 29223  
20281-01-59 P. 29

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09-29 V Request a variance to encroach into the required rear  
yard setback on property zoned General Commercial.  
(GC)  
Mak Solutions, Inc.  
Gerald Meetze  
131 Ministry Drive  
Irmo, SC 29063  
04004-01-04 P. 45

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- V. REQUEST TO SUSPEND THE RULES OF THE BOARD OF ZONING APPEALS P. 55
- A. Letter from Amelia Linder - P. 57
  - B. Request to suspend rules - P. 59
  - C. BOZA Order for Case 09-08 V - P. 65
- VI. ADJOURNMENT





4 November 2009  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

09-26 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 GC (General Commercial) district.

### GENERAL INFORMATION

**Applicant**

Jonathan Yates (American Towers)

**Tax Map Number**

16409-01-09

**Location**

7360 Garners Ferry Road

**Parcel Size**

.88± -acre tract

**Existing Land Use**

Commercial

**Existing Status of the Property**

The subject parcel is currently consists of a vacant commercial business.

**Proposed Status of the Property**

The applicant proposes to erect a 130-foot telecommunications tower, within a 3,000 (50 x 60) square foot leased area.

**Character of the Area**

The abutting and adjacent properties along Garners Ferry Road are commercially developed. A residential neighborhood is located north of the subject parcel.

### ZONING ORDINANCE CITATION

Table 26-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to authorize radio, television and all other types of communications towers subject to the provisions of section 26-152 (d) (22).

### CRITERIA FOR SPECIAL EXCEPTIONS

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

1. **Traffic impact.**
2. **Vehicle and pedestrian safety.**
3. **Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.**
4. **Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view.**
5. **Orientation and spacing of improvements or buildings.**

**Special exception requirements (as found in section 26-152 (d) (22)):**

*(22) Radio, television and telecommunications and other transmitting towers.*

- a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; LI Light Industrial; Heavy Industrial.
- b. Communication towers shall have a maximum height of three hundred (300) feet. For towers on buildings, the maximum height shall be twenty (20) feet above the roofline of buildings forty (40) feet or four stories in height or less. For buildings greater than four stories or forty-one (41) feet in height, the maximum height of communication towers shall be forty feet above the roofline.
- c. The minimum setbacks for communication towers from abutting districts shall be as follows: (Ord. No. 040-09HR; 7-21-09)
  1. Communication towers abutting a residentially zoned parcel shall have a minimum setback of one (1) foot for each foot of height of the tower as measured from the base of the tower. The maximum required setback shall be two hundred and fifty (250) feet. (Ord. No. 040-09HR; 7-21-09)
  2. Communication towers abutting a non-residentially zoned parcel with a habitable residential dwelling shall have a minimum setback of fifty (50) feet. (Ord. No. 040-09HR; 7-21-09)
  3. Communication towers abutting a non-residentially zoned parcel without a habitable residential dwelling shall observe the setbacks of the district in which it is located. (Ord. No. 040-09HR; 7-21-09)
- d. The proposed user must show proof of an attempt to collocate on existing communication towers, and must be willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure. Evidence of an attempt to collocate must show that alternative towers, buildings, or other structures are not available for use 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 of interference from other communication towers.
- e. 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, the Federal Aviation Administration, or other regulatory agency.
- f. Each communication tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.
- g. Each communication tower site shall be landscaped in accordance with the requirements of Section 26-176 of this chapter.
- h. No signage may be attached to any portion of a communications tower. Signs for the purpose of identification, warning, emergency function or contact or other as required by applicable state or federal rule, law, or regulation may be placed as required by standard industry practice.
- i. 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.

## DISCUSSION

The applicant proposes to erect a 130-foot telecommunications tower, within a 3,000 square foot leased compound.

Staff visited the site.

The tower is proposed to be located 3' feet from the eastern side property line and approximately 98.09 feet from the rear property line, which abuts a residentially zone district. According to the provisions of subsection 26-152 (d) (22) (c) (1), towers must have a setback, from the property line which abuts a residentially zoned district, that is equal to the height of the tower, up to 250 feet.

Meeting the criteria for a special exception in section 26-152 (d) (22) (c) may indicate that the applicant has taken necessary measures to minimize the impact of a communication tower on the surrounding area. According to the applicant, the tower will be 130 feet from the nearest existing residential district line. Staff believes that this request will not impair the properties in the immediate or surrounding area.

The applicant must address, before the Board, the special exception requirements of section 26-152 (d) (22) (d).

Staff recommends approval for this request, provided the tower is relocated to meet the 130 foot setback from the property line abutting Asbury Drive.

## CONDITIONS

### **Section 26-56 (f) (3)**

(3) Conditions: In granting a special exception, the board of zoning appeals may prescribe conditions and safeguards in addition to those spelled out in this chapter. The board of zoning appeals may also prescribe a time limit within which the special exception shall be begun or completed, or both. All conditions placed on the project by the board of zoning appeals shall be incorporated into such project.

## OTHER RELEVANT SECTIONS

N/A

## ATTACHMENTS

- Site plan

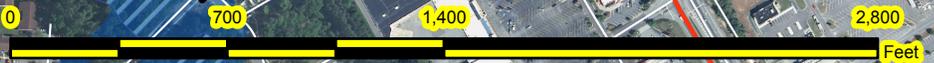
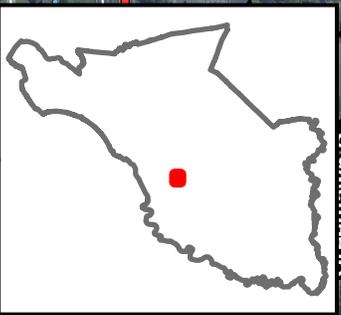
## CASE HISTORY

No record of previous special exception or variance request.

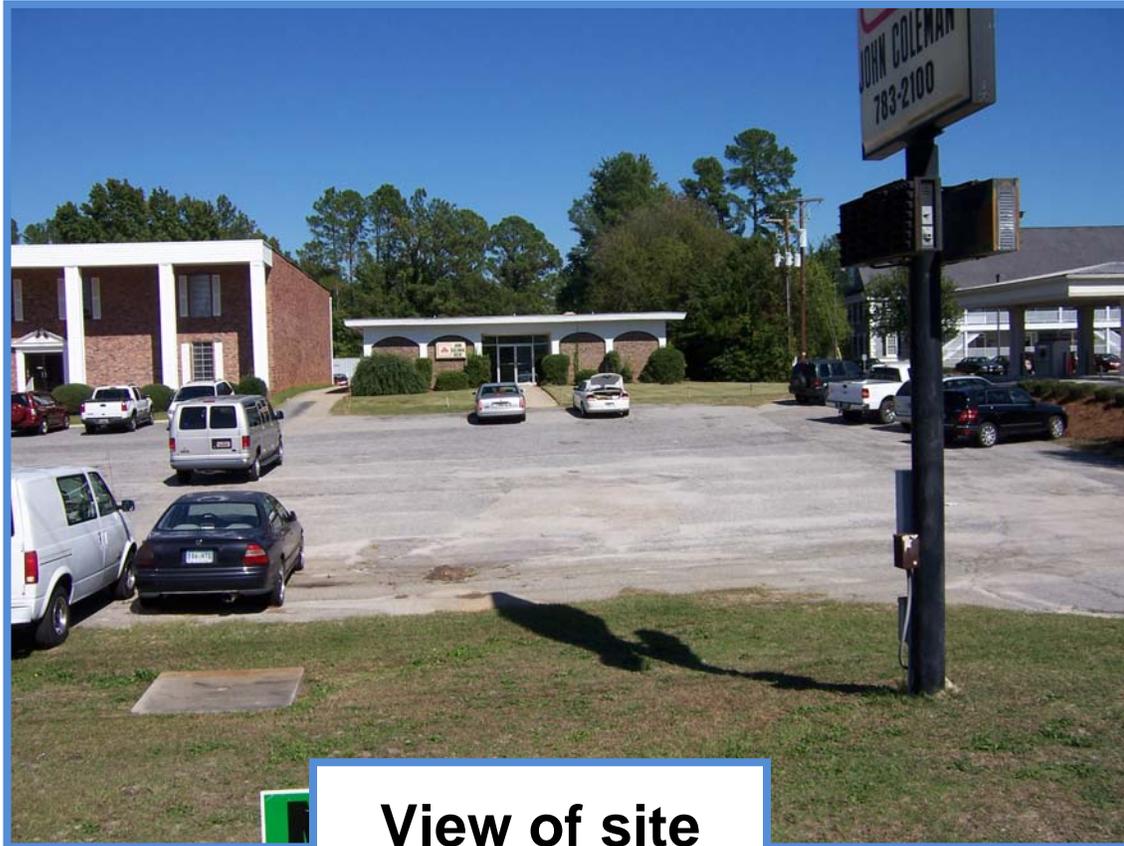
**CASE 09-26 SE  
AMERICAN TOWER  
Jonathan Yates  
TMS 16409-01-09**

**Site**

-  FLOOD ZONE A
-  FLOOD ZONE AE
-  WETLANDS



09-26 SE  
7360 Garners Ferry Road  
TMS: 16409-01-09



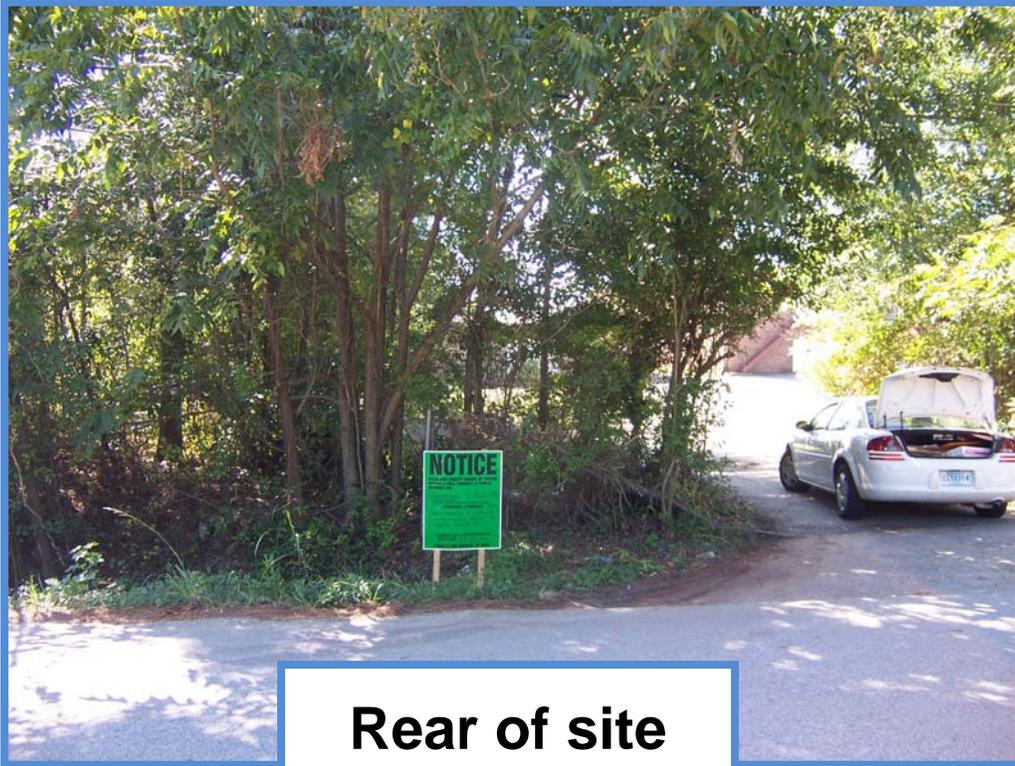
**View of site**



**Abutting commercial properties**



09-26 SE  
7360 Garners Ferry Road  
TMS: 16409-01-09



**Rear of site**



**View of properties in the rear of the site**



AT&T Mobility  
2002 Pisgah Church Road  
Suite 300  
Greensboro, NC 27455

F: 336.545.2705  
www.att.com

August 11, 2009

Mr. Geonard Price  
Zoning Administrator, Richland County  
Planning and Development Department  
2020 Hampton Street  
Columbia, SC 29204

Re: AT&T Site Name: Ashbury – Site # 091-048

Dear Mr. Price:

AT&T plans to place their equipment on a proposed monopole style wireless communications facility to be built by American Tower Corporation at 7360 Garners Ferry Road in Richland County. It is AT&T's policy in Richland County to first exhaust any collocation possibilities prior to going on a new tower. In the case of the proposed monopole style wireless communications facility to be located at 7360 Garners Ferry Road in Richland County, there were no alternative towers, buildings or other structures available for use by AT&T and capable of meeting our network objectives in this tower site search area. If there had been a viable alternative, AT&T would have used it.

Thank you very much for your time and consideration in this matter. If you have any further questions, please do not hesitate to contact me at 336-508-5869.

Yours very truly,

Stephen M. Howard  
Real Estate Manager-Carolinas

**Jonathan L. Yates**  
Member  
Admitted in SC

December 31, 2008

**BY HAND DELIVERY**

Geonard Price  
Richland County Zoning Administrator  
2020 Hampton Avenue  
Columbia, SC 29202  
803.576.2171

Re: American Tower  
Ashbury Park - 7360 Garners Ferry Road; Columbia, SC 29029

Dear Mr. Price:

On behalf of our client, American Tower Corporation, I am enclosing for your review the following details regarding compliance of the above the proposed monopole style wireless telecommunications facility with the Richland County Land Development Ordinance, Section 26-152.

**Charleston**

Charlotte

Columbia

Greensboro

Greenville

Hilton Head

Myrtle Beach

Raleigh

(24) Radio, Television and Telecommunications, and Other Transmitting Towers.

a. Use districts: rural; office and institutional; neighborhood commercial; rural commercial; general commercial; LI light industrial; heavy industrial.

**This proposed tower shall be located in the General Commercial district of Richland County.**

b. Communication towers shall have a maximum height of three hundred (300) feet. For towers on buildings, the maximum height shall be twenty (20) feet above the roofline of buildings forty (40) feet or four stories in height or less. For buildings greater than four stories or forty-one (41) feet in height, the maximum height of communication towers shall be forty feet above the roofline.

**This proposed tower is a 130' monopole tower, which easily meets the requirements of this section.**

205 King Street  
Suite 400 (29401)  
PO Box 486  
Charleston, SC 29402  
www.nexsenpruet.com

T 843.720.1768  
F 843.414.8224  
E JYates@nexsenpruet.com  
Nexsen Pruet, LLC  
**Attorneys and Counselors at Law**

NPCHAR1:454164.1-LT-(JYATES) 041582-00001

c. The minimum setbacks for communication towers from certain uses shall be as follows:

1. In no case shall a communication tower be located within fifty (50) feet of a residential zoning district or an inhabited residential dwelling.

**The proposed tower meets the setback requirements. These details can be found on page A-0 of the site plan drawings, which are attached hereto as Exhibit A.**

2. For towers in excess of fifty (50) feet, the setback shall increase one (1) foot for each foot of height of the tower as measured from the base of the tower. The maximum required separation being two hundred and fifty (250) feet.

**The proposed tower meets the setback requirements. These details can be found on page A-0 of the site plan drawings, which are attached hereto as Exhibit A.**

d. The proposed user must show proof of an attempt to collocate on existing communication towers, and must be willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure. Evidence of an attempt to collocate must show that alternative towers, buildings, or other structures are not available for use 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 of interference from other communication towers.

**There were no existing towers, alternative towers, buildings, or other structures available in the vicinity of the proposed monopole as stated in the letter of Stephen M. Howard, Real Estate Manager Carolinas and further, ASR Registration Search Results indicate that there are no existing towers, within a half mile radius. The letter of Stephen Howard is attached hereto as Exhibit B. Further, American Tower Corporation has designed this facility for collocation by at least 3 additional carriers as shown on Page A-2 of the site plans which are attached hereto as Exhibit "A"**

e. 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, the Federal Aviation Administration, or other regulatory agency.

**As the monopole is only 130 Ft., the FAA will not require illumination.**

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

**This proposed communications tower and associated structures shall be appropriately secured by means of an eight-foot non-climbable wooden fence as shown on sheet A-3 of the site plans drawings, attached hereto as Exhibit A.**

g. Each communication tower site shall be landscaped in accordance with the requirements of Section 26-176 of this chapter.

**The tower site will be landscaped in accordance with the requirements of Section 26-176 of this chapter. Landscaping details can be found on sheet L-1 of the site plan drawings, attached hereto as Exhibit A.**

h. No signage may be attached to any portion of a communications tower. Signs for the purpose of identification, warning, emergency function or contact or other as required by applicable state or federal rule, law, or regulation may be placed as required by standard industry practice.

**Signs for the purpose of identification, warning, emergency function, and contact will be placed as required by applicable state and federal law. Examples of such signs and other signs required by the FAA may be found on sheet A-6 of the site plan drawings, attached hereto as Exhibit A.**

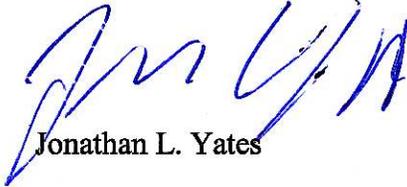
i. A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

**American Tower Corporation has agreed to remove the tower and/or antenna within 120 days after cessation of use as is provided in the letter by Jason Groseclose, Project Manager for American Tower Corporation attached hereto as Exhibit C.**

After you have time to review the enclosed, feel free to call me at 843-720-1768 or 843-813-0103 with any questions you might have. We respectfully request that this application be placed on the November 2009 agenda of the Richland County Board of Zoning Appeals.

American Tower  
September 25, 2009  
Page 4

Very truly yours,



Jonathan L. Yates

JLY/jt



September 14, 2009

Geonard Price  
Richland County  
Zoning Administrator  
2020 Hampton Street, 1<sup>st</sup> Floor  
Columbia, SC 29202

Re: Wireless Communications Facility Application- Tower Removal

Dear Richland County Zoning Administrator,

Please accept the signed statement below as confirming §§ 26-152, paragraph 24(i) of the Richland County Zoning Ordinance:

American Tower, its successors and assigns, provide this statement declaring itself, its successors and assigns of being financially responsible to assure the proposed communications tower which is no longer used for communications purposes will be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

Applicant: American Tower

A handwritten signature in blue ink, appearing to read 'Jason G. Groseclose', written over a horizontal line.

Acknowledged and Accepted

By: Jason G. Groseclose

Its: Project Manager - Tower Development

Date: 9/14/2009

Cc: Jonathan L. Yates, Esquire



Federal Aviation Administration  
 Air Traffic Airspace Branch, ASW-520  
 2601 Meacham Blvd.  
 Fort Worth, TX 76137-0520

Aeronautical Study No.  
 2009-ASO-4939-OE

Issued Date: 09/08/2009

FAA / FCC Department  
 American Tower GA  
 1898 Leland Drive  
 Marietta, GA 30067

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:           Antenna Tower 273216 ASHBURY  
 Location:            COLUMBIA, SC  
 Latitude:            33-58-13.83N NAD 83  
 Longitude:          80-56-46.86W  
 Heights:             135 feet above ground level (AGL)  
                           365 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

To coordinate frequency activation and verify that no interference is caused to FAA facilities, prior to beginning any transmission from the site you must contact Roger Smith @ 803-822-4410.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 03/08/2011 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.**

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will

void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (425) 203-4562. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2009-ASO-4939-OE.

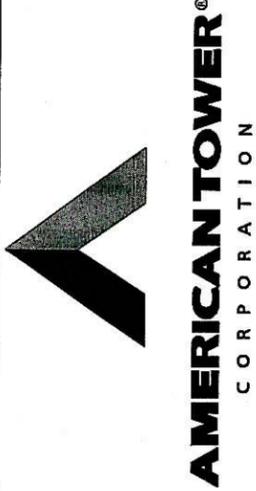
**Signature Control No: 650199-118427954**  
Kathie Curran  
Specialist

(DNE)

Attachment(s)  
Frequency Data

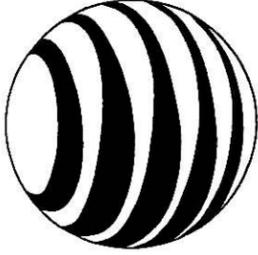
Frequency Data for ASN 2009-ASO-4939-C

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W

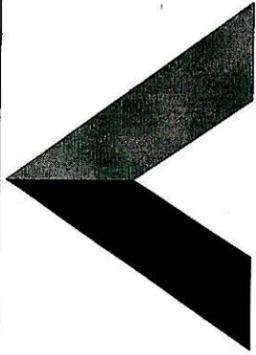


AT&T SITE NUMBER:  
**273216**

AT&T SITE NAME:  
**ASHBURY**



at&t



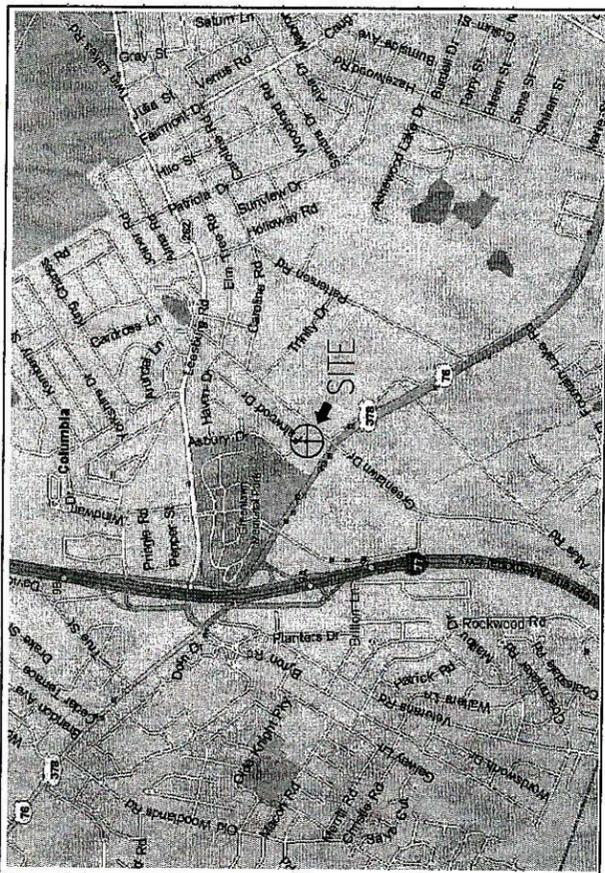
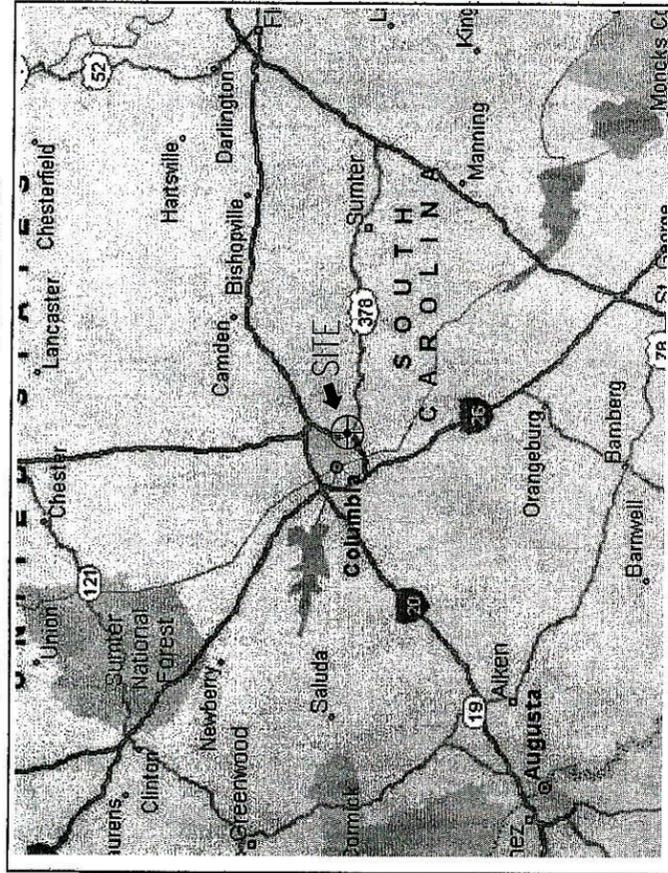
AMERICAN TOWER®

CORPORATION  
PROPOSED MONOPOLE IN A  
RAWLAND LEASE AREA

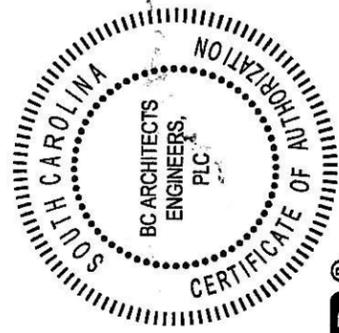
CALL P.U.P.S. FOR UNDERGROUND UTILITIES PRIOR TO DIGGING (888) 721-7877  
DIG ALERT:  
EMERGENCY:  
CALL 911

AT&T SITE NAME:  
—

AT&T SITE NUMBER:  
**091-048**



DIRECTIONS TO SITE:  
FROM I-77 NORTH, TAKE EXIT 9A, TURN RIGHT ONTO GARNER'S FERRY RD. GO APPROXIMATELY .4 MILES AND TURN LEFT ONTO GREENLAWN RD. TAKE FIRST LEFT ONTO ASHBURY RD. AND TURN LEFT INTO THE FIRST DRIVE.



ISSUED FOR CONSTRUCTION

APPROVAL	SIGNATURE	PHONE NUMBER	DATE
OWNER'S AGENT APPROVAL			
ATC CONSTRUCTION COORDINATOR			
ATC APPROVAL			

SET NO.	DESCRIPTION	BY	DATE	SET NO.	DESCRIPTION	BY	DATE
1				5			
2				6			
3				7			
4				8			

**ARCHITECT & ENGINEERING FIRM:**  
BC ARCHITECTS ENGINEERS, PLC  
5659 COLUMBIA PIKE, SUITE 101  
FALLS CHURCH, VA 22041-2868  
TEL: (703) 671-6000  
FAX: (703) 671-6300

**CONTACT:** CHRIS MORIN

**SURVEYOR:**  
STAR SURVEY, INC.  
702 EDGEFIELD ROAD  
NORTH AUGUSTA, SC 29841  
TEL: (803) 613-0377  
FAX: (803) 613-0378

**SOIL ENGINEER:**  
NOT APPLICABLE

**STRUCTURAL ENGINEER:**  
BC ARCHITECTS ENGINEERS, PLC  
5659 COLUMBIA PIKE, SUITE 101  
FALLS CHURCH, VA 22041-2868  
TEL: (703) 671-6000  
FAX: (703) 671-6300

**UTILITIES:**  
POWER COMPANY: SCE&G  
COMPANY NAME: SCE&G  
CONTACT: CUSTOMER SERVICE  
TEL: (800) 251-7234  
FAX: —

**TELEPHONE COMPANY:**  
COMPANY NAME: AIRT  
CONTACT: CUSTOMER SERVICE  
TEL: (800) 469-7928  
FAX: —

**CONSULTING TEAM**

**SITE NAME:** ASHBURY  
**SITE NUMBER:** 273216  
**SITE ADDRESS:** 7360 GARNER'S FERRY ROAD, COLUMBIA, SC 29029

**PROPERTY OWNER:** JOHN COLEMAN, PO BOX 8386, COLUMBIA, SC 29280  
**CONTACT:** SAE, TEL: (803) 763-2100

**APPLICANT BUILDING INFO:** AMERICAN TOWER CORP., 498 LONG POINT ROAD, MOUNT PLEASANT, SC 29464  
**TEL:** (843) 971-8395  
**FAX:** (843) 971-8889

**PROJECT DESCRIPTION:** AN UNMANNED RADIO TELECOMMUNICATIONS FACILITY CONSISTING OF A 130' MONOPOLE IN A RAWLAND LEASE AREA

**CONTACT:** JASON GROSECLOSE, TEL: (843) 224-3776

**ADA COMPLIANCE:** FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION

**PROJECT DATA:** ZONING: GC, RICHLAND COUNTY; TAX PARCEL NO: R16469-01-09; LEASE AREA: 50\*60'

**GEOGRAPHIC COORDINATES:** LATITUDE: 33° 58' 13.831" (NAD 83); LONGITUDE: 80° 56' 46.655" (NAD 83); 1A GROUND ELEVATION: 228.84' ASSL (NAD 88)

**PROJECT SUMMARY**

SHEET NUMBER:	DESCRIPTION:
T-1	TITLE SHEET, VICINITY MAP AND GENERAL INFORMATION
C1	SURVEY
A-0	SITE PLAN
A-1	ENLARGED SITE PLAN
A-2	TOWER ELEVATION
A-3	FENCE & GATE DETAILS
A-4	DETAILS
A-5	LEGEND & DETAILS
A-6	SIGNAGE
A-7	EQUIPMENT CONCRETE SUB PLAN
A-8	ICE BRIDGE ELEVATION
A-9	DETAILS
A-10	ANTENNA DETAILS
G-1	GRAVING PLAN
L-1	LANDSCAPING PLAN
E-1	UTILITY & GROUNDING PLAN
E-2	ENLARGED GROUNDING PLAN
E-3	ELECTRICAL DETAILS
E-4	ELECTRICAL NOTES
E-5	ELECTRICAL NOTES
E-6	ELECTRICAL DETAILS
E-7	ELECTRICAL NOTES
E-8	ELECTRICAL NOTES
SP-1	SPECIFICATIONS
SP-2	SPECIFICATIONS

**SHEET INDEX**

**AMERICAN TOWER CORPORATION**  
498 LONG POINT ROAD  
MOUNT PLEASANT, SC 29464  
TEL: (843) 971-6385  
FAX: (843) 971-8889

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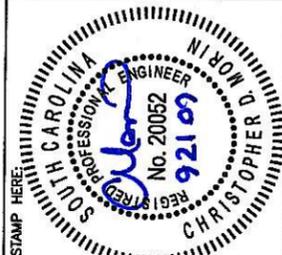
**architects engineers**  
5659 COLUMBIA PIKE, SUITE 101  
FALLS CHURCH, VA 22041-2868  
TEL: (703) 671-6000  
FAX: (703) 671-6300

NO.	DESCRIPTION	BY	DATE

ATC SITE NUMBER:  
**273216**

ATC SITE NAME:  
**ASHBURY**

SITE ADDRESS:  
7360 GARNER'S FERRY ROAD  
COLUMBIA, SC 29029



DRAWN BY:	AGT
CHECKED BY:	DRS
DATE DRAWN:	09-10-09
SUBMISSION:	FINAL CD'S

SHEET TITLE:  
**TITLE SHEET, VICINITY MAP AND GENERAL INFORMATION**

SHEET NUMBER:  
**T-1**

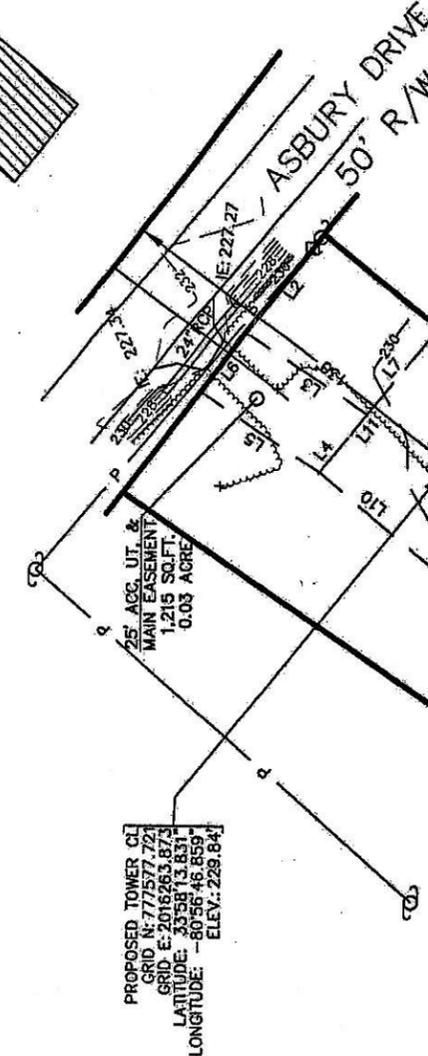
REV. #

**LEGAL DESCRIPTION.**  
Portions of that certain piece, parcel or lot of land, situate, lying, and being in Columbia, in the County of Richland, in the State of South Carolina, being the property of John & Amy Coleman, also known as Tax Parcel No. R16409-01-09, and being more fully shown and designated on the "Lease Site and Access, Utility, & Maintenance Easement Exhibit" prepared by Star Survey, Inc., dated July 27, 2009, and having the following metes and bounds to wit:

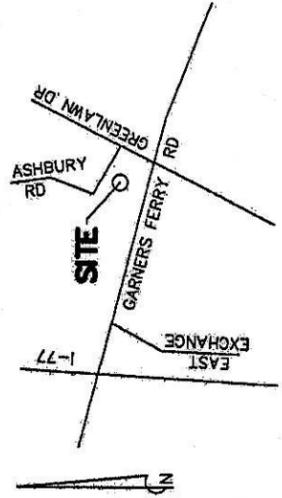
**LEASE AREA**  
Beginning at a iron pin found on the northern right-of-way of Garners Ferry Road, said pin being the southern most corner of the property described above, having state plane coordinates of N: 777298.9037, E: 2016075.9136; thence N2937°02'E for a distance of 417.00 feet to a point, thence N5239°52'W for a distance of 43.17 feet to a point, thence S3326°58'E for a distance of 49.09 feet to a point, thence S5022°58'E for a distance of 34.85 feet to a point, said point being the true Point of Beginning of the lease area, thence S3937°02'W for a distance of 50.00 feet to a point, thence N5022°58'W for a distance of 60.00 feet to a point, thence N3937°02'E for a distance of 50.00 feet to a point, thence S5022°58'E for a distance of 60.00 feet to a point, said point being the true Point of Beginning of the lease area, containing 3,000 square feet/0.07 acre.

**25' ACCESS, UTILITY, AND MAINTENANCE EASEMENT**  
Beginning at a iron pin found on the northern right-of-way of Garners Ferry Road, said pin being the southern most corner of the property described above, having state plane coordinates of N: 777298.9037, E: 2016075.9136; thence N2937°02'E for a distance of 417.00 feet to a point, thence N5239°52'W for a distance of 43.17 feet to a point, said point being the true Point of Beginning of the 25' Access, Utility, and Maintenance Easement, thence S3326°58'W for a distance of 49.09 feet to a point, thence N5022°58'W for a distance of 25.15 feet to a point, thence N3326°52'E for a distance of 48.09 feet to a point, thence S5239°52'E for a distance of 25.06 feet to a point, said point being the true Point of Beginning of the 25' Access, Utility, and Maintenance Easement, containing 1,402 square feet/0.03 acre.

LINE	BEARING	LENGTH
L1	N39°37'02"E	417.00
L2	N52°39'52"W	43.17
L3	S33°26'52"W	49.09
L4	N50°22'58"W	25.15
L5	N53°26'52"E	48.09
L6	S52°39'52"E	25.06
L7	S50°22'58"E	34.85
L8	S39°37'02"W	50.00
L9	N50°22'58"W	60.00
L10	N39°37'02"E	50.00
L11	S50°22'58"E	60.00



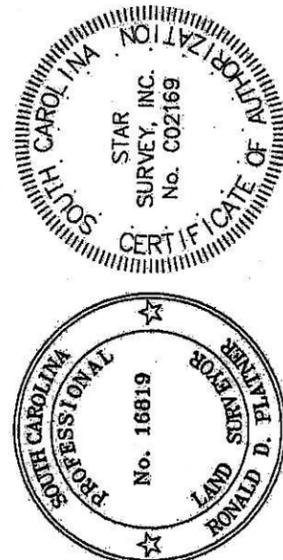
**REFERENCE:**  
1. PLAT BY JAMES PERRY BY MCMILLIAN ENGINEERING CO, 12/8/65, PB 28, PG 577.



**SITE MAP**  
N.T.S.

LEGEND	
CH. LNK. FENCE	-o-
B. WIRE FENCE	-x-
POWER LINE	-P-
TELE. LINE	-T-
SIGN	⊙
FIRE HYDRANT	⊕
WATER VALVE	⊖
WATER METER	⊗
TELE. BOX	⊠
S.S. MH	⊡
STORM MH	⊢
GROUND ROD	+
PROP. CORNER	⊙
POWER POLE	⊕
PP W/ G. WIRE	⊗
LIGHT POLE	⊙
BM OR GPS PT	⊕
ELEC. RACK	⊖
ICE BRIDGE	⊗
CONC. PAD	⊠
EQUIP. PAD	⊡
POWER BOX	⊢

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE CALCULATED BOUNDARY LINES OF THE LEASE SITE AND EASEMENT SHOWN HEREIN ARE EQUIVALENT TO THE CLASS "B" ACCURACY REQUIREMENTS AS SPECIFIED IN THE "MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA."



RONALD D. PLATNER, P.L.S. NO. 16819

REVISIONS			
NO.	DATE	DESCRIPTION	BY

**NOTES:**  
1) THIS EXHIBIT REPRESENTS THE LEASE SITE AND ACCESS, UTILITY AND MAINTENANCE EASEMENTS ONLY AND IS NOT INTENDED FOR ANY OTHER USE.  
2) ALL BEARINGS ARE SOUTH CAROLINA STATE GRID, ALL COORDINATES ARE NAD 83 AND ALL ELEVATIONS ARE NAVD 88.  
3) TAX MAP PARCEL NO. R16409-01-09  
4) RATIO OF PRECISION = 1/10,000.  
5) AREA BY COORDINATE METHOD.  
6) THE LOCATIONS OF ANY UNDERGROUND UTILITIES IF SHOWN ARE BASED ON PAINTED MARKINGS OBSERVED IN THE FIELD AND/OR ARE APPROXIMATE.  
7) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS OR RIGHTS-OF-WAY NOT SHOWN HEREIN.

**NOTE:**  
THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY BY STAR SURVEY, INC. PROPERTY LINES WERE TAKEN FROM EXISTING FIELD EVIDENCE, EXISTING DEEDS AND PLATS OF PUBLIC RECORD FROM SURVEYS AND DOCUMENTS PROVIDED TO THE SURVEYOR BY THE OWNER OR CLIENT.  
I HEREBY CERTIFY THAT I HAVE CONSULTED THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP NO. 45079C0179G DATED 1/19/94; AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THE SUBJECT PROPERTY IS LOCATED IN "ZONE X" WHICH IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE A, B, OR V.  
LEASE SITE AND ACCESS, UTILITY, & MAINTENANCE EASEMENT EXHIBIT

PREPARED FOR  
**BC**  
ARCHITECTS  
ENGINEERS  
SITE INFORMATION:  
ASHBURY  
TOWER SITE  
SITE ID#: 273216  
7360 GARNER'S FERRY ROAD  
COLUMBIA, RICHLAND COUNTY, SC

**STAR SURVEY, INC.**  
702 EDGEFIELD ROAD  
NORTH AUGUSTA, S.C. 29841  
TELE. (803) 613-0377 FAX. (803) 613-0378

SCALE: 0' 30' 60' 120'  
1" = 60'

DRAWING NAME 092832.DWG	DATE 7/27/09	SHEET NO. C1
PROJECT NO. 092832	FIELD BOOK NO. (SEE FILE)	

**AMERICAN TOWER CORPORATION**  
 496 LONG POINT ROAD  
 MOUNT PLEASANT, SC 29464  
 TEL: (843) 971-8385  
 FAX: (843) 971-8889

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**BC Architects engineers**  
 5659 COLUMBIA PIKE, SUITE 101  
 FALLS CHURCH, VA 22041-2868  
 TEL: (703) 671-6000  
 FAX: (703) 671-6300

NO.	DESCRIPTION	BY	DATE
1			
2			
3			
4			
5			

ATC SITE NUMBER:  
**273216**

ATC SITE NAME:  
**ASHBURY**

SITE ADDRESS:  
**7360 GARNER'S FERRY ROAD  
 COLUMBIA, SC 29029**

STAMP HERE

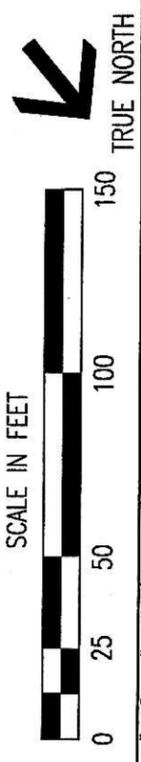
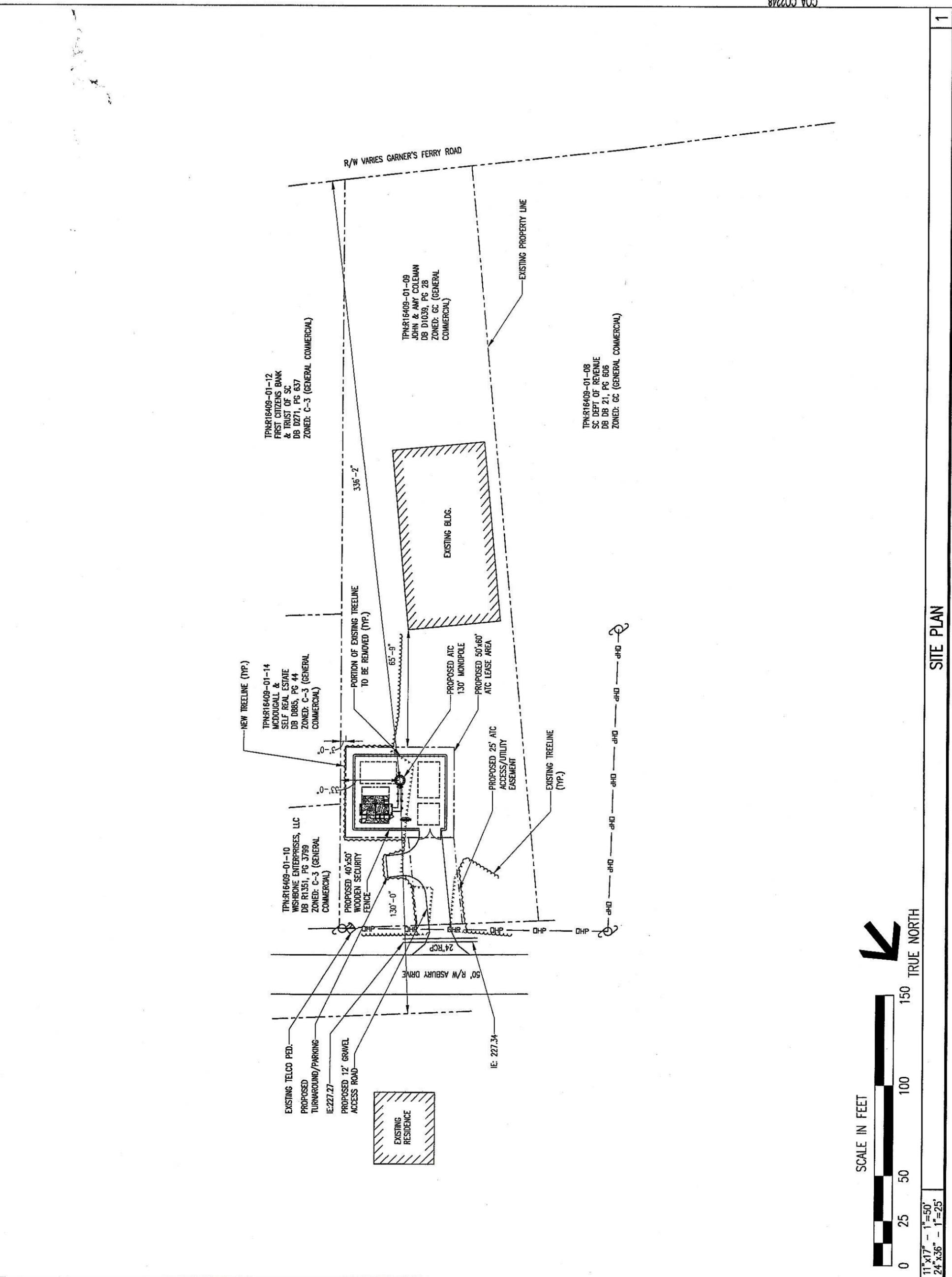
**CHRISTOPHER D. MORIN**  
 ENGINEER  
 No. 20052  
 92109

DRAWN BY:	AGT
CHECKED BY:	DRS
DATE DRAWN:	09-10-09
SUBMISSION:	FINAL CD'S
SHEET TITLE:	

**SITE PLAN**

SHEET NUMBER: **A-0**

REV. #



11'x17' - 1"=50'  
 24'x36' - 1"=25'

**SITE PLAN**

1

**AMERICAN TOWER CORPORATION**  
 496 LONG POINT ROAD  
 MOUNT PLEASANT, SC 29464  
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 FAX: (843) 971-8888

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 5659 COLUMBIA PIKE, SUITE 101  
 FALLS CHURCH, VA 22041-2868  
 TEL: (703) 671-8000  
 FAX: (703) 671-8300

NO.	DESCRIPTION	BY	DATE

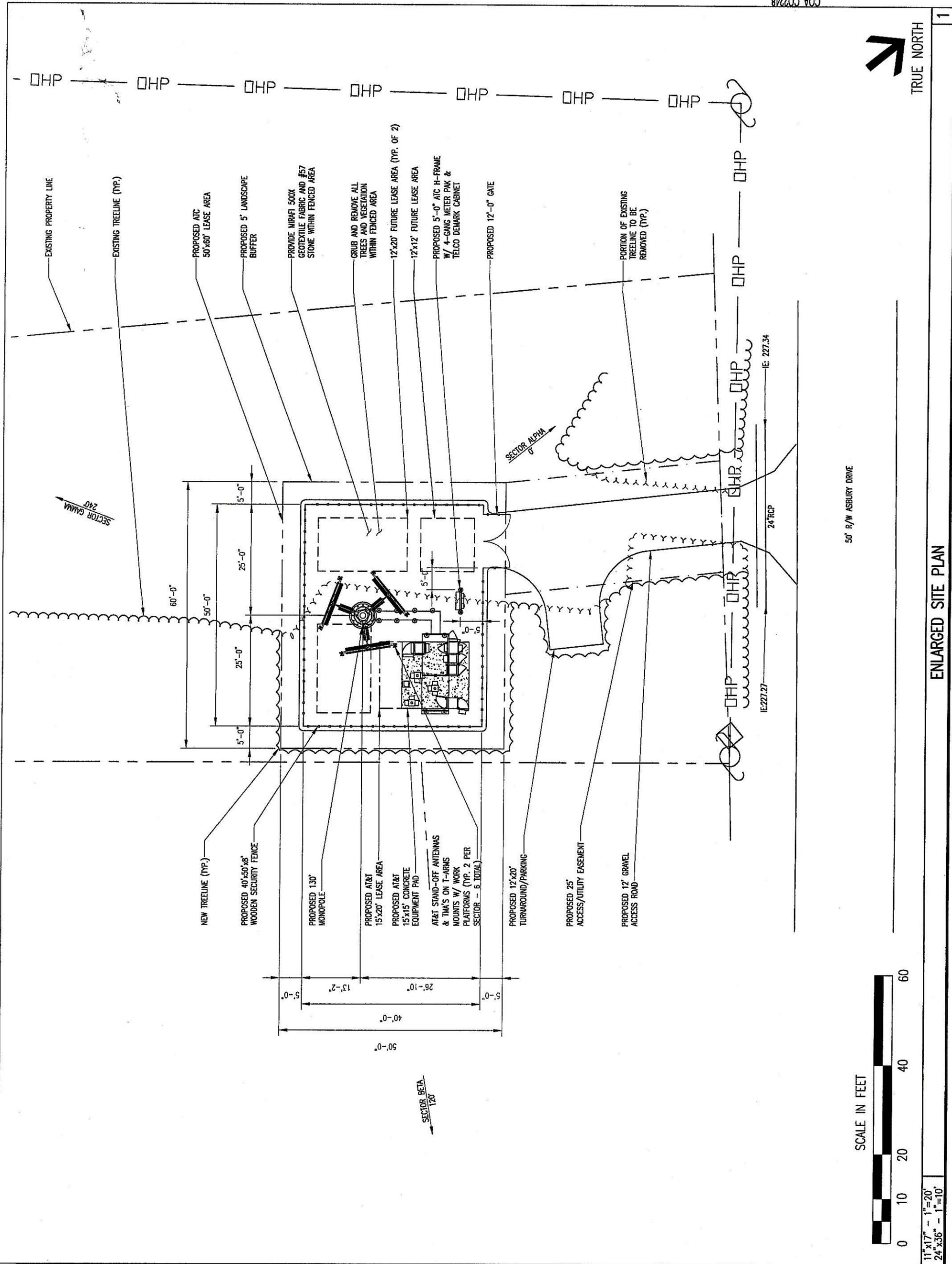
ATC SITE NUMBER:  
**273216**  
 ATC SITE NAME:  
**ASHBURY**  
 SITE ADDRESS:  
**7360 GARNER'S FERRY ROAD  
 COLUMBIA, SC 29029**

STAMP HERE:  
 SOUTH CAROLINA REGISTERED PROFESSIONAL ENGINEER  
 No. 20052  
 92109  
 CHRISTOPHER D MORIN

DRAWN BY:	ACT
CHECKED BY:	DRS
DATE DRAWN:	09-10-09
SUBMISSION:	FINAL CD'S
SHEET TITLE:	

**ENLARGED SITE PLAN**

SHEET NUMBER:  
**A-1**  
 REV. #



11" x 17" - 1" = 20'  
 24" x 36" - 1" = 10'

ENLARGED SITE PLAN

TRUE NORTH

**AMERICAN TOWER**  
CORPORATION  
486 LONG POINT ROAD  
MOUNT PLEASANT, SC 29464  
TEL: (843) 971-8385  
FAX: (843) 971-8889

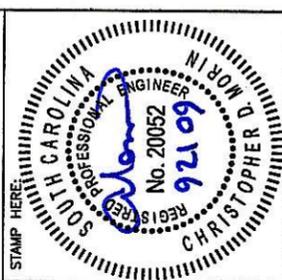
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**BC**  
**architects**  
**engineers**  
5659 COLUMBIA PKW. SUITE 101  
FALLS CHURCH, VA 22041-2888  
TEL: (703) 671-6000  
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NO.	DESCRIPTION	BY	DATE
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ATC SITE NUMBER:  
**273216**  
ATC SITE NAME:  
**ASHBURY**

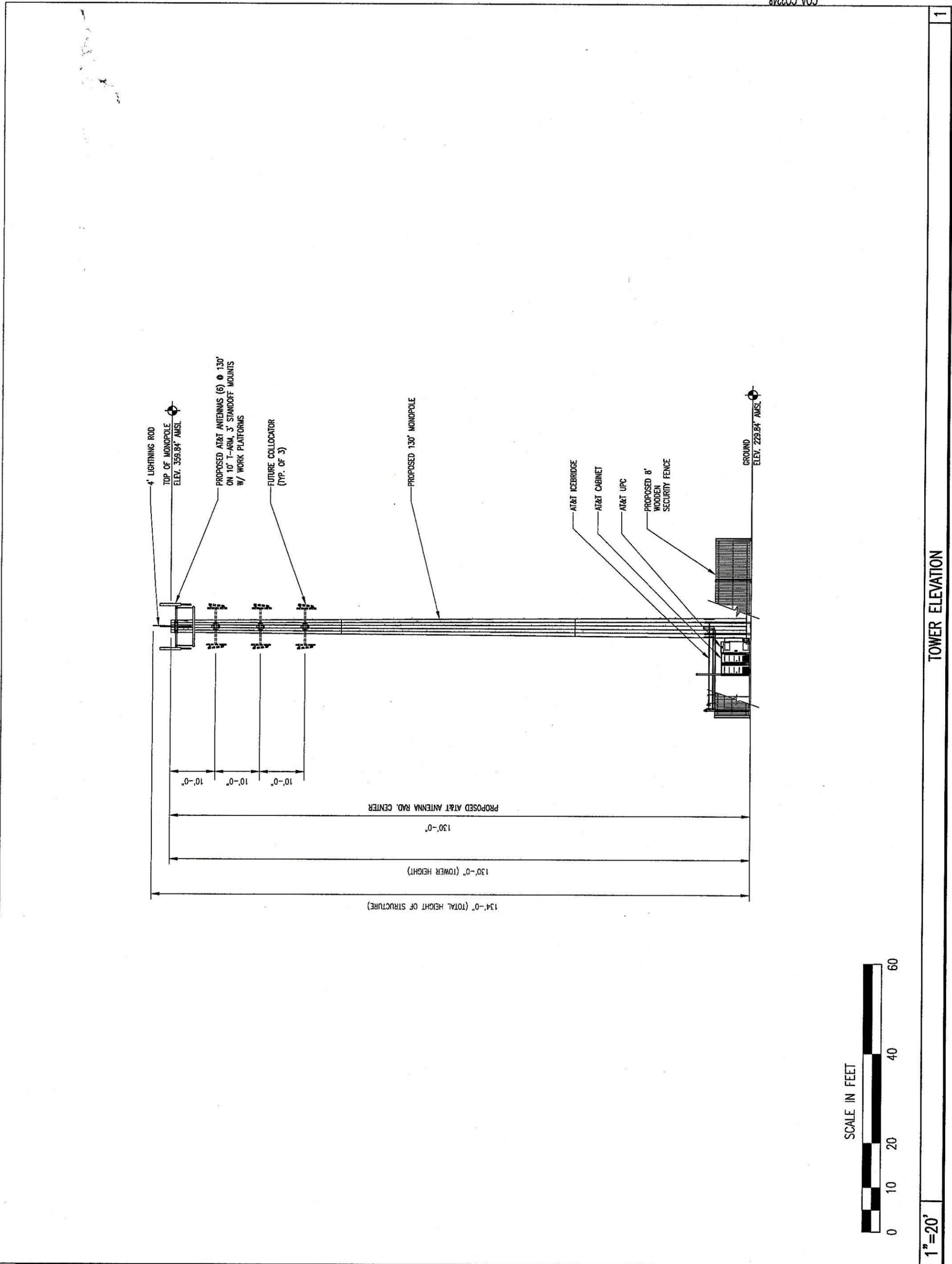
SITE ADDRESS:  
**7360 GARNER'S FERRY ROAD  
COLUMBIA, SC 29029**



DRAWN BY:	ACT
CHECKED BY:	DRS
DATE DRAWN:	09-10-09
SUBMISSION:	FINAL CD'S
SHEET TITLE:	

**TOWER ELEVATION**

SHEET NUMBER:	<b>A-2</b>
REV. #	



1"=20'

TOWER ELEVATION

1



4 November 2009  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

09-27 Special Exception

### REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of a place of worship on property zoned RS-LD (Residential, Single-Family, Low Density).

### GENERAL INFORMATION

**Applicant**

Rhema Word Restoration Ministries (Carl Parrot)

**Tax Map Number**

20100-02-26

**Location**

908 North Brickyard Road

**Parcel Size**

3+acre tract

**Existing Land Use**

residential

**Existing Status of the Property**

The subject parcel is large tract with a 1,564 square foot residential structure.

**Proposed Status of the Property**

The applicant proposes to construct a place of worship.

**Character of the Area**

The surrounding area is a mixture of single-family residential, institutional and commercial structures and uses.

### ZONING ORDINANCE CITATION

Table 26-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to authorize places of worship, subject to the provisions of section 26-152 (d) (20).

### CRITERIA FOR SPECIAL EXCEPTIONS

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

1. Traffic impact.
2. Vehicle and pedestrian safety.
3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.
4. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view.
5. Orientation and spacing of improvements or buildings.

## DISCUSSION

Staff visited the site.

Rhema Word Restoration Ministries 70 x 132 (9,240 square feet) place of worship. The structure is proposed to have a 4,000 sanctuary, with a number of classrooms, offices, a media room, and a café.

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

The proposed development will encompass a 3 acre tract which is located approximately a one-half (½) mile from Hardscrabble Road and 1.6+ miles from Two Notch Road. The abutting parcel, located west of the subject parcel, is a 39 acre tract which also borders the northern portion of the parcel.

If granted approval, the proposed project will be subject to site plan review, which will entail a review from the following Richland County Departments:

- Planning
- Public Works
- Fire Marshall
- Soil and Water

## CONDITIONS

(20) Places of worship.

- a. Use districts: Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park.
- b. Facilities for a place of worship located on a site of three (3) acres or more shall have primary access to the facility from a collector or thoroughfare road.
- c. No parking space or drive shall be located closer than twenty (20) feet to a residence not associated with the place of worship. No parking area may be located in the front setback.
- d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be thirty (30) feet.

## OTHER RELEVANT SECTIONS

N/A

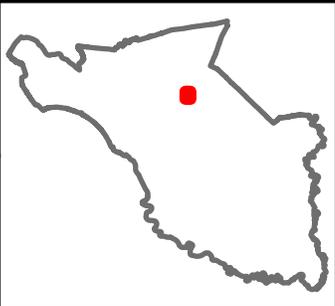
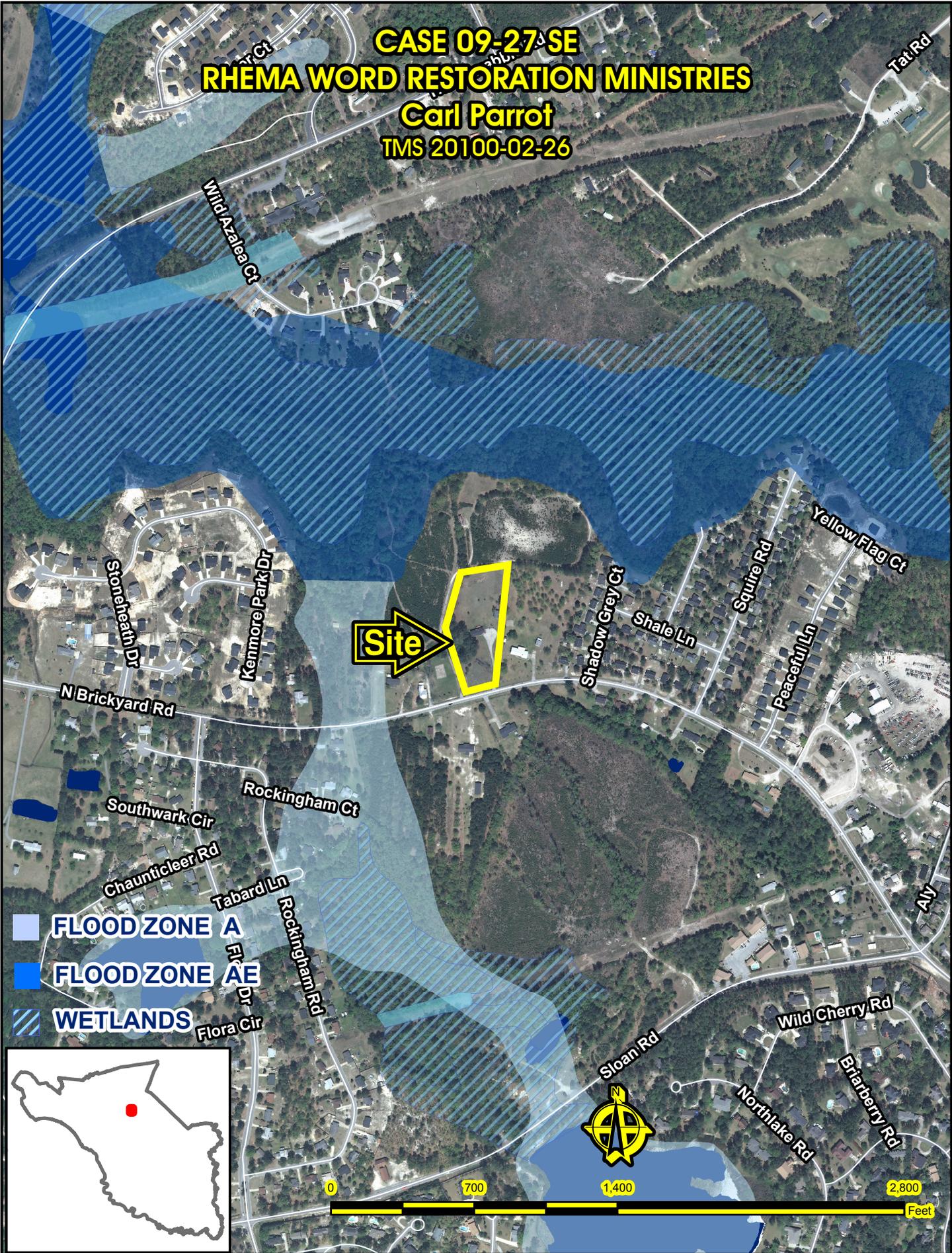
## ATTACHMENTS

- Proposed church layout
- Aerial
- Application

## CASE HISTORY

No record of previous special exception or variance request.

**CASE 09-27 SE**  
**RHEMA WORD RESTORATION MINISTRIES**  
**Carl Parrot**  
**TMS 20100-02-26**





# BOARD OF ZONING APPEALS

## SPECIAL EXCEPTION



1. Location: 908 North Brickyard Rd. Columbia SC 29223

TMS Page: 20100-02-26 Block: \_\_\_\_\_ Lot: 3.5 acres Zoning District: RS-LD

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

A Church Building

3. Describe the proposal in detail: We desire to build a building that is 9240sf that has a room of 4000sf plus and offices and class rooms that are 4000sf plus. The rest of the space will be for hallways. Outlines of building + property are included.

4. Area attributed to the proposal (square feet): 9240sf

5. Are other uses located upon the subject property?  No  Yes (if Yes, list each use and the square footage attributed to each use):

a. Use \_\_\_\_\_ square footage \_\_\_\_\_

b. Use \_\_\_\_\_ square footage \_\_\_\_\_

c. Use \_\_\_\_\_ square footage \_\_\_\_\_

6. Total number of parking spaces on the subject property: 80

7. Total number of employees on shift of greatest employment: 0, but we have about 100 members. (with children)

8. Address the following **Standards of Review** (Sec. 26-56 (f) (2) of the Richland County Land Development Code). Please note that the members of the Board of Zoning Appeals will use your answers, among other things, as they evaluate your request.

a. Traffic impact: This shouldn't bring a traffic issue. We presently rent property that has about 60 parking spaces and we are sharing the complex with two other churches and we are all accommodated space wise with parking.

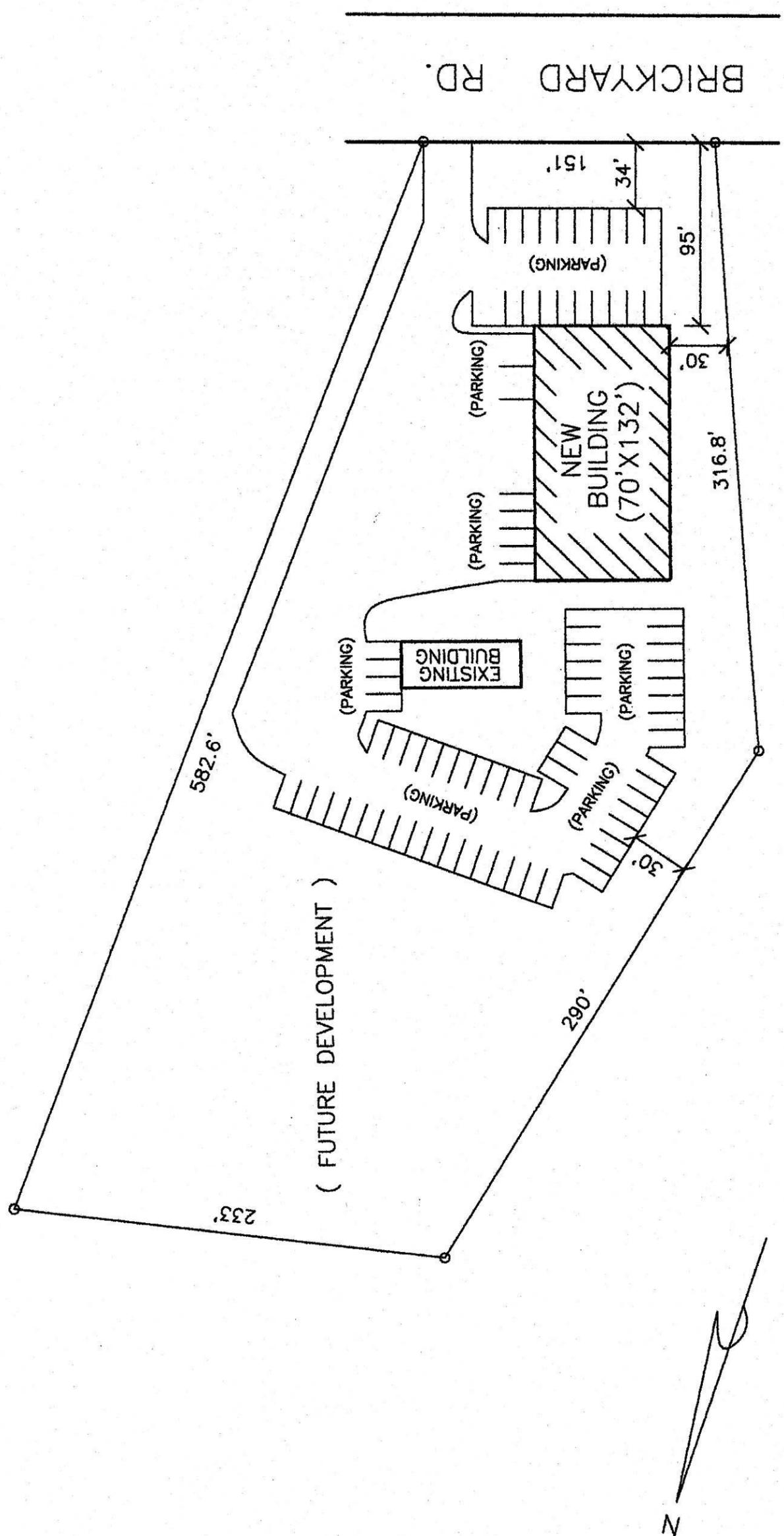
b. Vehicle and pedestrian safety: This should not be an issue either due to the fact we are not in a sub-division but have 3.5 acres of land, and on big services we have people directing cars.

c. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property: We wouldn't provide a problem for any of these other than may be noise. This is due to if we have an outside fellowship. No more than a family cookout.

d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view: The building should cause the community to have added beauty when it is erected and property is developed.

e. Orientation and spacing of improvements or buildings: Based off of Richland County requirements, we prepared ourselves to meet them. The diagram should show idea, with requirements met.

150-4



BRICKYARD RD.

151'

34'

95'

30'

316.8'

NEW BUILDING  
(70'X132')

(PARKING)

(PARKING)

EXISTING BUILDING

(PARKING)

(PARKING)

(PARKING)

30'

290'

582.6'

233'

( FUTURE DEVELOPMENT )

9'X18' 80 PARKING SPACES  
17'X18' 3 PARKING SPACES

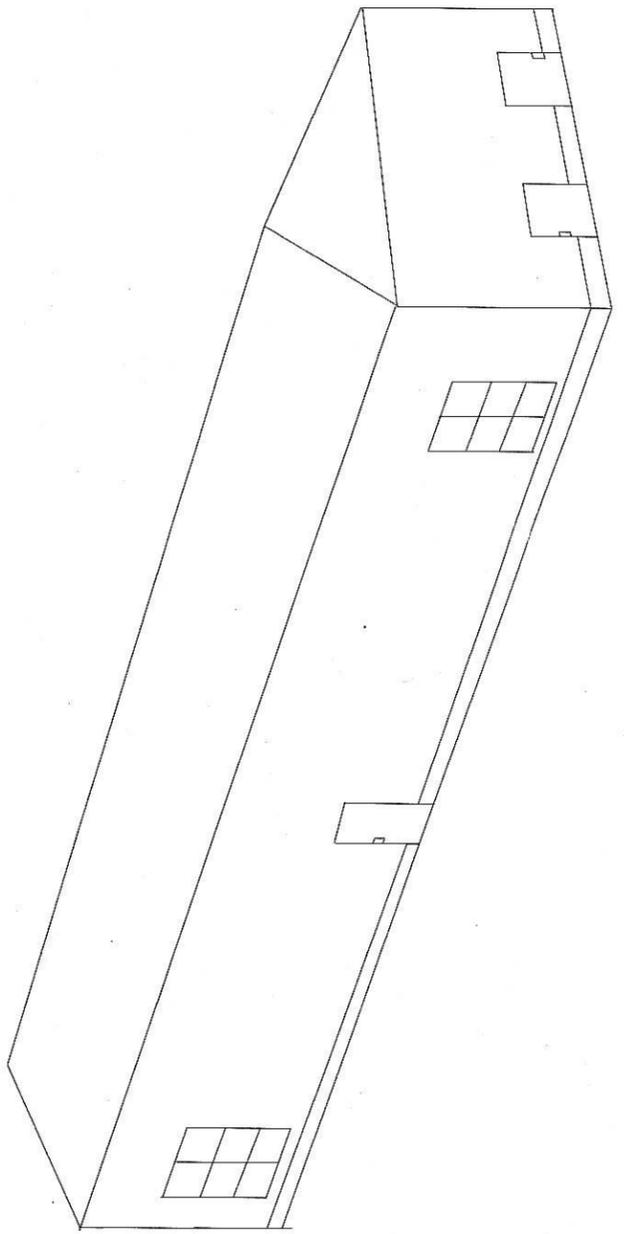
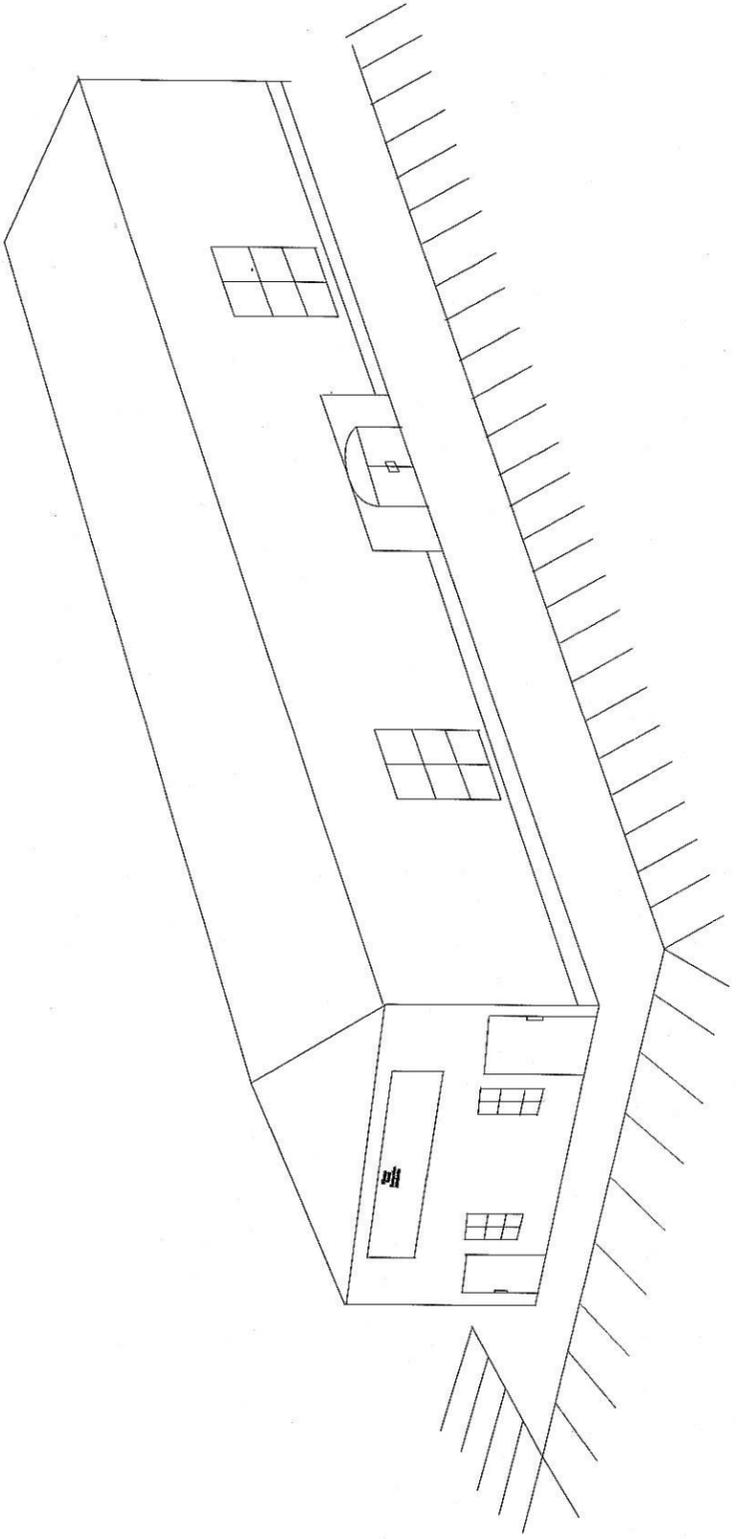
TMS 20100-02-26

3.05 ACRE

# SITE PLAN

SCALE 1/64" = 1'-0"

1-10-7









REQUEST, ANALYSIS  
AND  
RECOMMENDATION

**09-28 Variance**

**REQUEST**

The applicant is requesting the Board of Appeals to grant a variance to encroach into the required rear yard setbacks on property zoned OI (Office and Institutional District).

**GENERAL INFORMATION**

**Applicant**

Jake Williams (Stewart Enterprises, Inc.)

**Tax Map Number**

20281-01-59

**Location**

4219 Hardscrabble Road

**Parcel Size**

2.52 acre tract

**Existing Land Use**

Commercial

**Existing Status of the Property**

The subject property has an existing funeral home/crematorium. Rear of the property is a metal carport.

**Proposed Status of the Property**

The applicant is proposing to allow the metal carport to encroach into the required rear yard setbacks.

**Character of the Area**

The area is comprised primarily of commercial and institutional structures and uses.

**ZONING ORDINANCE CITATION**

Section 26-33 (a) (2) of the Land Development Code empowers the Board of Zoning Appeals to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in an unnecessary hardship. Such appeals shall be made in accordance with the procedures and standards set forth in Sec. 26-57 of this chapter.

**CRITERIA FOR VARIANCE**

Standard of review. The board of zoning appeals shall not grant a variance unless and until it makes the following findings:

- a. That there are extraordinary and exceptional conditions pertaining to the particular piece of property; and
- b. That these conditions do not generally apply to other property in the vicinity; and
- c. That because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

- d. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

## DISCUSSION

Staff visited the site.

The applicant is requesting a variance to encroach into the rear yard setback by seven (7) feet, six (6) inches.

The applicant has constructed a five (5) bay metal carport which overhangs into the required twenty (20) foot rear yard setback. As indicated on the submitted plat, the carport is located twelve (12) feet, six (6) inches from the rear property line. The extended bays are intended to provide cover for the business's limousines.

The applicant states that the location and size of the detention pond has caused the structures and parking to be pushed towards the rear of the property. According to the applicant, a larger detention pond was required in order to meet the stormwater regulation of Richland County. This has resulted in a reduced area for development.

Prior to the approval of the plans for this project, staff had discussions with project developers regarding the potential encroachment of the carport. The original site plans noted a structure (carport) encroaching into the rear yard setback. Staff could not approve the plans with the encroachment, so the plans were revised and resubmitted, minus the carport. It wasn't until a site inspection that staff observed that the carport was constructed, without approval of plans or a building permit.

As a means to resolve the violation, it was advised by staff that the developer employ one of the following options:

1. Remove the structure;
2. Apply for a variance; or
3. Purchase property from the neighboring church. (According to the applicant, the church was unwilling to sell any property – see letter)

Staff recommends that the request be denied.

It is staff's view that the need for a variance was created by the applicant. The developers were aware prior to construction that there would be an encroachment issue. Correspondence between staff and project's engineer clearly shows that not only was there awareness of the encroachment, but that the necessary corrections were made to the plans.

If the applicant would have applied for a variance request prior to the approval of the site plans, the Board could have either approved the request, thus allowing the project to be developed as originally proposed, or denied the request, thus requiring the site plan to be revised.

According to the standard of review, a variance shall not be granted until the following findings are made:

- a. **Extraordinary and exceptional conditions**
- b. **Conditions applicable to other properties**
- c. **Application of the ordinance restricting utilization of property**
- d. **Substantial detriment of granting variance**

## CONDITIONS

26-57(f)(3)

*Conditions.* In granting a variance, the board of zoning appeals may attach to it such conditions regarding the location, character, or other features of the proposed building, structure or use as the board of zoning appeals may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. The board of zoning appeals may also prescribe a time limit within which the action for which the variance was sought shall be begun or completed, or both.

## OTHER RELEVANT SECTIONS

### **26-57 (f) (1) Formal review.**

(1) Action by the board of zoning appeals. Upon receipt of the application for a variance request from the planning department, the board of zoning appeals shall hold a public meeting on the proposed variance request. Any party may appear in person or be represented by an authorized agent. In considering the application, the board of zoning appeals shall review the application materials, the staff comments and recommendations, the general purpose and standards set forth in this chapter, and all testimony and evidence received at the public hearing. After conducting the public hearing, the board of zoning appeals may:

- a. Approve the request;
- b. Continue the matter for additional consideration; or
- c. Deny the request.

Any approval or denial of the request must be by a concurring vote of a majority of those members of the board of zoning appeals both present and voting. The decision of the board of zoning appeals shall be accompanied by written findings that the variance meets or does not meet each of the standards set forth in subparagraph (2) below. The decision and the written findings shall be permanently filed in the planning department as a public record. The written decision of the board of zoning appeals must be delivered to the applicant.

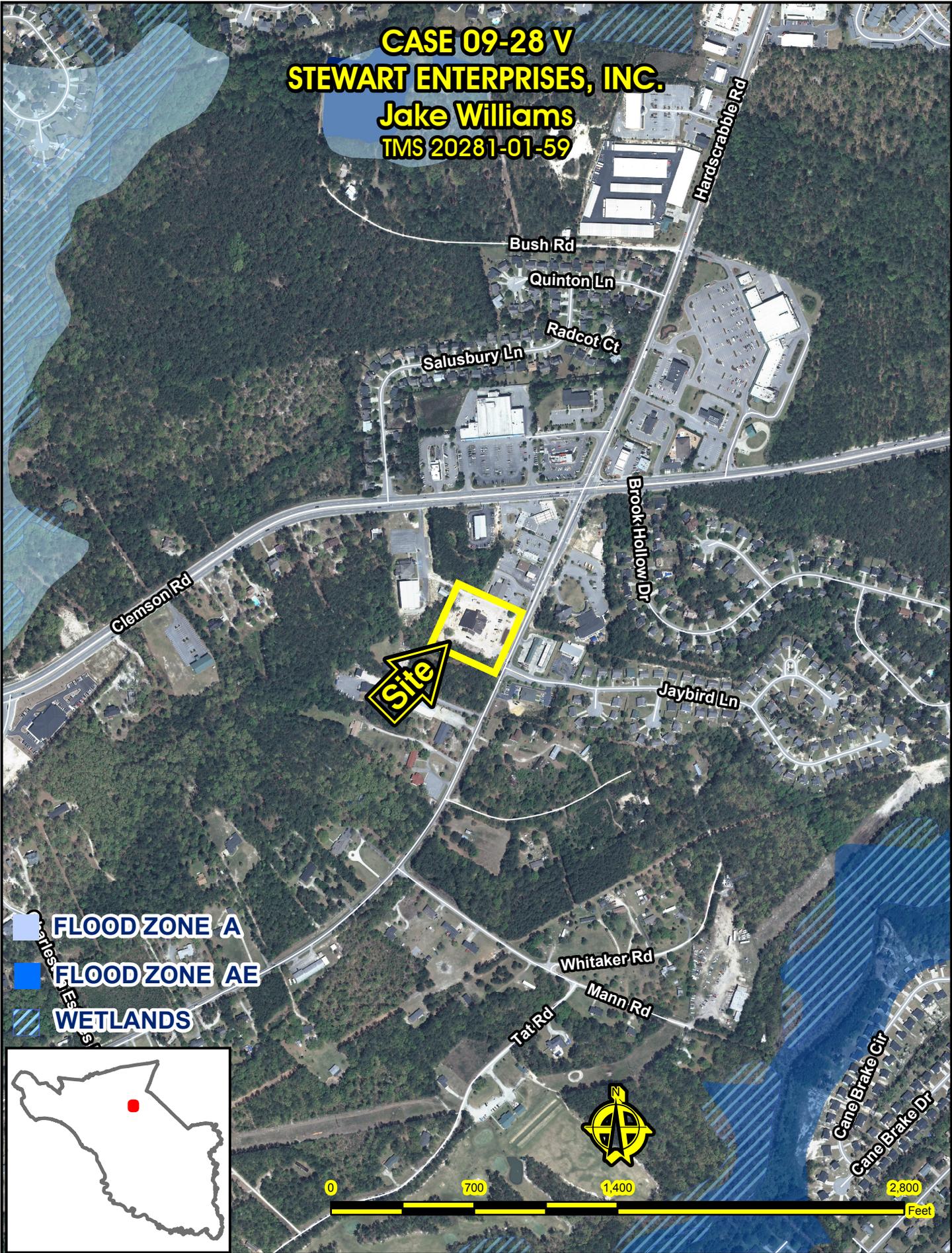
## ATTACHMENTS

- Plat
- Letter from the church
- Staff correspondence
- 

## CASE HISTORY

No record of previous special exception or variance request.

**CASE 09-28 V**  
**STEWART ENTERPRISES, INC.**  
**Jake Williams**  
**TMS 20281-01-59**



09-28 V  
4219 Hardscrabble Road  
TMS: 20281-01-59



09-28 V  
4219 Hardscrabble Road  
TMS: 20281-01-59





# BOARD OF ZONING APPEALS

## VARIANCE APPEALS



Application #

1. Location 20281 - 01 - 59  
 TMS Page 20281 Block 01 Lot 59 Zoning District 01

2. Applicant hereby appeals to the Zoning Board of Appeals for a variance from the strict application to the property as described in the provisions of Section 26-91c4c of the Richland County Zoning Ordinance.

3. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows: The carport at the rear of the property to overhang into the building setback by approximately 6-feet.

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

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as following: The size of the detention pond required at the front caused the building footprint and required parking spaces to be pushed towards the rear in such a manner that the furthest rear parking spaces are in the building setback. Dunbar needs these spaces covered since they designated for limousines.
- b) Describe how the conditions listed above were created: The sizing of the detention pond at the front was larger than average sites due to the existing conditions producing a very minimal amount of stormwater discharge. A larger detention pond was required to meet R.C. stormwater regulations.
- c) These conditions do not generally apply to other property in the vicinity as shown by: Due to the natural drainage pattern of the property, the detention pond in the front was limited in location which contributed to the site constraints. Other properties may have more flexible locations for detention.
- 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: The ordinance would prohibit Dunbar from completely covering the limousine spaces, which would cause additional maintenance and would detriment the use of the carport.
- 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: A letter has been provided by the church on the adjacent property, stating their acceptance of the variance and further stating they do not feel the carport will be a detriment to their property.

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

- a) Site Plan
- b) HOPE BAPTIST CHURCH LETTER
- c) \_\_\_\_\_

(Attach additional pages if necessary)

\* *Jake Williams*  
 Applicant's Signature  
JAKE WILLIAMS  
 Printed (typed) Name

4219 HARDCRABBLE RD 803-771-7990  
 Address Telephone Number  
COLUMBIA, SC 29223 803-788-6310  
 City, State, Zip Code Alternate Number

**HOPE BAPTIST CHURCH**  
*2117 Clemson Road*  
*Columbia, SC 29229*

September 24, 2009

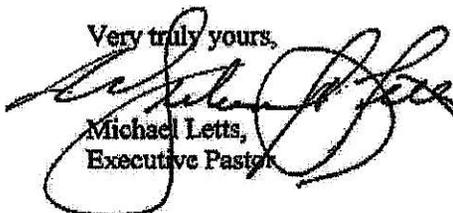
Dunbar Funeral Home, Inc.  
4117 Hardscrabble Road  
Columbia, SC 29229

RE: Sale of Additional Land

Gentlemen:

This letter is in response to your request to purchase additional land from Hope Baptist Church. Please be advised that we have no interest in selling any portion of our property at this current time.

Very truly yours,



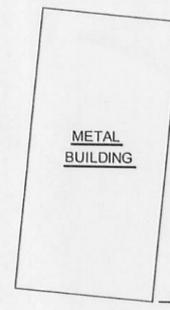
Michael Letts,  
Executive Pastor

N 63°55'21" W  
341.88'

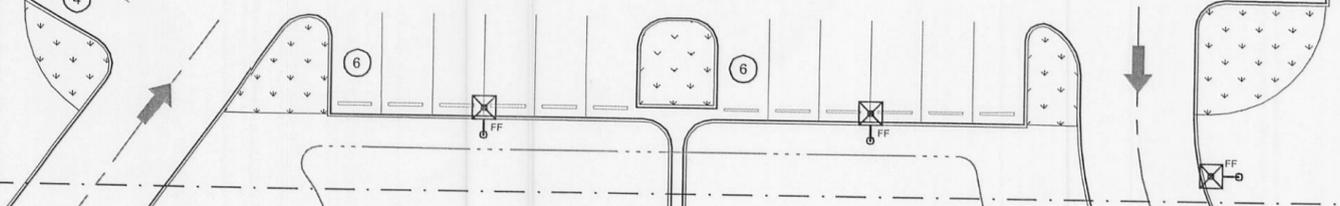
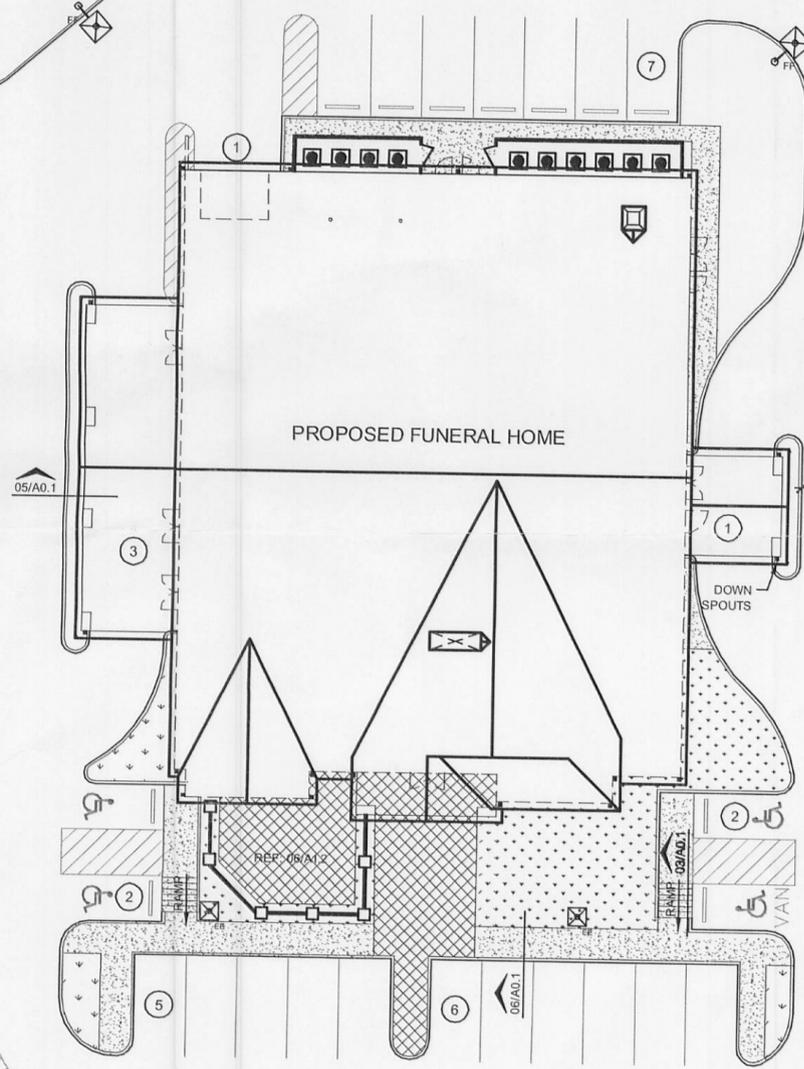
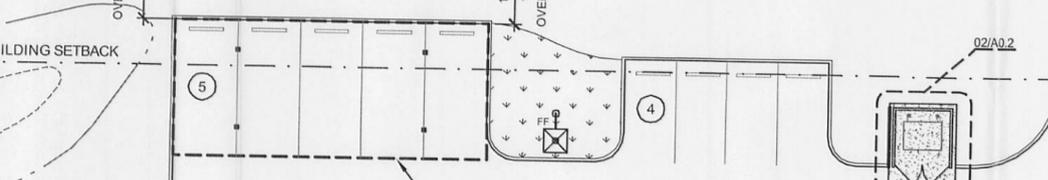
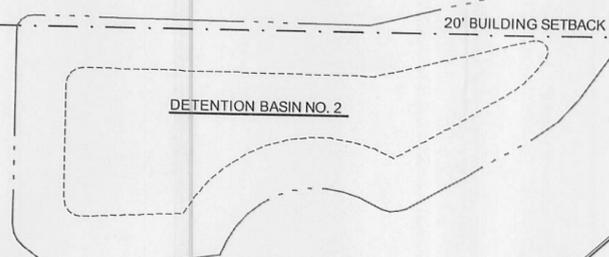
N 26°08'43" E  
324.66'

S 62°55'00" E  
341.66'

S 26°05'51" W  
318.66'



ALT BID #1  
EXTEND ASPHALT PAVING  
TO ADJACENT CHURCH  
PARKING LOT  
APPROXIMATELY 150'x24'



PARKING CALCULATIONS:	
PARKING SPACES	74
GARAGE / LOAD-OUT SPACES	5
HANDI-CAP SPACES	4
<b>TOTAL</b>	<b>83</b>

HARD SCRABBLE ROAD S.C. HWY. NO. 9-40-85



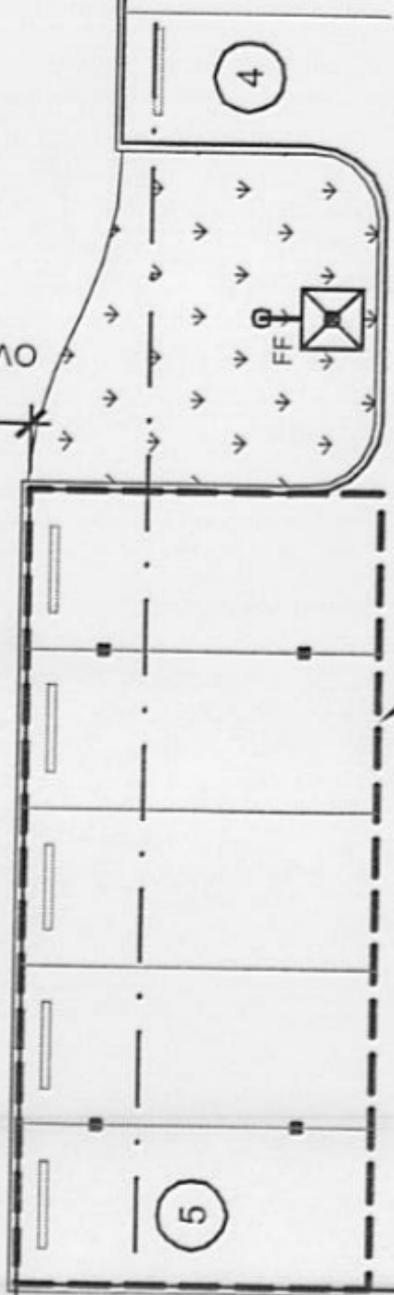
01 SITE PLAN  
SCALE: 1"= 20'-0"

N 26°08'43" E  
324.66'

38

OVERHANG  
12-2"

12-5"  
TO  
OVERHANG



LINE OF METAL  
CARPORT OVERHANG

**ANNA ALMEIDA**

---

**From:** Hope Hasty  
**Sent:** Thursday, September 10, 2009 11:49 AM  
**To:** ANNETTE HOUSE  
**Cc:** SEAN BUSBEE; Shane Dixon; Jennie Sherry-Linder; ANNA ALMEIDA  
**Subject:** Dunbar Funeral Home  
**Importance:** High

Annette,

At our re-inspection this morning, we noticed a new carport that has been placed at the rear of the parking lot. This carport was originally shown on the plans and we made the engineer remove it because it encroached into the rear setback. The plans were approved only after this carport was removed. The carport has been added on site since the original inspection a couple of weeks ago and will not allow us to release the CO.

In Sean's absence, Shane performed the inspection this morning and did not see anyone outside at the site during his inspection. Therefore, no one involved with the project has been notified of this issue. If someone calls or comes in, you may refer them to either myself or Shane.

Thanks,  
Hope

9/16/2009

**Hope Hasty**

---

**From:** ANNA ALMEIDA  
**Sent:** Monday, September 14, 2009 11:53 AM  
**To:** 'Roberts, Randall'  
**Cc:** GEO PRICE; SEAN BUSBEE; Hope Hasty  
**Subject:** DUNBAR FUNERAL HOME

Randy:

Spoke to Geo regarding the overhang encroachment; 24 inch is the maximum for the carport. Please submit revised plans, application form with a \$200.00 fee and indicate on the application form that this is a revision for the carport.

Anna F. Almeida , AICP  
Deputy Planning Director  
Richland County Planning & Development Services  
2020 Hampton Street  
Columbia, South Carolina 29202  
(803) 576-2168 Fax: (803) 576-2182

**ANNA ALMEIDA**

---

**From:** ANNA ALMEIDA  
**Sent:** Wednesday, September 16, 2009 9:49 AM  
**To:** 'Roberts, Randall'  
**Subject:** RE: Dunbar Canopy issue

If the temporary co is issued yes.

Anna F. Almeida , AICP  
Deputy Planning Director  
Richland County Planning & Development Services  
2020 Hampton Street  
Columbia, South Carolina 29202  
(803) 576-2168 Fax: (803) 576-2182

---

**From:** Roberts, Randall [mailto:RRoberts@coxanddinkins.com]  
**Sent:** Wednesday, September 16, 2009 9:48 AM  
**To:** ANNA ALMEIDA  
**Subject:** RE: Dunbar Canopy issue

Anna,

That sounds like a reasonable course of action. Thanks for checking on that. I will forward to Dunbar et al.

Is Dunbar going to be able to open for business in the meantime with the temporary CO?

Randy

---

**From:** ANNA ALMEIDA [mailto:ALMEIDAA@rcgov.us]  
**Sent:** Wednesday, September 16, 2009 9:32 AM  
**To:** Roberts, Randall  
**Cc:** GEO PRICE; Joseph Kocy; Donny Phipps; JOE WEBB  
**Subject:** RE: Dunbar Canopy issue

Randall:

I discussed this issue with the Zoning Administrator today you will need to put the following in motion:

1. Submit your application for a variance request.
2. The Board of Zoning Appeals will want to know that your client has exhausted all remedies; your client will need to make a "good faith" offer to the church for purchasing a strip a land in the back. If your client is willing to buy a piece from the church all this would be moot. If the church is not willing to sell or doesn't respond etc. that documentation will need to be provided to the Board of Zoning Appeals.
3. Once you go to the Board of Zoning Appeals and a decision is rendered then you would either submit plans for review or you would need to take down the structure.
4. I will speak to our Building Department regarding the temporary certificate of occupancy.

Anna F. Almeida , AICP  
Deputy Planning Director  
Richland County Planning & Development Services  
2020 Hampton Street

9/16/2009

Columbia, South Carolina 29202  
(803) 576-2168 Fax: (803) 576-2182

---

**From:** Roberts, Randall [mailto:RRoberts@coxanddinkins.com]  
**Sent:** Tuesday, September 15, 2009 5:10 PM  
**To:** ANNA ALMEIDA  
**Subject:** RE: Dunbar Canopy issue

Thank you. Please let me know as soon as possible so we can prepare.

---

**From:** ANNA ALMEIDA [mailto:ALMEIDAA@rcgov.us]  
**Sent:** Tue 9/15/2009 4:42 PM  
**To:** Roberts, Randall  
**Subject:** RE: Dunbar Canopy issue

Randy:  
I will need to investigate that possibility and get back with you as soon as possible.

Anna F. Almeida , AICP  
Deputy Planning Director  
Richland County Planning & Development Services  
2020 Hampton Street  
Columbia, South Carolina 29202  
(803) 576-2168 Fax: (803) 576-2182

---

**From:** Roberts, Randall [mailto:RRoberts@coxanddinkins.com]  
**Sent:** Tuesday, September 15, 2009 9:44 AM  
**To:** ANNA ALMEIDA  
**Subject:** Dunbar Canopy issue

Anna,  
Is it possible for Dunbar to get a bond that will insure they will remove the canopy so that they can get their CO? In the meantime, they would like to apply for a variance to the overhang in the setback. They do not feel they will get opposition from the adjacent property owners since they have such a good relationship with them. I talked with them about modifying the canopy and Dunbar doesn't feel it makes sense to have parking spaces that are only partially covered. Either way, I realize that at some point we will have to get you plans showing the canopy but Dunbar wants to have their CO by next Tuesday 9/22/09 for their grand opening and to do so, I'm afraid the review won't make it through you guys and public works by then. That is why I am asking if the bond will work. Does all that make sense?

Thanks,  
Randy

Randall L. Roberts, P.E., LEED, A.P.  
Project Engineer  
[RRoberts@coxanddinkins.com](mailto:RRoberts@coxanddinkins.com)

Cox and Dinkins, Inc.  
724 Beltline Boulevard  
Columbia, South Carolina 29205  
[www.coxanddinkins.com](http://www.coxanddinkins.com)  
(803) 254-0518

9/16/2009

**ANNA ALMEIDA**

---

**From:** ANNA ALMEIDA  
**Sent:** Wednesday, September 16, 2009 11:27 AM  
**To:** 'Roberts, Randall'; 'cdoyle@stei.com'  
**Cc:** JOE WEBB; GEO PRICE; Joseph Kocy; Donny Phipps; Hope Hasty  
**Subject:** Dunbar Funeral Home

Randall:

I have had conversations with Geo Price, Zoning Administrator; Joe Webb, Deputy Building Official and Van Higgins plans reviewer for the Building Department; it has been resolved that the Building Department will issue a certificate of occupancy for the main structure. The canopy/structure over the parking spaces which was identified on the grading plan with a note and clearly taken off of the revised Site Plan sheet is in violation of setback requirements and will be deemed an illegal structure. Furthermore, you had indicated to me that the building department had approved this structure; our building department has reviewed the architectural plans and have searched for permits and nothing has been received for this canopy.

If a variance is granted you will be required to submit plans to the building department in addition to the Development Services for review and approval.

Anna F. Almeida , AICP  
Deputy Planning Director  
Richland County Planning & Development Services  
2020 Hampton Street  
Columbia, South Carolina 29202  
(803) 576-2168 Fax: (803) 576-2182

9/16/2009





REQUEST, ANALYSIS  
AND  
RECOMMENDATION

**09-29 Variance**

**REQUEST**

The applicant is requesting the Board of Appeals to grant a variance to encroach into the required rear yard setbacks on property zoned GC (General Commercial).

**GENERAL INFORMATION**

**Applicant**

Max Solutions, Inc. (Gerald Steele)

**Tax Map Number**

04004-01-04

**Location**

131 Ministry Drive

**Parcel Size**

.51 acre tract

**Existing Land Use**

Commercial

**Existing Status of the Property**

The subject property has an existing 3,354 square foot office.

**Proposed Status of the Property**

The applicant is proposing to establish an accessory use in the required rear yard setback and which will also encroach into the required buffer.

**Character of the Area**

The area is comprised primarily of offices buildings and institutional uses.

**ZONING ORDINANCE CITATION**

Section 26-33 (a) (2) of the Land Development Code empowers the Board of Zoning Appeals to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in an unnecessary hardship. Such appeals shall be made in accordance with the procedures and standards set forth in Sec. 26-57 of this chapter.

**CRITERIA FOR VARIANCE**

Standard of review. The board of zoning appeals shall not grant a variance unless and until it makes the following findings:

- a. That there are extraordinary and exceptional conditions pertaining to the particular piece of property; and
- b. That these conditions do not generally apply to other property in the vicinity; and
- c. That because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

- d. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

## DISCUSSION

Staff visited the site.

The applicant is requesting a variance to encroach into the rear yard setback and required ten (10) foot bufferyard.

The purpose of the encroachment is to create an area for the location of a generator and propane tanks. The applicant proposes to install an eight (8) foot wood fence around the additions. It is staff's understanding that the structures are to serve as emergency power for the existing business (software developer/consultant).

Staff believes that the subject parcel does not meet all of the criteria required for the granting of a variance. The applicant states that there is no other area on the property to locate the additions. The required parking for this development is a minimum of twelve (12) and a maximum of twenty-seven (27). The submitted site plan indicates that there are twenty-three (23) provided parking spaces. An alternative to the proposed request is to locate the generator and tanks in the area of some (maybe two (2) or three (3)) of the existing spaces.

Staff recommends that the request be denied.

According to the standard of review, a variance shall not be granted until the following findings are made:

- a. **Extraordinary and exceptional conditions**
- b. **How were conditions created**
- c. **Conditions applicable to other properties**
- d. **Application of the ordinance restricting utilization of property**
- e. **Substantial detriment of granting variance**

## CONDITIONS

26-57(f) (3)

*Conditions.* In granting a variance, the board of zoning appeals may attach to it such conditions regarding the location, character, or other features of the proposed building, structure or use as the board of zoning appeals may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. The board of zoning appeals may also prescribe a time limit within which the action for which the variance was sought shall be begun or completed, or both.

## OTHER RELEVANT SECTIONS

### **26-57 (f) (1) Formal review.**

(1) Action by the board of zoning appeals. Upon receipt of the application for a variance request from the planning department, the board of zoning appeals shall hold a public meeting on the proposed variance request. Any party may appear in person or be represented by an authorized agent. In considering the application, the board of zoning appeals shall review the application materials, the staff comments and recommendations, the general purpose and standards set forth in this chapter, and all testimony and evidence received at the public hearing. After conducting the public hearing, the board of zoning appeals may:

- a. Approve the request;
- b. Continue the matter for additional consideration; or
- c. Deny the request.

Any approval or denial of the request must be by a concurring vote of a majority of those members of the board of zoning appeals both present and voting. The decision of the board of zoning appeals shall be accompanied by written findings that the variance meets or does not meet each of the standards set forth in subparagraph (2) below. The decision and the written findings shall be permanently filed in the planning department as a public record. The written decision of the board of zoning appeals must be delivered to the applicant.

## ATTACHMENTS

- Plat
- Application

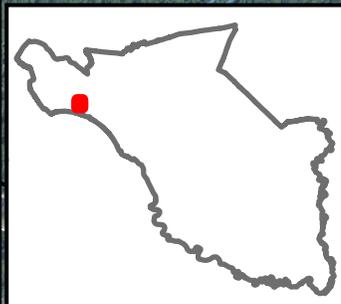
## CASE HISTORY

No record of previous special exception or variance request.

**CASE 09-29 V**  
**MAK SOLUTIONS, INC.**  
**Gerald Meetze**  
**TMS 04004-01-04**

**Site**

-  FLOODZONE A
-  FLOODZONE AE
-  WETLANDS



09-29 V  
131 Ministry Drive  
TMS: 04004-01-04



09-29 V  
131 Ministry Drive  
TMS: 04004-01-04



# RICHLAND COUNTY BOARD OF ZONING APPEALS VARIANCE APPEALS



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

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

Paid \$ 100-

Filed \_\_\_\_\_

1. Location 131 Ministry Dr. Irmo, SC 29063

TMS # \_\_\_\_\_

2. Page 04004-01-04 Block      Lot      Zoning District GC

Lot 9

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.  
26-176(f)(2)a.

4. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows: want to install a generator & propane tank in buffer - Surrounded by 8' Wood Fence.

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: No where else to put generator - Either on side buffer, or rear buffer. Want to put behind the

b) Describe how the conditions listed above were created: generator dumpster pad so it will be hidden from view. Will be surrounded by a fence.

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

d) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: n/a

e) The authorization of the variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: Vacant lot on left & Hidden. Neighbor on Right won't see it - Hidden. And Hidden from rear. cell phone tower to rear.

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)

DATE	10/18/08
REVISION	REVISIONS PER RICHLAND CO. (HASTY) LETTER DATED 8/29/08
	DRIVE WIDTH
	MOOPY BUILDING
	11/17/08

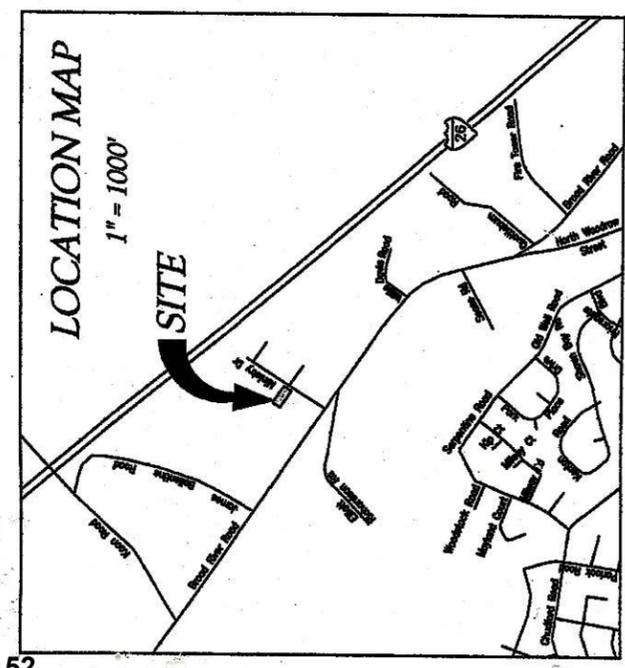
BRIAN H. PEELER, PE  
 255 TOMAHAWK DRIVE  
 CHAFFIN, SOUTH CAROLINA 29036  
 (803) 345-9600 FAX (803) 345-9600



MAX SOLUTIONS  
 STAKING PLAN  
 LOCATED NEAR THE TOWN OF IRMO, RICHLAND COUNTY, SC

SCALE  
 1" = 20'  
 DATE  
 11-20-08

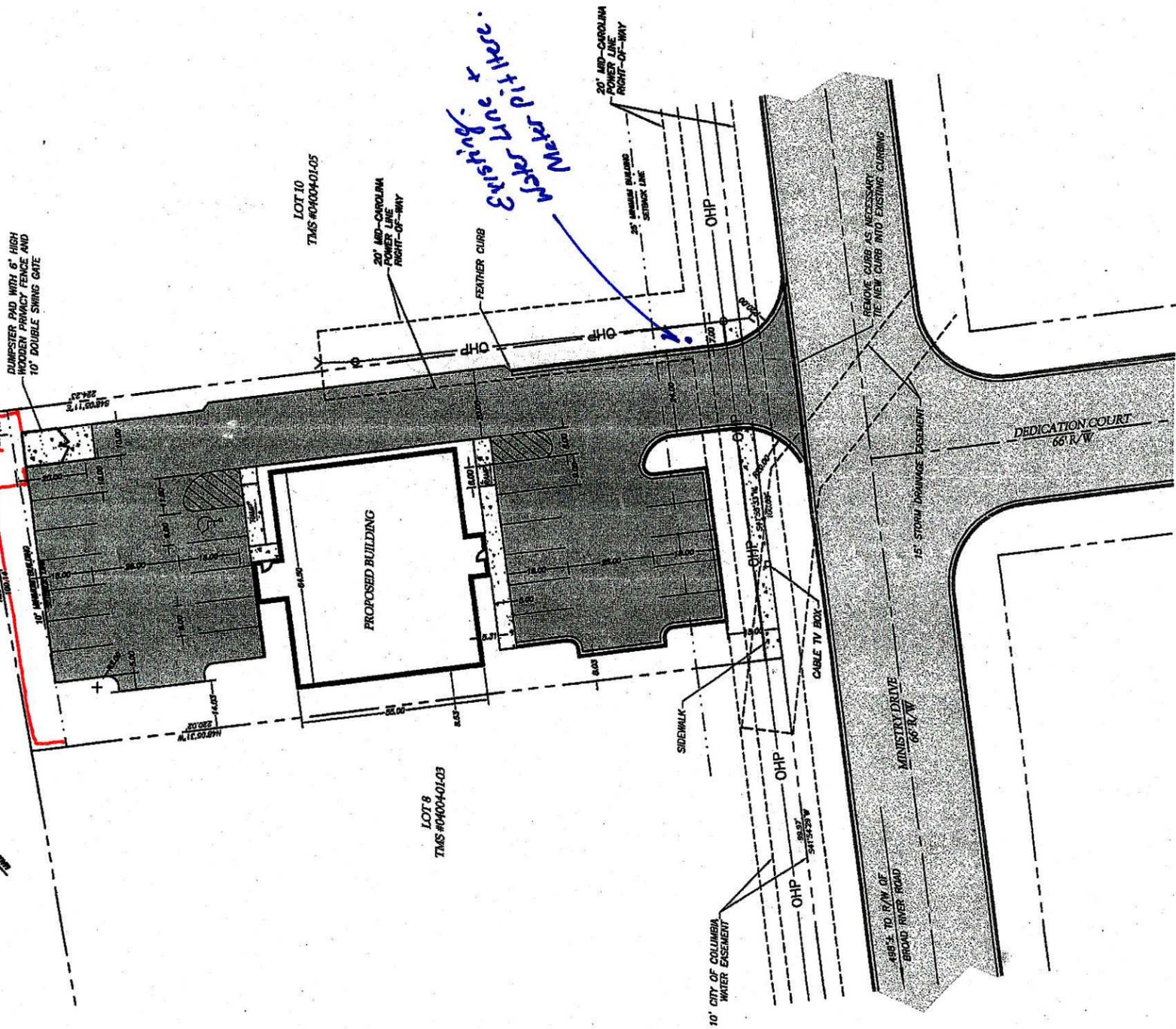
ZONING AND TAX MAP INFORMATION  
 RICHLAND COUNTY TMS: 0404-01-04  
 ZONED: CC USE: OFFICE  
 BUILDING HEIGHT: 18 FEET  
 TOTAL AREA: 0.51 ACRES  
 SETBACKS  
 FROM R/W = 25 FEET  
 SIDE = 0-3 FEET  
 REAR = 10 FEET  
 BUILDING SIZE/ 3,334 SF  
 PARKING  
 1 SPACE PER 300 SF AREA  
 1 SPACE PER 100 SF OFFICE  
 OFFICE SPACES REQUIRED: 11.2 SPACES MINIMUM  
 26.8 SPACES MAXIMUM  
 TOTAL SPACES PROVIDED: 23



Sec. 26-177. Lighting standards.  
 (a) Purpose and applicability. (1) Purpose. It is the intent of this section to achieve several purposes with respect to lighting in Richland County. Among these purposes are: to minimize light pollution, glare, and light trespass; to conserve energy and resources while maintaining night-time safety and utility; and to curtail the degradation of the night-time visual environment.  
 (2) Applicability. This section shall apply to all new development in the unincorporated portion of Richland County unless otherwise specified. Although all new development must comply with the standards set forth in this section, only major land developments and major subdivisions must submit a lighting plan with their development application. Any building structure is extended, enlarged, or reconstructed after the effective date of this chapter, the applicable lighting standards shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such structure.  
 (b) Standards.  
 (1) Orientation/shielding. All light fixtures, except streetlights, shall be located, aimed or shielded as to minimize stray light trespassing across property boundaries. No illumination in excess of one-half (1/2) foot candle shall be permitted within the boundaries of any adjacent residentially developed property. The orientation of all lighting shall be downward.  
 (2) Height of pole lighting. Any lighting that is installed on a pole shall have a maximum height of eighteen (18) feet from the bulb to the adjacent ground. However, a maximum height of thirty (30) feet from the bulb to the adjacent ground is permitted for cut off lights in rural areas.  
 (3) Prohibited lighting. The following lighting features are prohibited: search lights, laser source lights, or any similar high-intensity light, except in emergencies by police and fire personnel or at their direction.  
 (4) Parking lot and street lighting. All outdoor lighting fixtures installed for parking lot or street lighting are permitted a maximum foot-candle reading of six (6) foot candles and a 2.5 maximum average reading.  
 (5) Canopy lighting. Outdoor lighting installed on canopies or drive-thru facilities is permitted on average foot candle reading of twenty (20) foot candles under any area that is illuminated.  
 (Ord. No. 074-04HR, § V, 11-9-04)

REFERENCE:  
 1. A PLAT TITLED "MOUNT LOT SURVEY" PREPARED FOR MEETZE CONSTRUCTION BY BELTER AND ASSOCIATES, INC. DATED 6/11/08.

N/F MARGARET ELIZABETH COOGLER  
 TMS #0330040546A  
 NEW 6'-0" WOODEN FENCE  
 LOCATE GENERATOR + PROPANE HERE



Water pipe + electric existing line - here.





Request to Suspend the Rules  
of the  
Board of Zoning Appeals

Case 09-08 V





## **Planning & Development Services Department**

2020 Hampton Street, 1<sup>st</sup> Floor • Columbia, South Carolina 29204-1002

Post Office Box 192 • Columbia, South Carolina 29202-0192

August 13, 2009

Mary Nell Degenhart, Esq.  
Attorney at Law  
2131 Park Street  
Columbia, South Carolina 29201

Re: Richland County Board of Zoning Appeals Case Number 09-08V  
Wildewood Downs Retirement Community, LLC vs. Richland County Board of Zoning Appeals

Dear Ms. Degenhart:

I am in receipt of your letter dated July 28, 2009, in which you request a reconsideration of the Board's denial of your client's application for a variance. Pursuant to paragraph 3.7a of the "Rules of Procedure", which were adopted by the Board of Zoning Appeals, a request for reconsideration must be made prior to the minutes (of the meeting granting the denial) being approved. Case Number 09-08V was heard on March 4, 2009 and the minutes were approved on April 1, 2009. Therefore, your request is untimely and cannot be scheduled for a hearing unless the Board suspends their rules pursuant to paragraph 4.3, which reads as follows:

"In case of any exigency or circumstance shown upon good cause and as is needed to prevent or abate a manifest injustice these rules may be suspended at any meeting by two-thirds vote of the appointed members of the Board."

Therefore, please submit your reasons in writing as to why the Board should suspend their rules, based on the criteria above, and we will schedule this matter before the Board at their September 2, 2009 meeting. The meeting will be held in Council Chambers on the 2<sup>nd</sup> floor at 2020 Hampton Street and will begin at 1:00 p.m.

Thank you; and please feel free to call me at 576-2145 if you have any questions.

Sincerely,

Amelia R. Linder, Esq.

ARL/

cc: Geonard Price, Zoning Administrator  
Larry C. Smith, County Attorney



*Paul V. Degenhart\**

*Mary Nell Degenhart*

*Degenhart Law Firm  
2131 Park Street  
Columbia, SC 29201  
(803) 771-6050  
Fax (803) 771-7006*

*\*Also admitted in:  
Georgia and Nebraska*

August 31, 2009

Planning & Development Services Dept.  
Amelia R. Linder, Esq.  
2020 Hampton Street  
Columbia, SC 29201

Re: Request of Wildewood Downs Retirement Community, LLC  
Property Location: 1308 Wildewood Downs Circle, Columbia, SC

Dear Ms. Linder:

I represent Wildewood Downs Retirement Community, LLC. Per our earlier conversation, I am requesting the Board suspend their rules pursuant to paragraph 4.3 for the following reasons and circumstances:

My client acted Pro Se at the meeting. They did not understand the procedures for appealing the denial. My client waited for the Order from the Board denying the variance. They thought once they received the Order, then they could appeal. Once the minutes were approved at the April meeting, the Order was issued. Once my client received the Order, they sought legal counsel.

The special conditions and circumstances which are peculiar to this property involved and which are not applicable to other lands, structures or buildings in the same district. Wildewood Downs Retirement Community established a twenty foot (20') easement which runs contiguous with the lands of Village Farms Road Associates, Inc. Behind the subject property there runs a 20' wide, 66' long easement to be used as a walking trail. Therefore, a 20' permanent buffer with a brick fence is situated on the rear of the property. The brick fence is approximately eight (8) feet tall. The porch in question is at its closed point thirty two feet (32') from the fence. (See attached Exhibit A)

1. This was formerly a patio which has been in existence since the house was constructed. The present occupants merely enclosed the existing patio. Because the developer created an easement and gratuitously conveyed the twenty foot (20") easement as a buffer to the adjoining land owner, the present occupant should not be penalized for a technical setback violation. In reality, the setback is thirty two (32") not twelve feet

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PLANNING AND DEVELOPMENT  
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(12'). Mr. Korash has had a series of strokes that have left him wheelchair bound and requires round the clock care. They chose the subject property so they could enjoy the area outback of the property. Due to the fragile state of Mr. Korash, they wanted to enclose the existing patio so that Mr. Korash could continue to enjoy the outdoors without direct exposure to the elements. The patio is the only area that Mr. Korash can enjoy outside the home. Literal interpretation of the provisions of the zoning ordinance would deprive us of rights commonly enjoyed by other occupants due to our disabilities. (See attached Exhibit B)

2. The owner of the subject property asked the builder to enclose the already existing patio, so that they could enjoy the outdoors. The builder submitted his site plan for the enclosure of the patio to the county and received his permit to build.
3. By granting the variance request, no special privilege is granted to the subject property occupant that is not enjoyed by others. They would be merely using the existing patio with covering and screen surrounding the patio for protection from the weather and insects which would be harmful to their fragile state of health.
4. The use of the property is consistent with all properties in the area.
5. The variance requested is the minimum variance that would make possible for the intended use of the patio by the occupants which is to enjoy the outdoors and get fresh air. It was previously being used as a patio. The patio measurement is 10 x 26. A variance less than eight feet (8') would not allow for the occupants the enjoyment of their property.
6. The grounds for the requested variance conforms with the use of neighboring structures, in the same district, or any permitted use of structures, in other districts. Granting the variance will not harm the character of the district because the use is consistent with all other residential uses in the area. Due to the easement and fence, the property is not in the sight line of any party except a walker in the easement area. (See attached Exhibit A).
7. After meeting with the Village Farm Homeowners Association Board President, everyone agreed there had been a misunderstanding regarding the patio. The Board met and voted to withdraw their complaint regarding possible zoning violations at the above named property. (See attached Exhibit B).
8. Lastly, the expense of enclosing the patio was approximately \$21,000.00) and removing the enclosure from the home would be an enormous burden to the occupant of the home. In addition to paying for the enclosure, they would also have to pay for the removal of the enclosure.

We request on behalf of Wildewood Downs Retirement Community, LLC and Mr. and Mrs. Korash that based on the circumstances and issues outlined above, the rules be suspended to allow for reconsideration of the Board's denial of the variance. Should the rules not be suspended to allow for a reconsideration of this matter as set forth above, a manifest injustice will occur.

If you have any questions, please contact me. Thank you for your consideration.

Sincerely,



Mary Nell Degenhart, Esquire

Enclosures:

Exhibit A

09-08 V

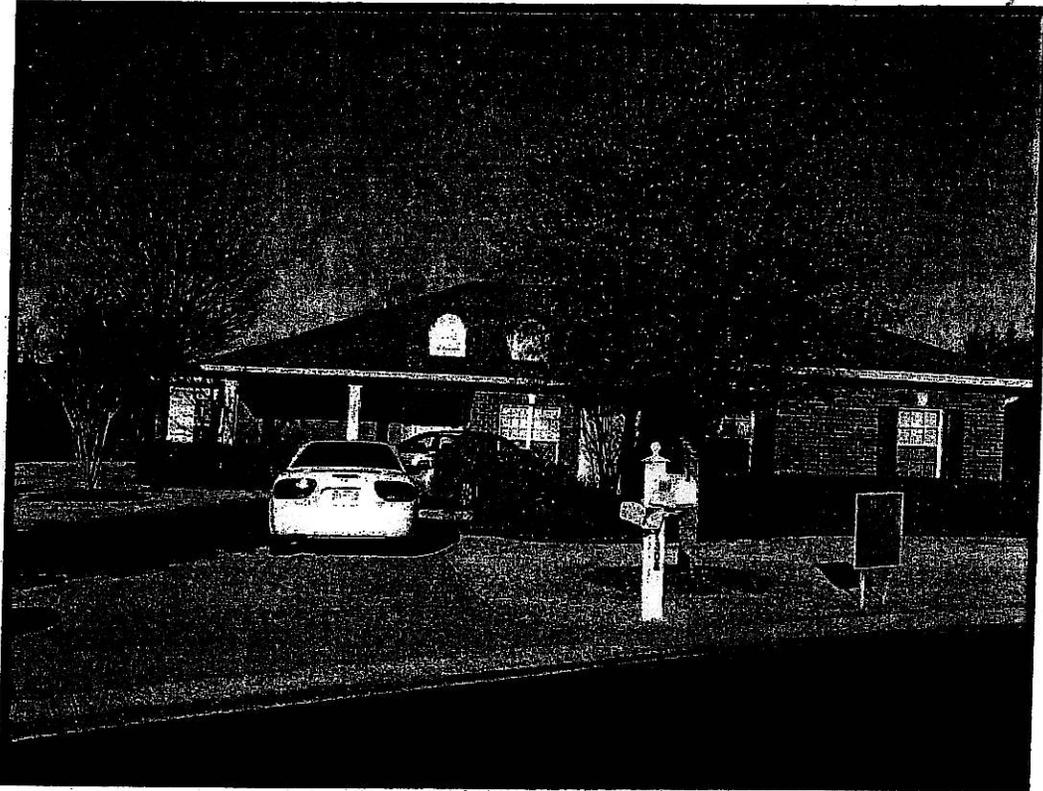


Exhibit B

July 22, 2009

Mary Nell Degenhart  
Degenhart Law Firm  
2131 Park Street  
Columbia SC 29201

Dear Mary Nell,

Re:1308 Wildewood Down Circle  
Columbia SC 29223

This letter is to confirm that the Village Farm Road Homeowners Association Board of Directors met on July 7, 2009 and voted to withdraw our complaint on possible zoning violations at the above property and will not stand in the way of the granting of a variance by the Richland County Zoning Board. We think this is in the best interest of our combined neighborhoods and we wish you well with your appeal.

Let me know if you need additional help from us.

Regards,



Bud Cronin  
President  
Village Farm Homeowners Assn  
152 Village Farm Rd.  
Columbia, SC 29223

Degenhart Law Firm, P.A.  
2131 Park Street  
Columbia, SC 29201-2139



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PLANNING AND DEVELOPMENT  
SERVICES



Richland Planning & Development Services  
Amelia R. Lindler Esq.  
2020 Hampton St Fl 1  
Columbia SC 29204-1002



Board of Zoning Appeals    )  
  )  
County of Richland         )    ORDER  
  )    ON A VARIANCE

Date Heard:   March 4, 2009

TMS#:         22782-01-36

Zoning:       RM-HD Residential, Multi-Family, High Density District

Applicants:   Heather Czekalski, Executive Director of Wildewood Downs Retirement  
                  Community, 731 Polo Road, Columbia, SC 29223

Other Parties in Interest:   William Groff, 101 Village Farm Road, Columbia, SC 29223  
                                  Fred Leonard, 104 Village Farm Road, Columbia, SC 29223  
                                  Lee Sheider, 140 Village Farm Road, Columbia, SC 29223

The Richland County Board of Zoning Appeals held a public hearing on March 4, 2009 to consider the variance request of Heather Czekalski, Applicant, pursuant to Section 26-57 of the Richland County Code of Ordinances, from the requirements of Section 26-93 (c) (4), which states that rear setbacks (for the principal use) shall be a minimum of twenty (20) feet. The applicant is requesting a variance to encroach eight (8) feet into the rear yard setback of property located at 1308 Wildewood Downs Circle, Columbia, SC.

After consideration of the evidence and arguments presented, the Board decides as follows:

**Findings of fact:**

Notice of the public hearing for this case was posted on the property, as well as notice was published in a newspaper of general circulation within the county no less than fifteen (15) days prior to this public hearing.

The applicant, Heather Czekalski, is requesting a rear yard setback variance for one their patio homes located at 1308 Wildewood Downs Circle, Columbia, South Carolina. An existing patio was screened-in, thereby adding a screened porch to the home, and encroaching into the required rear yard. The parcel is approximately .13 acre in size and currently has a small patio home located on the site. With the addition of the screened porch, the home now encroaches eight (8) feet into the required rear yard setbacks. The applicant testified that the builder obtained a building permit and that the building inspector did not say anything about a problem with the setbacks. She further testified that although the porch encroaches into the 20' rear setback, it is still within the Wildewood Downs property boundary lines. Mr. Geonard Price, Zoning Administrator for the County, testified that the building permit identified the correct setbacks that were needed for the project. An

aerial map that was presented to the Board in its agenda package showed that there were similar houses situated on Wildewood Downs Circle that also backed up to the rear easement.

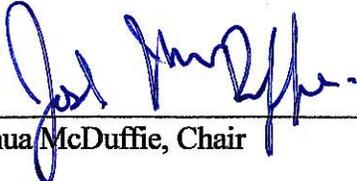
**Conclusions of law:**

Pursuant to the Standard of Review in granting a Variance (Section 26-57), we have heard the testimony and reviewed the applicant's request for a variance from the twenty (20)-foot rear yard setback requirement, and based on all of the foregoing, we conclude as a matter of law that the Applicant has failed to show that there are extraordinary and exceptional conditions pertaining to the particular piece of property. Since all of the requirements set forth in Section 26-57 (f) (2) of the Richland County Code of Ordinances must be met, we do not make any ruling as to requirements b. through d., below:

- a. That there are extraordinary and exceptional conditions pertaining to the particular piece of property; and
- b. That these conditions do not generally apply to other property in the vicinity; and
- c. That because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

Therefore, the Applicant's request for an eight (8)-foot Variance from the requirements of Section 26-93 (c) (4), which states that a twenty (20)-foot rear setback is required, is hereby **DENIED**, and the porch that was recently added to the house at 1308 Wildewood Downs Circle, must be removed.

**AND IT IS SO ORDERED!**

  
\_\_\_\_\_  
Joshua McDuffie, Chair

Date Mailed to Applicant and  
to Other Parties in Interest: SUH 4/3/09

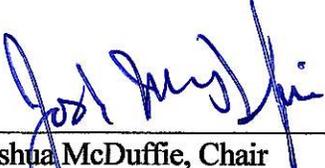
**NOTICE OF APPEAL TO CIRCUIT COURT MUST BE FILED WITHIN THIRTY (30) DAYS AFTER THE DATE THIS ORDER WAS MAILED.**

RICHLAND COUNTY BOARD OF ZONING APPEALS  
MARCH 4, 2009  
Public Hearing

In the Matter of :

Request by Heather Czekalski for a variance from the requirements of Section 26-93 (c) (4), which states that a 20-foot rear setback is required, for property located at 1308 Wildwood Downs Circle, Columbia, SC 29203, TMS # 22782-01-36.

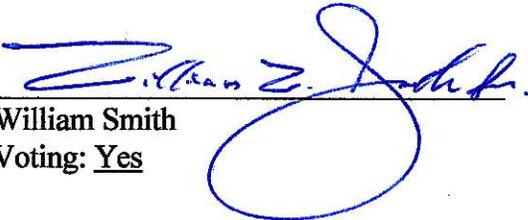
On a vote of whether the Applicant should be **DENIED** a variance to encroach 8 feet into the rear yard setback, the Richland County Board of Zoning Appeals voted as follows:

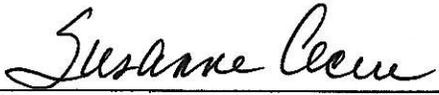
  
\_\_\_\_\_  
Joshua McDuffie, Chair  
Voting: Yes

  
\_\_\_\_\_  
Torrey Rush  
Voting: No

  
\_\_\_\_\_  
Harold Branham  
Voting: Yes

ABSENT  
\_\_\_\_\_  
Elaine Perrine  
Voting:

  
\_\_\_\_\_  
William Smith  
Voting: Yes

  
\_\_\_\_\_  
Susanne Cecere  
Voting: Yes

ABSENT  
\_\_\_\_\_  
Sheldon Cooke  
Voting:







Richland County Government  
2020 Hampton Street  
Columbia, SC 29204

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

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