

RICHLAND COUNTY BOARD OF ZONING APPEALS



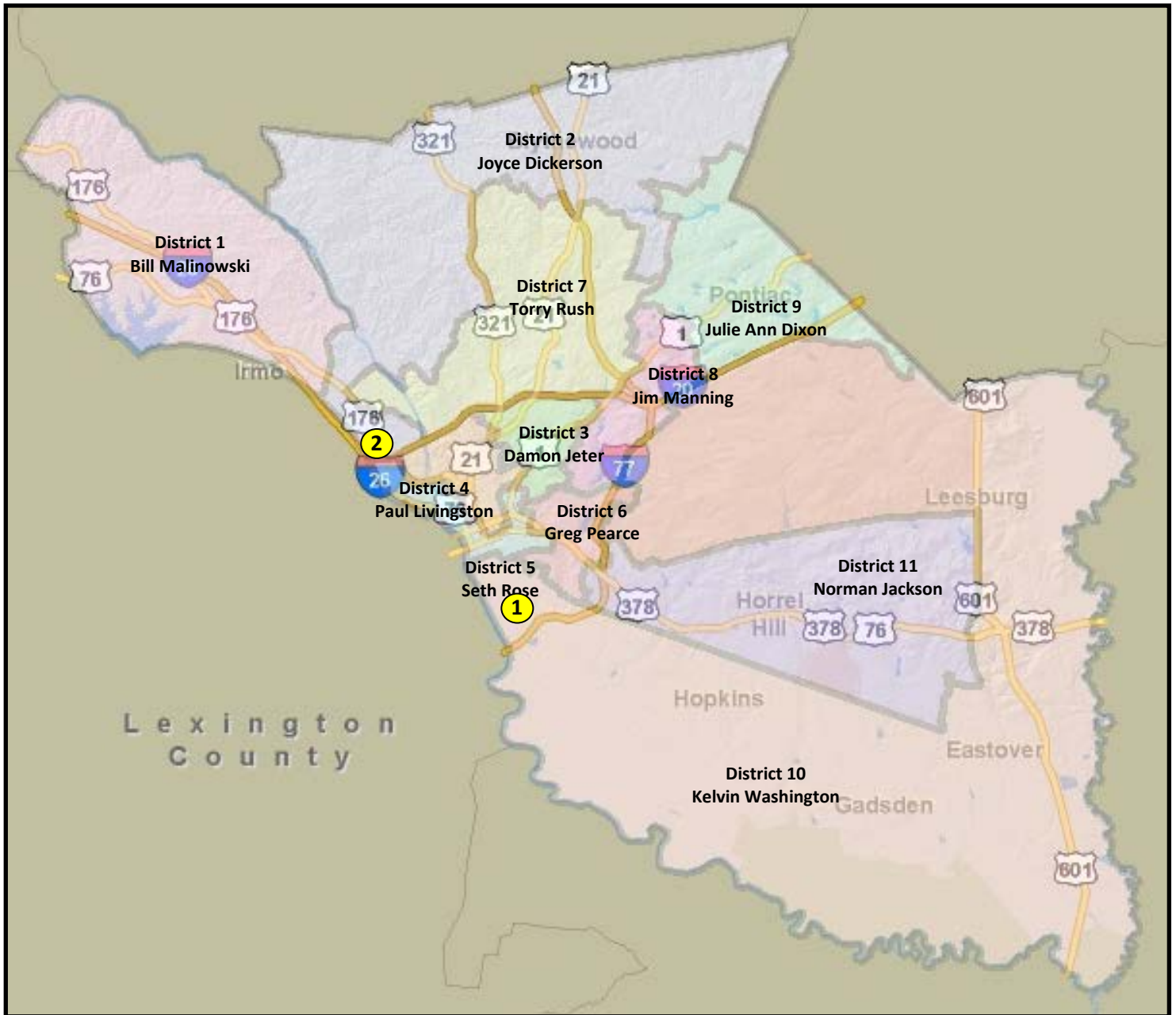
Wednesday, 2 October 2013

1:00 p.m.

Council Chambers

RICHLAND COUNTY BOARD OF ZONING APPEALS

October 2, 2013



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 13-05 SE	Tanya Cintron PTA-FLA Inc. dba ClearTalk	11203-05-02	600 Bluff Road Columbia, SC 29201	Washington
2. 13-07 V	Gator St. Andrew LLC.	06008-01-07	817 St. Andrews Rd. Columbia, SC 29223	Dickerson



**Richland County
Board of Zoning Appeals
Wednesday, October 2, 2013
2020 Hampton Street
2nd Floor, Council Chambers**

Agenda

- I. CALL TO ORDER & RECOGNITION OF QUORUM** **Joshua McDuffie, Chairman**
- II. PUBLIC NOTICE ANNOUNCEMENT**
- III. RULES OF ORDER** **Amelia Linder, Attorney**
- IV. APPROVAL OF MINUTES – May 2013**
- V. PUBLIC HEARING** **Geonard Price,
Deputy Planning Director/ Zoning Adm.**

OPEN PUBLIC HEARING

13-05 SE **Requests a special exception for a cell tower on property**
PTA-FLA Inc. **zoned General Commercial (GC)**
600 Bluff Rd.
Columbia, SC 29201
TMS# 11203-05-02 **p. 01**

13-07 V **Requests a variance to exceed the height limitation for a sign**
Gator St. Andrew LLC. **on property zoned General Commercial (GC)**
817 St. Andrews Rd.
Columbia, SC 29223
TMS# 06008-01-07 **p. 21**

VI. OTHER BUSINESS

VII. ADJOURNMENT



REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

13-05 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: Tanya Cintron
PTA-FLA Inc. dba ClearTalk

TMS: 11203-05-02

Location: 600 Bluff Road, Columbia, SC 29201

Parcel Size: 1.65 acre tract

Existing Land Use: The parcel is currently occupied by a 5,000± structure (warehouse).

Proposed Land Use: The applicant proposes to erect a 160-foot telecommunications tower, within a 2,000 (40 x 50) square foot leased area.

Character of Area: The immediate surrounding area consists of commercial, residential and institutional parcels.

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 EXCEPTION:

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

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

Special exception requirements (as found in section 26-152 (d) (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 160-foot monopole telecommunications tower, within a 2,000 square foot compound.

Staff visited the site.

According to the provisions of subsection 26-152 (d) (22) (c) (1), towers abutting a parcel which is zoned residential "...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 tower is identified as being 160 feet from the residentially zoned parcel.

In addition, subsection 26-152 (d) (22) (c) (3) states that "...towers abutting a non-residentially zoned parcel without a habitable residential dwelling shall observe the setbacks of the district in which it is located." The required setbacks for the GC district are:

- Front - 25 feet
- Rear - 10 feet
- Side - None

The tower is proposed to be located at least 20 feet from each property line.

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. 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.

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

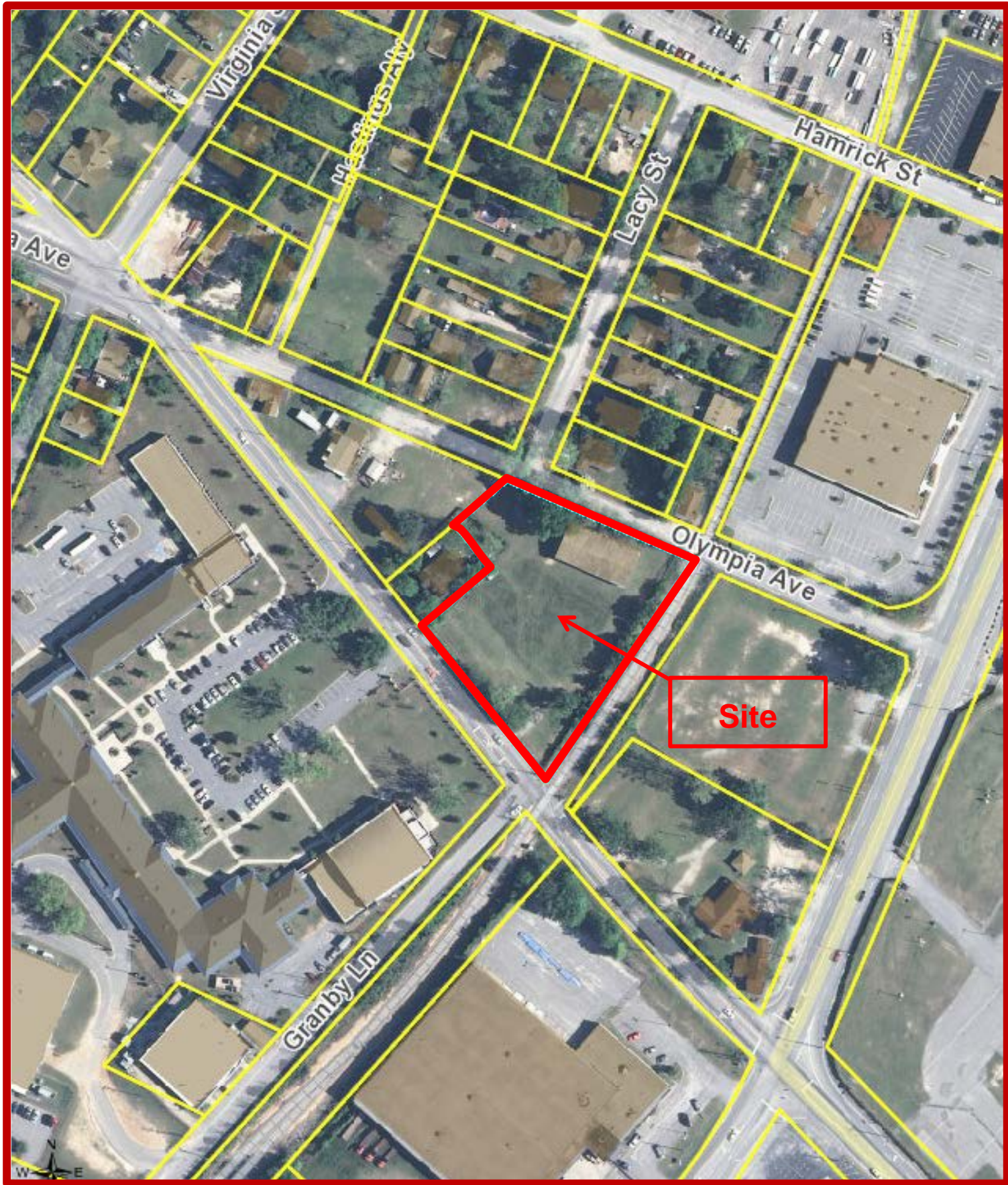
CASE HISTORY:

No record of previous special exception or variance request.

ATTACHMENTS:

- Site plan
- Zoning Application Packet

13-05 SE
600 Bluff Road
TMS: 11203-05-02





PO Box 8839
2101 Main Street, Suite J
Columbia, SC 29201
803-255-0004
F: 803-765-0720

PTA-FLA, Inc.
SC2182C - Jayco

Re-Sub 7-2-13


February 25, 2013

Richland County
Board of Zoning Appeals

Re: PTA-FLA, Inc., dba Cleartalk
Cell Tower Site / SC2182C / Jayco

I respectfully submit the following zoning application for your approval
Site located in the vicinity of 600 Bluff Road, Columbia, SC 29201

Thank you for your consideration



Tanya Cintron
Site Acquisition Administrator
PTA-FLA, Inc.
803-363-1331

STATEMENT OF INTENT

PTA-FLA Inc., d.b.a. ClearTalk respectfully submits this Statement in support of its Special Exception Application to the Richland County Board of Zoning Appeals to construct, operate and manage a 160' monopole type wireless communication facility on the property currently owned by Jacob Romesa Windham, located at 600 Bluff Road in Richland County (Tax Map No. R11203-05-02).

The proposed site is a critical component of ClearTalk's core wireless network services in the Columbia metropolitan area and, more specifically, will serve the heavy traffic areas around Williams Brice Stadium and the county fairground as well as the dense residential neighborhoods off of Bluff Road.

Attached to this Statement are the following Exhibits:

1. Exhibit "A" - A letter of authorization from the current landowner, Pace Investments, LLC.
2. Exhibit "B" - Site Plan and Survey.
3. Exhibit "C" - Richland County Aerial Photo and Parcel Map.
4. Exhibit "D" - A letter from ClearTalk's RF (Radio Frequency) Engineer, William Howard summarizing ClearTalk's network design and this site's importance to coverage in the above-described area, as well as ClearTalk's unsuccessful attempts to co-locate on existing towers in the area.
5. Exhibit "E" - A copy of ClearTalk's FCC license for the Columbia, SC market.
6. Exhibit "F" - The application to FAA for a Determination of No Hazard Status.

(please see the attached preliminary FAA approval of the location. The proposed structure is less than 200' tall, which is below threshold for the FAA approval process. However, we will apply for FAA an determination of no hazard to air navigation and we accept that the final approval of this project shall be subject to FAA approval)

Introduction

ClearTalk is a national provider of low-cost, flat rate wireless communications services. We operate under the basic principal that wireless phone and high-speed Internet should be simple" affordable and available everywhere. We have been building mobile networks in underserved areas of the country since 1999.

In the past eleven years. ClearTalk has built wireless networks in seventeen different markets including Colorado (Grand Junction); Idaho (Pocatello/Twin Falls); Tennessee (Jackson); Alabama (Florence); Arizona (Yuma) California (El Centro) Florida (Jacksonville) and Texas (Lubbock).

We are currently building out two networks in South Carolina (Columbia and Greenville). Once they are deployed ClearTalk will offer the citizens of both markets a low-cost, flat rate alternative for wireless communications services.

The Technology

ClearTalk operates its wireless network in the 1710-2110 megahertz range of the AWS band and our antennas function with an effective radiated power ("ERP") of 500 watts. Our communications facilities will not interfere with television or radio reception because we are licensed by the FCC to operate in this very specific frequency throughout our Basic Economic Area (' BEA') Columbia.

The RF Design and Site Selection Process

This proposed site is critically important to our core network for the Columbia area. It will serve a crucial area of Richland County that serves Williams Brice Stadium and the fairgrounds.

The process of developing a wireless network includes designing a s system-wide grid of smaller cells," each containing a single antenna that will receive and transmit our signal. Each cell must be precisely located relative to the other cells so that they can create an effective communication grid and provide signal continuity. The design of this grid must take into account not only the antenna's radius of reliable transmission but also population density, traffic patterns and the topography of the area.

ClearTalk's strong preference is to co-locate on existing towers whenever possible. Co-location is the quickest and most cost effective way to build out a new network. The great majority of the sites that have been deployed for our core area have been

colocations upon existing towers and rooftops. Cleartalk is currently collocated on four sites within one mile of the proposed site.

There are no towers in the area that satisfy both effective antenna center-line and the delicate siting required for proper traffic loading around large public venues.

The proposed Jaco site has been carefully selected to meet the goals of the community while providing adequate height and range for ClearTalk's network. The proposed tower is also designed to allow for future co-location of additional carrier or government services equipment.

The Proposed Facility

PTA-FLA, Inc., a subsidiary of ClearTalk has entered into an option to lease a 40' x 50' tract of land out of the approximately 1.65 acre tract owned by Jacob Romesa Windham located at 600 Bluff Road in Richland County as depicted on the Survey included in Exhibit "B". We propose to construct a 160' monopole communications tower as depicted also in Exhibit "B" as shown on the Site Plan. In addition to the tower, the fenced compound will contain our equipment cabinet that is 6'2" high, 2' wide & 2' deep.

Zoning Standards & Compliance

The property is zoned GC (General Commercial) by Richland County. The 1.65 acre parcel has an approximately 5,000 square foot warehouse built on the property..

The proposed tower will be set back approximately 44' from Olympia Avenue right-of-way and 41 feet from the Westerly right-of-way line of The Atlantic Coast Line Railroad Company right-of-way.. The proposed compound will lie behind (to the East of) the warehouse building. The perimeter of the site shall be landscaped in accordance with the ordinance governing the landscaping of telecommunications sites. The site shall be fenced for security and the safety of the general public.

Richland County's Special Exceptions standards for Wireless Telecommunication Towers are contained in Code Sec. 26-152(d)(22). In this Section, a Wireless Telecommunication Tower is allowed on GCzoned property with a Special Exception granted by the Board of Zoning Appeals. The relevant Special Exceptions standards are listed below with our response:

Sec. 26-152 (d)(22): Radio, television and telecommunications and other transmitting towers

a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 Light Industrial; Heavy Industrial

Response: The tower will be located on a 40' x 50' lease area within a 1.65 acres tract of land zoned GC (General Commercial) in Richland County (Tax Map No. R11203-05-02).

b. Communication towers shall have a maximum length 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 communications towers shall be forty feet above the roofline.

Response: The proposed tower height will be 160' from the ground-mounted base.

c. The minimum setbacks for communications towers from abutting districts shall be as follows:

- 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 should be two hundred and fifty (250') feet.**
- 2. Communication towers abutting a non-residentially zoned parcel with a habitable residential dwelling shall have a minimum setback of fifty (50) feet.**
- 3. Communication towers abutting a non-residentially zoned parcel without habitable residential dwelling shall observe the setbacks of the district in which it is located.**

Response: The proposed 40' x 50' acre tower location is entirely within a 1.65 acre GC zoned parcel (tax map #R11203-05-02). There are two GC (General Commercial) zoned parcels, Olympia Avenue, Bluff Road and the Atlantic Coast Line Railroad Company rights-of-way that abut the 1.64 acre parent parcel. Of these adjacent parcels, none contain a habitable residence. This location meets or exceeds all required district setbacks as shown in the following table:

Adjoining Parcel Map#	Zoning	Required Set-Back	Proposed Set-Back
#R11203-05-06	GC	25'	193'
#R11203-05-01	GC	25'	227'

Bluff Road		25'	270'
Olympia Avenue		25'	44'
Atlantic Coast RR		25'	41'

d. The proposed user must show proof of an attempt to co-locate on existing communications towers, and must be willing to allow other users to co-locate on the proposed tower in the future subject to engineering capabilities of the structure. Evidence of an attempt to co-locate must show that alternative towers, buildings or other structures are not available for use with the applicant's tower 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.

It is ClearTalk's strong preference to co-locate on existing towers whenever possible. Co-location is the quickest and most cost effective way to build out a new network. In this case, we are unable to find any suitable co-locatable towers.

The tower will be designed for future co-location opportunities. All of the towers in our network are available for co-location and we have numerous lease agreements in place with all the national wireless companies.

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, Federal Aviation Administration, or other regulatory agency.

Response: The proposed height of this tower at 160' will comply with all FCC safety requirements and will not be be lighted unless required under those requirements.

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

Response: The proposed 60' x 60' site will be enclosed with a chain link fence that will be at least seven (7) feet in height, and will be topped with industry standard three-stranded barbed wire for safety and security of the site.

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

Response: ClearTalk will acquire the 40' x 50' tract and build the proposed tower as shown on the attached site plan. The property will be landscaped in accordance with the requirements of Chapter 26-176 of the Code.

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.

Response: ClearTalk will not install any signage on any part of the tower. We will only install the required federal identification information. Safety signage and emergency contact information on industry standard signs located on the compound gate or elsewhere on the fence as required by law.

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

Response: If the Tower is taken out of service. ClearTalk will dismantle and remove it within one hundred and twenty (120) days of the date it was taken out of service.

Richland County's General Conditions for granting a Special Exceptions request are set forth below with ClearTalk's response.

Sec. 26-152 Special Exceptions:

(b) Conditions. All special exceptions shall, at a minimum, meet the conditions set forth in this section. The Board of Zoning Appeals shall approve or deny all application for special exception (see also Section 26-56 of this chapter) based on the following:

(1) A determination that all standards for the particular use, as defined in this article and in other relevant sections of this chapter, have been met.

Response: See the discussion above. ClearTalk has addressed all development standard set forth in Section 26-152(d)(22) of the Code.

(2) A finding that the special exception is in harmony with the intent and purpose of this chapter. In making this determination, the board shall consider the following:

(a) Traffic impacts.

Response: The tower will be unmanned and will only require infrequent maintenance visits.

(b) Vehicle and pedestrian safety.

Response: The tower will be located in 40' x 50' parcel leased out of a 1.65 acre tract of land approximately 44' off of Olympia Avenue with all required safety fencing. It will not affect vehicles or pedestrians on Olympia Avenue.

(c) Potential impact of noise, lights, fumes or obstruction of airflow on adjoining properties.

Response: The tower will not emit any noise or odors and will not be required to have any lights other the noise required by FAA and/or FCC regulations.

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

Response: The proposed tower location is entirely within a 40' x 50' parcel of land within a 1.65 acre parcel that abuts two GC zoned parcels that have no habitable residences. Moreover, the character of this part of Richland County is commercial and the siting of a 160' tall tower for telecommunications purposes is an appropriate use considering the use of the surrounding properties.

(e) Orientation and spacing of improvements or buildings.

Response: See attached Site Plan

In granting a special exception, the board may impose additional restrictions and requirements, as it may deem necessary in order that the purpose and intent of this chapter are served.

Response: ClearTalk will be pleased to discuss any additional restrictions or requirements that the Board or Staff deems necessary.

Conclusion

ClearTalk's proposed Jaco site is critically important to our core network for the Columbia BEA. It serves a crucial area of Richland County that includes a significant portion of downtown Columbia.

ClearTalk explored the possibility of co-locating on existing towers in this area, however, no structures within the 1 mile search ring were deemed structurally suitable. The site has been carefully selected to provide our networks the required coverage, to provide adequate screening and buffering from the surrounding area, and to meet or exceed all the development standards of the Richland County Code.

While the overwhelming majority of our sites are being developed through co-location on existing towers, the necessary addition of this tower will allow us to complete our core network and provide a reliable, affordable option for wireless services to the community.

ClearTalk requests that the Board of Zoning Appeals approve this Special Exception Application for the proposed communications tower on the GC, General Commercial zoned parcel. Tax Map No. R11203-05-02.

Respectfully Submitted,

ClearTalk

By: PTA-FLA, Inc.

Michael Feigenbaum



Re-Sub 7-2-13

March 11, 2013

Re: Special Exception Application to the Board of Zoning Appeals filed by
PTA-FLA, Inc. (Clear Talk) for a Communications Tower 2182

Dear County of Richland:

The purpose of this letter is to outline Cleartalk Wireless's need for the Jaco site from a technical design standpoint.

Considerations for Designing AWS Systems

With the seemingly ubiquitous use of mobile devices, the Federal Communications Commission (FCC) sought to introduce additional service providers. It was an effort to increase competition, which in turn would drive down the price of quality wireless telephony. This was achieved by allocating a segment of frequency for companies who bought the rights and committed to providing wireless AWS voice and data service in their licensed area.

Cleartalk Wireless is obliged to the FCC to provide quality AWS service to existing and future customers in BEA 24 which includes the county of Richland. Constant network maintenance and optimization is fundamental to providing high-quality digital voice and data communication services to our customers. Cellular networks operate in the 800 MHz frequency band, PCS networks operate in the 1900 MHz band and AWS utilizes the 2100 MHz band. Since radio waves propagate significantly better at lower frequencies, AWS sites must be spaced closer together than those in cellular and PCS networks from a coverage perspective. The fact that AM radio stations reach greater distances than FM radio stations (which are at higher frequencies) is another example of the same phenomenon.

A "grid" of sites must then be deployed to provide continuous coverage over the service area. Any given site in that grid is designed as part of the entire continuity of the network and cannot be considered in isolation. Design changes to one site impact those around it. Movement of a site creates a domino effect on the entire network. Once sites have been built, movement or loss of a site can be devastating to the quality of the network.

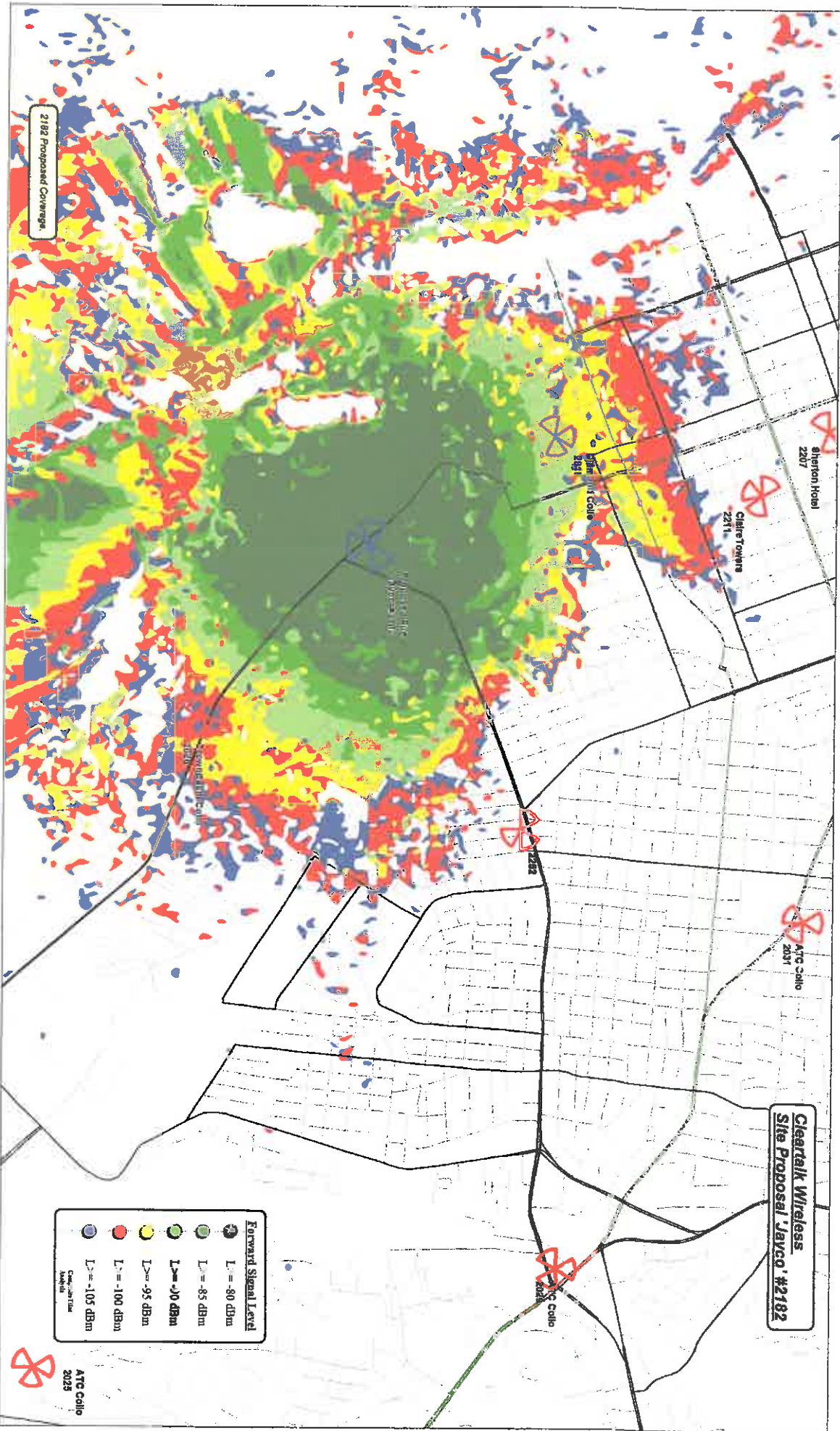
The Cleartalk Wireless network is designed around existing telecommunications structures and collocations are pursued whenever feasible. The Jaco site is a primary candidate for Richland County and the dense residential, commercial, entertainment areas around Assembly Street and Rosewood Avenue. The exact placement of other sites into a grid around this site and the spacing of the grid is what wireless system design engineering encompasses. Some of the basic considerations are outlined below.

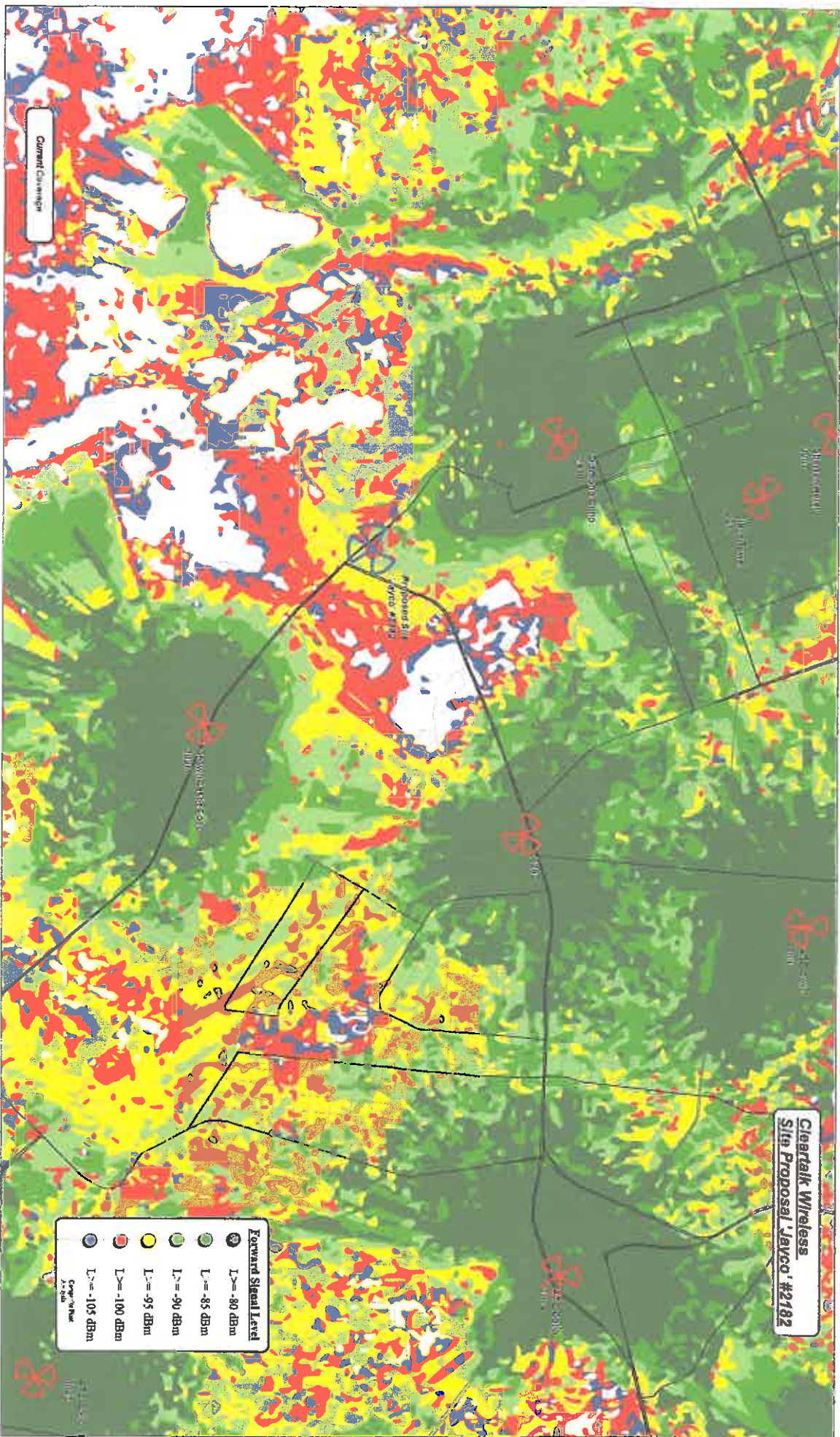
frequencies. If forced to penetrate through the foliage rather than down upon it, the propagation from the antennas will be considerably degraded. To offer in building coverage with such a poor quality signal would be impossible. A 160' antenna centerline on Jaco helps mitigate this issue and will allow the proposed site to meet the design objectives by providing coverage to a much larger. The Jaco site is an essential component in the grid of sites providing quality coverage in the county of Richland. Any network without solid coverage in and around the fairgrounds would be unacceptable – hence the Cleartalk Wireless network will not remain commercially viable without this site. Only one tower in the vicinity of the proposed Jaco site, the aforementioned ATT monopole off of Assembly Ave., could have been considered a viable candidate based upon the location. However, after running numerous analyses and studying alternate scenarios, the ATT site was deemed unsuitable and disqualified due primarily to the extremely low available rad center.

In summary, the Jaco site is necessary in allowing Cleartalk Wireless to provide continuous quality coverage in the County of Richland. Alternatives have been investigated and eliminated. The proposed site meets all engineering, interference and collocation constraints.

Sincerely,

William Howard
RF Design Engineer
Cleartalk Wireless







REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

13-07 Variance

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a variance to exceed the maximum height for a pylon sign in the GC (General Commercial) district.

GENERAL INFORMATION:

Applicant: William Goldsmith
Gator St. Andrew's LLC

TMS: 06008-01-07

Location: 817 St. Andrews Road, Columbia, SC 29210

Parcel Size: 8.64 acres

Existing Land Use: Currently there is a 70,000+ square foot structure on the site which was previously anchored by a Kroger grocery store.

Proposed Land Use: Unknown.

Character of Area: The area is commercially developed along St. Andrews Road.

ZONING ORDINANCE CITATION:

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

CRITERIA FOR VARIANCE:

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

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

DISCUSSION:

The applicant is proposing to erect a 100 foot tall pylon sign which will exceed the maximum allowed height in the GC district by 65 feet.

According to the applicant, "...the subject property is off-set and visibility is compromised by existing conditions, neighboring property and geographical visibility limitations." The applicant also states that the "...Limited visibility to all vehicular traffic due to geographical limitations restrict all tenant signage."

It is staff's opinion that there is ample visibility along Saint Andrew's Road for any proposed signage. The allowed signage for this development would be similar to that of the other businesses along Saint Andrew's Road. Also, it appears that the purpose of the applicant's request is to gain visibility along Interstate 26. The businesses along Saint Andrew's Road do not enjoy additional visibility along the interstate by way of on-premise signage. A majority of the visible signs from the interstate are off-premise (billboards).

If the variance is denied, the applicant will be allowed to establish a sign with a height of 35 feet.

Staff believes that the subject parcel does not meet all of the criteria required for the granting of a variance. 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

Staff was unable to determine that extraordinary and/or exceptional conditions apply to the subject parcel.

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 the standards set forth in the Standard of Review. The decision and the written findings shall be permanently filed in the planning department as a public record. The written decision of the board of zoning appeals must be delivered to the applicant.

CASE HISTORY:

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

ATTACHMENTS:

- Site Plans

13-07 V
817 Saint Andrew's Road
TMS: 06008-01-07



RICHLAND COUNTY
BOARD OF ZONING APPEALS
VARIANCE APPEALS



Rcpt# 3-03896

Application# _____

Paid \$ \$100.00

Filed 7/9/13

1. Location 817 St. Andrews Rd. Columbia, Sc 29223
2. Page D6008 Block 01 Lot 07 Zoning District GC
3. Applicant hereby appeals to the Zoning Board of Appeals for a variance from the strict application to the property as described in the provisions of Section _____ of the Richland County Zoning Ordinance.
4. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows: Increase Allowable Signage for Interstate Signage
5. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Sec. 26-502.3b(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: _____
 - b) Describe how the conditions listed above were created: _____
 - c) These conditions do not generally apply to other property in the vicinity as shown by: _____
 - d) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: _____
 - 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: _____
6. The following documents are submitted in support of this application [a site plan must be submitted]:
 - a) Exhibit A
 - b) Exhibit B
 - c) Exhibit C

(Attach additional pages if necessary)

Explanation Sheet for Application for a Variance "Exhibit A"

5. a. Extraordinary and exceptional conditions pertaining to the particular piece of property:

Relief from 50. ft. Height maximum area because strict enforcement of the present sign ordinance would impose a hardship to the subject property because the subject property is off-set and visibility is compromised by existing conditions, neighboring property and geographical visibility limitations. The variation request is in harmony with the general intent and purpose of the sign ordinance and current zoning district.

100 ft. Overall height of signage is the minimum needed relief to satisfy the hardship.

Current existing sign area is approximately 35 Ft Tall.

5. b. the extraordinary conditions listed above were created:

The conditions were created from years of growth of geographical limitations i.e neighboring trees. blocking the referenced properties visibility

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

Attached "Exhibit B" neighboring centers with unobstructed geographical visibility limitations along highway i-26.

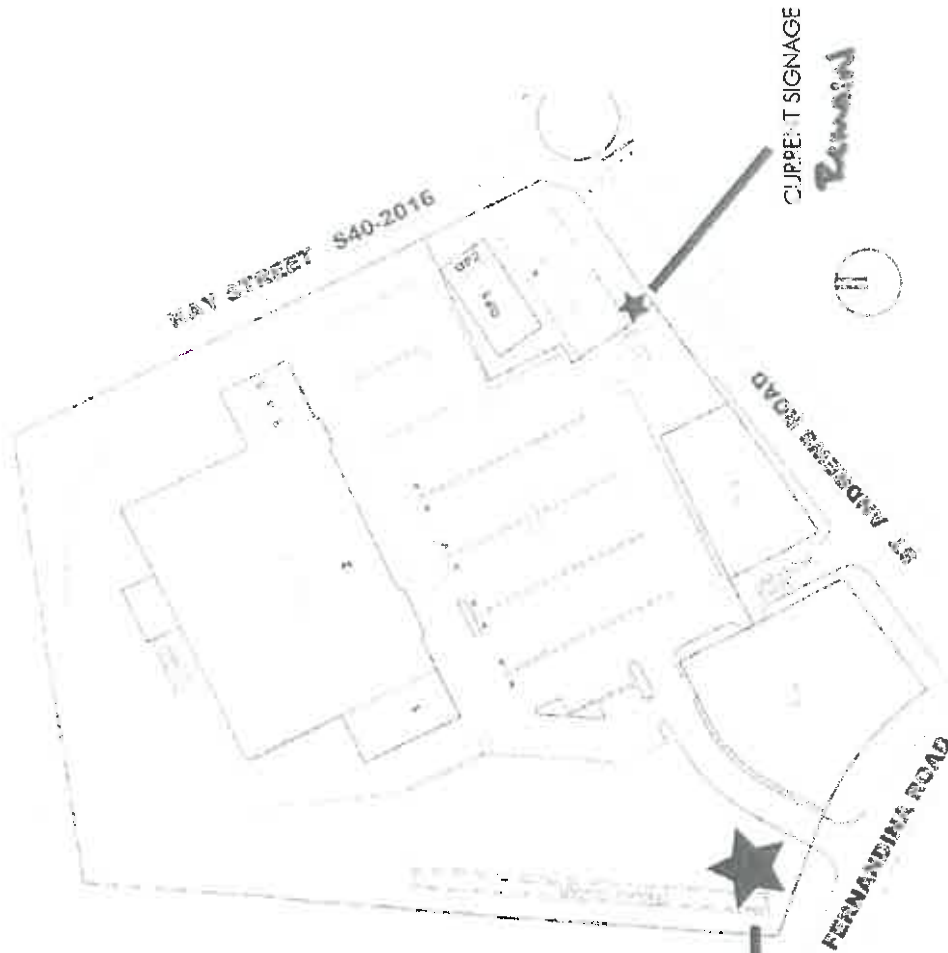
5.d. Because of these conditions, the applications of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

Limited visibility to all vehicular traffic due to geographical limitations restrict all tenant signage.

5.e. The Authorization of the variance will not be of substantial determinant to the adjacent property or to the public good and the character of the district will not be at harm by the granting of the variance for the following reasons.

Allowance of a 100 ft. sign will co inside with neighboring properties see "exhibit B". other highway properties have similar overall height proposed per this application.

KROGER PLAZA
7467 ST. ANDREWS RD.



PROPOSED SIGN PLACEMENT

*Remove Existing
Place with attached
Sign package.*

CLIPPER SIGNAGE

Remain

SITE PLAN

APPROVED APPROVED AS NOTED REVISE AND RESUBMIT

SIGNATURE: _____

DATE: _____

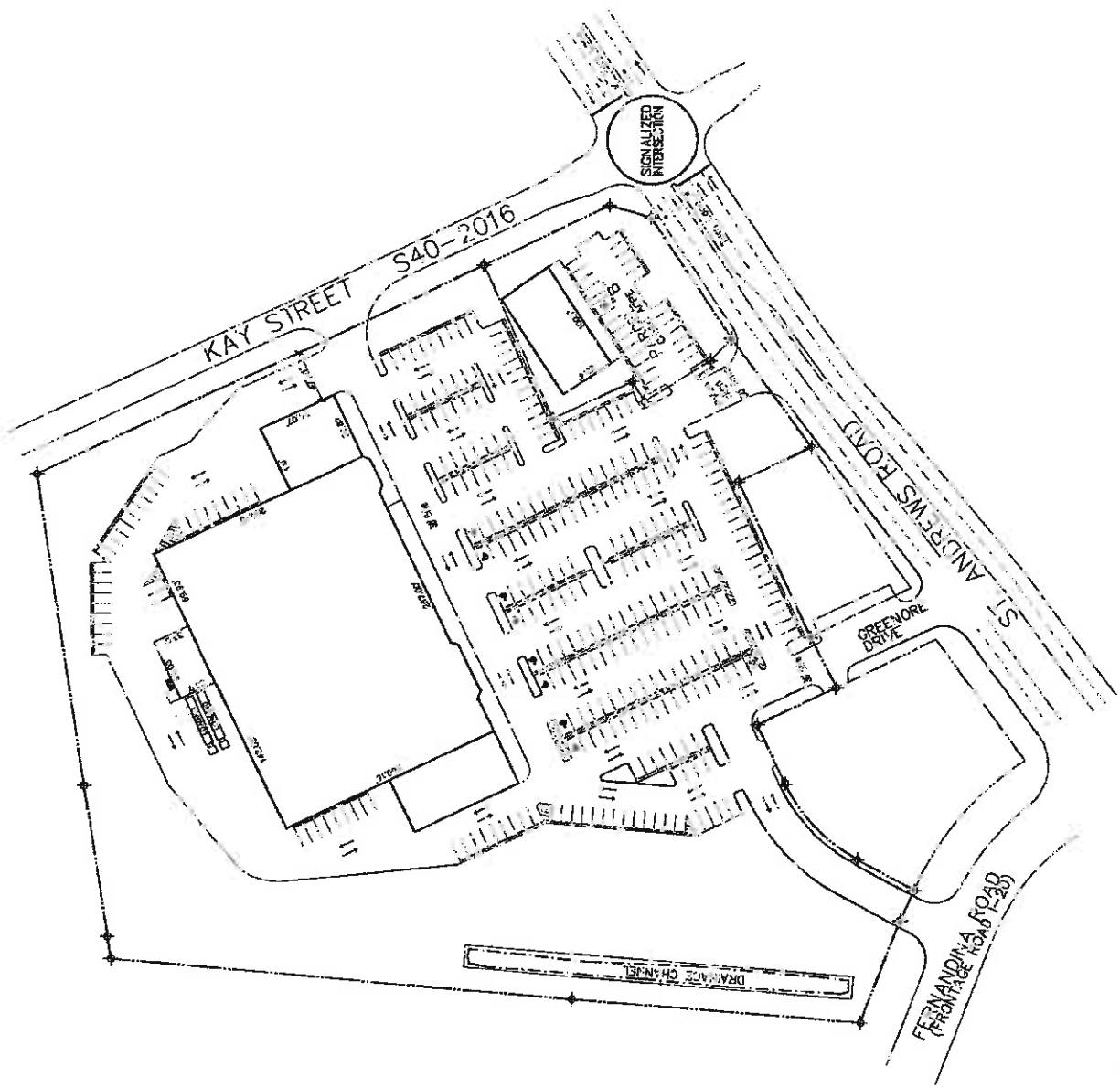
PROJECT: KROGER PLAZA
7467 ST. ANDREWS RD.

P: 803-791-7504

F: 803-739-2344



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PO BOX 316 • LENOIR, NC 28641 • 816 INDUSTRIAL BLVD. LENOIR, NC 28642



EXISTING
SITE PLAN

1" = 50'

0 10 20 30 40

NORTH

KROGER PLAZA
7467 ST. ANDREWS RD.



26'



88'

12'

APPROVED APPROVED AS NOTED REVISE AND RESUBMIT

SIGNATURE: _____

DATE: _____

PROJECT: KROGER PLAZA
7467 ST. ANDREWS RD.

P: 803-791-7504
F: 803-739-2344



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Exhibit C



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Columbia, SC 29204

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Fax (803) 576-2182
