

RICHLAND COUNTY BOARD OF ZONING APPEALS



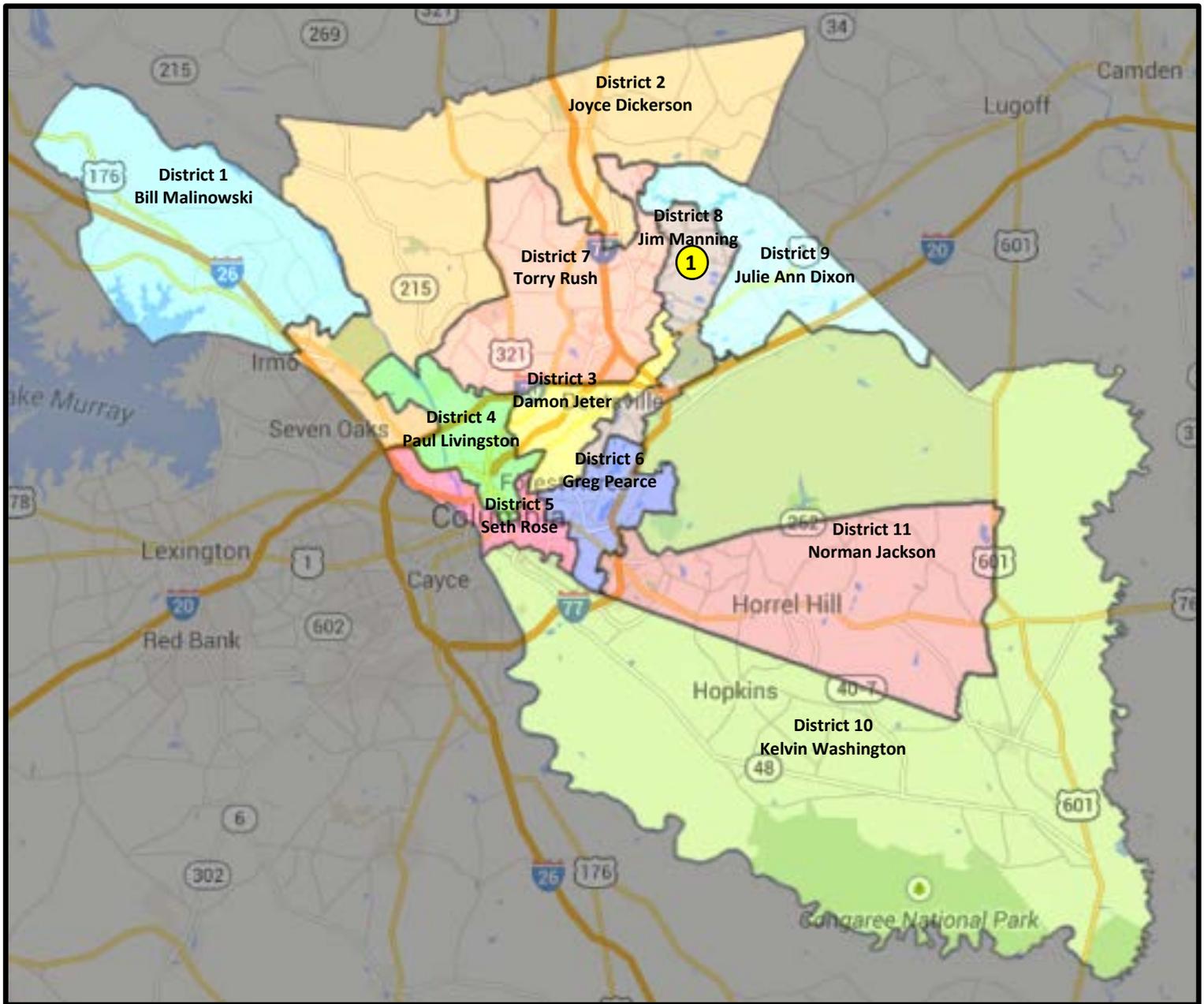
Wednesday, 1 June 2016

3 p.m.

Council Chambers

RICHLAND COUNTY BOARD OF ZONING APPEALS

June 1, 2016



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 16-06 V	Columbia IL Investors, LLC	20200-01-11, 30, and 52	2300 Clemson Road Columbia, SC 29299	Manning



**Richland County
Board of Zoning Appeals
Wednesday, June 1, 2016
2020 Hampton Street
2nd Floor, Council Chambers**

3:00 p.m.

Agenda

- I. CALL TO ORDER & RECOGNITION OF QUORUM** **Joshua McDuffie, Chairman**
- II. ADOPTION OF AGENDA**
- III. PUBLIC NOTICE ANNOUNCEMENT**
- IV. RULES OF ORDER** **Joshua McDuffie, Chairman**
- V. APPROVAL OF MINUTES – February, 2016**
- VI. PUBLIC HEARING** **Geonard Price,
Deputy Planning Director/ Zoning Adm.**

OPEN PUBLIC HEARING

16-06 V

**Columbia IL Investors, LLC
2300 Clemson Road
Columbia, SC 29299**

TMS# 20200-01-11, 30, and 52

Request a variance to encroach into the required setback on property zoned Office and Institutional (OI)

P.1

- VII. OTHER BUSINESS**
- VIII. ADJOURNMENT**



REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

16-06 Variance

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a variance to encroach into the required side yard setback in the Office and Institutional (OI) district.

GENERAL INFORMATION:

Applicant: Columbia IL Investors, LLC
Hunter Smith

TMS: 20200-01-11, 30 and 52

Location: 2300 Clemson Road, Columbia, SC 29229

Parcel Size: 20.26± acres (combined acreage)

Existing Land Use: The property currently has a two (2) story assisted living facility.

Proposed Land Use: A three (3) story independent living facility adjacent to the current structure is proposed.

Character of Area: The area primarily consists of institutional and commercial 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:

The applicant proposes to construct a three (3) story independent living facility which will encroach into the required side yard setback. The request will permit construction at the side property line which will result in a 0 foot setback. The required side yard setback is seven (7) feet for the OI district.

Staff discussed various options which would allow the addition prior to consideration of the variance. Based on the Comprehensive Plan and previous rezoning requests in the area, it was determined that a rezoning to a more intense zoning would not be appropriate. Another option discussed was to combine the parcels into one. According to the applicant, the type of funding for this type of development prevents the combining of the parcels.

The applicant states that although the structures are located on separate parcels, because they would be under the same operating entity, they should be considered as one development.

Staff believes that the subject parcel meets all of the criteria required for the granting of a variance.

Staff recommends that the request be **approved**. According to the standard of review, a variance shall not be granted until the following findings are made:

a. Extraordinary and exceptional conditions

The intent of the ordinance regarding setbacks is intended to provide a form of buffering between land uses. Although this development is proposed to be constructed on multiple parcels, the development is intended to be viewed as a whole and in harmony with each other.

b. Conditions applicable to other properties

Staff did not observe other developments in which these conditions would apply.

c. Application of the ordinance restricting utilization of property

Application of the setbacks would eliminate the desired connectivity of the development and the potentially the overall plans of the property.

d. Substantial detriment of granting variance

There would be no substantial detriment to the surrounding properties if the variance is granted.

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.

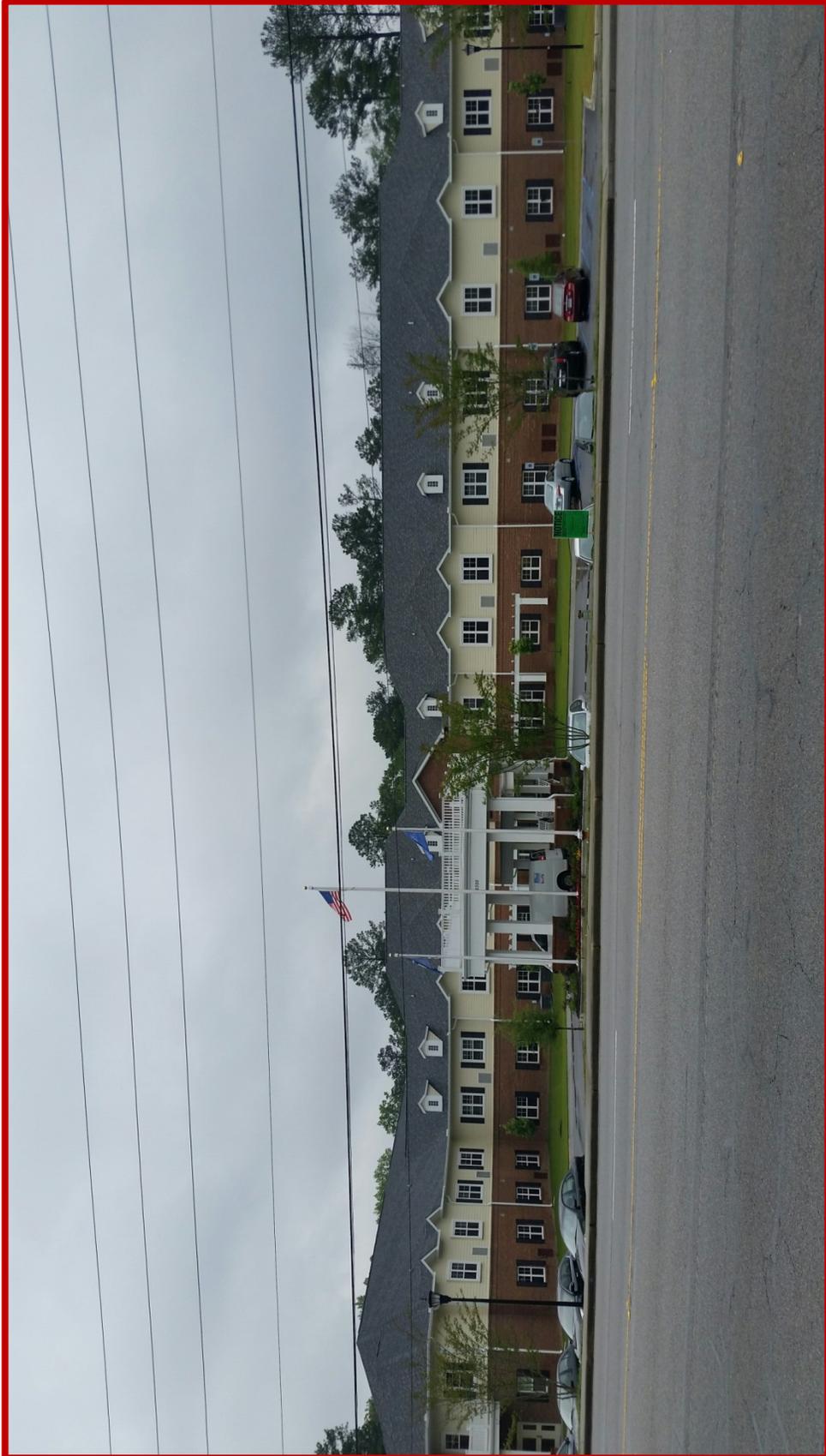
ATTACHMENTS:

- Site plans
- Application

16-06 V
COLUMBIA IL INVESTORS, LLC
2300 CLEMSON ROAD
COLUMBIA, SC 29299
TMS# 20200-01-11, 30, AND 52



*16-06 V
COLUMBIA IL INVESTORS, LLC
2300 CLEMSON ROAD
COLUMBIA, SC 29299
TMS# 20200-01-11, 30, AND 52*





BOARD OF ZONING APPEALS

VARIANCE APPEALS



Application #

1. Location 2312, 2300, + 2304 Clemson Rd, Columbia, SC 29229
 TMS Page R20200 Block 01 Lot 30,52,11 Zoning District OI
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 26-95.0(4) 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: A zero setback lot line to allow the proposed continued care facility to be constructed as an addition to the existing continued care facility (The Crossings at Columbia).
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: See Attached
 - a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as following: See Attached
 - b) Describe how the conditions listed above were created: See Attached
 - c) These conditions do not generally apply to other property in the vicinity as shown by: See Attached.
 - 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: See Attached.
 - 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: See Attached.
5. The following documents are submitted in support of this application [a site plan must be submitted]:
 - a) Site Plan
 - b) ALTA Survey
 - c) _____

(Attach additional pages if necessary)

<p style="text-align: center;"><u>[Signature]</u> Applicant's Signature</p> <p style="text-align: center;"><u>by: Hunter Smith</u> Printed (typed) Name</p>	<p style="text-align: center;"><u>4423 Pheasant Ridge Rd. SW</u> Suite 301 Address <u>Roanoke, VA, 24014</u> City, State, Zip Code</p>	<p style="text-align: center;"><u>540-974-9762</u> Telephone Number <u>757-532-1420</u> Alternate Number</p>
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Richland County Board of Zoning Appeals

Variance Appeals Application

Section 4 Responses – Columbia IL Investors, LLC

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:

Exceptional conditions exist that require a variance of the zoning ordinance. Because the existing Continued Care Facility on Parcel #R20200-01-52 (The Crossings at Columbia) has separate financing and separate equity funding than the proposed addition, the existing facility and the addition must be located on separate parcels. However, because the operating entity (Harmony Senior Services) is the same for both the existing facility and the addition, it is vital to the successful operation of the facilities that the two buildings connect and allow the operations team to take advantage of existing infrastructure. Therefore, a variance under the existing zoning district to allow for 0' setback lot lines, allowing the buildings to connect, is the most appropriate way to address this exceptional condition and allow the proposed addition to happen.

b) Describe how the conditions listed above were created:

The conditions above were created because the current Continued Care Facility (The Crossings at the Columbia) has already been constructed and the addition must be separately financed, therefore the parcels cannot be consolidated.

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

These conditions are unique to this property. The lender requirements that dictate separate parcels are specific to the financing obligations that Columbia AL Investors, LLC and Columbia IL Investors, LLC have with their respective lenders, and likewise the operational requirement that the proposed continued care facility be completed as an addition is specific to this property. These conditions apply specifically to this property under the current Zoning District, and are not applicable to other properties in the vicinity.+

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:

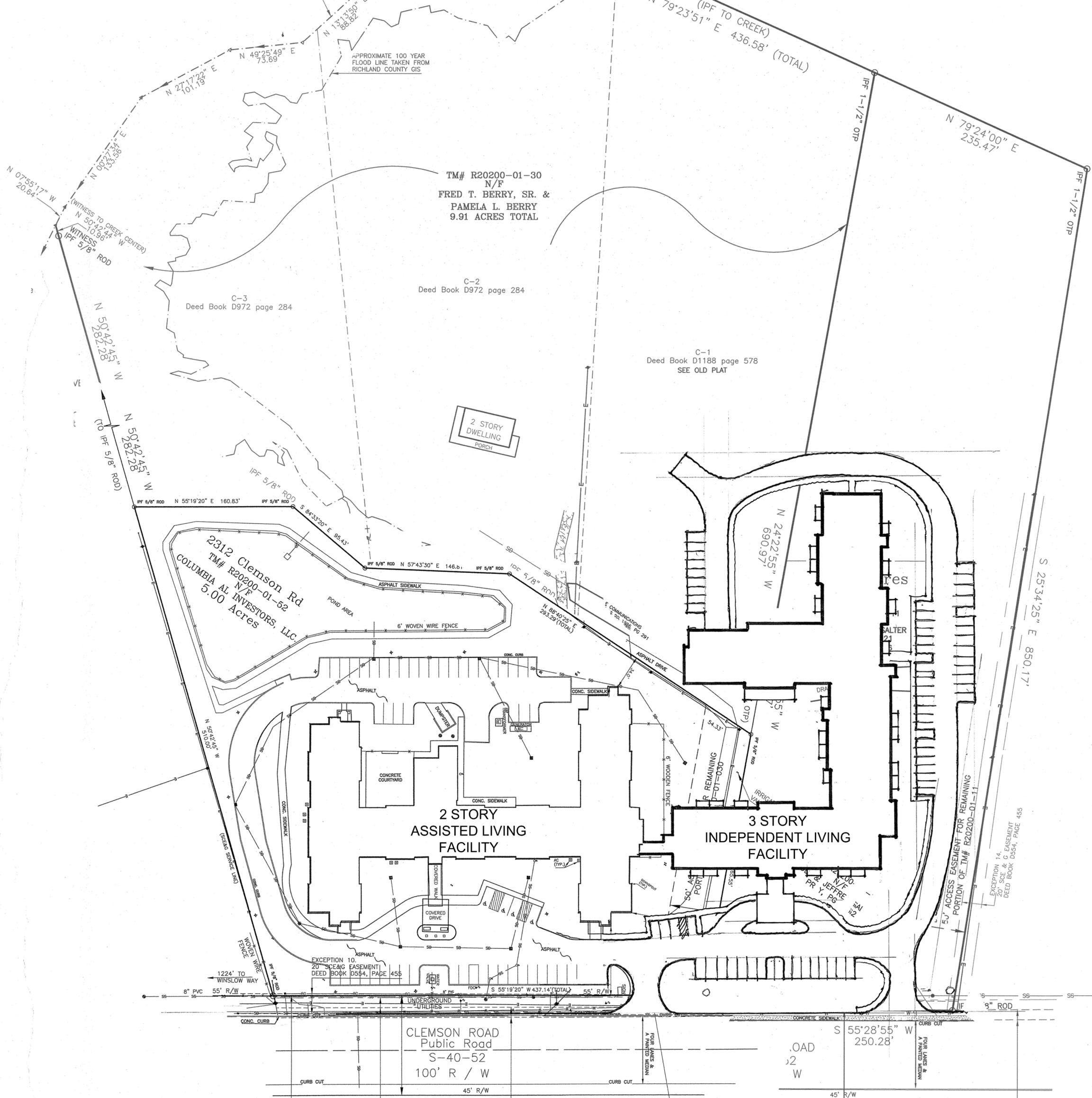
The application of the ordinance would prohibit the construction of a Continued Care Facility addition that will provide senior housing care and services. This proposed addition will provide a valuable community benefit, and market studies show that there is a high need for this type of care in Richland County. This addition also ensures the long-term viability of the existing Crossings at Columbia

continued care facility and the addition will bring additional jobs and tax revenue to Richland County. Without a variance of the ordinance this valuable community benefit will be effectively prohibited.

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:

The authorization of the variance will not be of substantial detriment to the adjacent property or the public good. The proposed addition is a continuation of a use designation that currently exists on part of the property so there is no significant change in use. Furthermore, authorization of the variance will allow the proposed building to connect to the existing building; therefore it will be built toward the center of the property, allowing for greater setbacks from adjacent property owners. The proposed project will actually benefit the public good by providing senior care services that are greatly needed in the market.

The character of the district will not be harmed by authorizing this variance. The proposed use is allowed in the current Zoning District and fits with the blend of residential uses and Office/institutional uses promoted in this section of the Clemson Road corridor. The building and site will also be designed to incorporate and enhance features from the surrounding community.



TM# R20200-01-30
N/F
FRED T. BERRY, SR. &
PAMELA L. BERRY
9.91 ACRES TOTAL

C-3
Deed Book D972 page 284

C-2
Deed Book D972 page 284

C-1
Deed Book D1188 page 578
SEE OLD PLAT

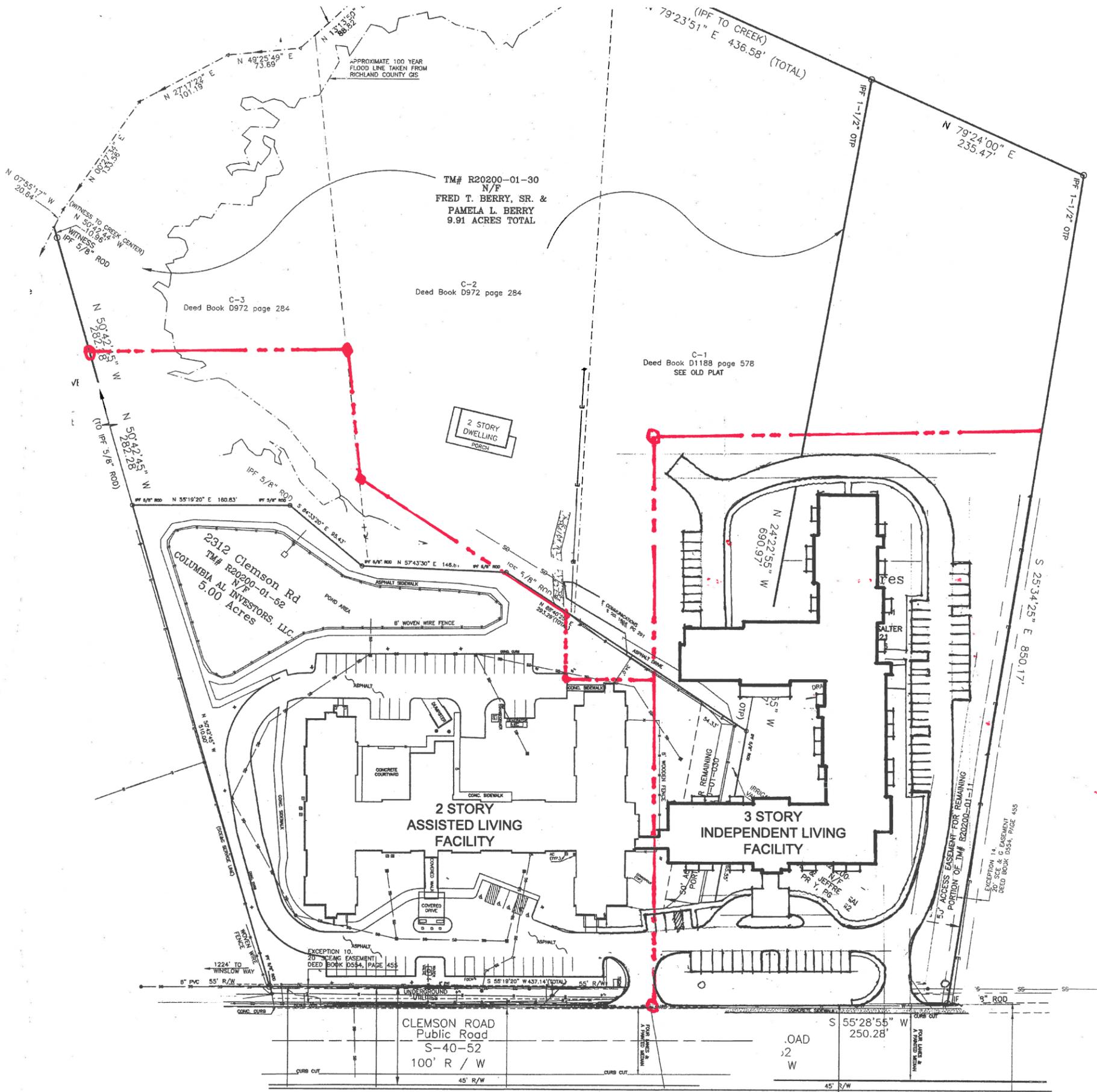
2312 Clemson Rd
TM# R20200-01-52
N/F
COLUMBIA AL INVESTORS, LLC
5.00 Acres

2 STORY
ASSISTED LIVING
FACILITY

3 STORY
INDEPENDENT LIVING
FACILITY

CLEMSON ROAD
Public Road
S-40-52
100' R / W

THE CROSSINGS AT COLUMBIA
SENIOR COMMUNITY



**THE CROSSINGS AT COLUMBIA
SENIOR COMMUNITY**

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Richland County Government
2020 Hampton Street
Columbia, SC 29204

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