

RICHLAND COUNTY BOARD OF ZONING APPEALS



Wednesday, 5 December 2018

3 p.m.

Council Chambers



**Richland County
Board of Zoning Appeals
Wednesday, December 5, 2018
2020 Hampton Street
2nd Floor, Council Chambers
3:00 p.m.**

Agenda

- I. CALL TO ORDER & RECOGNITION OF QUORUM** **Mike Spearman, Chairman**
- II. ADOPTION OF AGENDA**
- III. PUBLIC NOTICE ANNOUNCEMENT**
- IV. RULES OF ORDER** **Mike Spearman, Chairman**
- V. APPROVAL OF MINUTES – November 2018**
- VI. PUBLIC HEARING** **Geonard Price,
Zoning Administrator**

OPEN PUBLIC HEARING

**18-005 V
Richard Burts
119 South Parker Street
Columbia, SC 29201
TMS# 08816-02-04
Page 1**

A variance to allow improvements to a historic building located in the one-hundred (100) year flood zone on property zoned Residential, Multi-Family - High Density (RM-HD).

**District 10
Dalhi Myers**

**18-004 AR
George Faust
1013 Carl Shealy Road
Irmo, SC 29063
TMS# 02408-03-04
Page 17**

An Administrative Review of the Zoning Administrator's determination that the rip-rap business is not a nonconforming use on property zoned Residential, Single-Family – Low Density (RS-LD).

**District 1
Bill Malinowski**

VII. OTHER BUSINESS

VIII. ADJOURNMENT



REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

18-005 Variance

REQUEST:

A variance to allow improvements to a historic building located in the one-hundred (100) year flood zone on property zoned Residential, Multi-Family - High Density (RM-HD)

GENERAL INFORMATION:

Applicant: Richard Burts

TMS: 08816-02-04

Location: 119 South Parker Street, Columbia, SC 29201

Parcel Size: .31 acres

Existing Land Use: Currently the property contains an unoccupied "shell" which is assessed by Richland County as an office use.

Proposed Land Use: The applicant proposes to make improvements which would allow the structure to be occupied.

Character of Area: The area is residentially developed (Pacific Mills).

ZONING ORDINANCE CITATION:

26-61 (g) (2) (a)

Historic Structures – A special exception floodplain development permit shall be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. A historic structure is defined as buildings listed in or that are eligible for listing the National Register of Historical Places, or designated as historic under an appropriate state or local law.

CRITERIA FOR VARIANCE:

The board of zoning appeals shall not grant a variance unless and until all the criteria found in Subsection 26-61(g)(2) and the following criteria are met:

- (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 make improvements to an existing structure which is located in the one-hundred (100) year flood zone. The required scope of work is deemed to be a substantial improvement according to the Richland County Land Development Code (LDC). A substantial improvement is defined as:

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “repetitive loss” or “substantial damage,” regardless of the actual repair work performed. Substantial improvement shall also include any improvements, singularly or collectively, on a structure during any ten (10) year period for which the cost of total repairs over that period is equal to or exceeds fifty percent (50%) of the market value of the structure.

According to 26-106 (d) (2) of the LDC, structures determined to require substantial improvements must be elevated at least two (2) feet above the base flood elevation, among other requirements. Specifically:

- a. ***Residential construction.*** New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than two (2) feet above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with subsection f. below.

- b. ***Nonresidential construction.*** New construction and substantial improvement of any commercial industrial, or nonresidential structure shall have the lowest floor (including basement), or mechanical and utility equipment, elevated no lower than two (2) feet above the level of the base flood elevation or be flood-proofed to a level no lower than two (2) feet above the level of the base flood elevation, provided that all areas of the building (including mechanical and utility equipment) below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with subsection f. below. A South Carolina licensed registered land surveyor, engineer, or architect authorized by law to certify such information shall certify that the standards of this subsection are satisfied. Flood-proofed structures shall have an approved maintenance plan with an annual exercise as required by FEMA. The maintenance plan must be approved by the flood coordinator and notification of the annual exercise shall be provided to same.

However, historic structures are permitted to apply for a variance in order to make the necessary improvements and avoid the requirements of section 26-106 (d) (2).

If the variance is denied, a permit will not be issued and the structure will remain vacant until the requirements of section 26-106 (d) (2) are met.

Staff believes that the subject parcel does meet 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 building is deemed to be a historic structure.

b. Conditions applicable to other properties

Staff was unable to determine conditions applicable to other properties in the surrounding area.

c. Application of the ordinance restricting utilization of property

Applying the provisions of the LDC, the historic designation would be voided.

d. Substantial detriment of granting variance

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

CONDITIONS:

- 1) Conditions - Upon consideration of the factors listed above and the purposes of this ordinance, the board of zoning appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. The following conditions shall apply to all variances:
 - (a) Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
 - (b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (c) Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (d) The local floodplain manager shall maintain the records of all appeal actions and report any special exceptions to the Federal Emergency Management Agency (FEMA) upon request.
 - (e) Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this ordinance.
 - (f) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk. Such notification shall be maintained with a record of all variance actions.

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:

- Scope of work
- Elevation certificate
- Plat
- Application



BOARD OF ZONING APPEALS

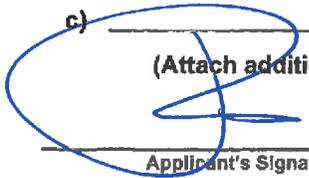
VARIANCE APPEALS



Application # ZV 18-005

1. Location 119 SOUTH PARKER ST, COLUMBIA, SC 29203
 TMS Page 08816 Block 02 Lot 04 Zoning District RM-HD
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 26-106 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: NON CONFORMING COMMERCIAL USE ON AN HISTORIC PROPERTY REQUIRING REPAIRS
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: PROPERTY IS LOCATED IN A FLOODPLAIN AND IS LISTED ON THE NATIONAL REGISTER
 - b) Describe how the conditions listed above were created: ANY ADDITIONAL WORK TO THE STRUCTURE WOULD REQUIRE SUBSTANTIAL IMPROVEMENT & FLOODPLAIN COMPLIANCE
 - c) These conditions do not generally apply to other property in the vicinity as shown by: NATIONAL REGISTER LISTED LIMITS SCOPE OF WORK
 - 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: APPLICATION OF THIS CHAPTER WOULD PREVENT UTILIZATION OF THE PROPERTY
 - 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: GRANTING OF THE VARIANCE WOULD ALLOW THE BUILDING TO BE PUT BACK IN SERVICE
5. The following documents are submitted in support of this application [a site plan must be submitted]:
 - a) PLAT & TOPO
 - b) ELEVATION CERTIFICATE
 - c) _____

(Attach additional pages if necessary)



RICHARD BURT
Printed (typed) Name

Po Box 5233
Address
COLUMBIA, SC 29250
City, State, Zip Code

803.414.9450
Telephone Number
NA
Alternate Number

**RICHLAND COUNTY
COMMUNITY PLANNING & DEVELOPMENT**

2020 Hampton Street
Columbia, SC 29204



Section 26-61 (g) (4)

1) Conditions - Upon consideration of the factors listed above and the purposes of this ordinance, the board of zoning appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. The following conditions shall apply to all variances:

(a) Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

OK RMK

(b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

OK RMK

(c) Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

OK RMK

(d) The local floodplain manager shall maintain the records of all appeal actions and report any special exceptions to the Federal Emergency Management Agency (FEMA) upon request.

OK RMK

(e) Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this ordinance.

OK RMK

(f) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk. Such notification shall be maintained with a record of all variance actions.

OK RMK

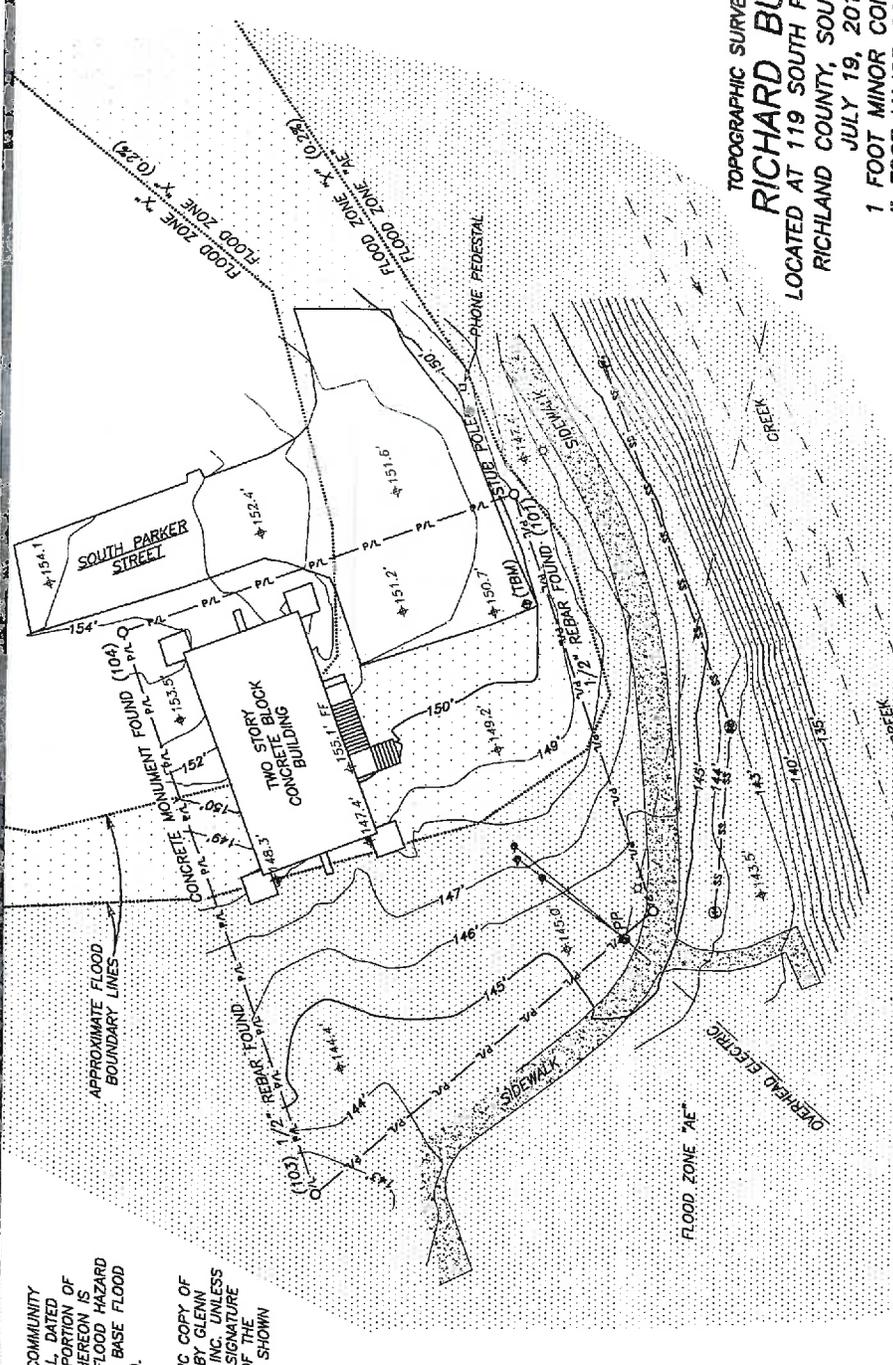
NOTES:
 1. ACCORDING TO F.I.R.M. COMMUNITY PANEL # 450172 0356 L, DATED DECEMBER 21, 2017 A PORTION IS THE PROPERTY SHOWN HEREON IS LOCATED IN A SPECIAL FLOOD HAZARD ZONE AE, ZONE AE (NO BASE FLOOD ELEVATIONS DETERMINED).

2. NO PRINT OR ELECTRONIC COPY OF THIS PLAT IS CERTIFIED BY GLENN ASSOCIATES SURVEYING, INC. UNLESS IT BEARS THE ORIGINAL SIGNATURE AND IMPRESSION SEAL OF THE RESPONSIBLE SURVEYOR SHOWN HEREON.

STATE GRID NORTH
 BY GNSS
 FROM SCRS
 NAD83 (2011)

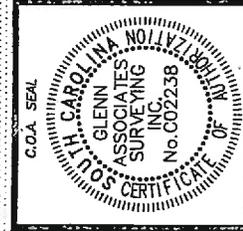
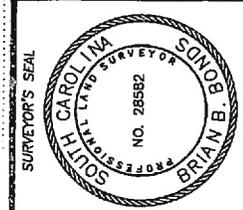
VERTICAL DATUM NAVD-88

TEMPORARY BENCHMARK (TBM)
 MAGNAN
 N 782.191.06
 E 1,989,728.28
 ELEV: 150.39



DRAWING BY TOMMY MADDALEVA

SURVEYOR'S SEAL
 SURVEYOR'S SEAL
 SURVEYOR'S SEAL



TOPOGRAPHIC SURVEY FOR
RICHARD BURTS
 LOCATED AT 119 SOUTH PARKER STREET
 RICHLAND COUNTY, SOUTH CAROLINA
 JULY 19, 2018
 1 FOOT MINOR CONTOURS
 5 FOOT MAJOR CONTOURS
 SCALE: 1 INCH = 30 FEET

0 30' 60' 90' 120' 150'

SURVEYED BY GLENN ASSOCIATES SURVEYING, INC.
 P.O. BOX 12 JENKINSVILLE, S.C. 29065 telephone (803) 345-5297

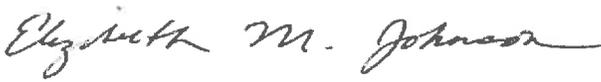
Brian B. Bonds
 BRIAN B. BONDS; S.C.P.L.S. # 28582

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS AS SPECIFIED THEREIN.

13123-3



TO: Richard M. & Janet C. Burts
JTWRS
P.O. Box 5233
Columbia, SC 29205

FROM: 
Elizabeth M. Johnson, Deputy State Historic Preservation Officer

SUBJECT: New Listing in the National Register of Historic Places

DATE: February 6, 2017

It gives me great pleasure to notify you officially that the following historic property has been entered in the National Register of Historic Places.

Name of Property ----- **Olympia Union Hall**
Columbia (vicinity), Richland County

Date of Listing----- **January 24, 2017**

Enclosed is information that explains the National Register. For more information about our other programs, including grants, tax incentives, and rehabilitation guidance, visit our website at www.shpo.sc.gov.

Enclosure

Tommy DeLage

From: richard burts <richardburts@gmail.com>
Sent: Saturday, November 17, 2018 2:45 PM
To: Heather Brown; Tommy DeLage
Cc: Nancy Stone-Collum
Subject: 119 South Parker - BoZA
Attachments: SHPO - NOTIFICATION OF NATIONAL REGISTER LISTING.pdf

Heather, I'm sorry that I was unable to get this to you yesterday.

My National Register listing notification from SHPO is attached.

Scope of work: will include everything needed to rehabilitate this structure to meet the Secretary of Interior's "Standards for Rehabilitation". Currently, 119 South Parker's condition is only that of a shell.

Work to be preformed: new roof, new interior & exterior windows and doors, exterior / interior paint, wood restoration, masonry restoration, wall framing, all electrical, all plumbing (including bathrooms), all mechanical systems, plaster repair, refinish all flooring, new stairway, cabinetry, all new furniture & fixtures. Site work will include landscaping and replacement of existing asphalt paving.

Thanks!

Richard

--

phone/text 803.414.9450

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name Richard M. Burts and Janet C. Burts				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 119 S. Parker Street				Company NAIC Number:	
City Columbia		State South Carolina		ZIP Code 29201	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) TMS R08816-02-04, Lot 27 on a Map of Pacific Mills dated April 10, 1940					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Non-Residential</u>					
A5. Latitude/Longitude: Lat. <u>33°59'00.04 N</u> Long. <u>81°02'01.94 W</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>2A</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>238.20</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A8.b <u>0.00</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
A9. For a building with an attached garage:					
a) Square footage of attached garage <u>N/A</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>N/A</u>					
c) Total net area of flood openings in A9.b <u>N/A</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number Richland County 450170			B2. County Name Richland		B3. State South Carolina
B4. Map/Panel Number 45079C0356	B5. Suffix L	B6. FIRM Index Date 12-21-2017	B7. FIRM Panel Effective/ Revised Date 12-21-2017	B8. Flood Zone(s) "X" & "AE"	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 149
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 119 S. Parker Street			Policy Number:
City Columbia	State South Carolina	ZIP Code 29201	Company NAIC Number

**SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED)
FOR ZONE AO AND ZONE A (WITHOUT BFE)**

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the HAG.
 - b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the LAG.
- E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ feet meters above or below the HAG.
- E3. Attached garage (top of slab) is _____ feet meters above or below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is _____ feet meters above or below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? Yes No Unknown. The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name
Richard M. Burts and Janet C. Burts

Address P.O. Box 5233	City Columbia	State South Carolina	ZIP Code 29205
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Signature	Date	Telephone
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Comments

Check here if attachments.

BUILDING PHOTOGRAPHS

See Instructions for Item A6.

OMB No. 1660-0008
Expiration Date: November 30, 2018

ELEVATION CERTIFICATE

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 119 S. Parker Street			Policy Number:
City Columbia	State South Carolina	ZIP Code 29201	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.



Photo One

Photo One Caption Left Rear View

Clear Photo One

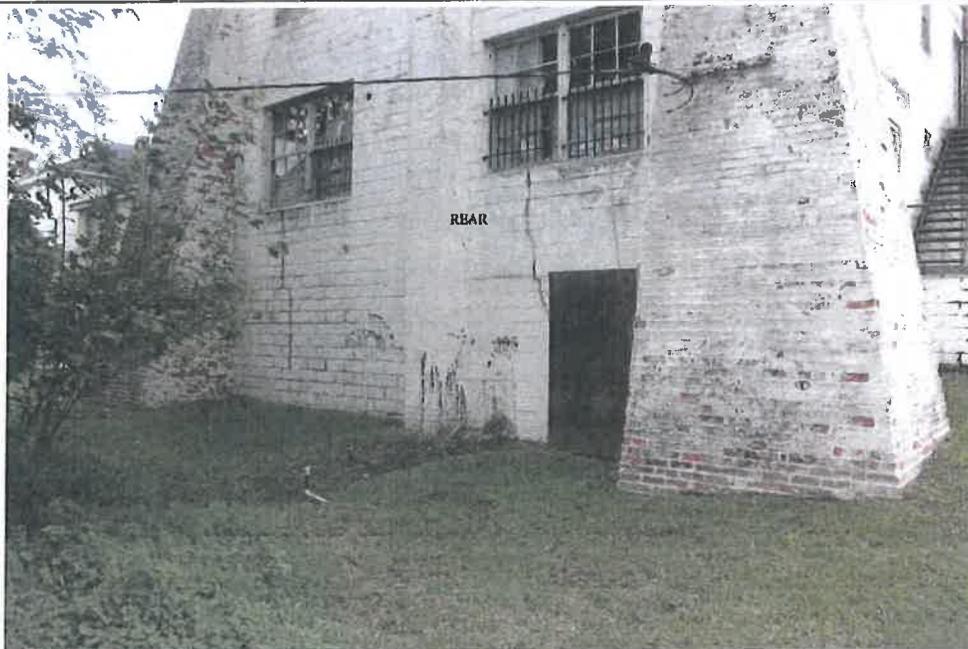


Photo Two

Photo Two Caption Rear View

Clear Photo Two

BUILDING PHOTOGRAPHS

Continuation Page

OMB No. 1660-0008

Expiration Date: November 30, 2018

ELEVATION CERTIFICATE

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 119 S. Parker Street			Policy Number:
City Columbia	State South Carolina	ZIP Code 29201	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.



Photo Three

Photo Three Caption Front Right View

Clear Photo Three



Photo Four

Photo Four Caption Front Left View

Clear Photo Four



7 November 2018
Board of Zoning Appeals

Administrative Review

CASE:

18-004 Administrative Review

REQUEST:

The applicant is appealing the zoning administrator's determination that the rip-rap business located at 1013 Carl Shealy Road is not a nonconforming use on property zoned Residential, Single-Family – Low Density (RS-LD) zoning district.

The Zoning Administrator has determined that the in order to be deemed a nonconforming use, the rip-rap operation would have had to be established prior to the adoption of the zoning regulations for the unincorporated area of Richland County - September 7, 1977 (as amended 1979).

The basis for the denial is that in order to be deemed nonconforming, a use is required to be lawfully in existence prior to the adoption of any regulation which would make the use no longer in compliance. During the review of the request for nonconforming status, the applicate stated that the rip-rap operation was established around the year 1984. A review of the 1984 Zoning Ordinance indicates that there were no provisions in place which would have the rip-rap operation as a permitted use in the RS-LD district.

All documentation presented by the applicant fails to establish the operation prior to September 7, 1977. In addition, Richland County records indicate that the residential structure was not established on the subject property until 1981.

GENERAL INFORMATION:

Applicant: George Faust

ZONING ORDINANCE CITATION (S):

26-33 (a) (1) of the Land Development Code authorizes the Board of Zoning Appeals to hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by the zoning administrator or other authorized staff of the planning department in the enforcement of this chapter. Such appeals must be taken within thirty (30) days after the order, requirement, decision, or determination that is alleged to be in error is made, and must be made in accordance with the procedures and standards set forth in Section 26-58 of this chapter.

FORMAL REVIEW:

26-58 (e) Upon receiving the application, the board of zoning appeals or planning commission (as applicable) shall conduct a public hearing on the appeal. Any party may appear in person or be represented by an agent. After conducting the public hearing, the board of zoning appeals or planning commission (as applicable) shall adopt an order reversing or affirming, wholly or in part, or modifying the order requirements, decision, or determination in question. These boards shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit. These boards in the execution of the duties specified herein may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction. The decision of these boards must be in writing and permanently filed in the planning department as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of these boards, which must be delivered to parties of interest by certified mail.

Certified letter

10 January 2018

George Faust
1013 Carl Shealy Road
Irmo, South Carolina 29063

RE: Illegal activity
1013 Carl Shealy Road
TMS: 02408-03-04

Dear Mr. Faust:

The above referenced location was inspected by the Richland County Planning Department. It has been determined that activities taking place on the premises are in violation of the provisions of section 26-60 of the Richland County Land Development Code (LDC).

According to section 26-60:

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the planning department, or unless a temporary nonconforming use permit has been issued by the planning department. The certificate shall state that the building or the proposed use of the building or land conforms to the requirements of this chapter.

Specifically, the following type of violation was identified:

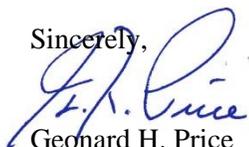
1. The operation of a rip-rap business.

A review of Richland County records indicates that the only business license associated with the referenced location is for "Plumbing, Heating, and Air-Conditioning Contractors".

Upon receipt of this letter, any operation associated with the rip-rap business is to immediately cease. Your property will be checked to ensure that the property is in compliance. If it is determined that violations are still present, legal action will be taken without further notice

Please contact Earl Hudgins, Land Use Inspector, at (803) 576-1336, if you have any questions or need additional information.

Sincerely,



Geonard H. Price
Deputy Planning Director/Zoning Administrator

Hand delivered letter

18 January 2018

George Faust
1013 Carl Shealy Road
Irmo, South Carolina 29063

RE: Illegal activity
1013 Carl Shealy Road
TMS: 02408-03-04

Dear Mr. Faust:

The above referenced location was inspected by the Richland County Planning Department. It has been determined that activities taking place on the premises are in violation of the provisions of section 26-60 of the Richland County Land Development Code (LDC).

According to section 26-60:

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the planning department, or unless a temporary nonconforming use permit has been issued by the planning department. The certificate shall state that the building or the proposed use of the building or land conforms to the requirements of this chapter.

Specifically, the following type of violation was identified:

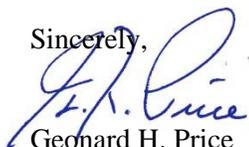
1. The operation of a rip-rap business.

A review of Richland County records indicates that the only business license associated with the referenced location is for "Plumbing, Heating, and Air-Conditioning Contractors".

Upon receipt of this letter, any operation associated with the rip-rap business is to immediately cease. Your property will be checked to ensure that the property is in compliance. If it is determined that violations are still present, legal action will be taken without further notice

Please contact Earl Hudgins, Land Use Inspector, at (803) 576-1336, if you have any questions or need additional information.

Sincerely,



Geonard H. Price
Deputy Planning Director/Zoning Administrator

Hand delivered letter
Certified letter

8 March 2018

George Faust
1013 Carl Shealy Road
Irmo, South Carolina 29063

RE: Requested documentation for rip-rap business
1013 Carl Shealy Road
TMS: 02408-03-04

Dear Mr. Faust:

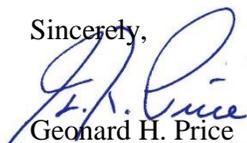
Thanks for meeting with me and Earl Hudgins, Land Use Inspector, regarding the notice of violation issued for the operation of a rip-rap business on residentially zoned property (RS-LD). You stated that your business, at the above referenced address, has been “grandfathered” due the length of time of it has been in operation. You have also previously provided a screen shot from the Richland County Business Service Center (BSC) indicating a license for a landscaping service (which you assert covers the rip-rap operation) was issued in 2016 to GGE&C (BL # 39165-38303). According the BSC, the license for the landscaping business was erroneously issued in 2016. Currently, the business is listed as “closed” due to failure to renew in 2017. In addition, records also indicate that GGE&C Services has an open business license (BL # 47651-46643) for a landscaping service at 11321 Broad River Road.

As for the nonconformity (aka “grandfathered”) of the rip-rap business, staff has been unable to establish that the business was legally in operation prior to the adoption of zoning regulations for the unincorporated area of Richland County, September 7, 1977. If it is your position that the rip-rap operation was legally established before September 7, 1977 and has maintained continuous operation since this date, please provide documentation to the Zoning Division of the Community Planning and Development Department (CP&D) supporting this position. The requested documentation may include business licenses and/or affidavits (notarized). The affidavit(s) must include the name, address and contact information of the witness, along with supporting information. Upon receipt of this information, staff will review and make a final determination on the status of the business.

The requested documentation must be provided to this office within fifteen (15) days of receipt of this letter. Failure to provide the requested documentation within the prescribed time will result in legal action being taken without further notice.

Please contact me at (803) 576-2190, if you have any questions or need additional information.

Sincerely,



Geonard H. Price
Deputy Planning Director/Zoning Administrator

Hand delivered letter
Certified letter

2 July 2018

George Faust
1013 Carl Shealy Road
Irmo, South Carolina 29063

RE: Requested documentation for rip-rap business
1013 Carl Shealy Road
TMS: 02408-03-04

Dear Mr. Faust:

You and members of your family met with me and Earl Hudgins, Land Use Inspector, regarding the notice of violation issued for the operation of a rip-rap business on residentially zoned property (RS-LD). As stated in the follow-up letter (enclosed) dated 8 March 2018, you stated during the meeting that the rip-rap operation was “grandfathered” due to the length of time it was in operation. Richland County records could not corroborate that the business was nonconforming. As previously stated, in order for the rip-rap operation to be deemed nonconforming, the use would have to be established and in continuous operation prior to September 7, 1977. It was requested that you provide documentation to the Zoning Division of the Community Planning and Development Department (CP&D) supporting your position of the use being “grandfathered”.

Subsequently, you provided letters of support (enclosed) of your position from the following:

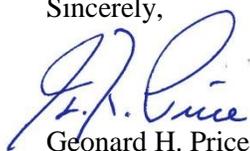
- Norman Agnew (Agnew Lake Services)
- J. Michael Sloan
- Vanessa Patrick
- Randy Slice

After a review of the letters and discussions with J. Michael Sloan and Vanessa Patrick, it has been determined that the rip-rap operation was established after September 7, 1977. Based on this determination, the current operation of the rip-rap business is deemed illegal. All operations associated with the business must immediately cease. An inspection will be performed upon receiving the return receipt for the certified letter. If it is determined that violations are still present, legal action will be taken without further notice.

In cases where anyone has substantial reasons to believe that there is an error in the interpretation, decision, requirement, or determination by an administrative official, an appeal to the Board of Zoning Appeals must be filed no later than thirty (30) days after the decision has been made. The application for the appeal is enclosed.

Please call me if you have any questions or need additional information at 576-2174.

Sincerely,



Geonard H. Price
Deputy Planning Director/Zoning Administrator



Business Name GGE License Begin Date 1/1/2016

NAICS Code Information				Add New NAICS Code
NaicsCode	NaicsCode Desc.	Reporting Year	Primary Naics	Edit
238220-B	Plumbing, Heating, and Air-Conditioning Contractors	2016	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
561730	Landscaping Services	2016	<input type="checkbox"/>	<input checked="" type="checkbox"/>
				1

GGE & C
 1013 CARL SHEELY RD
 IRMO, SC 29063
 BL # 39165-38303

Richland County

APR 13 2017

Business Service Ctr.



3/26/2018

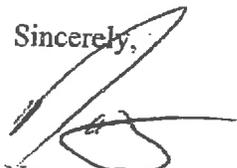
**P.O. Box 227
Ballentine, SC 29002
803-781-0399**

To whom it may concern,

The Faust family has operated a home based business at 1013 Carl Shealy Rd. Irmo, SC the entire time we have been in the area for more than 30 years. We used to lease property across the cove from them before moving to our current location just up the street. Like any other self employed family, they will take various jobs. This has always required different types of equipment, and materials to be staged and stored on their property. In my mind they are doing nothing differently now than they were doing when we first came to the area. They are a good and productive member of our community. The services they offer are well received and in high demand. If there are any further questions, I can be reached at the number listed above.

Thank you for your time and attention.

Sincerely,



Norman R. Agnew

Agnew Lake Services P.O. Box 227 Ballentine, SC 29002

Electrical, rip-raft, and shoreline cleaning business.

Page 1 of 1

From: Mike Sloan <jmsloan657@aol.com>

To: Owlphase <Owlphase@aol.com>

Subject: Electrical, rip-raft, and shoreline cleaning business.

Date: Sat, Mar 17, 2018 5:28 pm

To whom it may concern:

George Faust has been in The Electrical, Rip Rafting, and shoreline cleaning business for at least the last 30-years.

J. Michael Sloan
1430 Wonder Drive
Chapin, SC. 29036

803 422 2746

Grandfather Zoning.

Page 1 of 1

From: Mike Sloan <jmsloan657@aol.com>
To: Owlphase <Owlphase@aol.com>
Subject: Grandfather Zoning.
Date: Mon, Mar 5, 2018 10:53 am

To whom it may concern.

During the zoning phase of the county in the early 80's it was told to the community that the rural property in Ballentine/Whiterock area was going to be re-zoned in the following manner;

1. All property on the 76 corridor would be deemed commercial.
2. All rural property off of 76 would be re-zoned to RS-1.
3. Property that is in non-conformity use to the new RS-1 Zoning would be considered grandfathered. Therefore this would continue as long as this property was in use. Once that use ceased, then the grandfather would be removed from the property.

If I can be of any further assistance, please let me know.

J. Michael Sloan
1430 Wonder Drive
Chapin, SC. 29036
803 422 2746

GEO PRICE

From: Vanessa Patrick <vanessapattick1@hotmail.com>
Sent: Thursday, March 29, 2018 9:26 AM
To: GEO PRICE
Subject: FW: Business Activities at 1013 Carl Shealy Road

George Faust requested I compose an email documenting my knowledge of his activities at 1013 Carl Shealy Road. See below.

Sent from Mail for Windows 10

From: Vanessa Patrick
Sent: Thursday, March 29, 2018 9:20:40 AM
To: George Faust
Subject: Business Activities at 1013 Carl Shealy Road

This email is to document my personal knowledge of your business activities at the above address – your home and business address – for at least 30 years. I first met you when my daughter started day care at the home of Julia Holden, where your son also attended. At that time Cory, who was born in 1984, was one year old, so this dates our association to 1985.

At that time you were already conducting a variety of business activities, and housing the equipment and vehicles necessary to do so, from the above-mentioned address, to include electrical work, dock and riprap work, and other general construction work. Soon after meeting you, and finding out what you could do, I visited your home to discuss you doing some work for me. I observed a variety of equipment, boats and vehicles evidencing your business activities. Over the years, you have performed many services for me, my friends, and my real estate clients (after I started in real estate in 1996). These include: installing shoreline riprap, installing dock lifts, installing and repairing hot tubs, building decks, electrical work, plumbing work, lot clearing and driveway installation, installing water and sewer lines to a small development on Lake Murray, to mention a few. Regardless of the work involved, the business was obviously headquartered at 1013 Carl Shealy Road.

Vanessa Patrick
SC Homes & Land Realty
Patrick Property Development
(803)521-3614

Sent from Mail for Windows 10

Robert E. Crout, Th.D, PA

PO Box 5399

Greenville, SC 29606

February 17, 2018

To whom it concern:

According to my records, Mr. George Faust, 1013 Carl Shealy Road, Irmo, SC 29063, has been in business, electrical, construction, landscaping, rip rap, for at least thirty years. I have prepared business tax returns for more than 25 years.

If necessary, I will be happy to discuss with the property authorities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert E. Crout', with a long horizontal flourish extending to the right.

Robert E. Crout, PA



RICHLAND COUNTY ZONING ORDINANCE



ADOPTED SEPTEMBER 7, 1977

BY RICHLAND COUNTY COUNCIL

AMENDED THROUGH SEPTEMBER 30, 1979

SECTION 6-3

RS-1, RS-2, RS-3 SINGLE FAMILY RESIDENTIAL

6-3.1 INTENT

These districts are intended as single family residential areas with low to medium population densities. Use regulations for the single family districts are identical, but custom has established three classes of lot width and lot area, and these dimensional differences are intended to be preserved. Certain structures and uses required to serve governmental, educational, religious, noncommercial recreational, and other needs of such areas are permitted outright within such districts or are permissible as special exceptions subject to restrictions and requirements intended to preserve and protect their single family residential character.

6-3.2 PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Single family detached dwellings located on individual lots.

6-3.3 PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, private swimming pools, and the like;
- (2) Home occupations, except beauty and barber shops, subject to the provisions of Section 7-6.
- (3) Other structures and uses which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
 - b. Do not involve the conduct of trade on the premises;
 - c. Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership;
 - d. Are not likely to attract visitors in larger numbers than would be expected in the neighborhood; and
 - e. Do not involve operations not in keeping with the character of the area, or of a nature prohibited under "Prohibited Uses and Structures."

6-3.4 PERMITTED SPECIAL EXCEPTIONS

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit, as special exceptions:

- (1) Parks, playgrounds, playfields.

- (2) Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural or recreational uses, provided that a specific determination is made by the Board that such uses or structures are in keeping with the residential character of the district.
- (3) Churches and other places of worship, including educational buildings related thereto, provided that the Board of Adjustment shall find that the characteristics of such places of worship and related buildings and the site design thereof will be in keeping with the residential character of the district.
- (4) Elementary and high schools, provided that the Board of Adjustment shall find that the characteristics of such facilities and the site design thereof will be in keeping with the residential character of the district.
- (5) Day nurseries and kindergartens, subject to the provisions of Section 7.7.
- (6) Sanitariums, rest homes, convalescent homes, homes for orphans, homes for the aged, provided that no such facility shall have a lot area of less than five (5 a.) acres, that no building in connection with such facility shall be located closer than twenty-five (25') feet to any lot line.
- (7) Utility substations, provided that the Board of Adjustment shall impose appropriate conditions and safeguards regarding siting or characteristics of use potentially incompatible with nearby uses.
- (8) Cemeteries.
- (9) Beauty and barber shops, as home occupations subject to the provisions of Section 7-6.
- (10) Cluster housing developments containing only single-family detached dwellings units subject to the provisions of Section 6-13.
- (11) Temporary borrow pits for fill dirt and topsoil.
- (12) Physicians and dentists' offices provided that the Board of Adjustment shall find that the characteristics of such uses and the site and elevation design thereof will be in keeping with the residential character of the district. All such uses shall also meet all other requirements of the zoning district in which it is located, the parking requirements of Section 7-1.2(11) and the screening and buffering requirements of Section 7-8.

6-3.5 PROHIBITED USES AND STRUCTURES

- (1) Trade or service other than as provided under "Permitted Principal Uses and Structures," or "Permitted Accessory Uses and Structures, or as permitted in connection with "Special Exceptions."
- (2) Manufacturing.
- (3) Storage in connection with trade, service or manufacturing activities outside the district.
- (4) Storage or long-term parking of commercial or industrial vehicles.
- (5) Storage of building materials except in connection with active construction activities on the premises.
- (6) Storage or use of mobile homes.
- (7) Signs, except as permitted under Section 8.
- (8) Storage of junk.

6-3.6 MINIMUM LOT AREA AND WIDTH

- (1) Single family detached dwellings if a public water and sewer system are available to the lot:

	<u>Lot Area</u> (sq. ft.)	<u>Lot Width</u> (feet)
a. RS-1	12,000	75
b. RS-2	8,500	60
c. RS-3	5,000	50

- (2) Other uses and structures permitted outright or permissible as special exceptions: No minimum except as needed to meet other requirements herein or as specified under "Permitted Special Exceptions" above if public water and sewer are available.
- (3) If either public water or sewer are not available to the lot the minimum lot area will be determined by the Richland County Health Department.

6-3.7 MINIMUM YARD REQUIREMENTS

The depth of front and rear yards, and the width of side yards shall be as follows, for single family detached dwellings and for other permitted or permissible structures, unless otherwise specified:

1. Front Yards:
 - a. 25 feet on lots fronting minor residential streets.
 - b. 40 feet on lots fronting collector streets, commercial or industrial streets or major thoroughfares.
 - c. On corner lots the secondary front yard shall be not less than one-half the depth of the primary front yard in a. or b. above.
2. Side yards of interior or corner lots:
 - a. RS-1: Combined side yards shall total 16 feet, provided however, that no individual side yard shall be less than 5 feet in width.
 - b. RS-2: Combined side yards shall total 13 feet, provided however, that no individual side yard shall be less than 4 feet.
 - c. RS-3: Combined side yards shall total 12 feet, provided however, that no individual side yard shall be less than 4 feet in width.
3. Rear Yards:
 - a. For permitted principal structures: 20 feet
 - b. For permitted accessory structures: 5 feet

6-3.8 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

- (1) Single family detached dwellings and their permitted accessory buildings: 25%.

- (2) Other permitted and permissible buildings and their accessory buildings: 25%

6-3.9 MAXIMUM HEIGHT OF STRUCTURES

Except as provided in Section 5-4, no portion of any building shall exceed 35 feet in height.

6-3.10 MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements as set forth in Section 7 must be met.

6-3.11 SIGNS

Signs are permitted in the RS-1, RS-2, and RS-3 zones only in accordance with the provisions of Article 8 "Regulation of Signs."

ARTICLE 5

GENERAL REGULATIONS

5-1 NONCONFORMING USES

5-1.1 Intent

Within the districts established by this Ordinance, or by amendments which may later be adopted, there exist lots, structures, uses of land and structures, and activities which were lawful before this Ordinance was passed or amended, but which would be prohibited or regulated and restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, reconstructed to continue nonconformity after major damage, or used as grounds for adding other structures or uses prohibited elsewhere in the same district.

5-1.2 Continuance of Nonconforming Uses, Structures, or Activities

- (1) Change to Another Nonconforming Use: A nonconforming use, structure, or activity shall not be changed to any other nonconforming use, structure, or activity unless the Zoning Board of Adjustment finds that the new use, structure, or activity is more in character with the uses permitted in the district, in which case the Zoning Board of Adjustment may require appropriate conditions and safeguards in accord with the purpose of this Ordinance.
- (2) Conversion of Use on Nonconforming Lots: The minimum yard requirements of this Ordinance shall not be construed as prohibiting the conversion of an existing building which does not meet the minimum yard requirements to another permitted use, so long as no further encroachment is made into the existing yards.
- (3) Reconstruction: A nonconforming structure shall not be demolished and rebuilt as a nonconforming structure.
- (4) Extension or Enlargement: A nonconforming use, structure or activity shall not be extended enlarged, or intensified except in conformity with this Ordinance, provided however, that any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

- (5) Reestablishment: A nonconforming use or activity shall not be reestablished after vacancy, abandonment or discontinuance for any period of twelve (12) consecutive months, except where Section 5-1.6 applies.
- (6) Reconstruction After Damage: A nonconforming structure shall not be rebuilt, altered, or repaired except in conformity with this Ordinance after sustaining damage exceeding seventy-five (75%) percent of the replacement cost of the structure at the time of damage, provided that any permitted reconstruction shall begin within twelve (12) months from the time of damage and shall be completed within six (6) months.

5-1.3 Repair or Maintenance of Nonconforming Structures

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

5-1.4 Nonconforming Lots of Record

- (1) Single Lots: In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.
- (2) Adjoining Lots: If two or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption or amendment of this Ordinance and such lots individually are too small to meet the yard, width or area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lots or lots in one ownership shall be subject to the requirements of this Ordinance.
- (3) Improved Subdivision Lots of Record: In subdivisions having received preliminary/construction approval or have had the water and/or sewer system extended to the individual lots are exempted from the requirements of subsection (1) and (2) above as they pertain to the combination of adjoining

nonconforming lots of record. The other applicable requirements such as yard dimensions and other requirements not involving area or width, or both, of the district in which such lots are located. Variance of yard requirements shall be obtained only through action of the Zoning Board of Adjustment.

5-1.5 Temporary Nonconforming Uses

A temporary use permit may be issued by the Zoning Administrator for an appropriate period of time not to exceed twelve (12) month increments for nonconforming buildings, structures or uses incidental to building construction or land development or deemed to be generally beneficial, provided that the owner of such temporary nonconforming use agrees to remove the temporary nonconforming use upon expiration of the permit.

5-2 VISIBILITY AT INTERSECTIONS

5-2.1 Sight Clearance to be Maintained: At each corner of each street intersection a sight area shall be maintained. Within the sight area no fence, wall sign or other structure, except poles, no slope or embankment, no parked vehicle, no hedge, foliage or other planting, except tree trunks, and no other object or structure shall be placed, erected or maintained which will obstruct visibility within the sight area. If poles or tree trunks in the sight area are a hazard to proper sight at intersections, they must be removed.

5-2.2 Dimensions of Sight Areas: The horizontal dimensions of sight areas are defined as triangular areas formed by the intersecting right-of-way lines in commercial and industrial districts and twenty-five (25') feet distant from the point of intersection of the right-of-way lines. The vertical dimensions of sight areas are defined as that vertical space between the height of two and one-half (2½') feet and ten (10') feet in elevation above the nearest edge of street pavement of a paved street or above the nearest edge of riding surface of an unpaved street.

5-3 ACCESSORY BUILDINGS

No accessory building shall be erected in any required yard except as herein provided, and no separate accessory buildings shall be erected within five (5') feet of any main building.

5-4 MEASUREMENT OF HEIGHT

For purposes of this Ordinance, the height of a building shall be measured from the average finished ground elevation at the base of the structure to the highest point of the roof of the structure, provided that spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, mechanical equipment or other such structures placed above the roof level and not intended for human occupancy shall not be subject to height limitations.

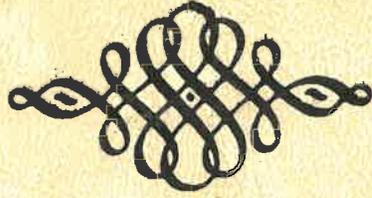
5-5 BUILDINGS AND LOTS TO HAVE ACCESS

Every building hereafter erected or structurally altered shall be on a lot adjacent to a public street, or on a lot adjacent to a private street which meets all standards of the Subdivision Regulations of Richland County. However, no private street or driveway shall be provided to commercial or industrial uses or districts through any residential district established by this Ordinance.

5-6 STRUCTURES IN REQUIRED YARDS

The general definition of "yards" as set forth in Section 2-2.60 states that yards are unoccupied and unobstructed by a structure or portion of a structure from thirty (30") inches above the finished grade level of the ground upward. However, the general definition shall be construed subject to the following exceptions and interpretations:

- 5-6.1 Those objects which are excluded from the definition of a "structure" under Section 2-2.55 above shall not be subject to regulation as an interpretation of the definition of "yard."
- 5-6.2 Steps and open porches without roofs shall be allowed in any required yard.
- 5-6.3 Screening or retaining walls and fences over thirty (30") inches in height that substantially impede vision may be permitted in a required yard as a special exception; however, screening walls and fences not over seven (7') feet in height are permitted outright in side and rear yards, provided no screening wall or fence in excess of five (5') feet is permitted within six (6') feet of a residential structure on adjacent property.
- 5-6.4 Eaves, cornices, gutters and other minor architectural features projecting less than eighteen (18") inches from the main portion of a building shall be allowed to project into any yard.
- 5-6.5 In C-3, M-1 and M-2 districts, structures and devices incidental to servicing, and roofs over such structures and devices are permitted within required front yards, provided that they do not constitute a substantial impediment to visibility across such yards which would contribute to the creation of traffic hazards, and further provided that servicing operations in connection therewith can be conducted so as not to interfere with public use of adjacent sidewalks and public streets.
- 5-6.6 No fence or wall shall be permitted in any required front yard which substantially impedes vision above a height of thirty (30") inches, except as provided for in C-3, M-1 and M-2 districts in Section 5-6.5 above.
- 5-6.7 Fences or walls are permitted in required side yards or required rear yards, provided that such fences or walls do not substantially impede visibility above a height of seven (7') feet.
- 5-6.8 Signs are permitted to encroach upon required yards in certain instances as set forth in Article 8, "Regulation of Signs."
- 5-6.9 Screening between commercial or industrial uses and lots zoned residentially as required by Section 7-8.



RICHLAND COUNTY ZONING ORDINANCE



ADOPTED SEPTEMBER 7, 1977
BY RICHLAND COUNTY COUNCIL
AMENDED THROUGH MAY 15, 1984

SECTION 6-3

RS-1, RS-1 A, RS-2, RS-3 SINGLE FAMILY RESIDENTIAL

6-3.1 INTENT

These districts are intended as single family residential areas with low to medium population densities. Use regulations for the single family districts are identical, but custom has established three classes of lot width and lot area, and these dimensional differences are intended to be preserved. Certain structures and uses required to serve governmental, educational, religious, noncommercial recreational, and other needs of such areas are permitted outright within such districts or are permissible as special exceptions subject to restrictions and requirements intended to preserve and protect their single family residential character.

6-3.2 PERMITTED PRINCIPAL USES AND STRUCTURES

- (1) Single family detached dwellings located on individual lots.

6-3.3 PERMITTED ACCESSORY USES AND STRUCTURES

- (1) Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, private swimming pools, and the like;
- (2) Home occupations, except beauty and barber shops, subject to the provisions of Section 7-6.
- (3) Other structures and uses which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
 - b. Do not involve the conduct of trade on the premises;
 - c. Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership;
 - d. Are not likely to attract visitors in larger numbers than would be expected in the neighborhood; and
 - e. Do not involve operations not in keeping with the character of the area, or of a nature prohibited under "Prohibited Uses and Structures."

6-3.4 PERMITTED SPECIAL EXCEPTIONS

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit, as special exceptions:

- (1) Parks, playgrounds, playfields.

- (2) Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural or recreational uses, provided that a specific determination is made by the Board that such uses or structures are in keeping with the residential character of the district.
- (3) Churches and other places of worship, including educational buildings related thereto, provided that the Board of Adjustment shall find that the characteristics of such places of worship and related buildings and the site design thereof will be in keeping with the residential character of the district.
- (4) Elementary and high schools, provided that the Board of Adjustment shall find that the characteristics of such facilities and the site design thereof will be in keeping with the residential character of the district.
- (5) Day nurseries and kindergartens, subject to the provisions of Section 7.7.
- (6) Sanitariums, rest homes, convalescent homes, homes for orphans, homes for the aged, provided that no such facility shall have a lot area of less than five (5 a.) acres, that no building in connection with such facility shall be located closer than twenty-five (25') feet to any lot line.
- (7) Utility substations, provided that the Board of Adjustment shall impose appropriate conditions and safeguards regarding siting or characteristics of use potentially incompatible with nearby uses.
- (8) Cemeteries.
- (9) Beauty and barber shops, as home occupations subject to the provisions of Section 7-6.
- (10) Cluster housing developments containing only single-family detached dwellings units subject to the provisions of Section 7-12.
- (11) Temporary borrow pits for fill dirt and topsoil.
- (12) Physicians and dentists' offices provided that the Board of Adjustment shall find that the characteristics of such uses and the site and elevation design thereof will be in keeping with the residential character of the district. All such uses shall also meet all other requirements of the zoning district in which it is located, the parking requirements of Section 7-1.2(11) and the screening and buffering requirements of Section 7-8.

6-3.5 PROHIBITED USES AND STRUCTURES

- (1) Trade or service other than as provided under "Permitted Principal Uses and Structures," or "Permitted Accessory Uses and Structures, or as permitted in connection with "Special Exceptions."
- (2) Manufacturing.
- (3) Storage in connection with trade, service or manufacturing activities outside the district.
- (4) Storage or long-term parking of commercial or industrial vehicles.
- (5) Storage of building materials except in connection with active construction activities on the premises.
- (6) Storage or use of mobile homes.
- (7) Signs, except as permitted under Section 8.
- (8) Storage of junk.

MINIMUM LOT AREA AND WIDTH

(1) Single family detached dwellings if a public water and sewer system are available to the lot:

	<u>Lot Area</u> <u>(sq. ft.)</u>	<u>Lot Width</u> <u>(feet)</u>
a. RS-1	12,000	75
b. RS-1A*	10,000	60
c. RS-2	8,500	60
d. RS-3	5,000	50

*The lots in the RS-1A District must conform to the yard requirements, offstreet parking requirements, and other restrictions set forth for the RS-1 District in this Ordinance.

(2) Other uses and structures permitted outright or permissible as special exceptions: No minimum except as needed to meet other requirements herein or as specified under "Permitted Special Exceptions" above if public water and sewer are available.

(3) If either public water or sewer are not available to the lot the minimum lot area will be determined by the Richland County Health Department, but in no case shall the lot be less than those indicated in (1) above.

6-3.7

MINIMUM YARD REQUIREMENTS

The depth of front and rear yards, and the width of said yards shall be as follows, for single family detached dwellings and for other permitted or permissible structures, unless otherwise specified:

(1) Front Yards:

- a. 25 feet on lots fronting minor residential streets
- b. 40 feet on lots fronting collector streets, commercial or industrial streets or major thoroughfares.
- c. On corner lots the secondary front yard shall be not less than one-half the depth of the primary front yard in (a) and (b) above.

2. Side yards of interior or corner lots:

- a. RS-1: Combined side yards shall total 16 feet, provided however, that no individual side yard shall be less than 5 feet in width.
- b. RS-2: Combined side yards shall total 13 feet, provided however, that no individual side yard shall be less than 4 feet.
- c. RS-3: Combined side yards shall total 12 feet, provided however, that no individual side yard shall be less than 4 feet in width.

3. Rear Yards:

- a. For permitted principal structures: 20 feet
- b. For permitted accessory structures: 5 feet

6-3.8

MAXIMUM LOT COVERAGE BY ALL BUILDINGS

(1) Single family detached dwellings and their permitted accessory buildings: 25%.

(2) Other permitted and permissible buildings and their accessory buildings: 25%

6-3.9 MAXIMUM HEIGHT OF STRUCTURES

Except as provided in Section 5-4, no portion of any building shall exceed 35 feet in height.

6-3.10 MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements as set forth in Section 7 must be met.

6-3.11 SIGNS

Signs are permitted in the RS-1, RS-2, and RS-3 zones only in accordance with the provisions of Article 8 "Regulation of Signs."



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