

RICHLAND COUNTY BOARD OF ZONING APPEALS



**Wednesday, 1 September 2021
3 p.m.
Council Chambers**



**Richland County
Board of Zoning Appeals
Wednesday, September 1, 2021
3:00 p.m.**

Chairman - Jason McLees

Co-Chairman – Lonnie Daniels

Mike Spearman • Robert T Reese • Cody Pressley

Agenda

- I. CALL TO ORDER & RECOGNITION OF QUORUM** **Jason McLees**
- II. PUBLIC NOTICE ANNOUNCEMENT**
- III. ADOPTION OF AGENDA**
- IV. RULES OF ORDER** **Chairman**
- V. APPROVAL OF MINUTES - July 2021**
- VI. PUBLIC HEARING** **Geonard Price,
Zoning Administrator**

OPEN PUBLIC HEARING [ACTION]

- 1. ZV21-005** **Request a variance to encroach into the required yard setbacks on property zoned Rural (RU)**
Shannon Metzger
N/S Southern Railroad
Gadsden, SC 29052
TMS# R32600-05-11
Page 1
- 2. ZV21-006** **Request a variance to encroach into the required yard setbacks on property zoned Rural (RU)**
Robert Spafford
1633 Wonder Drive
Chapin, SC 29036
TMS# R02461-61-03
Page 7
- 3. ZV21-007** **Request a variance to allow use of the property reducing code parking requirement**
Kevin J. DiQattro
E/S Roof Street
Columbia, SC 29223
TMS# R16904-01-01

Deferred

VII. OTHER BUSINESS

VIII. ADJOURNMENT



1 September 2021
Board of Zoning Appeals

REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

ZV21-005 Variance

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a variance to encroach into the required front yard setback in the Rural (RU) district.

GENERAL INFORMATION:

Applicant: Shannon Metze

TMS: 32600-05-11

Location: N/S Southern Railroad, Gadsden, SC 29052

Parcel Size: .41 acres (17,860 square feet)

Existing Land Use: Currently the property is undeveloped.

Proposed Land Use: The applicant proposes to construct a residential structure which will encroach into the required front yard setback by nineteen (19) feet.

Character of Area: The area is comprised of large, undeveloped and residentially developed parcels.

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 establish a manufactured home which will encroach into the required forty (40) foot front yard setback by nineteen (19) feet. The remainder of the proposed structure will conform to the required setbacks for the RU zoning designation.

The minimum lot area for a parcel in the RU district is 43,560 square feet and the lot width is 120 feet. The lot area (17,860 square feet) for the subject site is nonconforming. In addition the configuration of the parcel, coupled with the required setbacks, limits the buildable area for the proposed structure.

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 nonconformity of the parcel, specifically the square footage and configuration of the parcel, in addition to the required setbacks for the district, restricts the placement options for the proposed structure.

b. Conditions applicable to other properties

Staff determined that while there are other parcels in the general area of the subject site which are nonconforming in regards to lot width, these parcels are not restricted by their configurations.

c. Application of the ordinance restricting utilization of property

While applying the setback requirements for the RU district would not fully prevent the utilization of this parcel, it does significantly restrict the buildable area of the site.

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.

Sec. 26-252. Nonconforming vacant lots.

- (a) *General.* A nonconforming vacant lot is a lot that was lawfully created prior to the effective date of this chapter, or any amendment thereto, but which does not conform to the dimensional or area requirements for the zoning district in which it is located.
- (b) *Standards.* A nonconforming vacant lot may be used for any of the uses permitted by Article V. of this chapter in the zoning district in which it is located if the use of the lot meets the following standards:
 - (1) All other minimum requirements for the particular zoning district and proposed use must be met or a variance obtained from these requirements.
 - (2) The nonconforming vacant lot does not adjoin and have continuous frontage with one or more other vacant lots in the same ownership. If a nonconforming lot does adjoin and have continuous frontage with one or more other vacant lots in the same ownership, such lots shall be combined or recombined as necessary to form a conforming lot or lots. This subsection shall not apply to a nonconforming vacant lot if a majority of the developed lots located on either side of the road where such a lot is located and within five hundred (500) feet of such lot are also nonconforming. The intent of this subsection is to require nonconforming lots to be combined with other lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has been previously developed.

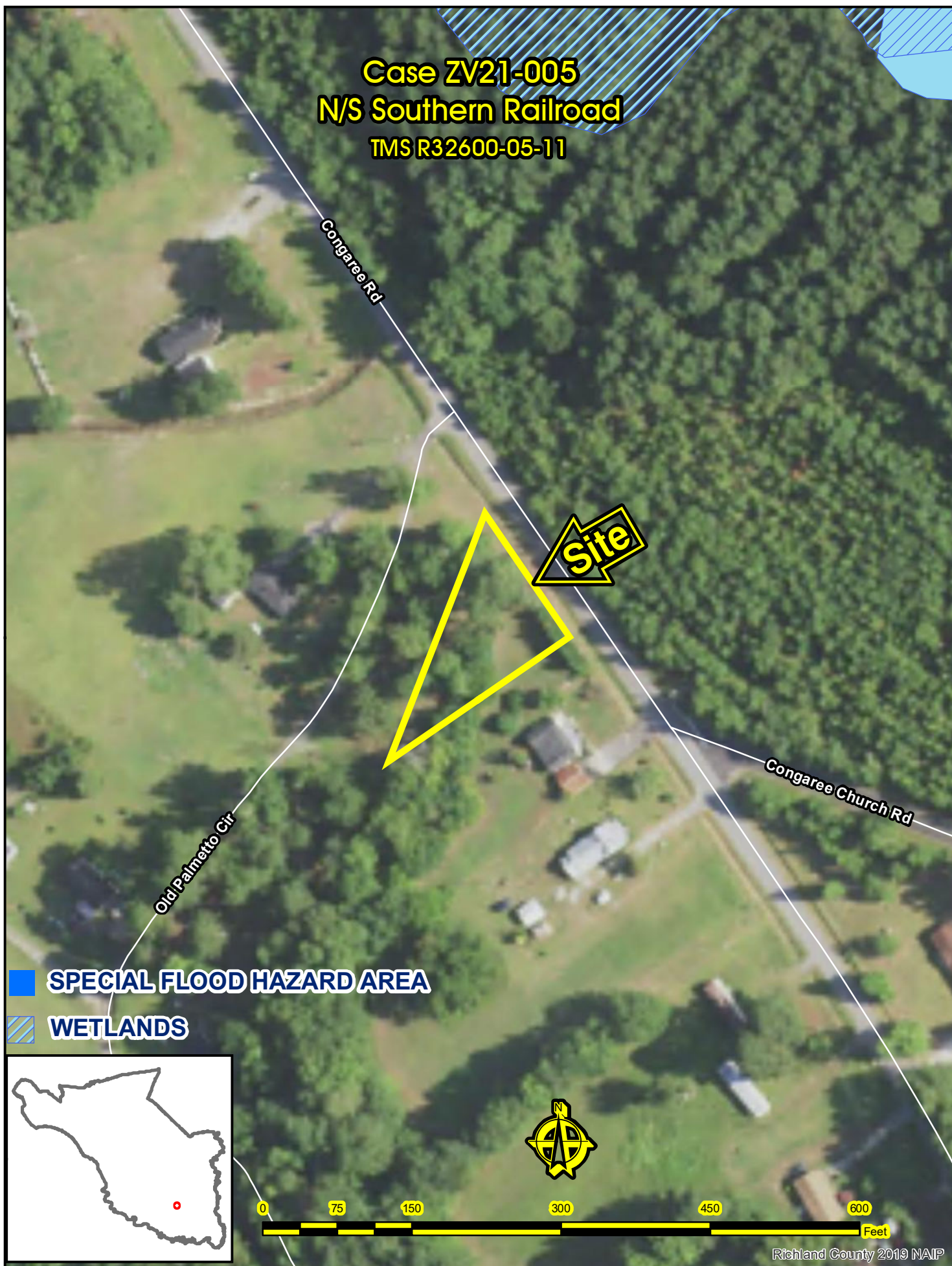
CASE HISTORY:

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

ATTACHMENTS:

- Plat
- Application

Case ZV21-005
N/S Southern Railroad
TMS R32600-05-11





BOARD OF ZONING APPEALS VARIANCE APPEALS



Application # 2V21-005

1. Location N/S Southern Railroad
 TMS Page B32600 Block 05 Lot 11 Zoning District Bu
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 _____ 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: Residential land - parents home
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: Shape of lot
 - b) Describe how the conditions listed above were created: from Deed, County tax map and Assessor's data view
 - c) These conditions do not generally apply to other property in the vicinity as shown by: yes
 - 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: yes
family home - Residential land
 - 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: No, the parcel will not have any other structures and will be a family members home. the parcel is next to family property used for gatherings. There will be city water and sewer requiring no septic or well
5. The following documents are submitted in support of this application [a site plan must be submitted]:
 - a) plat of parcel with structure
 - b) _____
 - c) _____

(Attach additional pages if necessary)

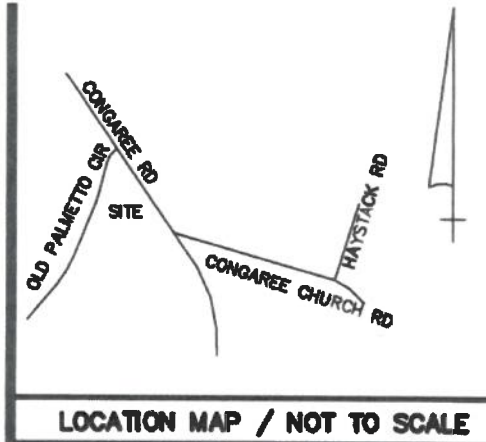
Shannon Metz
Applicant's Signature
Shannon Metz
Printed (typed) Name

2630 Congaree Rd
Address
Gadsden, SC 29052
City, State, Zip Code

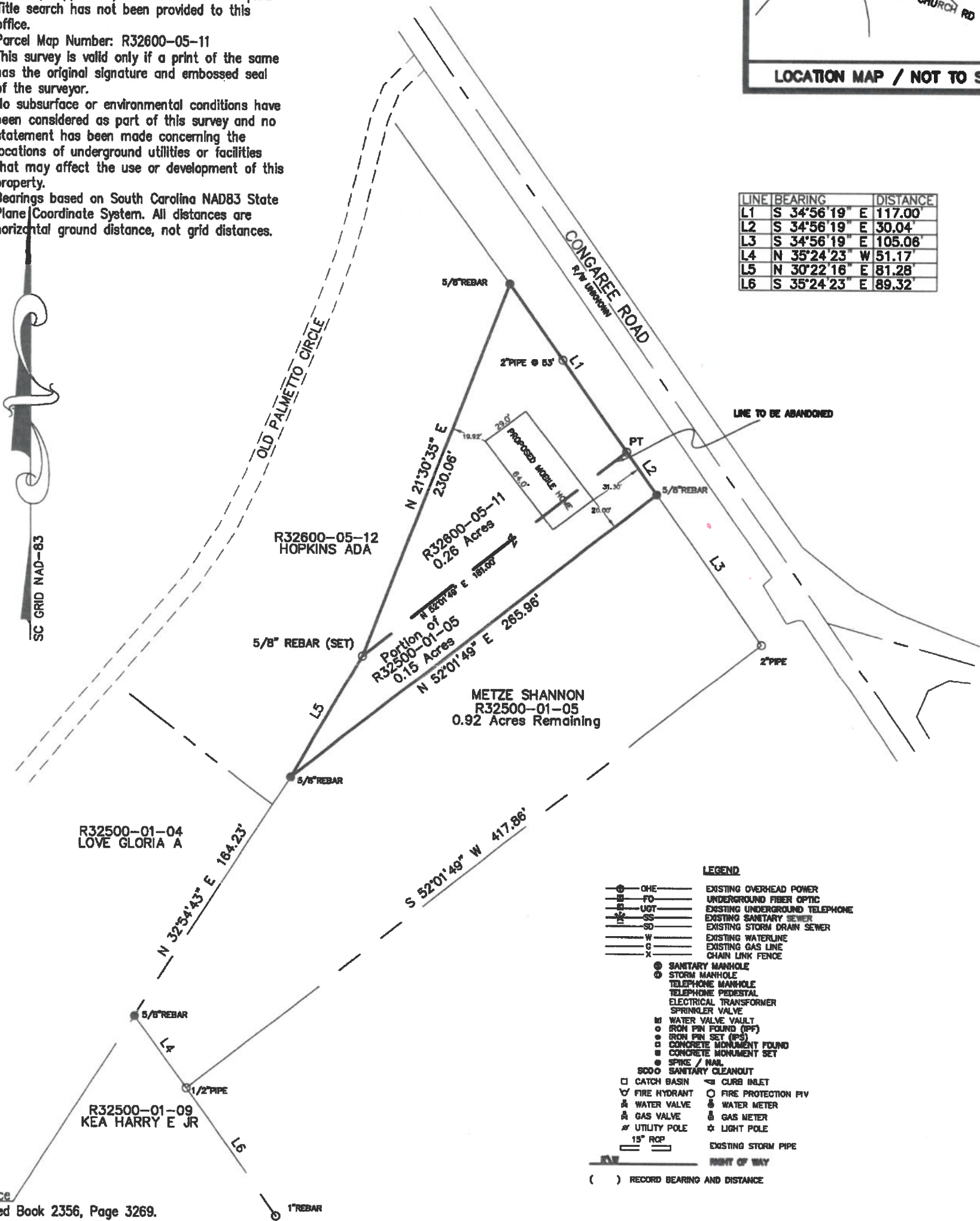
803-316-0360
Telephone Number
803-576-2453
Alternate Number

GENERAL NOTES:

1. This property is subject to all easements and restrictions of record.
2. This document represents a Survey of an existing parcel of record.
3. This property is located in flood zone "X" as shown on Flood Insurance Rate Map number 45079C0535L dated 12/21/2017.
4. Existing Parcel Numbers & Deed & Plat references for the adjoining properties are as shown (if applicable) on the face of this plat.
5. Title search has not been provided to this office.
6. Parcel Map Number: R32600-05-11
7. This survey is valid only if a print of the same has the original signature and embossed seal of the surveyor.
8. No subsurface or environmental conditions have been considered as part of this survey and no statement has been made concerning the locations of underground utilities or facilities that may affect the use or development of this property.
9. Bearings based on South Carolina NAD83 State Plane Coordinate System. All distances are horizontal ground distance, not grid distances.



LINE	BEARING	DISTANCE
L1	S 34°56'19" E	117.00'
L2	S 34°56'19" E	30.04'
L3	S 34°56'19" E	105.06'
L4	N 35°24'23" W	51.17'
L5	N 30°22'16" E	81.28'
L6	S 35°24'23" E	89.32'



LEGEND

	EXISTING OVERHEAD POWER
	UNDERGROUND FIBER OPTIC
	EXISTING UNDERGROUND TELEPHONE
	EXISTING SANITARY SEWER
	EXISTING STORM DRAIN SEWER
	EXISTING WATERLINE
	EXISTING GAS LINE
	CHAIN LINK FENCE
	SANITARY MANHOLE
	STORM MANHOLE
	TELEPHONE MANHOLE
	TELEPHONE PEDESTAL
	ELECTRICAL TRANSFORMER
	SPRINKLER VALVE
	WATER VALVE VAULT
	IRON PIN FOUND (IPF)
	IRON PIN SET (IPS)
	CONCRETE MONUMENT FOUND
	CONCRETE MONUMENT SET
	SPIKE / NAIL
	SANITARY CLEANOUT
	CATCH BASIN
	FIRE HYDRANT
	WATER VALVE
	GAS VALVE
	UTILITY POLE
	15" RCP
	CURB INLET
	FIRE PROTECTION FIV
	WATER METER
	GAS METER
	LIGHT POLE
	EXISTING STORM PIPE
	RIGHT OF WAY

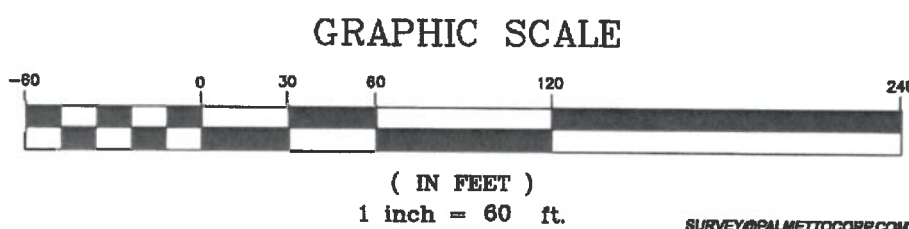
() RECORD BEARING AND DISTANCE

Reference
1. Deed Book 2356, Page 3269.

PALMETTO CORP
Land Surveying Division
1420 WHITING WAY
LUGOFF, SC 29078
Phone: (864) 909-0167

Combination Survey
of
Pin# R32600-05-11 & a portion of R32500-01-05
Containing 0.41 ± Acres Total
Gadsden, Richland County, South Carolina
for
Vicky Nash

DRAWN BY: RWD
Rev. BY:
CLOSURE CHECKED BY:
APPROVED BY: RWD
DATE OF SURVEY: 02/24/2021
JOB#: C1135



Certificate of Accuracy
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 for a Class A survey as specified therein; also there are no visible encroachments or projections other than shown.

Robert W. Drummond
Robert W. Drummond PLS# 22743

5-10-2021
DATE

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1 September 2021
Board of Zoning Appeals

REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

ZV21-006 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 Rural (RU) district.

GENERAL INFORMATION:

Applicant: Robert Spafford

TMS: 02401-01-03

Location: 1633 Wonder Drive, Chapin, SC 29036

Parcel Size: .88 acres (consist of two (2) parcels)

Existing Land Use: Currently the property is residentially developed.

Proposed Land Use: The applicant proposes a 984 square foot addition which will encroach into the required side yard setback.

Character of Area: The area is residentially developed.

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 construct a 984 square foot garage addition to the existing residential structure. The proposed addition will encroach into each required side yards by eight (8) feet. The minimum lot area for a parcel in the RU district is 33,000 square feet and the lot width is 120 feet. The required side yard setback for a parcel in the RU district is twenty (20) feet.

According to the applicant, the proposed addition will be built, "...on side where the front door is located." The applicant states that the house was constructed in 1963 and has never had a garage. The applicant also states that the adjacent parcel, constructed in 2003, is ten (10) feet from the property line. The applicant states that if a variance is not granted, the "...front door, access to home, bedroom and kitchen would have to be re-located to accommodate garage w/in current ordinance." Granting of the variance, "...will add to the home value."

Staff believes that the subject parcel does not meet all of the criteria required for the granting of a variance. While it is established that the nonconformity of the parcels limits the area of where the proposed addition could be constructed, the applicant has not demonstrated that the conditions are exclusive to the subject site. The parcels along Wonder Drive are nonconforming in area and width. 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

The nonconformity of the parcel limits the buildable area of the proposed structure.

b. Conditions applicable to other properties

Staff determined that the other parcels in the general area of the subject site are nonconforming in area and width.

c. Application of the ordinance restricting utilization of property

Applying the setback requirements for the RU district would not prevent the utilization of this parcel.

d. Substantial detriment of granting variance

There would be no substantial detriment to the surrounding properties if the variance is granted. The adjacent developed parcels currently encroach into the required side yard setbacks.

Records indicate that encroachment variances were granted by the Board of Zoning Appeals for the following parcels along Wonder Drive:

- 02401-01-02 (Case # 07-011 V)
- 02402-03-16 (Case # 94-056 V)

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.

Sec. 26-252. Nonconforming vacant lots.

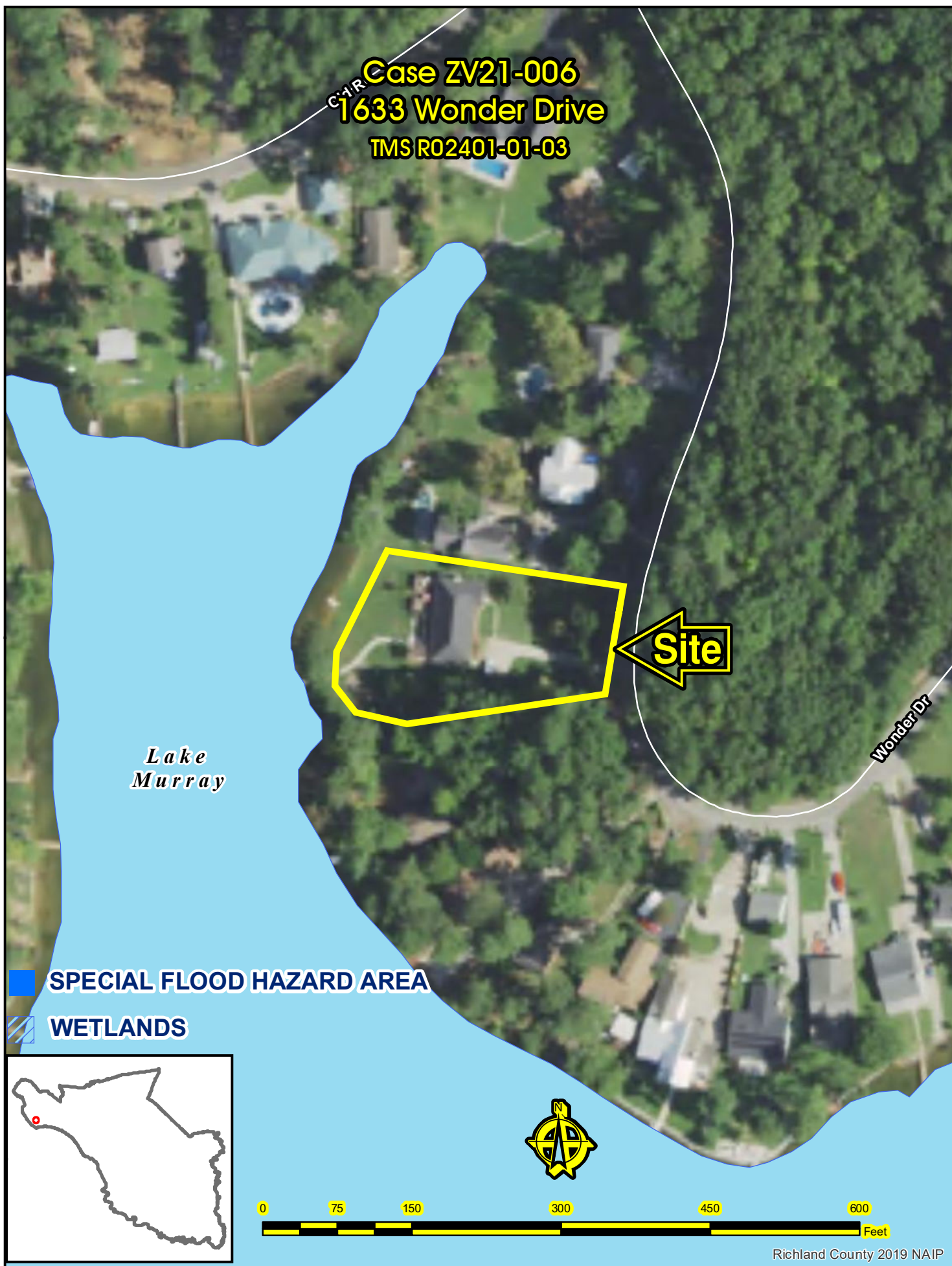
- (a) *General.* A nonconforming vacant lot is a lot that was lawfully created prior to the effective date of this chapter, or any amendment thereto, but which does not conform to the dimensional or area requirements for the zoning district in which it is located.
- (b) *Standards.* A nonconforming vacant lot may be used for any of the uses permitted by Article V. of this chapter in the zoning district in which it is located if the use of the lot meets the following standards:
 - (1) All other minimum requirements for the particular zoning district and proposed use must be met or a variance obtained from these requirements.
 - (2) The nonconforming vacant lot does not adjoin and have continuous frontage with one or more other vacant lots in the same ownership. If a nonconforming lot does adjoin and have continuous frontage with one or more other vacant lots in the same ownership, such lots shall be combined or recombined as necessary to form a conforming lot or lots. This subsection shall not apply to a nonconforming vacant lot if a majority of the developed lots located on either side of the road where such a lot is located and within five hundred (500) feet of such lot are also nonconforming. The intent of this subsection is to require nonconforming lots to be combined with other lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has been previously developed.

CASE HISTORY:

ATTACHMENTS:

- Plat
- Application

Case ZV21-006
1633 Wonder Drive
TMS R02401-01-03



Lake Murray

Site

Wonder Dr

SPECIAL FLOOD HAZARD AREA

WETLANDS

0 75 150 300 450 600 Feet

Richland County 2019 NAIP



BOARD OF ZONING APPEALS VARIANCE APPEALS



Application #

1. Location 1633 Wonder Dr., Chapin, SC 29036
 TMS Page R02401 Block 01 Lot 03 Zoning District RU
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 _____ 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: build detached garage within 20' offset requirement. Requested variance is 8' (12' offset).
4. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Sec. 25-802.3b(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: Front door location. No current garage. Build detached garage on side where front door is located.
 - b) Describe how the conditions listed above were created: House built in 20 1963. No garage has been on this property. Neighbors home was built in 2003 (10' from property line).
 - c) These conditions do not generally apply to other property in the vicinity as shown by: Aerial map.
 - 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: Front door, access to home, bedroom & kitchen would have to be re-located to accommodate garage w/in current ordinance.
 - 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: Garage will add to home value. Current offset of neighbors home is 10 feet; my request is 12 feet.
5. The following documents are submitted in support of this application (a site plan must be submitted):
 - a) Site plan
 - b) plat
 - c) Variance finding of fact

(Attach additional pages if necessary)

[Signature]
 Applicant's Signature
Robert Spafford
 Printed (typed) Name

1633 Wonder Dr.
 Address
Chapin SC 29036
 City, State, Zip Code

803-667-2238
 Telephone Number
843-864-3340
 Alternate Number

1633 Wonder Dr., Chapin, SC 29036: SPAFFORD (Property lines, flood zone, Parcel Information)

User Options:

- Hide Info on Hover
- Hide Legend

Base Map Type:

- Roadmap
- Imagery
- Hybrid (Combine Above)

Flood Zone: AE Floodway

Click for link to FEMA portal.

Legend

Parcel Information

Parcel Number: R02401-01-03
 Situs Address: 1633 WONDER DR
 Primary Zoning: RU
 Secondary Zoning: 6UD
 Tax District: 118-50
 REHD Code: OPTED OUT
 Taxable Value: OPTED OUT
 Market Value: OPTED OUT
 Building Value: OPTED OUT
 Land Value: OPTED OUT
 Acreage: 0
 Owner Name: OPTED OUT
 Owner Address: OPTED OUT
 Owner City: OPTED OUT
 Owner State: OPTED OUT
 Owner ZIP: OPTED OUT
 Bedrooms: 5
 Bathrooms: 3.5
 Year Built: 1963
 Heated Sq Feet: 2,480 #
 Legal Description: LOTS 71 & 72
 Legal Description: 53X62X201.7X52.6X33.6X34.7X
 Legal Description: 113.6X237.5
 Legal Description: #30 RICHARD FRANKLIN ESTATE

Transfer History:

Date	Price	Transaction Code
2013-08-02	OPTED OUT	Qualified Sale (O)
2004-03-12	\$315,000	Qualified Sale (O)
2001-09-06	*SEE DEED*	N/A
2000-03-22	*SEE DEED*	N/A

Richland County, SC, Internet Mapping

Boundaries:

- County Boundary
- Neighborhood Improvement Areas
- Municipalities
- Zip Codes

Public Safety:

- Police Stations
- Sheriff Regions

Civic:

- Voting Locations
- Voting Precincts
- Council Districts
- Magistrate Districts
- SC Senate Districts
- SC House Districts
- US Congressional Districts

Educational:

- Library Locations
- Public Schools
- School Districts

Environmental:

- COMET Transit
- REXRAD Weather Radar

Other:

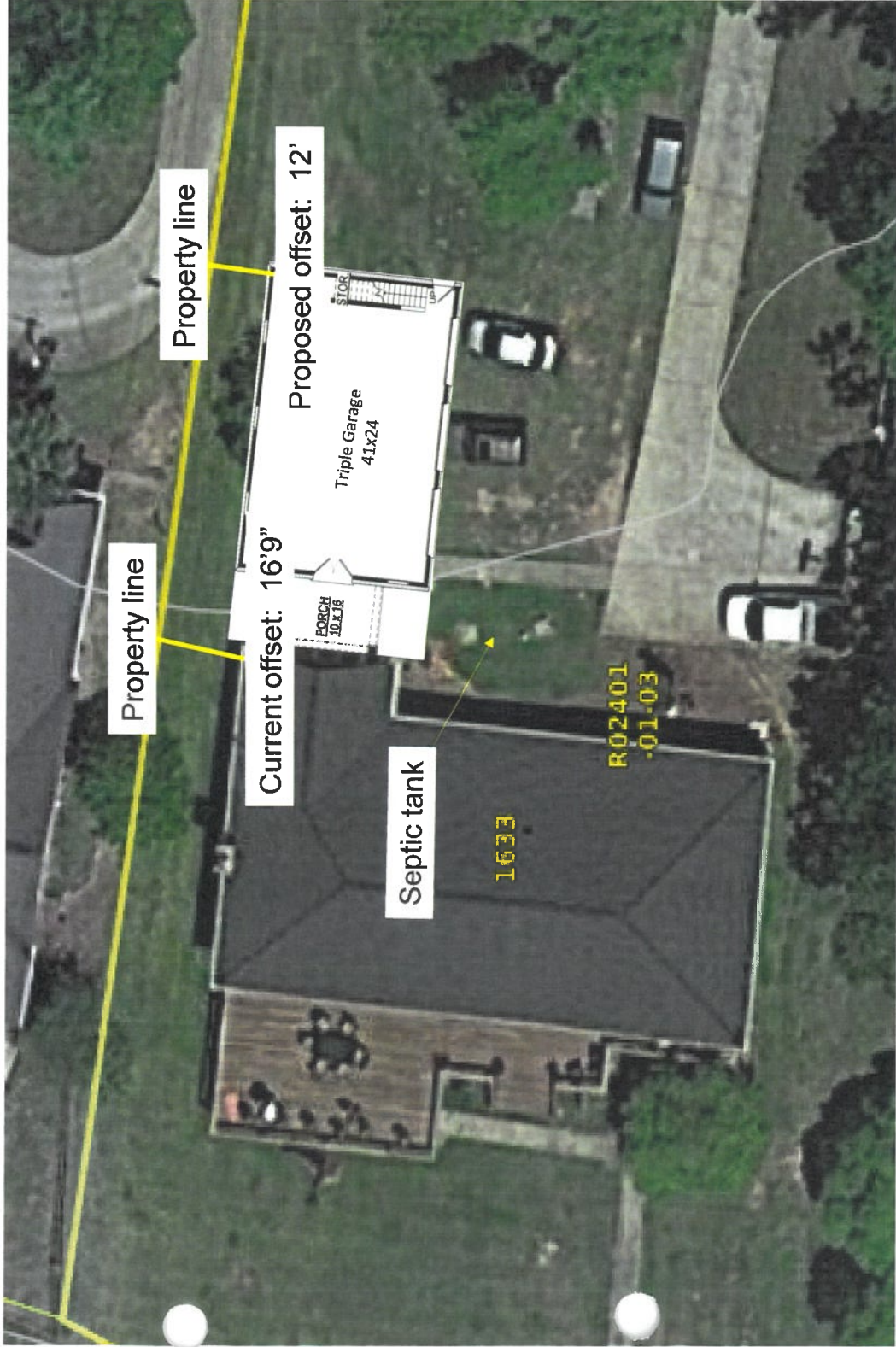
- Wetlands
- FEMA Flood Zones
- FEMA FIRRM Panels
- Watersheds

Elevation:

- Contours 10ft
- Contours 2ft

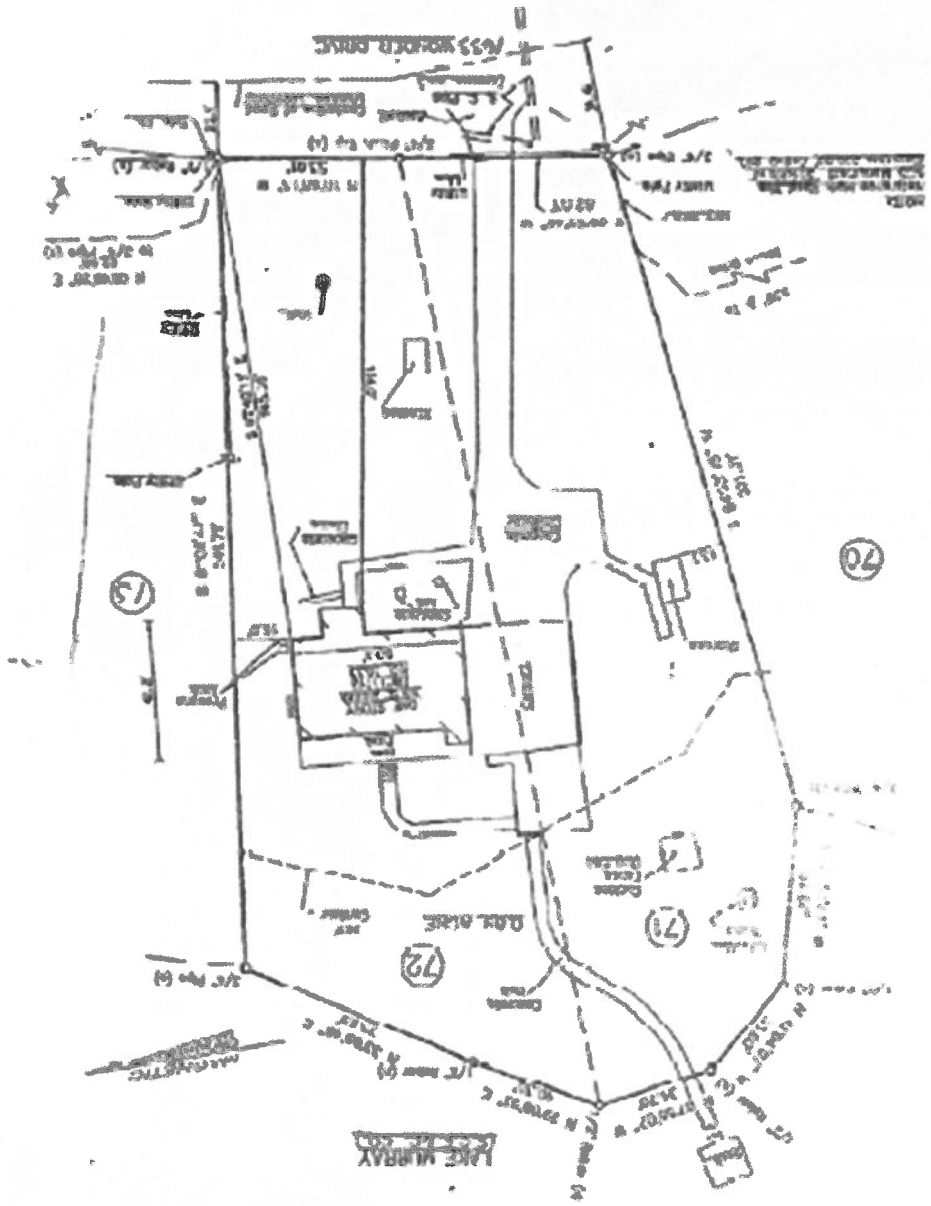
Richland County, SC, Internet Mapping. Map data © National Geographic, SC, State Government © Google

1633 Wonder Dr., Chapin, SC 29036: SPAFFORD (Property line overlay with proposed variance)



Current zone: 'RU'
Current offset requirement: 20'
Current offset (existing): 16' 9"
Proposed offset: 12'
Requested variance: 8'

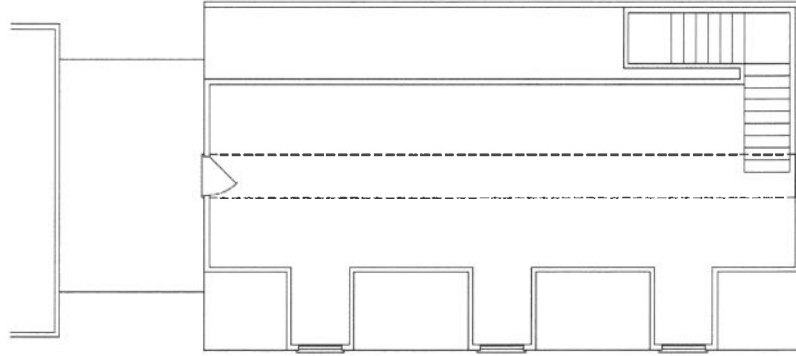
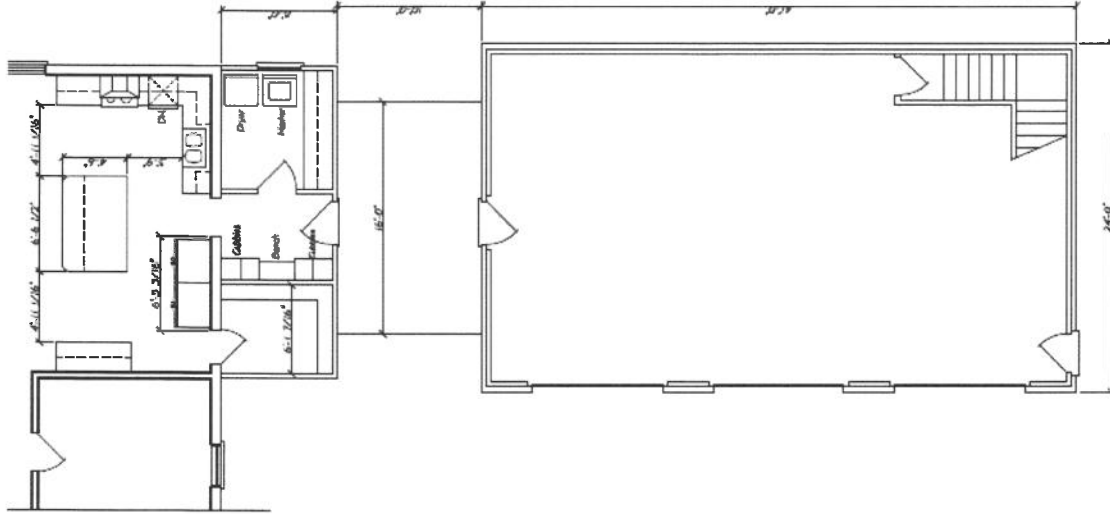
1633 Wonder Dr., Chapin, SC 29036: SPAFFORD (Plat)

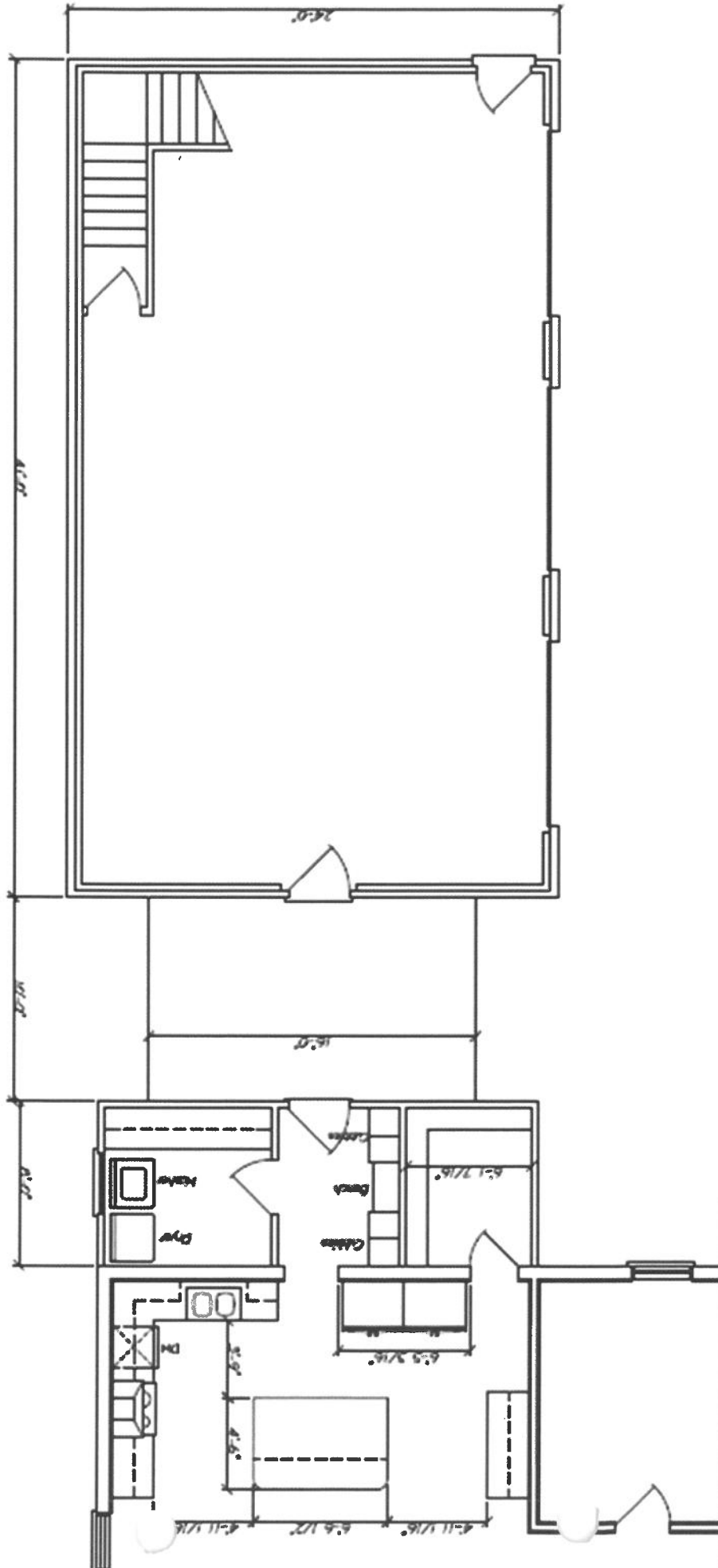


1633 Wonder Dr., Chapin, SC 29036: SPAFFORD (artist rendering)

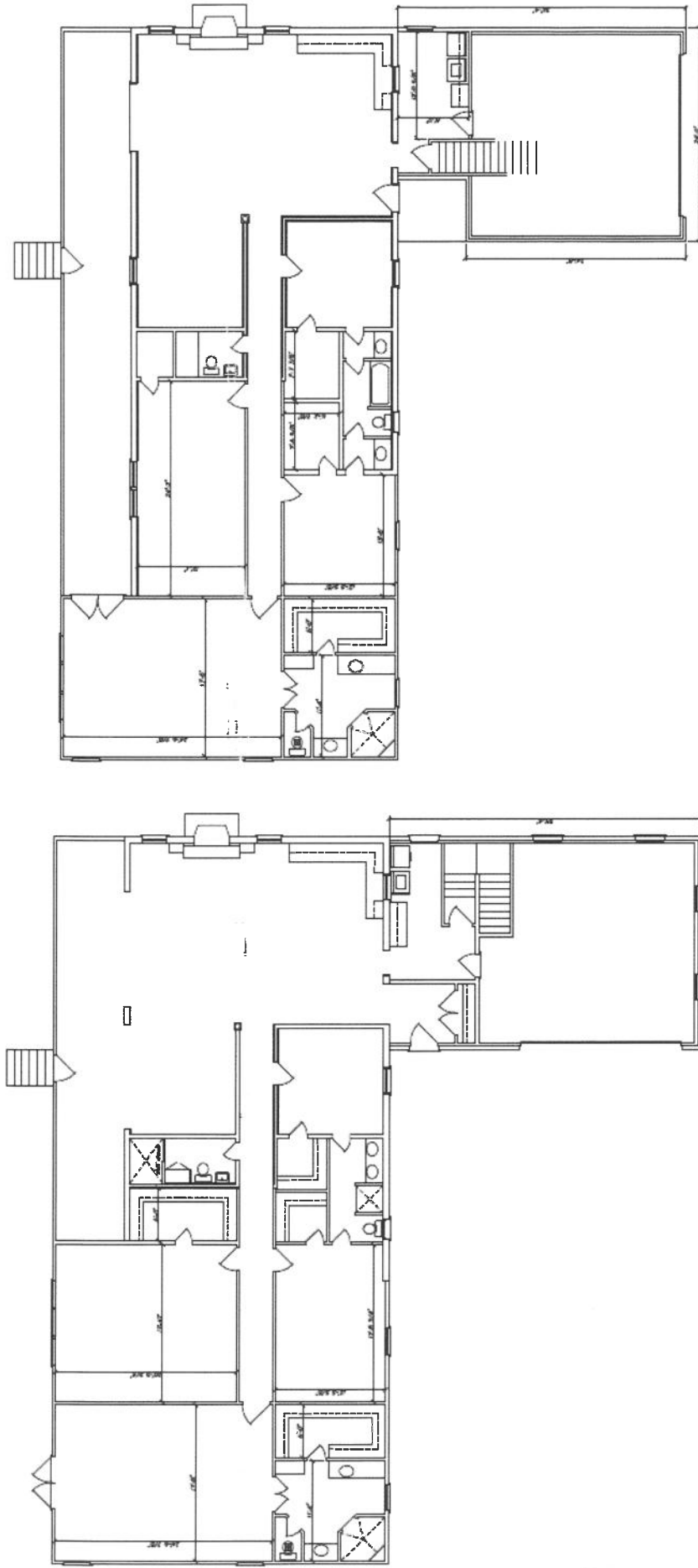


1633 Wonder Dr., Chapin, SC 29036: SPAFFORD (Plans)





1633 Wonder Dr., Chapin, SC 29036: SPAFFORD (original plans approved 2014)





Richland County Government
2020 Hampton Street
Columbia, SC 29204

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