

RICHLAND COUNTY BOARD OF ZONING APPEALS



**Wednesday, 7 September 2022
3 p.m.
Council Chambers**



**Richland County
Board of Zoning Appeals
Wednesday, September 7, 2022
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, Chairman
- II. **PUBLIC NOTICE ANNOUNCEMENT**
- III. **ADDITIONS / DELETIONS TO THE AGENDA**
- IV. **ADOPTION OF AGENDA**
- V. **RULES OF ORDER** Jason McLees, Chairman
- VI. **PUBLIC HEARING** Geonard Price, Zoning Administrator

OPEN PUBLIC HEARING [ACTION]

- 1. SE22-002
Khalilah Joyner
5040 Bluff Road
Columbia, SC 29209
TMS# R16103-02-09
Page 1
Request a special exception to allow space for a new sanctuary, a kitchen, fellowship hall and bathrooms. Property zoned Mobile Home (MH).
District 10
Cheryl D. English
- 2. ZV22-002
Meagan and James Clark
1601 Wonder Drive
Chapin, SC 29036
TMS: R02401-01-08
Page 7
Request a variance to encroachment into the required setbacks. Property zoned Rural (RU).
District 1
Bill Malinowski
- 3. SE22-003
Lewis Collins III
S/S Garners Ferry Road
Eastover, SC 29044
TMS: R33000-05-02
Page 17
Request to establish a continued care retirement community. Property zoned Rural (RU).
District 11
Chakisse Newton

VII. **OTHER BUSINESS**

VIII. **ADJOURNMENT**



REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

SE22-002

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of a place of worship and multi-purpose/fellowship hall in a Manufactured Home (MH) district.

GENERAL INFORMATION:

Applicant: Khaliah Joyner

TMS: 161023-02-08

Location: 5040 Bluff Road, Columbia, SC 29209

Parcel Size: .88 acres

Existing Land Use: The parcel is currently occupied by a 2,684 square foot place of worship.

Proposed Land Use: The applicant proposes to establish a 5,760 square foot multi-purpose/fellowship hall in addition to the existing place of worship.

Character of Area: The area is comprised primarily with residentially developed parcels and institutional uses

ZONING ORDINANCE CITATION:

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

CRITERIA FOR SPECIAL EXCEPTION:

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

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

Special exception requirements (as found in section 26-152 (d) (20)):

(20) *Places of worship.*

- a. Use districts: Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park.
- b. Facilities for a place of worship located on a site of three (3) acres or more shall have primary access to the facility from a collector or thoroughfare road.
- c. No parking space or drive shall be located closer than twenty (20) feet to a residence not associated with the place of worship. No parking area may be located in the front setback.

- d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be thirty (30) feet.

DISCUSSION:

Staff visited the site.

The applicant proposes to construct a 5,760 square foot multi-family/fellowship in addition to the existing 2,684 square foot structure.

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

The applicant is required to obtain a driveway permit from the SCDOT. The permit should address the appropriateness of any access points.

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

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

Staff recommends **approval** for this request.

CONDITIONS:

Section 26-56 (f) (3)

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

OTHER RELEVANT SECTIONS:

N/A

CASE HISTORY:

No record of previous special exception or variance request.

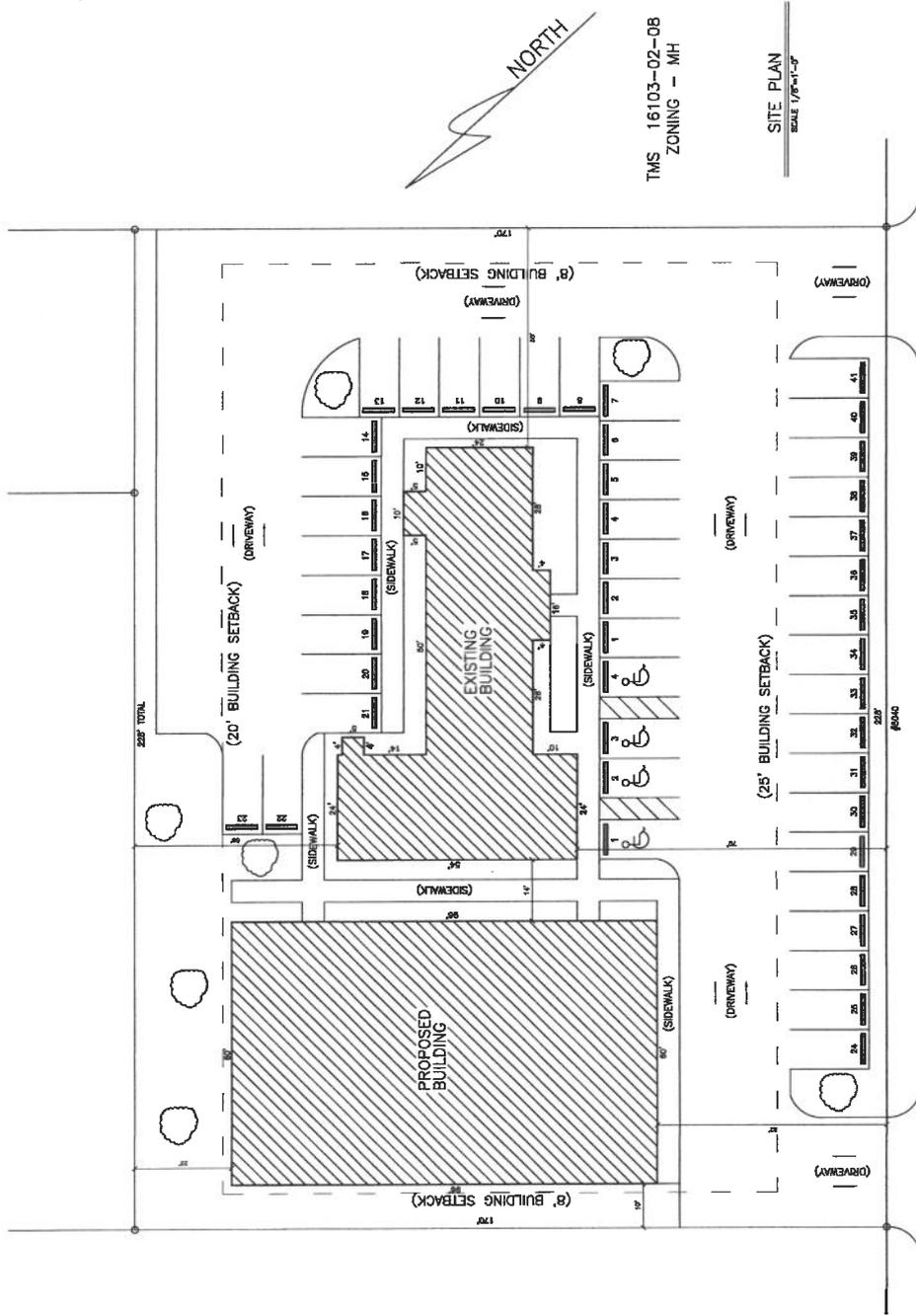
ATTACHMENTS:

- Proposed church layout
- Application

SE22-002
Khalilah Joyner
5040 Bluff Road
Columbia, SC 29209
TMS# R16103-02-08

Site





BLUFF RD. (HWY 15)

- 4 - HANDICAP PARKING SPACES (14'X18')
- 41 - STANDARD PARKING SPACES (9'X18')
- 45 - TOTAL PARKING SPACES

PROJECT	TMS 16103-02-08	ZONING	MH
DRAWN BY	J.L. BURTON	DATE	1/10/2010
CHECKED BY	J.L. BURTON	DATE	1/10/2010
SCALE	1/8"=1'-0"	SHEET	1
			of 1



BOARD OF ZONING APPEALS

SPECIAL EXCEPTION



1. Location: 5040 Bluff Rd Columbia, SC 29061

TMS Page: B116103-02-08 Block: _____ Lot: _____ Zoning District: MH

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

A New Church ~~and~~ Sanctuary

3. Describe the proposal in detail: Fresh Oil Outreach INC. is requesting the following proposal. This new proposal will allow space for a new sanctuary that will seat 200-299 people. It will also include a pulpit sitting area with a baptism pool, choir/music area, and sound room. In addition, there will be 2-3 classrooms for teaching youth/adults and additional office space for leadership team. The outside area will provide new church entry and walk thru space for a sidewalk, pavement parking and beautiful landscaping to the exist area.

4. Area attributed to the proposal (square feet): 96 x 60 x 10 = 5760

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

a. Use Sanctuary square footage 1150

b. Use Kitchen/Fellowship hall square footage 926

c. Use Bathrooms square footage 243

6. Total number of parking spaces on the subject property: 23-25

7. Total number of employees on shift of greatest employment: 9

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

a. Traffic impact: will be low impact during the hours of worship

b. Vehicle and pedestrian safety: low impact as traffic will be directed on church grounds

c. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property: No impact
Worship hour has not been a concern

d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view: No Adverse impact

e. Orientation and spacing of improvements or buildings: This will allow for spacing improvement along with a structure built for landscaping



7 September 2022
Board of Zoning Appeals

REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

ZV22-002 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: Megan and James Clark

TMS: 02401-01-08

Location: 1601 Wonder Drive, Chapin, SC 29036

Parcel Size: .43 acres

Existing Land Use: Currently the property is residentially developed.

Proposed Land Use: The applicant proposes a construct a residential structure which will encroach into the required side yard setbacks.

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 residential structure which encroach in each required side yard setback. The proposed construction will encroach into the required side yards by eight (8) feet and three (3), respectively. 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 variance is needed because due the width of the property, "...does not allow for a reasonable structure to fit within the RU setbacks, specifically 20' per side."

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 the following results for encroachment variances before the Board of Zoning Appeals along Wonder Drive:

- 02401-01-02 (Case # 07-011 V) - approved
- 02402-03-16 (Case # 94-056 V) - approved
- 02401-01-03 (Case # ZV21-006) - denied

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

ZV22-002

Meagan and James Clark
1601 Wonder Drive
Chapin, SC 29036
TMS: R02401-01-08

Site





BOARD OF ZONING APPEALS VARIANCE APPEALS



Application #

1. Location 1601 Wonder Drive, Chapin, SC 29036
 TMS Page R02401 Block 01 Lot 08 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 26-252 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: This lot is nonconforming lot for RU zone. Request a variance for 20' side setbacks to accomodate the house footprint.

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: This lot is nonconforming to Richland County RU Zone. The width of the property does not allow for a reasonable structure to fit within RU setbacks, specifically 20' per side. The existing structure is within 15.4' of the northwestern property line and an existing septic tank is located on the property.

b) Describe how the conditions listed above were created: The lot is nonconforming to RU zone and is not located in a conforming community.

c) These conditions do not generally apply to other property in the vicinity as shown by: Adjacent houses are closer than 20' to respective property lines. Attached examples include 1549 Wonder Dr, 1557 Wonder Dr, 1609 Wonder Dr, and 5 Circle Dr.

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: Adhering to 20' setbacks would severely limit the ability to place a reasonaby sized home on 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: All adjacent homes are closer than 20' to respective property lines. Additionally, a newer home on Circle Dr is closer than 20' to the property line.

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

- a) neighboring plats with home distance from property line
- b) _____
- c) _____

(Attach additional pages if necessary)


 Applicant's Signature

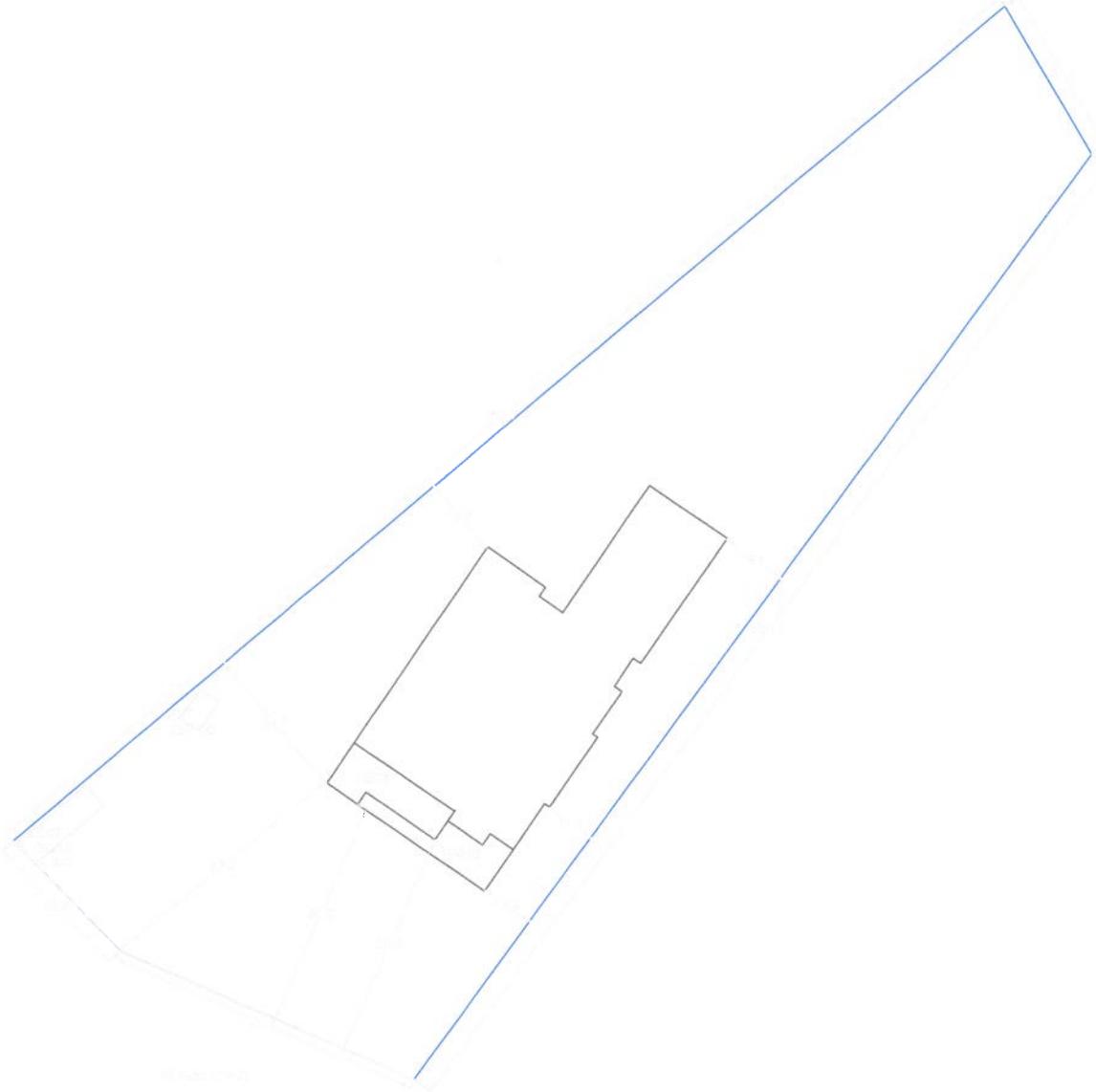
356 Foxport Drive
 Address

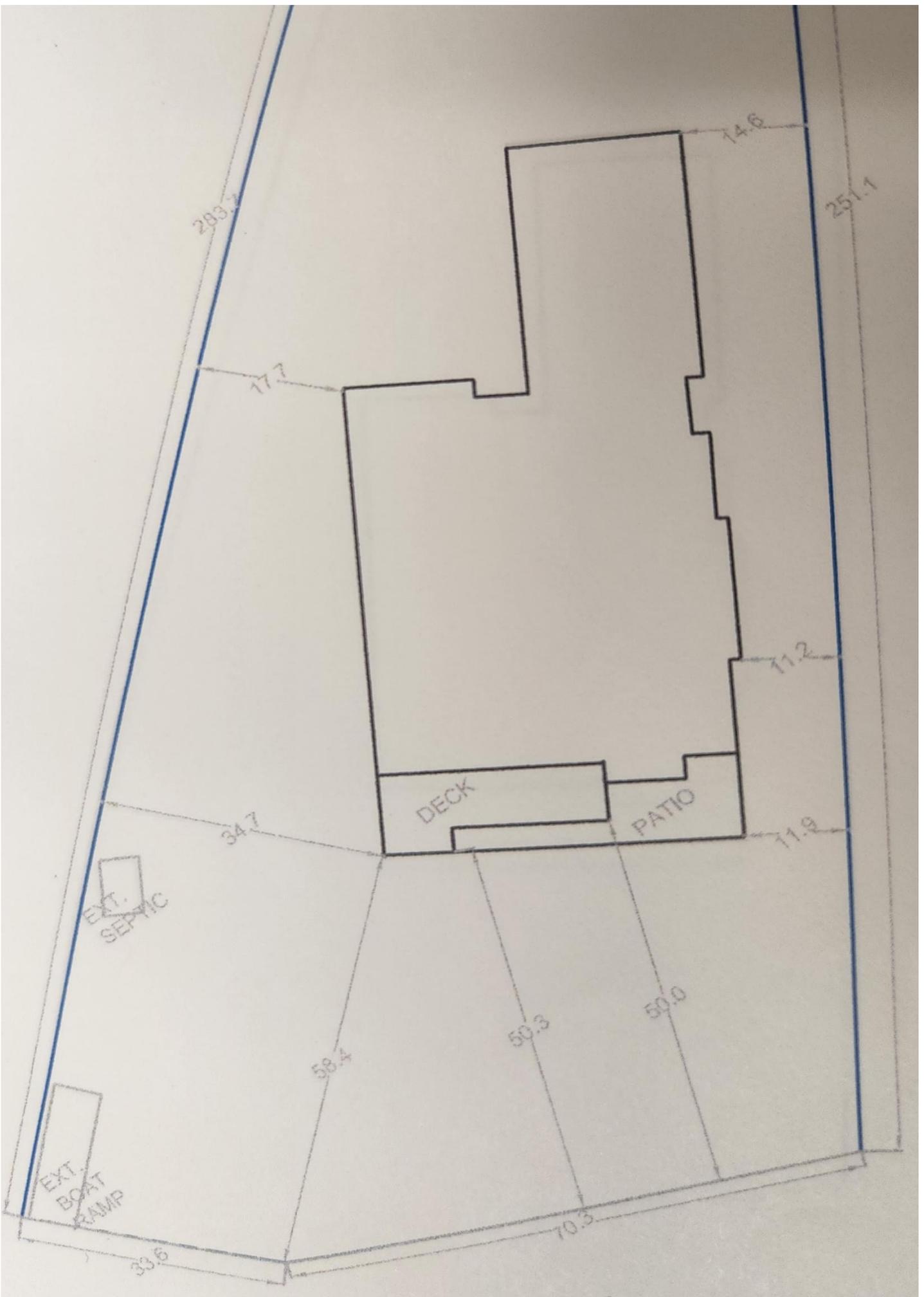
(843)749-3573
 Telephone Number

Megan Clark
 Printed (typed) Name

Chapin, SC 29036
 City, State, Zip Code

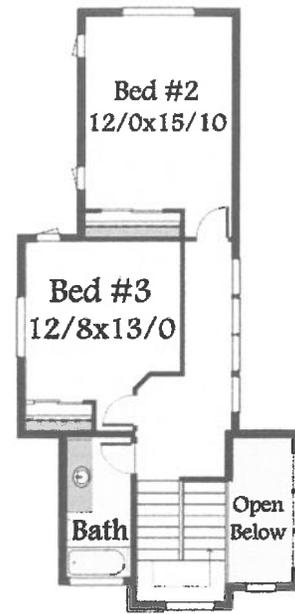
(843) 475-1656
 Alternate Number





Main Level

Second Level



Lower Level



Dramatic Modern House Plan




2,492
 Heated S.F.


4
 Beds


3.5
 Baths


2
 Floors


2
 Car Garage

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Plan
85191M
 15
 1/4



REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

SE22-003

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of a continued care retirement community on property zoned Rural (RU) district.

GENERAL INFORMATION:

Applicant: Lewis Collins

TMS: 33000-05-02

Location: S/S Garners Ferry Road, Eastover, SC 29

Parcel Size: 56.48 acre tract

Existing Land Use: The parcel is currently undeveloped.

Proposed Land Use: The applicant proposes to establish a continued care retirement community.

Character of Area: The general area consists of large rural parcels, undeveloped and residentially developed.

ZONING ORDINANCE CITATION:

Table 26-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to authorize continued care retirement communities subject to the provisions of section 26-152 (d) (6).

CRITERIA FOR SPECIAL EXCEPTION:

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

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

Special exception requirements (as found in section 26-152 (d) (6)):

(6) Continued care retirement communities.

- a. Use districts: Rural; Rural Residential.
- b. The minimum lot size to establish a continued care retirement community shall be one (1) acre.
- c. No parking space or drive aisle shall be located closer than twenty (20) feet to any other residence not a part of the community.
- d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be as set forth for the district.
- e. All facilities shall be solely for the use of the residents and their guests.

DISCUSSION:

Staff visited the site.

The applicant is proposing to establish a 5,532 square foot continued care retirement community (assisting living facility). The residential facility is proposed to have seven (7) bedrooms with four (4) adjoining bathrooms.

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

Staff recommends **approval**.

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

- Planning
- Building
- Public Works
- Fire Marshal

If an approval is granted, it is recommended the BOZA review the proposed development schedule to determine if conditions should be applied. It is staff’s recommendation that an approval stipulate the following:

1. Plans for the development of the site must be submitted for official review by Richland County within one (1) year of the approval of the special exception;
2. If the stipulations of item #1 is not met, the special exception for the continued care retirement community is voided;
3. The submitted site plan is considered to be a conceptual layout for the proposed development. The special exception approval by the Board of Zoning Appeals does not constitute an official site and/or building plan review and approval;
4. Major changes to the site plan, such as an increase in square footage, height, and/or orientation of the buildings, will require an additional review and approval by the Board of Zoning Appeals; and
5. The Zoning Administrator shall determine if any requested changes to the Special Exception are major changes.

CONDITIONS:

Section 26-56 (f) (3)

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

OTHER RELEVANT SECTIONS:

N/A

CASE HISTORY:

N/A

ATTACHMENTS:

- Site plan
- Zoning Application Packet

SE22-003

Lewis Collins III

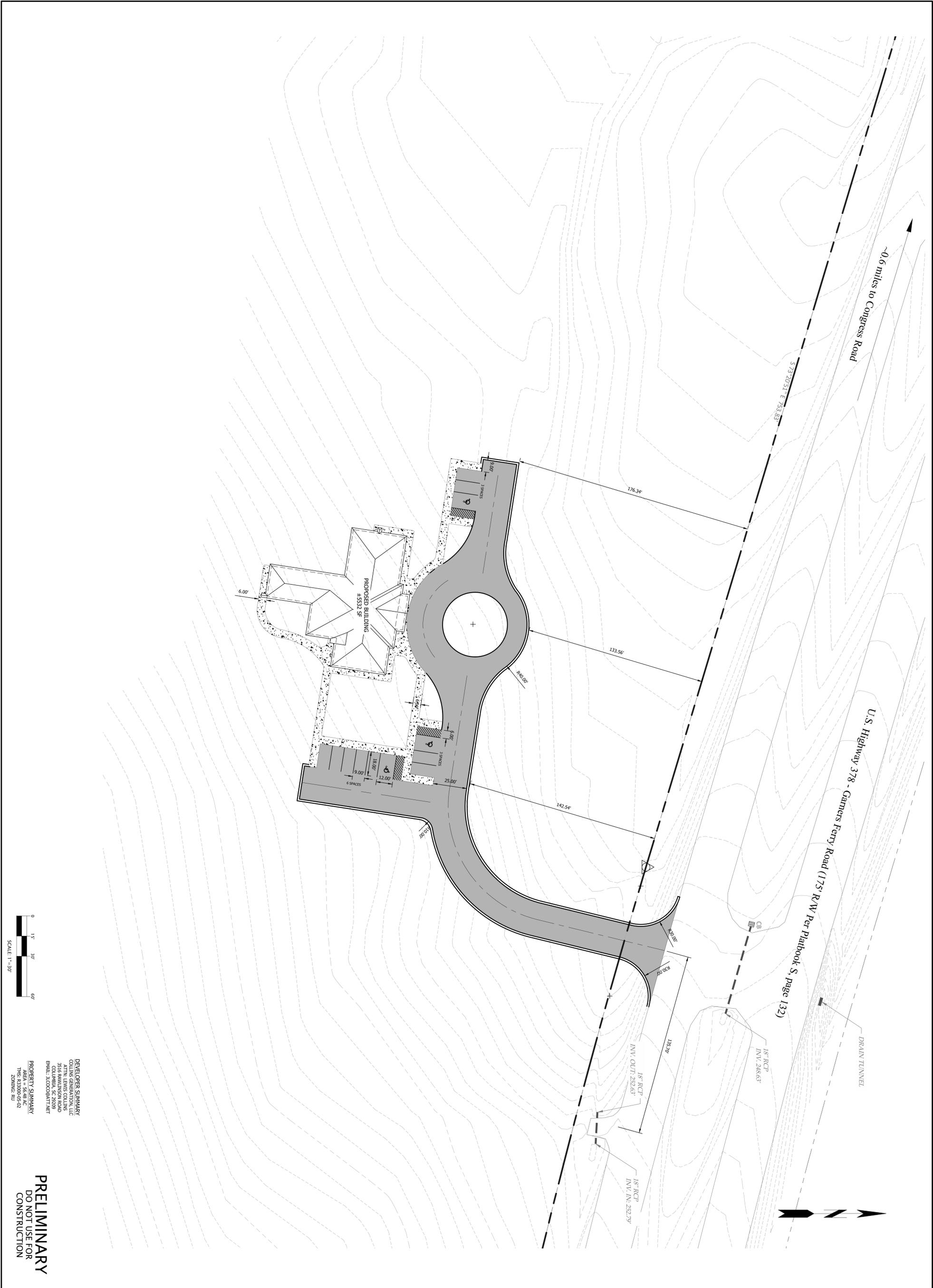
S/S Garners Ferry Road

Eastover, SC 29044

TMS: R33000-05-02

Site





DEVELOPER SUMMARY
 COLLINS GENERATION, LLC
 3515 RAWLINS ROAD
 COLUMBIA, SC 29209
 EMAIL: TDC@COMCAST.NET

PROPERTY SUMMARY
 AREA = 55.48 AC
 TRACT = 702
 ZONING: RU

PRELIMINARY
 DO NOT USE FOR
 CONSTRUCTION

DESIGNED BY:	IMM
DRAWN BY:	IMM
CHECKED BY:	DTM
PROJECT NO.:	3460-A
DATE:	AUGUST 26, 2022
SCALE:	HORZ.: 1" = 30'

COLLINS GENERATION, LLC	SOUTH CAROLINA
RICHLAND COUNTY	
ADULT RESIDENTIAL CARE FACILITY	
SKETCH PLAN	

Wooten

1411 Gervais St., Suite 315 • Columbia, SC 29201-2528
 (803) 978-2488 • thewootencompany.com
 Certificate of Authorization : 5119

REVISIONS	
REVISION NOTE	x / xx / xxxx





BOARD OF ZONING APPEALS

SPECIAL EXCEPTION



1. Location: 10941 Garner's Ferry Rd Eastover, SC, 29044
 TMS Page: 33000 Block: 05 Lot: 02 Zoning District: Richland

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

yes

3. Describe the proposal in detail: This land is for an assisting living home for the elder. The need and requirement for elder people who is the need, caring and living caring

4. Area attributed to the proposal (square feet): yes meet the requirement

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

a. Use _____ square footage _____

b. Use _____ square footage _____

c. Use _____ square footage _____

6. Total number of parking spaces on the subject property: 0 New development

7. Total number of employees on shift of greatest employment: 0 New development

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

a. Traffic impact: NO off the Highway further back on the property

b. Vehicle and pedestrian safety: NO. The home will be further back on the property

c. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property: No

d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view: NO

e. Orientation and spacing of improvements or buildings: NO



Richland County Government
2020 Hampton Street
Columbia, SC 29204

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