

# **RICHLAND COUNTY BOARD OF ZONING APPEALS**



**Wednesday, 10 January 2024  
3 p.m.  
Council Chambers**





**Richland County  
Board of Zoning Appeals  
Wednesday, January 10, 2024  
3:00 p.m.**

**Chairman - Robert T Reese  
Co-Chairman - Shasai S. Hendrix**

**David Fulmer • Annette Nelson • DeAnta Reese • Mandy Lautzenheiser**

**Agenda**

- |   |  |
|---|--|
| <b>I. CALL TO ORDER &amp; RECOGNITION OF QUORUM</b> | <b>Chairman Robert T. Reese</b>                |
| <b>II. PUBLIC NOTICE ANNOUNCEMENT</b>               | <b>Chairman Robert T. Reese</b>                |
| <b>III. ELECTION OF OFFICERS</b>                    |  |
| <b>IV. ADOPTION OF 2024 CALENDAR</b>                |  |
| <b>V. ADDITIONS / DELETIONS TO THE AGENDA</b>       |  |
| <b>VI. ADOPTION OF AGENDA</b>                       |  |
| <b>VII. RULES OF ORDER</b>                          | <b>Chairman</b>                                |
| <b>VIII. PUBLIC HEARING</b>                         | <b>Geonard Price,<br/>Zoning Administrator</b> |

**OPEN PUBLIC HEARING [ACTION]**

- |  |  |  |
|--|--|--|
| <b>1. Case# ZV23-002</b><br>Willie Floyd<br>47 Love Valley Court<br>Chapin, SC 29036<br>TMS: R01416-01-13<br>Page 1            | <b>Request a variance to encroach<br/>into the required setback on<br/>property zoned Rural (RU).</b>  | <b><u>District 1</u></b><br><b>Jason Branham</b>   |
| <b>2. Case# ZV23-003</b><br>Virginia L. Newman<br>2027 Elm Abode Terrance<br>Columbia, SC 29210<br>TMS: R07308-03-09<br>Page 7 | <b>Request a variance to encroach into<br/>the required setback on property<br/>zoned Single-Family Residential -<br/>Low Density (RS-LD).</b> | <b><u>District 4</u></b><br><b>Paul Livingston</b> |

**IX. OTHER BUSINESS**

**X. ADJOURNMENT**





## REQUEST, DISCUSSION AND RECOMMENDATION

### **CASE:**

ZV23-002

### **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:* Willie Floyd

*TMS:* 01416-01-13

*Location:* 47 Love Valley Court, Chapin, SC 29036

*Parcel Size:* 1.38 acres

*Existing Land Use:* Currently the property is residentially developed.

*Proposed Land Use:* The applicant proposes to construct an accessory structure 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 an accessory structure which will encroach into the required twenty (20) foot side yard setback by five (5) 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 minimum setbacks for the RU district are:

- Front - 40 feet

- Rear - 50 feet
- Sides - 20 feet

The lot area (45,540 square feet) and lot width (130± feet) for the subject site are both conforming.

According to the applicant, the proposed structure is intended to "...facilitate our caring of elderly and ill animals that we plan to foster in conjunction with local rescues..."

The applicant states the long and narrow configurations of the parcels are a result of restrictions that were created 45 years ago. The applicant also states that the granting of the variance will have negligible impact on adjacent properties due to the distance between residences and the buffer the woods adjacent to the proposed structure will provide.

Staff believes that the subject parcel does not meet all of the criteria required for the granting of a variance. The applicant has not demonstrated that the referenced configurations of the parcel are exclusive to the subject site. The parcels along Love Valley Court are similar in area and width and configuration. Staff recommends that the request be **denied**. According to the standard of review, a variance shall not be granted until all of the following findings are made:

**a. Extraordinary and exceptional conditions**

Staff was unable to identify the presence of extraordinary and exceptional conditions.

**b. Conditions applicable to other properties**

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

**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.

**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.

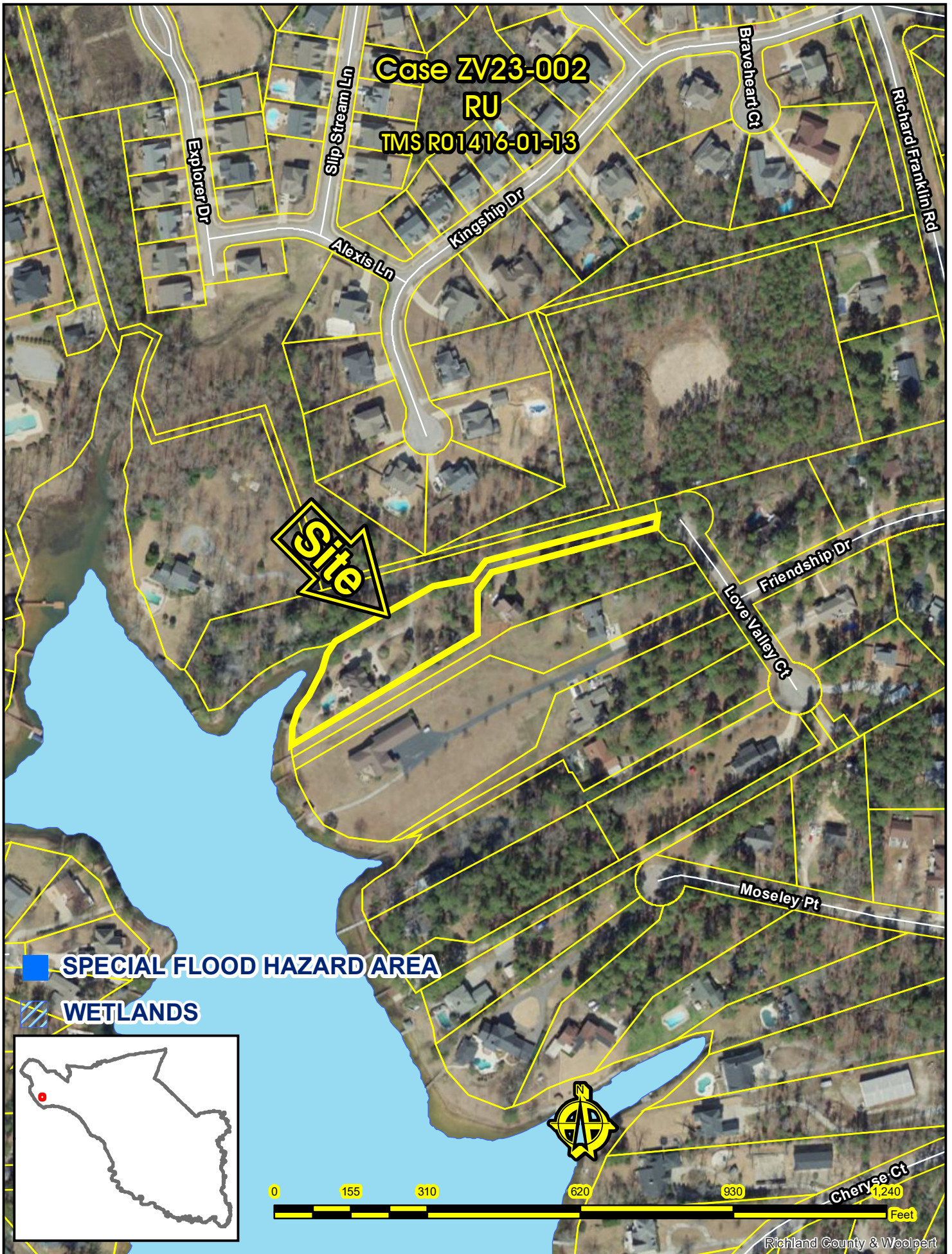
**CASE HISTORY:**

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

**ATTACHMENTS:**

- Plat
- Application









# BOARD OF ZONING APPEALS VARIANCE APPEALS



Application #

2623 002

1. Location 47 Love Valley Ct Chapin SC 29036  
TMS Page 201416 Block 01 Lot 13 Zoning District R4
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: allow construction of building 18 feet from side property line rather than 20 foot sideline setback (15)
4. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Sec. 28-802.3b(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: although our lot is 1.38 acres, the lot is long and narrow which limits our ability to build structures in close proximity to our house.
  - b) Describe how the conditions listed above were created: The conditions listed above were created due to neighborhood restrictions that were signed 45 years ago
  - c) These conditions do not generally apply to other property in the vicinity as shown by: these restrictions do not apply to newer subdivisions such as Eagles Nest, etc in the vicinity of my neighborhood
  - 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: without a exemption, we cannot build a structure to facilitate our caring of elderly and ill animals that we place in fostered in conjunction with local rescues and also maintain our driveway
  - e) The authorization of the variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: the lots in our older development are on average 1.5 acres Woods are adjacent to the proposed structure and there is considerable distance to the nearest house and the proposed new structure will not create a nuisance to any of our neighbors.
5. The following documents are submitted in support of this application (a site plan must be submitted):
  - a) BC internet map with proposed structure and closest house
  - b) copy of land plot
  - c) \_\_\_\_\_

(Attach additional pages if necessary)

Applicant's Signature

Willie F. d

Printed (typed) Name

Address

47 Love Valley Ct

Chapin SC 29036

City, State, Zip Code

Telephone Number

(803) 530-7951

Alternate Number

112.3'  
N 28°32'E

38.5'  
2 35.5' N

25.5  
22.29'N

32.4  
N 24.44 W

A line graph showing the relationship between the number of hours of sleep and the number of hours of study. The x-axis is labeled "Hours of Sleep" and ranges from 0 to 12. The y-axis is labeled "Hours of Study" and ranges from 0 to 12. A line connects the points (0, 12), (2, 10), (4, 8), (6, 6), (8, 4), (10, 2), and (12, 0).

A line graph showing the relationship between the number of hours of sleep and the number of hours of study. The x-axis is labeled "Hours of Sleep" and ranges from 0 to 12. The y-axis is labeled "Hours of Study" and ranges from 0 to 12. A line connects the points (0, 12), (2, 10), (4, 8), (6, 6), (8, 4), (10, 2), and (12, 0).

15.5

35.1

70.6

$$\begin{array}{r} 41.8 \\ 581 \overline{) 24181} \end{array}$$

26.2  
26.9.31.4

21.53.33M

BRAIN EAS. 227.50  
STORM 53.32  
N 61 STORM BRAIN EAS.

162.00E

10

11/11/19

LOT 12  
425 ACRES

A hand-drawn sketch of a building footprint. The sketch includes several labels: 'SURFACE ELEV. 300.1' on the left, 'CONC. SLAB' at the top, 'DECK' on the right, 'BASEMENT' in the center, 'RES.' below the basement, 'C/O' and 'HAC' at the bottom, and 'S 60' on the far left. The sketch shows a curved wall on the right side and a small rectangular feature on the left side.

S 60° 31' 00" W

S 60° 31' 00" W

439.18  
50  
450.3 N 61° 13' E

456.1' N 61.03'E

10. 2

25

23.

458.9

259.37'E

1.62 ACRES

13

614



## REQUEST, DISCUSSION AND RECOMMENDATION

### **CASE:**

ZV23-003

### **REQUEST:**

The applicant is requesting the Board of Zoning Appeals to grant a variance to encroach into the required front yard setback in the Residential Single Family - Low Density (RS-LD) district.

### **GENERAL INFORMATION:**

*Applicant:* Virginia L. Newman

*TMS:* 07308-03-09

*Location:* 2027 Elm Abode Terrance, Columbia, SC 29210

*Parcel Size:* .59 acres

*Existing Land Use:* Currently the property is residentially developed.

*Proposed Land Use:* The applicant proposes establish an open carport which will encroach into the required front 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 establish a 528 open carport that will encroach into the required twenty-five (25) foot front yard setback by twenty (20) feet.

The existing structure, constructed in 1970, encroaches into the required front yard setbacks along Elm Abode Terrance and Melissa Avenue by five (5) and eight (8) feet, respectively.

According to the applicant, the presence of a septic tank at the edge of the concrete driveway restricts the ability to establish the proposed carport further into the property.

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 residential structure encroaches into the both front yard setbacks. In addition, a septic tank is located in the area outside of the required setbacks.

**b. Conditions applicable to other properties**

Staff was unable to identify encroachment into the required front yard setback by other residential structures in the general area of the subject parcel.

**c. Application of the ordinance restricting utilization of property**

Applying the setback requirements for the RS-LD district would prevent the practical utilization of the property as it pertains to the establishing of the proposed carport.

**d. Substantial detriment of granting variance**

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

**CONDITIONS:**

26-57(f)(3)

Conditions. In granting a variance, the board of zoning appeals may attach to it such conditions regarding the location, character, or other features of the proposed building, structure or use as the board of zoning appeals may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. The board of zoning appeals may also prescribe a time limit within which the action for which the variance was sought shall be begun or completed, or both.

**OTHER RELEVANT SECTIONS:**

26-57 (f) (1) Formal review.

(1) Action by the board of zoning appeals. Upon receipt of the application for a variance request from the planning department, the board of zoning appeals shall hold a public meeting on the proposed variance request. Any party may appear in person or be represented by an authorized agent. In considering the application, the board of zoning appeals shall review the application materials, the staff comments and recommendations, the general purpose and standards set forth in this chapter, and all testimony and evidence received at the public hearing. After conducting the public hearing, the board of zoning appeals may:

- a. Approve the request;
- b. Continue the matter for additional consideration; or
- c. Deny the request.

Any approval or denial of the request must be by a concurring vote of a majority of those members of the board of zoning appeals both present and voting. The decision of the board of zoning appeals shall be accompanied by written findings that the variance meets or does not meet the standards set forth in the Standard of Review. The decision and the written findings shall be permanently filed in the planning department as a public record. The written decision of the board of zoning appeals must be delivered to the applicant.

**CASE HISTORY:**

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

**ATTACHMENTS:**

- Plat
- Plans for the structure
- Application







*Case# ZV23-003*  
*Virginia L. Newman*  
*2027 Elm Abode Terrance*  
*Columbia, SC 29210*  
*TMS: R07308-03-09*



**Proposed location of structure**

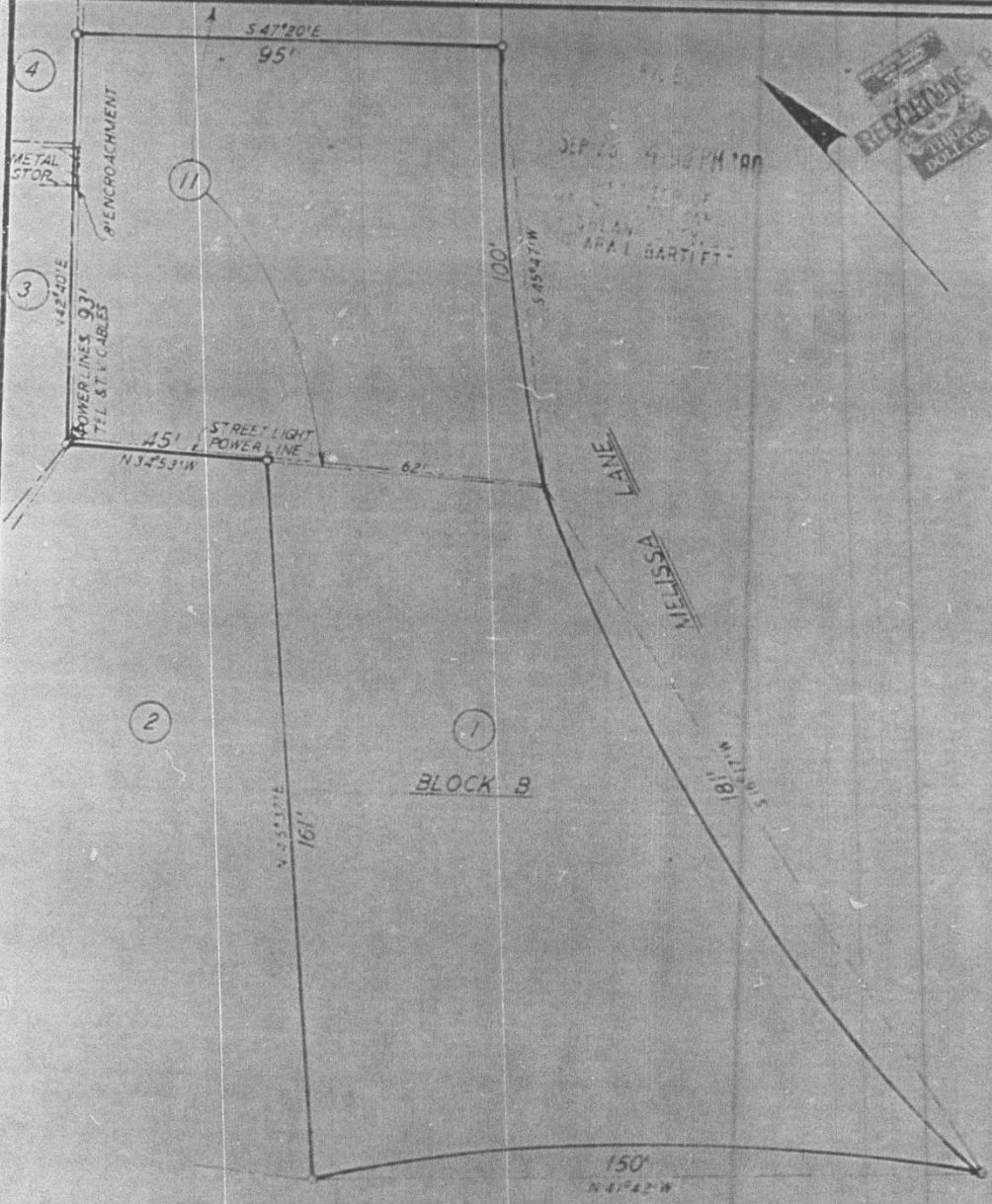




*Case# ZV23-003  
Virginia L. Newman  
2027 Elm Abode Terrance  
Columbia, SC 29210  
TMS: R07308-03-09*







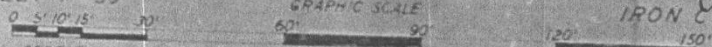
PLAT PREPARED FOR  
**THERESA K. STEVENS**

NEAR COLUMBIA, S. C.

THE SAME BEING SHOWN AS LOT 1 AND A PORTION OF LOT 11 BLOCK B  
 ON MAP OF ELM-ABODE SUBDIVISION FOR MRS. HANNAH S. ELMGREN BY  
 JAMES C. COVINGTON, C. E., DATED APRIL 12, 1957, REVISED MAY 7, 8, 9, 1958.

SEPTEMBER 18, 1980

SCALE: 1" = 30'



IRON CORNERS

I HEREBY CERTIFY THAT THE MEASUREMENTS AS SHOWN ON THIS PLAT ARE CORRECT  
 AND THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

*Claude R. McMillan Jr.*  
 CLAUDE R. McMILLAN JR., P.E. & R.L.S. NO. 1034  
 1728 MAIN STREET, COLUMBIA, S. C. 29201



# BOARD OF ZONING APPEALS VARIANCE APPEALS



Application # 2123-003

1. Location \_\_\_\_\_  
TMS Page 0708 Block 03 Lot 09 Zoning District RS-LD
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: ENCROACHMENT INTO FRONT YARD
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: HOUSE BUILT 1970 - AND SEPTIC TANK LOCATION
  - b) Describe how the conditions listed above were created: WHEN HOUSE WAS BUILT
  - c) These conditions do not generally apply to other property in the vicinity as shown by: NO
  - 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: WITHOUT VARIANCE - CARPORT CAN NOT BE BUILT
  - 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
5. The following documents are submitted in support of this application [a site plan must be submitted]:
  - a) LAYOUT
  - b) AREA OF PROPERTY
  - c) \_\_\_\_\_

(Attach additional pages if necessary)

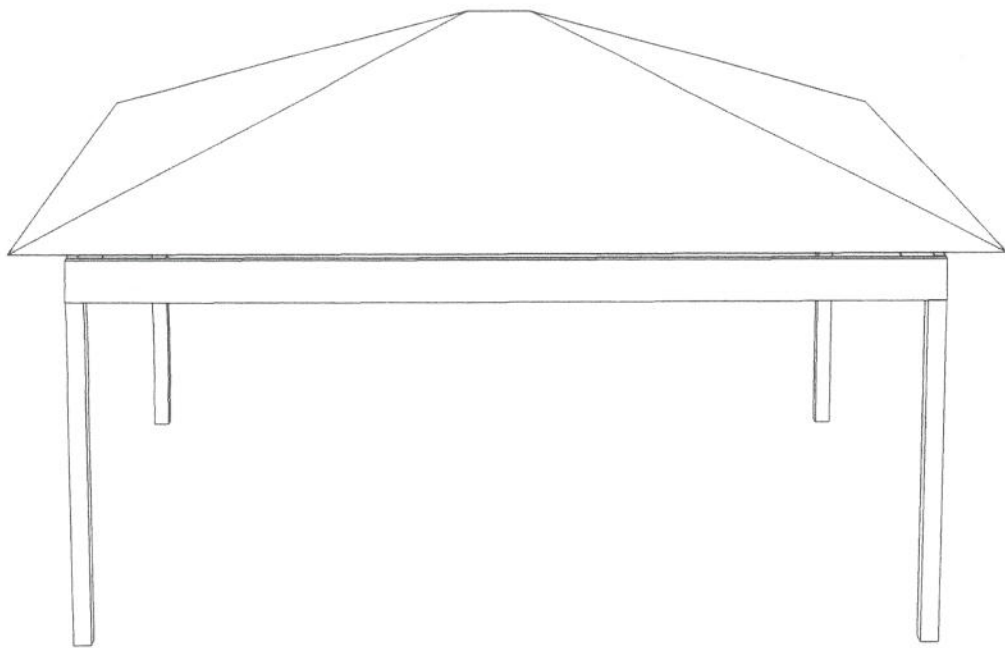
Virginia L. Newman  
Applicant's Signature  
Virginia L. Newman  
Printed (typed) Name

2007 Elm-Arbode Terr  
Address  
Columbia SC 29210  
City, State, Zip Code

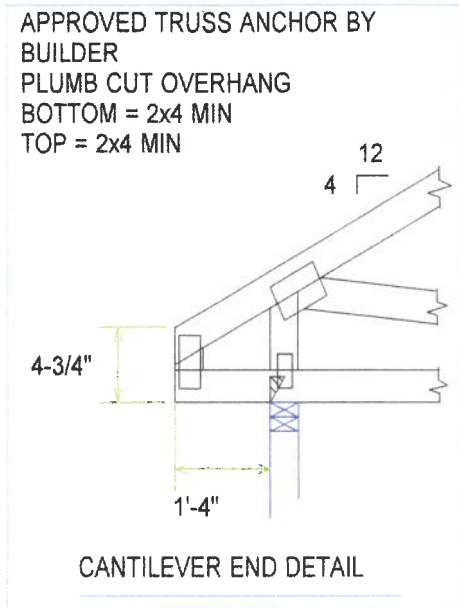
803-361-1170  
Telephone Number  
803-995-7569  
Alternate Number



22' 0"



HANGER LIST
(10) LUS26 (4) THJU26



**THIS IS A TRUSS PLACEMENT DIAGRAM ONLY.** These trusses are designed as individual building components to be incorporated into the building design at the specification of the building designer. See individual design sheets for each truss design identified on the placement drawing. The building designer is responsible for temporary and permanent bracing of the roof and floor system and for the overall structure. The design of the truss support structure including headers, beams, walls, and columns is the responsibility of the building designer. For general guidance regarding bracing, consult "Bracing of Wood Trusses" available from the Truss Plate Institute, 583 D'Onofrio Drive, Madison, WI 53179.

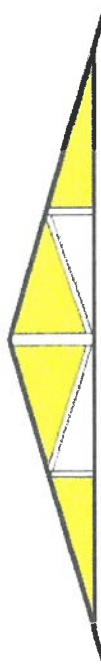
**SHOP DRAWING APPROVAL**  
THIS LAYOUT IS THE SOLE SOURCE FOR FABRICATION OF TRUSSES AND VOIDS ALL PREVIOUS ARCHITECTURAL OR OTHER TRUSS LAYOUTS. REVIEW AND APPROVAL OF THIS LAYOUT MUST BE RECEIVED BEFORE ANY TRUSSES WILL BE BUILT. VERIFY ALL CONDITIONS TO INSURE AGAINST CHANGES THAT WILL RESULT IN EXTRA CHARGES TO YOU.

REVIEWED BY: \_\_\_\_\_ APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**CONTRACTOR**

JACOB MCKIE  
2027 ELEM ABODE TERRACE  
COLUMBIA, SC

JOB # Q2310008



**HOOVER TRUSSES INC.**  
(803) 359-9920  
(803) 359-2338 Fax

**TRUSS LOADING CONDITIONS**

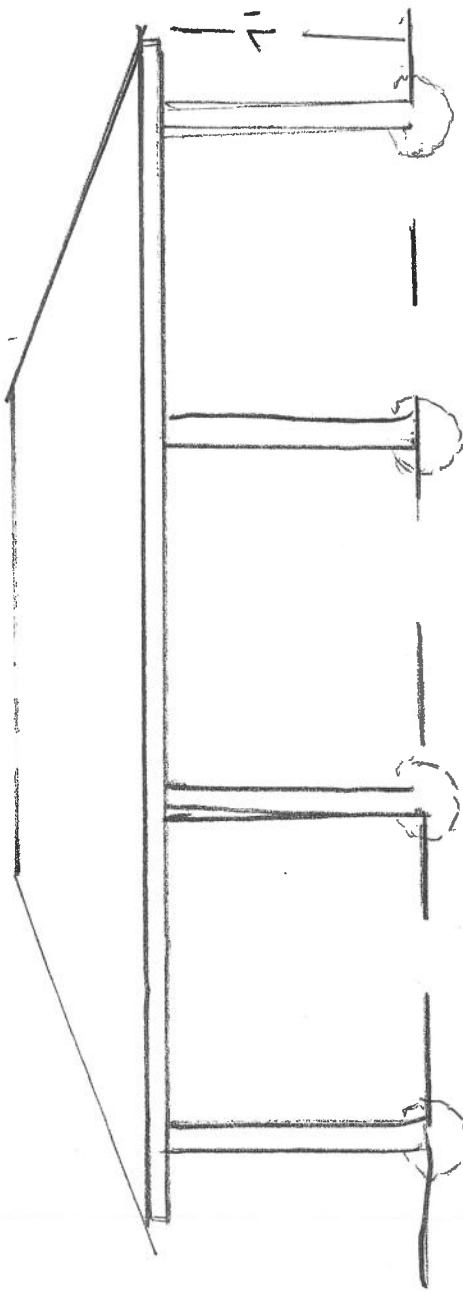
ROOF TRUSSES	FLOOR TRUSSES
TOP CHORD LIVE: 20	TOP CHORD LIVE: 40
TOP CHORD DEAD: 10	TOP CHORD DEAD: 10
BOT CHORD DEAD: 10	BOT CHORD DEAD: 5
TOTAL LOAD: 40 PSF	TOTAL LOAD: 55 PSF
STRESS 1.15	STRESS 1.00

DATE: 10/07/23  
DRAWN BY: JBH



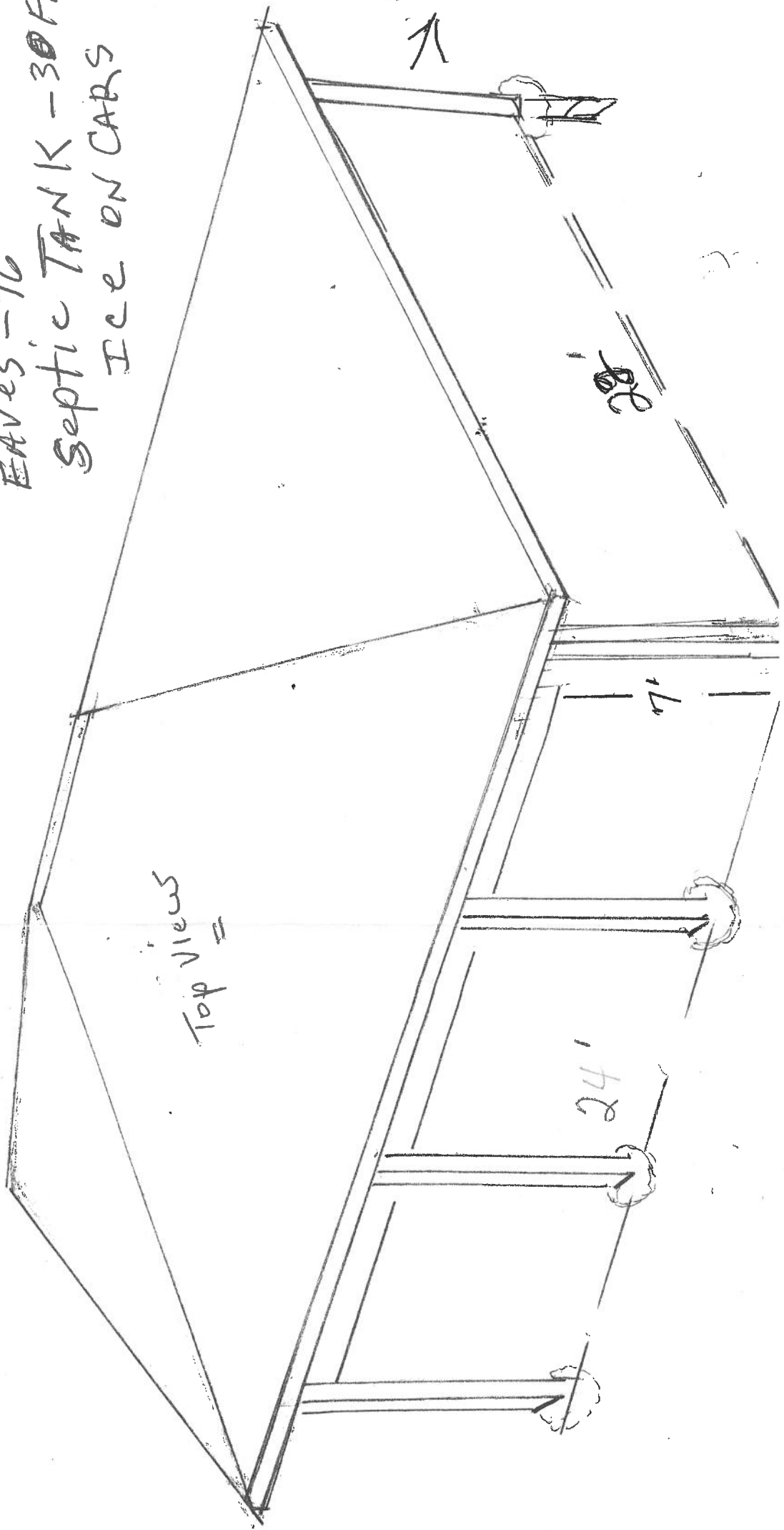
Newman  
2007 Elm Adobe

"Propasah"

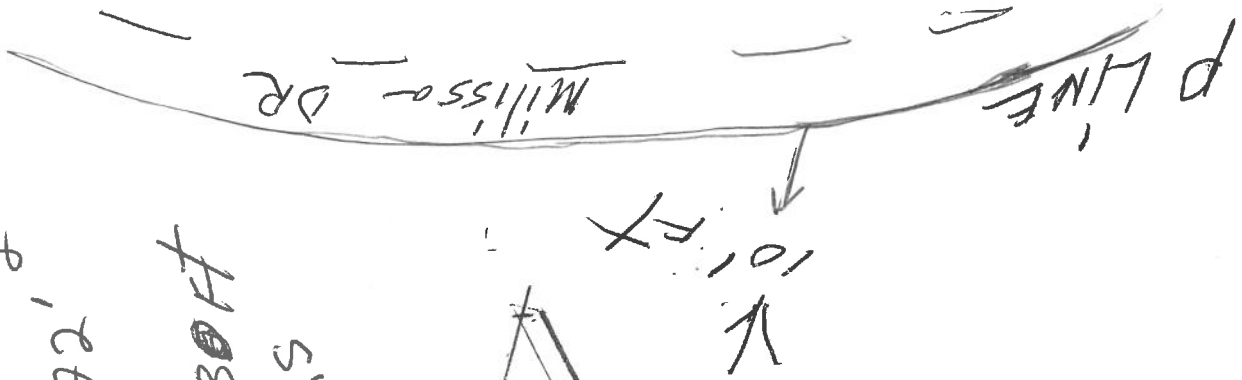


Side View

2011 - State Approve Driveway  
Foot print - 22' x 22'  
Eaves - 16"  
Septic Tank - 30' H  
Ice on Cars



Top View







## 2024 PLANNING MEETINGS

		<b>Board of Zoning Appeals</b>
		*customarily meets on the 1st Wednesday of the month at 3 pm
		<b>January 10th</b>
		<b>February 7th</b>
		<b>March 6th</b>
		<b>April 3rd</b>
		<b>May 1st</b>
		<b>June 5th</b>
		<b>July 10th</b>
		<b>August 7th</b>
		<b>September 4th</b>
		<b>October 2nd</b>
		<b>November 6th</b>
		<b>December 4th</b>

All dates and times are subject to change.

For questions concerning meeting dates and times, please contact the Richland County Planning Department at (803) 576-2190 or [boza@rcgov.us](mailto:boza@rcgov.us)









Richland County Government  
2020 Hampton Street  
Columbia, SC 29204

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

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