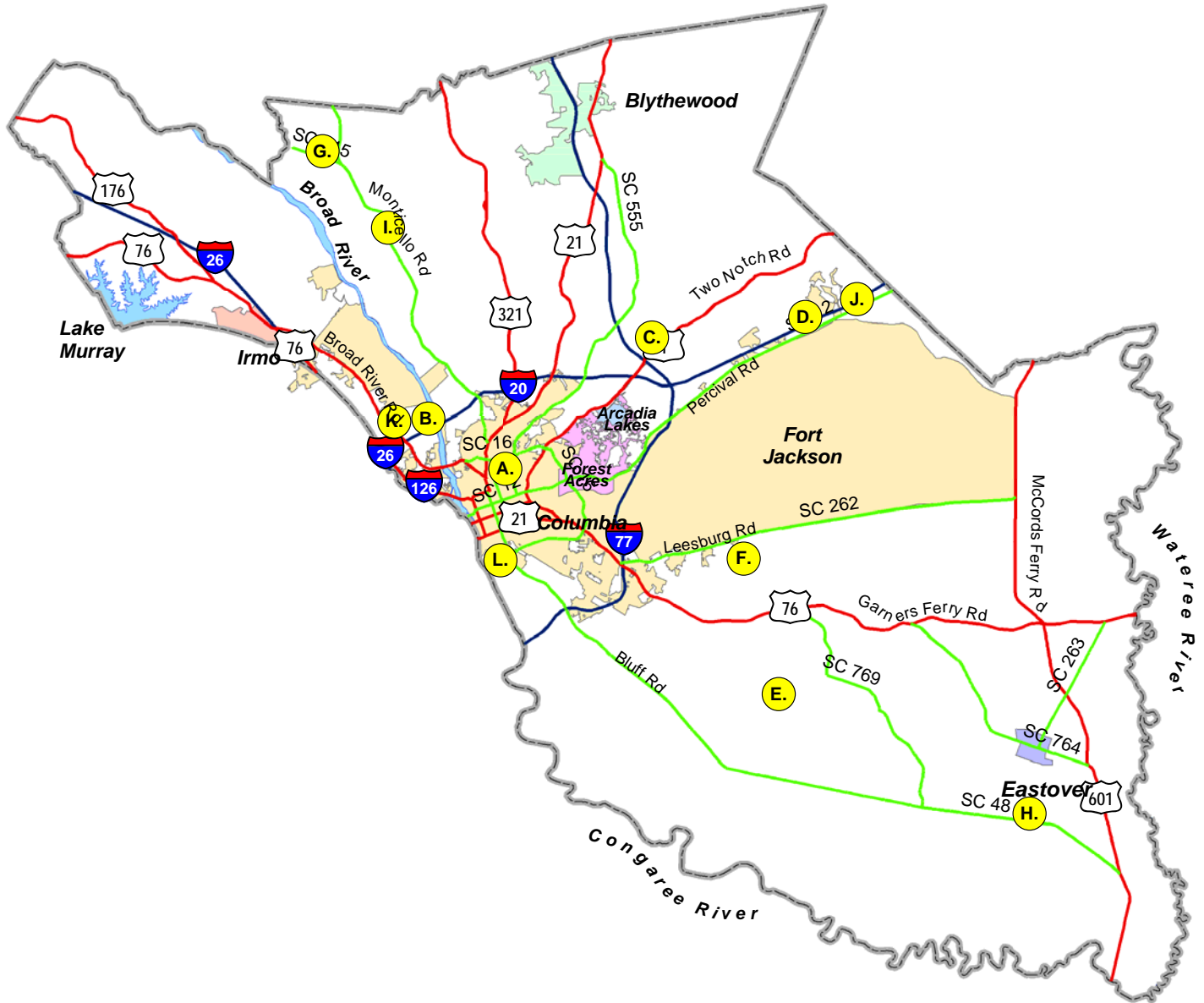


RICHLAND COUNTY
BOARD OF
ZONING APPEALS



Wednesday, December 1, 2004
1:00 p.m.
Council Chambers

RICHLAND COUNTY
BOARD OF ZONING APPEALS
PUBLIC HEARING
DECEMBER 1, 2004



| CASE NO. | APPLICANT | TMS NO. | ADDRESS | DISTRICT |
|-------------|---|-----------------|-----------------------------------|------------|
| A. 05-18 SE | SCANA Communications | 11502-01-01 | Colonial Drive | Livingston |
| B. 05-19 SE | Latahsha Delgado | 07505-02-23 | 2101 Greenwyche Avenue | Tuten |
| C. 05-20 SE | Robert Fuller | 17115-01-09 | Rabon Road | McEachern |
| D. 05-21 SE | Shawn Rioux | 25700-02-13 (p) | 170 Pontiac Business Center Drive | Brill |
| E. 05-22 V | Housing Authority of the City of Columbia | 24505-05-27 | 209 Acie Avenue | Scott |
| F. 05-23 SE | Wanda Wright | 22011-05-39 | 3221 Padgett Road | Mizzell |
| G. 05-24 SE | Jonathan Yates | 05600-01-13 | Monticello Road | Tuten |
| H. 05-25 SE | Jonathan Yates | 36600-06-03 | 147 Jack Paul Road | Scott |
| I. 05-26 SE | Jonathan Yates | 06700-05-16 | 9351 Monticello Road | Tuten |
| J. 05-27 SE | International Praise Church of God | 28800-02-05 | 5071 Percival Road | Brill |
| K. 05-28 V | Joseph Tomarchio | 07403-05-04 | 2419 Broad River Road | Tuten |
| L. 05-29 SE | Helen Sexton | 08815-04-06 | 749 Maryland Street | Scott |

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
PUBLIC HEARING
DECEMBER 1, 2004, 1:00 P.M.**

**2020 HAMPTON STREET
2nd FLOOR COUNTY COUNCIL CHAMBER**

AGENDA

- | | | |
|-------------|---------------------------------------|---|
| I. | CALL TO ORDER & RECOGNITION OF QUORUM | NAPOLEON TOLBERT, CHAIRMAN |
| II. | RULES OF ORDER | BRAD FARRAR, DEPUTY COUNTY ATTORNEY |
| III. | PUBLIC HEARING | GEONARD PRICE, ASSISTANT ZONING ADMINISTRATOR |

OPEN PUBLIC HEARING

- | | | |
|-----------------------|--|---|
| A 09 | 05-18 SE SCANA Communications Colonial Drive 11502-01-01 | Requests special exception for the construction of a communication tower on property zoned commercial (C-3) |
| B 17 | 05-19 SE Latahsha Delgado 2101 Greenwyche Ave. 07505-02-23 | Requests special exception for the establishment of a family day care on property zoned single family residential (RS-2) |
| C 29 | 05-20 SE Robert Fuller Rabon Rd. 17115-01-09 | Requests special exception for the establishment of mini warehouse/storage facility on property zoned general commercial district (C-3) |
| D 41 | 05-21 SE Shawn Rioux 170 Pontiac Business Center Dr. 25700-02-13 (p) | Requests a variance to encroach into the front yard setback on property zoned light industrial (M -1) |

E 05-22 V
49 Housing Authority of the
City of Columbia
209 Acie Ave.
24505-05-27

Requests a variance to encroach into the side yard setbacks on property zoned rural (RU)

F 05-23 SE
Wanda Wright
3221 Padgett Rd.
22011-05-39

Deferred

G 05-24 SE
Jonathan Yates
Monticello Rd.
05600-01-13

Deferred

H 05-25 SE
Jonathan Yates
147 Jack Paul Rd.
36600-06-03

Deferred

I 05-26 SE
55 Jonathan Yates
Highway 215
9351 Monticello Road
06700-05-16

Requests special exception for the construction of a communication tower on property zoned rural (RU)

J 05-27 SE
63 International Praise
Church of God
5071 Percival Rd.
28800-02-05

Requests special exception for the establishment of a church on property zoned general residential (RG-2)

K 05-28 V
67 Joseph Tomarchio
Anchor Sign
2419 Broad River Road
07403-05-04

Requests special exception to exceed the allowed square footage for signage by 250 square feet on property zoned general commercial (C-3).

L 05-29 SE
71 Helen Sexton
749 Maryland Street
08815-04-06

Requests special exception to encroach a fence into the required setback by 24 feet on property zoned single family residential (RS-3).

IV. OTHER BUSINESS

V. APPROVAL OF MINUTES
November 3, 2004

VI. ADJOURNMENT



1 December 2004
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-18 Special Exception

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the construction of a communication tower in a C-3 (General Commercial) district.

GENERAL INFORMATION

Applicant

Gary Pennington

Tax Map Number

11502-01-01

Location

Colonial Drive

Existing Zoning

C-3 (General Commercial)

Parcel Size

.78 acre tract

Existing Land Use

Utilities

Existing Status of the Property

Electrical utility

Proposed Status of the Property

The applicant proposes to erect a 130-foot communications tower, within an 800 square foot leased compound.

Immediate Adjacent Zoning and Land Use

North - C-3; office

South - C-3; office parking

East - C-3; office/intersection (Colonial and Harden)

West - C-3; office parking

Character of the Area

The subject property is located near the intersection of Harden Street and Colonial Boulevard. The surrounding parcels consist primarily of offices and medical and health related uses. The adjacent parcels are located within the City of Columbia.

ZONING ORDINANCE CITATION

Section 26-61.4(4) of the Zoning Ordinance authorizes the Board of Zoning Appeals to authorize radio, television and all other types of communications towers subject to the provisions of section 26-94A.

CRITERIA FOR SPECIAL EXCEPTIONS

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

1. **Traffic impact.**
N/A
 2. **Vehicle and pedestrian safety.**
N/A
 3. **Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.**
The potential additional impact of noise, lights, fumes or obstruction of airflow should be no greater than that already found in the area.
 4. **Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view.**
The aesthetic impact of the communication tower on the environs should be minimal.
 5. **Orientation and spacing of improvements or buildings.**
The submitted site plan does not seem to necessitate any changes.
-

(9) Special exception requirements (as found in section 26-94):

- (a) In addition to the requirements for special exceptions found in section 26-602.2c, the zoning board of adjustment shall consider the following:
 - (1) **Will the proposed structure endanger the health and safety of residents, employees or travelers, including but not limited to the likelihood of the failure of such structures.**
To be addressed by the applicant.
 - (2) **Is the proposed tower located in an area where it will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.**
To be addressed by the applicant.
 - (3) **Is the proposed structure necessary to provide a service that is beneficial to the surrounding community.**
To be addressed by the applicant.
 - (4) **Does the proposed use meet the setback requirements of the underlying zoning district in which it is located.**
The site plan indicates that the proposed tower meets all required setbacks, however, the site plan review phase will ensure that all requirements have been met.

- (5) **Is the proposed tower within one thousand (1,000) feet of another tower unless on the same property.**

To be addressed by the applicant.

- (6) **Has the applicant attempted to collocate on existing communication towers and is the applicant willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure and proper compensation from the additional user.**

To be addressed by the applicant.

DISCUSSION

The applicant proposes to erect a 130-foot communication tower, within a 800 square foot leased compound.

Staff visited the site.

The criteria for a special exception in section 26-602 indicates that applicant has taken necessary measures to minimize the impact of a communication tower on the surrounding area. Staff believes that this request will not impair the properties in the immediate or surrounding area.

The applicant must answer the special exception requirements of section 26-94. If the applicant can sufficiently address the requirements of this section, staff recommends approval of the request.

CONDITIONS

1. The setback requirements, as measured from the lease area, must be met, unless, as stated in section 26-94A (2), a special exception is granted by the Board of Zoning Appeals.

26-602.2(d)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

RECOMMENDATION

Recommend **approval** of this Special Exception for the following reasons:

- A. Applicant meets **all** special exception requirements and other relevant sections of the zoning ordinance.

OTHER RELEVANT SECTIONS

Due to consideration for health, safety impact on neighboring properties and aesthetics, any such uses proposed for the county shall comply with the following supplemental requirements:

(1) At the time of application for a special exception or zoning permit satisfactory evidence shall be submitted that alternative towers, building or other structures do not exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria or provide a location free from interference of any nature, or are otherwise not available for use.

(2) When a proposed site for a communication tower adjoins a residential zoning district, or property on which an inhabited residence is situated, the minimum setback from the property line(s) adjoining the residential zoning district or residential use shall be fifty (50) feet. For towers over fifty (50) feet in height, the set back shall increase one (1) foot for each one (1) foot of tower height in excess of fifty (50) feet; with the maximum required separation being two hundred fifty (250) feet.

When the separation requirement as set forth herein from a residential zoning district or residential use cannot be met, such location may be permitted by a special exception approval from the zoning board of adjustment subject to the provisions of section 26-94A below.

(3) Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agencies. However, no nighttime strobe lighting shall be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agency.

(4) Each communications tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.

(5) Each tower site shall be landscaped in accordance with the requirements of Article 5 of the county landscape ordinance.

(6) No signage of any nature may be attached to any portion of a communications tower.

(7) Communications towers shall have a maximum height of three hundred (300) feet.

(8) A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

(9) Special exception requirements:

(a) In addition to the requirements for special exceptions found in section 26-602.2c, the zoning board of adjustment shall consider the following:

(1) Will the proposed structure endanger the health and safety of residents, employees or travelers, including but not limited to the likelihood of the failure of such structures.

(2) Is the proposed tower located in an area where it will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.

(3) Is the proposed structure necessary to provide a service that is beneficial to the surrounding community.

(4) Does the proposed use meet the setback requirements of the underlying zoning district in which it is located.

(5) Is the proposed tower within one thousand (1,000) feet of another tower unless on the same property.

(6) Has the applicant attempted to collocate on existing communication towers and is the applicant willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure and proper compensation from the additional user.

(b) A site plan, elevation drawing(s), photographs and other appropriate documentation must be submitted with the request for special exception which provide the following information:

(1) Site plan must include the location of the tower(s), guy anchors (if any), transmission building and other accessory uses, parking, access, fences and adjacent land use. Landscaping and required buffering must also be shown.

(2) Elevation drawings must clearly show the design of the tower and materials to be used.

(3) Photographs must show the proposed site and the immediate area.

(4) Submittal of other detailed information, such as topography and aerial views, which support the request are encouraged at the option of the applicant.

(Ord. No. 048-95HR, § I, 9-5-95; Ord. No. 012-99HR, § III, 4-20-99)

| |
|--------------------|
| ATTACHMENTS |
|--------------------|

- Site plan

| |
|---------------------|
| CASE HISTORY |
|---------------------|

No record of previous special exception or variance request.

Paid \$ 50.00

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
SPECIAL EXCEPTION APPEAL**

Filed October 1, 2004

NOTICE TO APPLICANTS

No application for special exception will be processed unless the following conditions are met no later than the first (1st) day of the month prior to the date of the Board meeting, which is held the first Wednesday of each month:

- a. All questions on this application have been fully answered;
- b. The application has been signed by the owner or his agent with the written authorization of the owner;
- c. A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted on an 8 1/2" X 11" size pieces of paper.

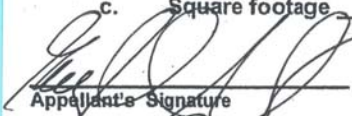
1. Location: S/S Colonial Drive, Columbia, SC 29218
 TMS #: Page R11502 Block 01 Lot 01 Zoning District C-3
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting: (nature of special exception) The construction of a 130' communications tower and related ancillary equipment and buildings
3. The Board of Zoning Appeals is authorized to grant or deny special exception of this specific nature in Section 26-94 A(9) of the Zoning Ordinance.

PROPOSED NEW CONSTRUCTION

1. Free Standing Structure (x) Addition to an existing building ()
2. Use Communications Tower Number of square footage N/A
3. Answer only if a commercial or manufacturing use :
 - a. Total number of parking spaces on lot N/A
 - b. Number of trucks _____ size _____
 - c. Number of proposed and existing signs _____
 Size of proposed or existing signs _____
 - d. Number of employees working on premises _____

EXISTING USES AND STRUCTURES ON LOT

1. Number of existing uses / structures Electric Substation
2. Size and use:
 - a. Square footage N/A Use _____
 - b. Square footage _____ Use _____
 - c. Square footage _____ Use _____



Appellant's Signature

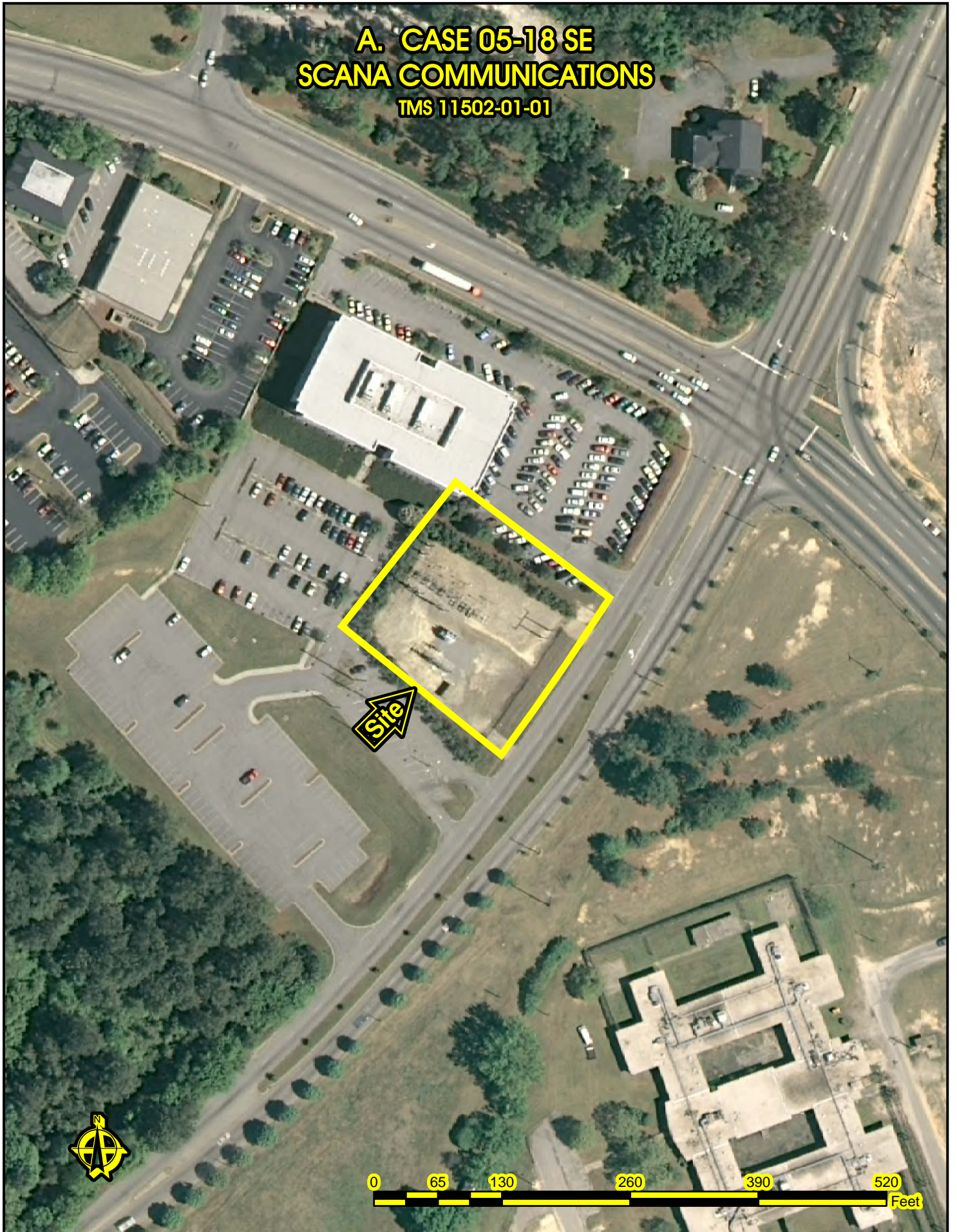
Gary C. Pennington, As Agent
Print Name

Pennington & Lott, L.L.P.
P.O. Box 2844
Columbia, SC 29201
Address, City, State & Zip Code

803-929-1070
Telephone Number



**A. CASE 05-18 SE
SCANA COMMUNICATIONS
TMS 11502-01-01**





1 September 2004
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-19 Special Exception

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of family daycare on property zoned RS-2 (single family residential).

GENERAL INFORMATION

Applicant

Latasha Delgado

Tax Map Number

07505-02-23

Location

2101 Greenwyche Avenue

Existing Zoning

RS-2 (Single Family Residential)

Parcel Size

.27 acre tract

Existing Land Use

Residential

Existing Status of the Property

The subject property has an existing single-family residential structure. A driveway leads to a garage. A fence encloses the rear of the property.

Proposed Status of the Property

The applicant proposes to establish a family daycare for a maximum of six (6) children. The ages of the children would range from newborn to four (4) years old. The proposed hours of operation are 6:00am to 6:00pm.

Immediate Adjacent Zoning and Land Use

North - RS-2; residential

South - RS-2; residential

East - RS-2; residential

West - RS-2; residential

Character of the Area

The subject property is located within a community of single-family residential structures (Pinevalley).

ZONING ORDINANCE CITATION

Section 26-63.4(5) authorizes the Board to permit day nurseries and kindergartens as special exception subject to the provisions of Section 26-84. Section 26-84 requires that, before granting such a special exception, the Board will ensure that the Department of Special Services has approved the daycare facility. The applicant has submitted a letter from DSS.

CRITERIA FOR SPECIAL EXCEPTIONS

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

1. Traffic impact.

The average weekday trips per day for a single-family residential structure is approximately 9.5 (based on the Addendum to the Long Range Major Street Plan for Richland County – adopted by the Richland County Planning Commission - Oct.1993). The establishment of this daycare would generate approximately ten (10) additional trips per day.

The applicant must count her child against the six (6).

2. Vehicle and pedestrian safety.

There are two (2) bushes near the front property lines that present potential vehicle and pedestrian safety.

3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.

There should be a minimal, if any, impact of noise, lights, fumes or obstruction of airflow by the establishment of a family daycare.

4. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view.

The proposed use does not impose an adverse impact on the aesthetic character of the environs and does not require screening.

5. Orientation and spacing of improvements or buildings.

The size of the lot and the location of the existing structure precludes the need for changes in orientation and spacing of improvements or buildings.

DISCUSSION

Staff visited the site.

The applicant is proposing to operate a daycare for six (6) children. There exist two bushes near the front property line that impact the visibility of vehicles exiting the property. Staff did not observe any other conditions or factors that would negatively impact this community by the establishment of a family daycare.

Staff did observe a dog on the abutting property. The fence that separates the property is approximately four (4) feet.

The applicant is required to provide loading and unloading in an area other than the right-of-way. Staff believes that the driveway will sufficiently provide the means to meet this requirement.

Staff recommends that this request be approved with the following conditions.

CONDITIONS

1. Vacancy, abandonment or discontinuance for any period of twelve (12) months (as verified by a business license) will void the special exception.
2. The two (2) bushes be trimmed and maintained to allow for visibility for vehicular traffic.
3. A fence, at least six (6) feet in height, be erected along the left, rear property line to provide a safety buffer from the dog.

26-602.2(d)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

RECOMMENDATION

Recommend **approval** of this Special Exception for the following reasons:

- A. Based on the criteria for special exceptions, the project has demonstrated that it will not have an adverse affect on the surrounding area.

OTHER RELEVANT SECTIONS

Sec. 26-84. Child day care facilities.

Child day care facilities are permitted as special exceptions in RS-1, RS-1A, RS-2, RS-2, RR, RG-1, RG-2, MH-1, MH-2 and MH-3 districts, and as permitted uses in C-1, C-2, C-3, D-1 and RU districts subject to the following provisions:

26-84.1 General requirements.

a. Permitted Uses--Before granting a zoning permit for the establishment of a child day-care center or a group day-care home, the zoning administrator will ensure that the applicant has applied to the South Carolina Department of Social Services (DSS) for a license to operate the facility and has received a letter from the regulatory agency (DSS) that the facility in question is suitable to accommodate the maximum number of children to be cared for. Prior to issuing a zoning permit for the establishment of a family day-care home, the zoning administrator will ensure that the applicant has applied to DSS for registration of the day-care home.

b. Special Exceptions--Before granting a special exception for the establishment of a child day-care facility, the board of adjustment will ensure that the action outlined in paragraph a. above has been accomplished.

26-84.2 Fencing.

Fencing shall be as prescribed by DSS, but in no case less than 4 feet in height, cyclone type or equivalent.

26-84.3 Play equipment.

No play equipment shall be closer than 20 feet to any residential lot line.

26-84.4 Loading and unloading.

An adequate area to accommodate the loading and unloading of children shall be provided and such area shall not be located within any public right-of-way.

26-84.5 Space.

Indoor and outdoor space shall be as prescribed by relation for child day-care facilities published by DSS.

26-84.6 Signs.

Signs are permitted in accordance with Article 8, "Regulation of Signs" as applied to the district in which the child day-care facility is located.

(Ord. No. 1027-83, § 1, 4-5-83; Ord. No. 1191-44, § IV, 9-4-84; Ord. No. 055-00HR, § XI, 10-3-00)

ATTACHMENTS

- DSS letter
- Plat
- Day nursery information sheet
- Pictures of subject property

CASE HISTORY

No record of previous special exception or variance request.

Rcpt # 368236
Paid \$ 50.00

Application # 05-1958
Filed 10-12-04

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
SPECIAL EXCEPTION APPEAL**

NOTICE TO APPLICANTS

No application for special exception will be processed unless the following conditions are met no later than the first (1st) day of the month prior to the date of the Board meeting, which is held the first Wednesday of each month:

- a. All questions on this application have been fully answered;
- b. The application has been signed by the owner or his agent with the written authorization of the owner;
- c. A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted on an 8 1/2" X 11" size pieces of paper.

1. Location: 2101 Greenwyche Ave
TMS #: Page Book 819 Block E Lot 39 Zoning District RS 2
R01505 02 23
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting: (nature of special exception) Day Care
3. The Board of Zoning Appeals is authorized to grant or deny special exception of this specific nature in Section 26-602.2b of the Zoning Ordinance.

PROPOSED NEW CONSTRUCTION

1. Free Standing Structure () Addition to an existing building ()
2. Use _____ Number of square footage _____
3. Answer only if a commercial or manufacturing use :
 - a. Total number of parking spaces on lot _____
 - b. Number of trucks _____ size _____
 - c. Number of proposed and existing signs _____
Size of proposed or existing signs _____
 - d. Number of employees working on premises _____

EXISTING USES AND STRUCTURES ON LOT

- How*
1. Number of existing uses / structures 1
 2. Size and use:
 - a. Square footage 1729 Use _____
 - b. Square footage _____ Use _____
 - c. Square footage _____ Use _____

Latahsha S. Delgado
Appellant's Signature
Latahsha S. Delgado
Print Name

2101 Greenwyche Ave
Address, City, State & Zip Code

(803) 731-1079
Telephone Number

DSS
Serving Children and Families
KIM S. AYDLETTE, STATE DIRECTOR

September 23, 2004

Mr. John Hicks
Richland County Zoning Division
2020 Hampton Street
P.O. Box 192
Columbia, SC 29202

Re: Ms. Latahsha Delgado
2101 Greenwyche Ave.
Columbia, SC 29210

Dear Mr. Hicks:

The Division of Child Day Care Licensing and Regulatory Services of the South Carolina Department of Social Services has received an inquiry from the above-named individual to operate a Family Day Care Home, providing daycare for a maximum of 6 children. In order to complete the application process, we require verification from your office that zoning requirements have been met. If additional information is needed, please contact me at 929-2740. Thank you for your assistance in this matter.

Sincerely,



Marilyn Hager

Senior Day Care Regulatory Specialist, Region V



**RICHLAND COUNTY, SOUTH CAROLINA
PLANNING & DEVELOPMENT SERVICES DEPARTMENT**

Zoning & Land Development Division
2020 Hampton Street
Columbia, SC 29202
Ph. 803-576-2178 Fax 803-576-2182

DAY NURSERIES

How many children? 6

What ages would the children be? 6 weeks to 4 yrs.

What would the hours of operation be? 6:00 AM to 6:00 PM

How many employees would there be? 0

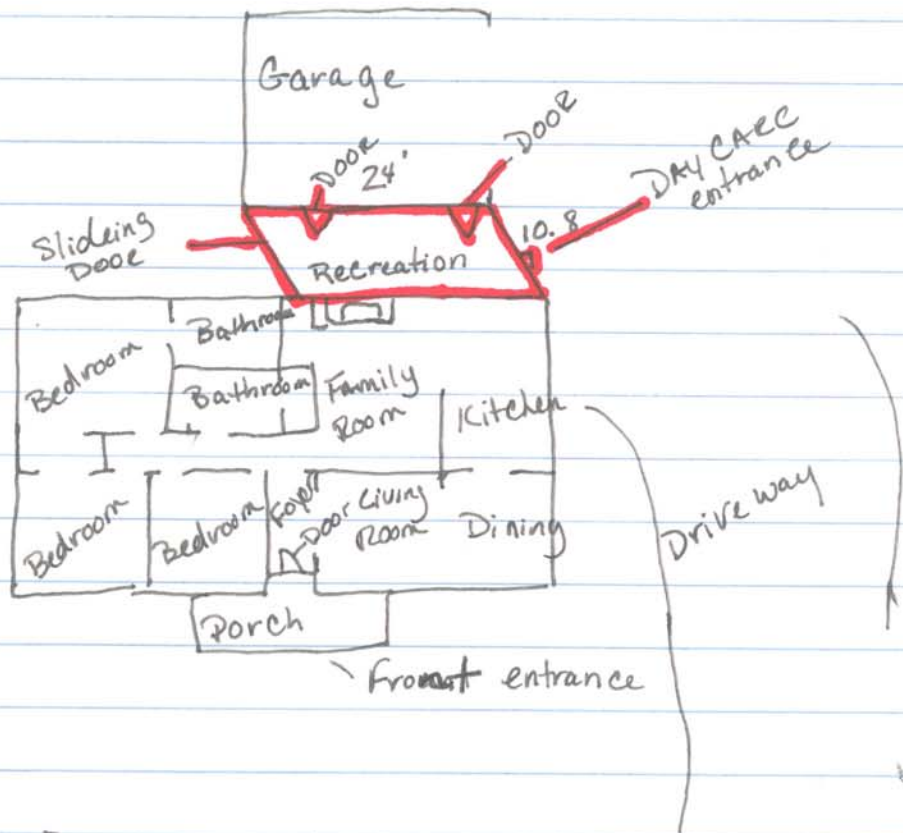
Is the rear yard fenced? Yes No (If no, what provisions are being made?)

Are there provisions for the loading and unloading of children off of the public right-of-way?

Yes (if yes, please describe)

A two car drive-way that come all the way to the day-care entrance.

No (if no, what provisions are being made?)



The Children have 4 ways of getting out if there an fire.

SKETCH ADDENDUM

Borrower or Owner **JOSE DELGADO**

Property Address **2101 GREENWYCHE AVE**

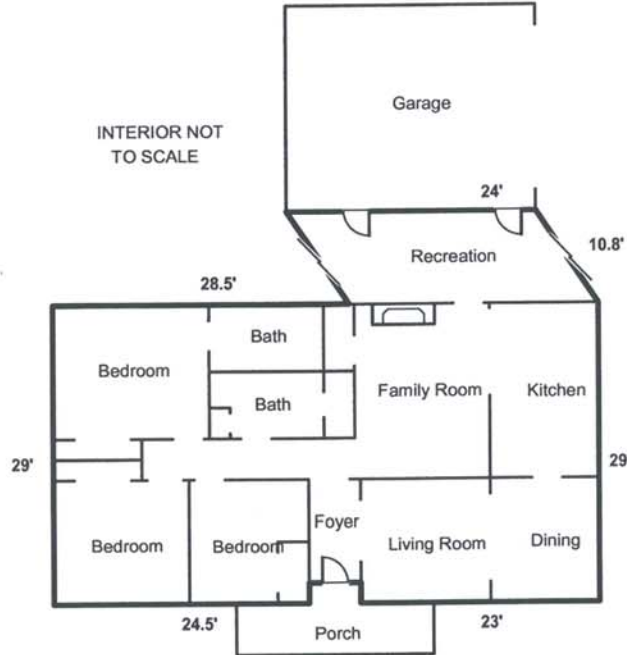
City **COLUMBIA**

County **RICHLAND**

State **SC**

Zip Code **29210**

Lender or Client **JMAC MORTGAGE**



| SUMMARY | SQ FT AREA | PERIMETER | AREA CALCULATION DETAILS |
|-------------|------------|-----------|--------------------------|
| Living Area | | | First Floor |
| First Floor | 1729 | 189 | 24.0 X 9.0 = 216.0 |
| | | | 52.5 X 27.0 = 1417.5 |
| | | | 23.0 X 2.0 = 46.0 |
| | | | 24.5 X 2.0 = 49.0 |
| | | | 1729.5 |

USAI - US APPRAISAL & INSPECTION

JAMES RHYNE

REAL EASY SKETCHES 1-803-967-2833







1 September 2004
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-20 Special Exception

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of mini-warehouses in a C-3 (General Commercial) district.

GENERAL INFORMATION

Applicant

Robert Fuller

Tax Map Number

17115-01-09

Location

Rabon Road

Existing Zoning

C-3 (General Commercial)

Parcel Size

1.90 acre tract

Existing Land Use

Undeveloped

Existing Status of the Property

The subject property is heavily wooded and undeveloped.

Proposed Status of the Property

The applicant proposes to establish a 12,000 square foot mini warehouse development.

Immediate Adjacent Zoning and Land Use

North - C-3; residential

South - RS-2; residential

East - D-1; residential

West - D-1; residential

Character of the Area

The subject property is abutted by on the west by a parcel with an abandoned residential structure, on the east by a heavily wooded, undeveloped tract, on the north (across Rabon Road) by a property zoned C-3 with residential structures, and on the south by a sewage treatment facility.

Rabon road is comprised a mixture of commercial, industrial, and residential uses. There are also large tracts that are heavily wooded and undeveloped.

ZONING ORDINANCE CITATION

Section 26-67.4(6) of the Zoning Ordinance authorizes the Board of Zoning Appeals to permit mini-warehouses.

CRITERIA FOR SPECIAL EXCEPTIONS

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

1. Traffic impact.

The average rate of 2.50 trips per 1,000 square feet of gross floor area is used to calculate the average number of trips (based on the Addendum to the Long Range Major Street Plan for Richland County – adopted by the Richland County Planning Commission - Oct.1993). This development should generate approximately 30 trip per day.

2. Vehicle and pedestrian safety.

The proposed development will not substantially increase the safety hazards for vehicles or pedestrians.

3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.

There should be a minimal, if any, impact of noise, lights, fumes or obstruction of airflow by the establishment of a mini warehouse/storage facility.

4. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view.

The proposed use does not impose an adverse impact on the aesthetic character of the environs and does not require screening.

5. Orientation and spacing of improvements or buildings.

Staff did not observe the need for changes in orientation and spacing of improvements or buildings.

DISCUSSION

Staff visited the site.

The applicant is proposing to establish a 12,000 square foot mini warehouse development. Staff did not observe any conditions or factors that would negatively impact this community by the establishment of this type of development.

Staff recommends that this request be approved.

CONDITIONS

26-602.2(d)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;

- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

RECOMMENDATION

Recommend **approval** of this Special Exception for the following reasons:

- A. Based on the criteria for special exceptions, the project has demonstrated that it will not have an adverse affect on the surrounding area.

OTHER RELEVANT SECTIONS

N/A

ATTACHMENTS

- Preliminary layout
- Plat
- Letter

CASE HISTORY

No record of previous special exception or variance request.

SCHEDULE OF ATTACHMENTS
ZONING SPECIAL EXCEPTION

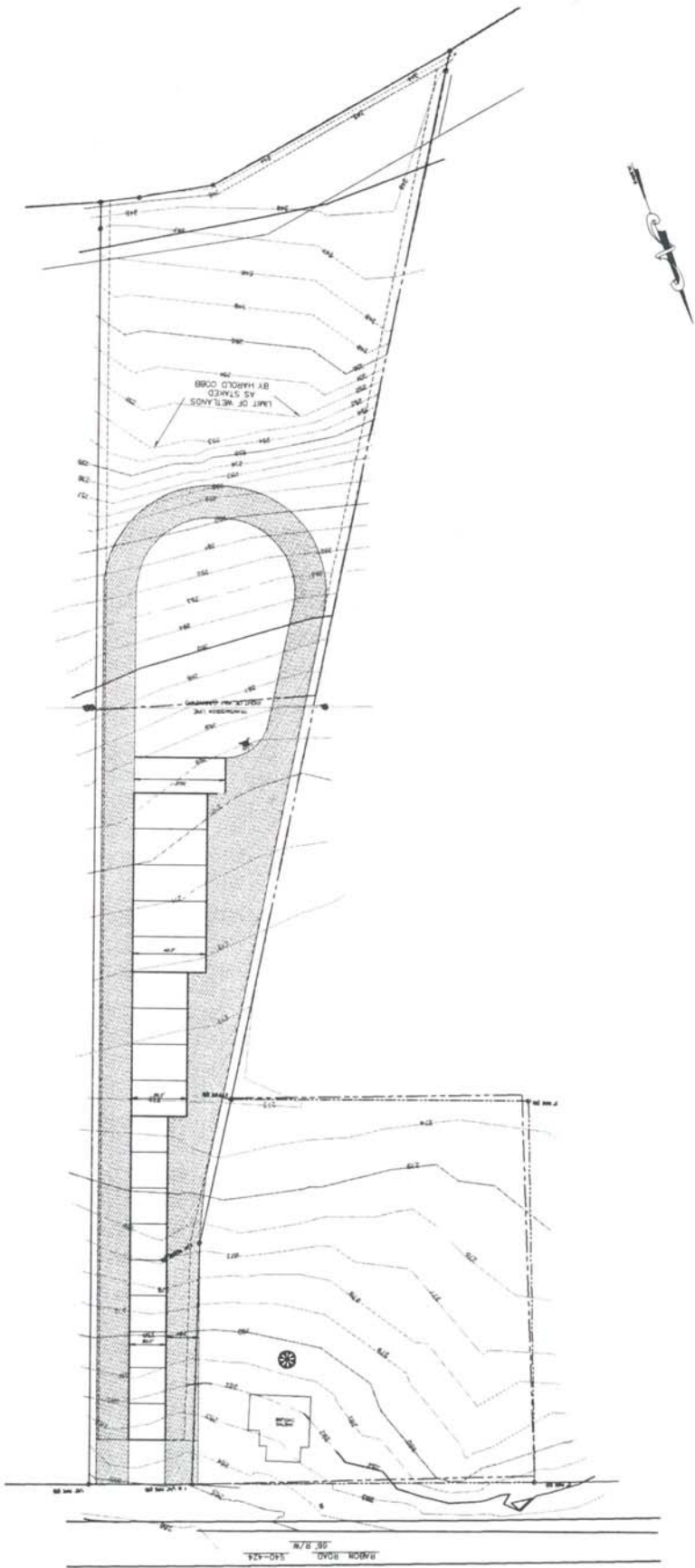
RABON ROAD MINI-WAREHOUSE/STORAGE FACILITY

1. Survey Plat of 1.90 Acres (No. 237 Rabon Road)
2. Preliminary Layout Plan for Storage Facility
3. Conceptual Elevation of Storage Buildings as seen from Rabon Road frontage (North) The North end of the connected buildings is visible from Rabon Road. Because of the slope of the property that falls away from North to South, the extension of the buildings profile is not visible from Rabon Road, as illustrated by this sketch elevation.
4. Conceptual Elevation of Storage Buildings as seen from East and West sides, as well as North and South ends.

Because of the narrow width and extreme depth of the property parcel, all storage buildings will be located in the central portion of the property. Storage bays will be "back to back" with service access from a perimeter driveway enabling entry of the storage units from either East or West sides of the center building structure.

Access to the property is by single driveway entrance on Rabon Road.

Storage Facility will be fenced. Properties on all sides of the site are undeveloped D-1, with the only abutment of the property to residential zoning being at the South boundary. Site improvements of the Storage Facility are interior and set off from the South property line by more than 120 feet.



ALL WORK IN ROAD ROW TO BE DONE IN DISCRETIONARY FURNISH

OWNER: THE HEYWARD GROUP
 1200 W. 10th Street, Suite 100
 Columbia, SC 29201
 ENGINEER: POWER ENGINEERING CO., INC.
 1000 W. 10th Street, Suite 100
 Columbia, SC 29201
 DATE: 1/27/88

LEGEND

| | |
|-----------------------|-----|
| PROPERTY LINE | --- |
| PROPOSED CONSTRUCTION | --- |
| EXISTING CONSTRUCTION | --- |
| PROPOSED DRIVEWAY | --- |
| PROPOSED DRIVEWAY | --- |

| | |
|---------|----------|
| DATE | 1/27/88 |
| SHEET | 1 |
| CHECKED | M.A.T. |
| SCALE | AS SHOWN |
| DATE | 1/27/88 |
| SCALE | AS SHOWN |
| DATE | 1/27/88 |
| SHEET | 1 |
| CHECKED | M.A.T. |
| SCALE | AS SHOWN |
| DATE | 1/27/88 |
| SHEET | 1 |

THE HEYWARD GROUP
RABON ROAD STORAGE FACILITY
PRELIMINARY LAYOUT PLAN
 RICHLAND COUNTY, S.C.



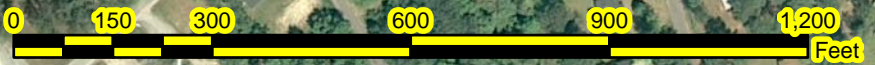
PREPARED BY
POWER ENGINEERING COMPANY, INC.
 ENGINEERS - PLANNERS - SURVEYORS
 COLUMBIA, SC CHARLOTTE, NC

| | |
|-----------|----|
| REVISIONS | BY |
| | |
| | |
| | |

C. CASE 05-20 SE
ROBERT FULLER
TMS 17115-01-09



Site





1 December 2004
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-21 Variance

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a variance to encroach into the required front yard setbacks in a M-1 (light industrial) zoned district.

GENERAL INFORMATION

Applicant

Shawn Rioux

Tax Map Number

25700-02-13 (p)

Location

170 Pontiac Business

Existing Zoning

M-1 (Light Industrial)

Parcel Size

3 acre tract

Existing Land Use

Industrial

Existing Status of the Property

The subject property has an existing one-story, 30,294± square foot building.

Proposed Status of the Property

The existing structure encroaches into the required front yard setback by 1.5 feet.

Immediate Adjacent Zoning and Land Use

North - M-1; industrial

South - M-1; industrial

East - M-1; industrial

West - M-1; industrial

Character of the Area

The subject property is located in the Pontiac Business Center. The surrounding properties are dedicated to a mixture of industrial uses and undeveloped parcels.

ZONING ORDINANCE CITATION

Section 26-602.3 of the Zoning Ordinance authorizes the Board of Zoning Appeals to grant variances from the strict interpretation of the Zoning Ordinance that are not contrary to the public interest when literal enforcement would result in unnecessary hardship.

Under no circumstances shall the Board grant a variance to permit a use not generally or by special exception permitted in the district involved. No nonconforming use of neighboring lands or structures in the same district or in other districts shall be grounds for the issuance of a variance. Under no circumstances shall the Board grant a variance to permit a decrease in minimum lot size, minimum lot width or in any other manner create a nonconforming lot.

CRITERIA FOR VARIANCE

The board of zoning appeals may grant a variance in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

(a) That there are extraordinary and exceptional conditions pertaining to the particular piece of property.

Staff observed no extraordinary and exceptional conditions to the property or structure.

(b) That these conditions do not result from the actions of the applicant.

These conditions were created from the construction of the first phase of the building.

(c) That these conditions do not generally apply to other property in the vicinity.

Staff was unable to confirm or refute that these condition apply to other properties.

(d) 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.

Applying the required setback requirements would not unreasonably restrict the utilization of the property

(e) That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The granting of this variance will not create a detriment to the adjacent property, the public good, or the character of the district.

DISCUSSION

Staff visited the site.

While staff feels that the granting of the variance will not negatively impact the adjacent properties or the character of the surrounding area, staff believes that the subject parcel does not meet all of the criteria for an unnecessary hardship. Therefore, staff cannot support this request.

CONDITIONS

N/A

26-602.2(c)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the variance is granted shall void the variance.

RECOMMENDATION

Recommend **denial** of this Variance for the following reason(s):

- A. Applicant fails to meet all criteria for a variance.

OTHER RELEVANT SECTIONS

N/A

ATTACHMENTS

- Plat.

CASE HISTORY

There are no records of this property previously requesting a special exception or variance.





1 December 2004
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-22 Variance

REQUEST

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

GENERAL INFORMATION

Applicant

Housing Authority of the City of Columbia

Tax Map Number

24505-05-27

Location

209 Acie Avenue

Existing Zoning

RU (Rural)

Parcel Size

.22 acre tract

Existing Land Use

Residential

Existing Status of the Property

The subject property is undeveloped.

Proposed Status of the Property

The proposed structure will encroach into each required side yard setback by 5.33 feet (total of 11 feet).

Immediate Adjacent Zoning and Land Use

North - RU; residential

South - RU; residential

East - RU; residential

West - RU; residential

Character of the Area

The subject property is located in the Franklin Park Subdivision. The surrounding properties are dedicated to residential uses.

ZONING ORDINANCE CITATION

Section 26-602.3 of the Zoning Ordinance authorizes the Board of Zoning Appeals to grant variances from the strict interpretation of the Zoning Ordinance that are not

contrary to the public interest when literal enforcement would result in unnecessary hardship.

Under no circumstances shall the Board grant a variance to permit a use not generally or by special exception permitted in the district involved. No nonconforming use of neighboring lands or structures in the same district or in other districts shall be grounds for the issuance of a variance. Under no circumstances shall the Board grant a variance to permit a decrease in minimum lot size, minimum lot width or in any other manner create a nonconforming lot.

CRITERIA FOR VARIANCE

The board of zoning appeals may grant a variance in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

- (a) That there are extraordinary and exceptional conditions pertaining to the particular piece of property.**
Staff observed that the parcels are nonconforming. The parcels don't meet the minimum lot area requirements for the RU district.
- (b) That these conditions do not result from the actions of the applicant.**
The parcel was created before zoning came into place.
- (c) That these conditions do not generally apply to other property in the vicinity.**
The parcels in this subdivision are all nonconforming.
- (d) 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.**
Applying the required setback requirements would unreasonably restrict the utilization of the property.
- (e) That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.**
The granting of this variance will not create a detriment to the adjacent property, the public good, or the character of the district.

DISCUSSION

Staff visited the site.

While staff feels that the granting of the variance will not negatively impact the adjacent properties or the character of the surrounding area, staff believes that the subject parcel does not meet all of the criteria for an unnecessary hardship. Therefore, staff cannot support this request.

CONDITIONS

N/A

26-602.2(c)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the variance is granted shall void the variance.

RECOMMENDATION

Recommend **approval** of this Variance for the following reason(s):

- A. Applicant meets all criteria for a variance.
- B. Granting of the variance does not adversely affect adjacent properties.

OTHER RELEVANT SECTIONS

Sec. 26-51.

Nonconforming uses.

26-51.1 *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 nonconformities 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.

26-51.2 *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, except that nonconforming single-family residential uses may be extended or enlarged; provided such extension or enlargement shall meet all applicable requirements of the district in which the use is located.

(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 26-51.6 applies and except that non-conforming single family residential uses may be reestablished irrespective of time; provided such reestablishment is in accord with all applicable requirements of the district in which the use is located.

(6) *Reconstruction after damage:* A nonconforming structure shall not be rebuilt, altered, or repaired except in conformity with this ordinance after sustaining damage exceeding fifty (50) 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.

The provision of this section shall not apply to any single-family residence. Such use may be reconstructed regardless of the extent of damage; provided such reconstruction is in accord with all applicable requirements of the district in which the use is located.

ATTACHMENTS

- Plat.

CASE HISTORY

There are no records of this property previously requesting a special exception or variance.



RICHLAND COUNTY
 PLANNING AND DEVELOPMENT SERVICES
 P.O. BOX 192
 2020 HAMPTON STREET
 COLUMBIA, SOUTH CAROLINA 29202

BOARD OF ZONING APPEALS
 VARIANCE APPEAL

Appeal # _____ Fee 100.00 Application # _____
 Filed _____ Receipt # 368381 Filed 11-1-04

No application for a variance will be received for inclusion on the Board of Zoning Appeal's Agenda unless the following conditions are met not later than the first day of the month prior to the date of the Board meeting, which is held on the first Wednesday of each month.

- (a) All questions on this application have been fully answered.
- (b) The application has been signed by the owner or his agent with the written authorization of the owner.
- (c) A plat plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and locations on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted.
- (d) The Zoning Administrator has certified that the proposed use and/or construction plans comply with all provisions of the Zoning Ordinance except those for which a variance has been requested.

***If the Zoning Administrator finds that the requirements of the Zoning Code for a variance have not been met, the application will be rejected.**

1. Location 209 ACIE AVENUE HOPKINS, SC 29061
2. Lot 27 Block 5 Page 24505 Zoning District RU
3. 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 26-602.3b of the Richland County Zoning Ordinance.
4. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows:
CONSTRUCTION OF 1078 SF SINGLE-FAMILY DWELLING FOR PUBLIC HOUSING
5. 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:
LOT WIDTH IS 70' AND SIDE SETBACKS ARE 20' WHICH ONLY ALLOWS 30' BUILDABLE WIDTH
 - b) Describe how the conditions listed above were created:
"RU" ZONING WAS ESTABLISHED AFTER LOT "CREATED" THEREFORE CREATING A LOT OF RECORD
 - c) These conditions do not generally apply to other property in the vicinity as shown by:
THEY DO EXIST AND OTHERS HAVE REQUESTED + BEEN APPROVED FOR SETBACK VARIANCES FOR CONSTRUCTION
 - 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: TO CONSTRUCT A SINGLE FAMILY HOME AS COMPARED TO NEIGHBORHOOD HOMES

PROPOSED NEW CONSTRUCTION

- 1. Free-standing structure (X) Addition to an existing building ()
- 2. Use SINGLE FAMILY PUBLIC HOUSING No. of sq. 1078
- 3. Maximum height of building above finished grade 18' 8" No. of stories ONE
- 4. Total parking spaces on lot (See Sec. 7-1.4) TWO
- 5. Answer only if a commercial or manufacturing use:
 - a. No. and size of trucks N/A
 - b. No. of employees working on premises N/A
 - c. No. and size of proposed and existing signs as shown on plot plan N/A

EXISTING USES AND BUILDINGS ON LOT

- No. of existing buildings NONE
- Sq. ft. N/A Use N/A
- Sq. ft. N/A Use N/A
- Sq. ft. N/A Use N/A

HOUSING AUTHORITY OF CITY OF COLUMBIA, SC 1917 HARDEN STREET COL, SC 29209 803 254 3886
 Appellant Address Phone Number

The use and construction as proposed herein complies with the terms of the Zoning Ordinance except for the variances

 Zoning Administrator

FOR USE OF BOARD OF ZONING APPEALS

1. Landmarks commission referral required:
 () Yes () No
 Date referred _____ Date returned _____

2. Other referrals: Agency _____
 Date referral _____ Date returned _____

3. Any previous requests for same variance/special exception () Yes () No
 If "yes", Appeal No. _____ Date _____

4. Public hearing set for _____ Date posted _____

5. Advertised in _____ Date _____

6. Public hearing held _____ Appellant appeared () Yes () No

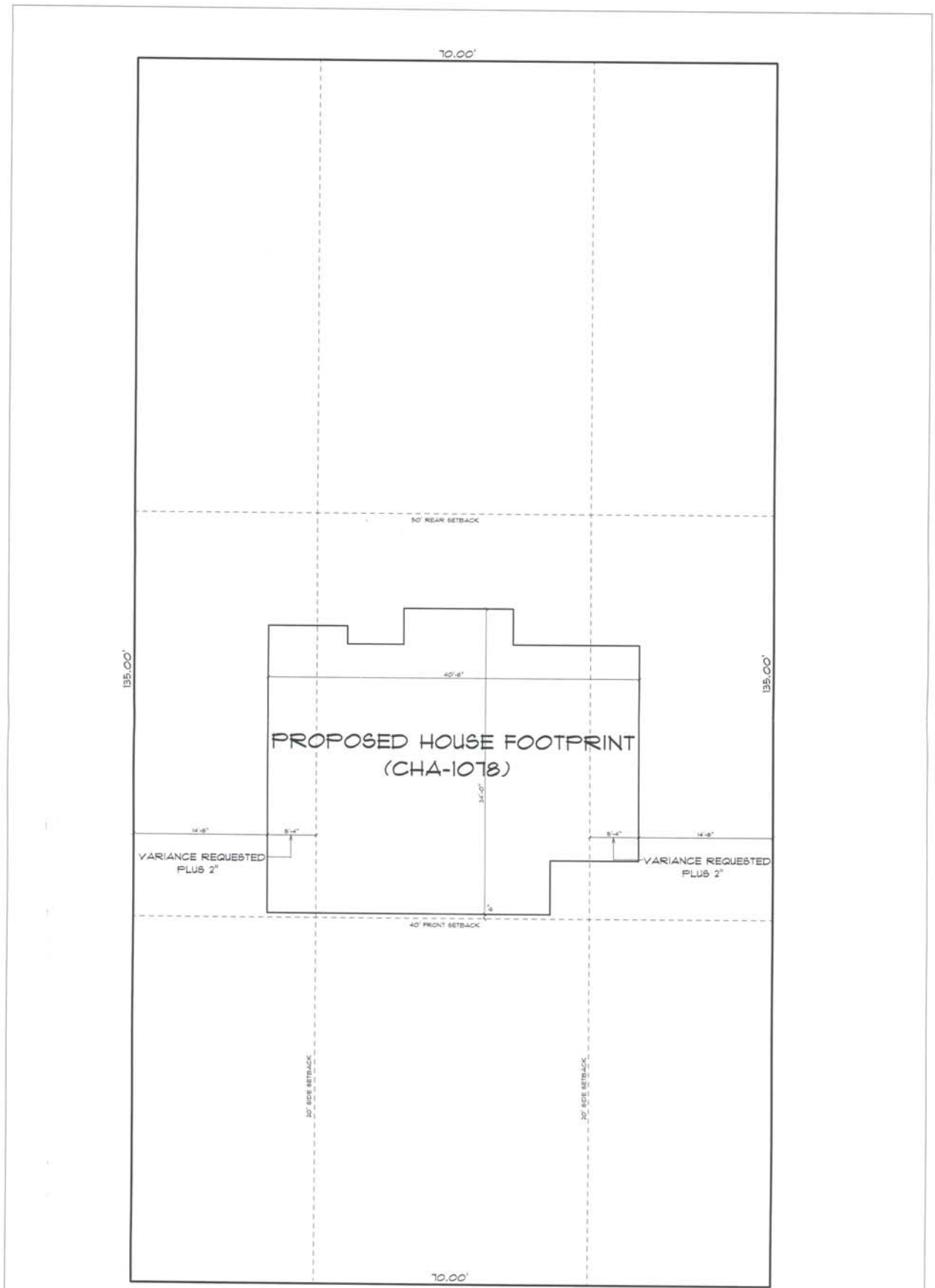
7. Findings of Board of Zoning Appeals:
 a. The requirements of Section 26-602.3b(1) have been met by the applicant:
 () Yes () No
 b. The reasons set forth in the application on the reverse side justify the granting of the variance, and the variance as granted is the minimum variance that will make possible the reasonable use of the land, building, or structure:
 () Yes () No
 c. The granting of this variance will be in harmony with the general purpose and intent of the ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare: () Yes () No

8. () Requested variance is granted with the following conditions and safeguards:

9. () Requested variance is denied for the following reasons:


Record of Vote: (1) _____ (2) _____
 (3) _____ (4) _____ (5) _____
 (6) _____ (7) _____

Date _____ Board of Zoning Appeals Chairperson _____



Acie Avenue

1" = 10' SCALE

| | | | | | |
|-----------------------|------------------------|---------------------------------------|---|---|--|
| Sheet no. 1 | DATE DRAWN 10/20/04 | PLAN 209 ACIE AVENUE | THE COLUMBIA HOUSING AUTHORITY HAS MADE EVERY EFFORT TO AVOID ERRORS AND OMISSIONS IN PREPARING THIS PLAN. THE CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AGAINST OTHER DETAILS AND BE RESPONSIBLE FOR THE SAME. REV./DATE: _____ |  | COLUMBIA HOUSING AUTHORITY 1817 Harden Street Columbia, SC 29204 803-254-3886 Jim Caraway, Development Director |
|-----------------------|------------------------|---------------------------------------|---|---|--|





1 December 2004
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-26 Special Exception

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the construction of a communication tower in a RU (Rural) district.

GENERAL INFORMATION

Applicant

Jonathan Yates

Tax Map Number

06700-05-16

Location

9351 Monticello Road

Existing Zoning

RU (Rural District)

Parcel Size

80.54 acre tract

Existing Land Use

Vacant

Existing Status of the Property

It is undeveloped and heavily wooded.

Proposed Status of the Property

The applicant proposes to erect a 300-foot self-support tower, within a 10,000 square foot leased compound.

Immediate Adjacent Zoning and Land Use

North - RU; undeveloped/residential

South - RU; undeveloped/residential

East - RU; undeveloped/residential

West - RU; undeveloped

Character of the Area

The subject property is located on a two-lane road. The surrounding area is a mixture of heavily wooded, undeveloped parcels and large tracts with residential structures. The adjacent parcel west of the property is heavily wooded and undeveloped, while the parcels north, east, and west are developed residentially.

ZONING ORDINANCE CITATION

Section 26-61.4(4) of the Zoning Ordinance authorizes the Board of Zoning Appeals to authorize radio, television and all other types of communications towers subject to the provisions of section 26-94A.

CRITERIA FOR SPECIAL EXCEPTIONS

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

1. Traffic impact.

N/A

2. Vehicle and pedestrian safety.

N/A

3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.

The lights of the communication tower could pose a potential impact on adjoining properties. The applicant has addressed these concerns in previous applications.

4. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view.

The depth of the structure within the heavily wooded parcel should serve to help minimize the aesthetic impact of the communication tower on the environs.

5. Orientation and spacing of improvements or buildings.

The submitted site plan does not seem to necessitate any changes.

(9) Special exception requirements (as found in section 26-94):

(a) In addition to the requirements for special exceptions found in section 26-602.2c, the zoning board of adjustment shall consider the following:

(1) Will the proposed structure endanger the health and safety of residents, employees or travelers, including but not limited to the likelihood of the failure of such structures.

To be addressed by the applicant.

(2) Is the proposed tower located in an area where it will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.

To be addressed by the applicant.

(3) Is the proposed structure necessary to provide a service that is beneficial to the surrounding community.

To be addressed by the applicant.

(4) Does the proposed use meet the setback requirements of the underlying zoning district in which it is located.

The site plan indicates that the proposed tower meets all required setbacks, however, the site plan review phase will ensure that all requirements have been met.

- (5) **Is the proposed tower within one thousand (1,000) feet of another tower unless on the same property.**

To be addressed by the applicant.

- (6) **Has the applicant attempted to collocate on existing communication towers and is the applicant willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure and proper compensation from the additional user.**

To be addressed by the applicant.

DISCUSSION

The applicant proposes to erect a 300-foot self-support tower tower, within a 10,000 square foot leased compound.

Staff visited the site.

The criteria for a special exception in section 26-602 indicates that applicant has taken necessary measures to minimize the impact of a communication tower on the surrounding area. Staff believes that this request will not impair the dwellings or properties in the immediate or surrounding area.

The applicant must answer the special exception requirements of section 26-94. If the applicant can sufficiently address the requirements of this section, staff recommends approval of the request.

CONDITIONS

1. The setback requirements, as measured from the lease area, must be met, unless, as stated in section 26-94A (2), a special exception is granted by the Board of Zoning Appeals.

26-602.2(d)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

RECOMMENDATION

Recommend **approval** of this Special Exception for the following reasons:

- A. Applicant meets **all** special exception requirements and other relevant sections of the zoning ordinance.

OTHER RELEVANT SECTIONS

Due to consideration for health, safety impact on neighboring properties and aesthetics, any such uses proposed for the county shall comply with the following supplemental requirements:

(1) At the time of application for a special exception or zoning permit satisfactory evidence shall be submitted that alternative towers, building or other structures do not exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria or provide a location free from interference of any nature, or are otherwise not available for use.

(2) When a proposed site for a communication tower adjoins a residential zoning district, or property on which an inhabited residence is situated, the minimum setback from the property line(s) adjoining the residential zoning district or residential use shall be fifty (50) feet. For towers over fifty (50) feet in height, the set back shall increase one (1) foot for each one (1) foot of tower height in excess of fifty (50) feet; with the maximum required separation being two hundred fifty (250) feet.

When the separation requirement as set forth herein from a residential zoning district or residential use cannot be met, such location may be permitted by a special exception approval from the zoning board of adjustment subject to the provisions of section 26-94A below.

(3) Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agencies. However, no nighttime strobe lighting shall be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agency.

(4) Each communications tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.

(5) Each tower site shall be landscaped in accordance with the requirements of Article 5 of the county landscape ordinance.

(6) No signage of any nature may be attached to any portion of a communications tower.

(7) Communications towers shall have a maximum height of three hundred (300) feet.

(8) A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

(9) Special exception requirements:

(a) In addition to the requirements for special exceptions found in section 26-602.2c, the zoning board of adjustment shall consider the following:

(1) Will the proposed structure endanger the health and safety of residents, employees or travelers, including but not limited to the likelihood of the failure of such structures.

(2) Is the proposed tower located in an area where it will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.

(3) Is the proposed structure necessary to provide a service that is beneficial to the surrounding community.

(4) Does the proposed use meet the setback requirements of the underlying zoning district in which it is located.

(5) Is the proposed tower within one thousand (1,000) feet of another tower unless on the same property.

(6) Has the applicant attempted to collocate on existing communication towers and is the applicant willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure and proper compensation from the additional user.

(b) A site plan, elevation drawing(s), photographs and other appropriate documentation must be submitted with the request for special exception which provide the following information:

(1) Site plan must include the location of the tower(s), guy anchors (if any), transmission building and other accessory uses, parking, access, fences and adjacent land use. Landscaping and required buffering must also be shown.

(2) Elevation drawings must clearly show the design of the tower and materials to be used.

(3) Photographs must show the proposed site and the immediate area.

(4) Submittal of other detailed information, such as topography and aerial views, which support the request are encouraged at the option of the applicant.

(Ord. No. 048-95HR, § I, 9-5-95; Ord. No. 012-99HR, § III, 4-20-99)

| |
|--------------------|
| ATTACHMENTS |
|--------------------|

- Site plan

| |
|---------------------|
| CASE HISTORY |
|---------------------|

No record of previous special exception or variance request.

**I. CASE 05-26 SE
JONATHAN YATES
TMS 06700-05-16**

Site →





1 December 2004
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-27 Special Exception

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of a church on property zoned RG-2 (general residential).

GENERAL INFORMATION

Applicant

Doyle Roberts
International Praise Church of God

Tax Map Number

28800-02-05

Location

5071 Percival Road

Existing Zoning

RG-2 (General Residential)

Parcel Size

26.14-acre tract

Existing Land Use

Vacant

Existing Status of the Property

The subject parcel is undeveloped.

Proposed Status of the Property

The applicant proposes to construct a 16,400 square foot church.

Immediate Adjacent Zoning and Land Use

North - Interstate - 20
South - RU; residential
East - RU; residential
West - RU; residential

Character of the Area

The surrounding area is a mixture of single-family and manufactured homes.

ZONING ORDINANCE CITATION

Section 26-63.4(3) of the Zoning Ordinance authorizes the Board of Zoning Appeals to permit churches and other places of worship, including educational buildings related thereto, provided that the board 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.

CRITERIA FOR SPECIAL EXCEPTIONS

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

1. Traffic impact.

The Addendum to the Long Range Major Street Plan for Richland County – adopted by the Richland County Planning Commission - Oct.1993 does not contain a traffic study for churches. However, the limited square footage of the church should retain the membership of the church to a level that traffic impact should be minimal.

2. Vehicle and pedestrian safety.

There were no obstacles or conditions present that seem to present vehicle or pedestrian safety.

3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.

There should be a minimal, if any, impact of noise, lights, fumes or obstruction of airflow by the establishment of a church, plus addition.

4. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view.

The proposed use does not impose an adverse impact on the aesthetic character of the environs and does not require screening.

5. Orientation and spacing of improvements or buildings.

The size of the lot and the location of the existing structure precludes the need for changes in orientation and spacing of improvements or buildings.

DISCUSSION

Staff visited the site.

The International Praise Church of God is requesting a special exception to construct a 16,400 square foot church. Staff did not observe any conditions or factors that would negatively impact this community by the establishment of this type of development.

Staff believes that this project will not adversely impact the dwellings or properties in the surrounding area.

Staff recommends that this request be approved.

CONDITIONS

N/A

26-602.2(d)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall

be deemed a violation of this chapter, punishable under penalties established herein;

- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

RECOMMENDATION

Recommend **approval** of this Special Exception for the following reasons:

- A. Based on the criteria for special exceptions, the project has demonstrated that it will not have an adverse affect on the surrounding area.
- B. The proposed project is compatible with the surrounding uses.

OTHER RELEVANT SECTIONS

N/A

ATTACHMENTS

- Plat

CASE HISTORY

No record of previous special exception or variance request.

pt # 368409
Paid \$ 50.00

Application # _____
Filed 11-5-04

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
SPECIAL EXCEPTION APPEAL**

NOTICE TO APPLICANTS

No application for special exception will be processed unless the following conditions are met no later than the first (1st) day of the month prior to the date of the Board meeting, which is held the first Wednesday of each month:

- a. All questions on this application have been fully answered;
- b. The application has been signed by the owner or his agent with the written authorization of the owner;
- c. A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted on an 8 1/2" X 11" size pieces of paper.

1. Location: 5071 Percival Road just east of Spears Creek Church Road
TMS #: Page 28800 Block 02 Lot 05 Zoning District RG2
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting : (nature of special exception) New church building
3. The Board of Zoning Appeals is authorized to grant or deny special exception of this specific nature in Section 26-64.4 (3) of the Zoning Ordinance.

PROPOSED NEW CONSTRUCTION

1. Free Standing Structure Addition to an existing building ()
2. Use Church Number of square footage 16,400
3. Answer only if a commercial or manufacturing use :
 - a. Total number of parking spaces on lot _____
 - b. Number of trucks _____ size _____
 - c. Number of proposed and existing signs _____
Size of proposed or existing signs _____
 - d. Number of employees working on premises _____

EXISTING USES AND STRUCTURES ON LOT

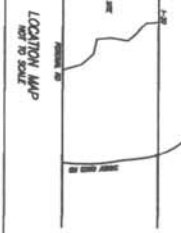
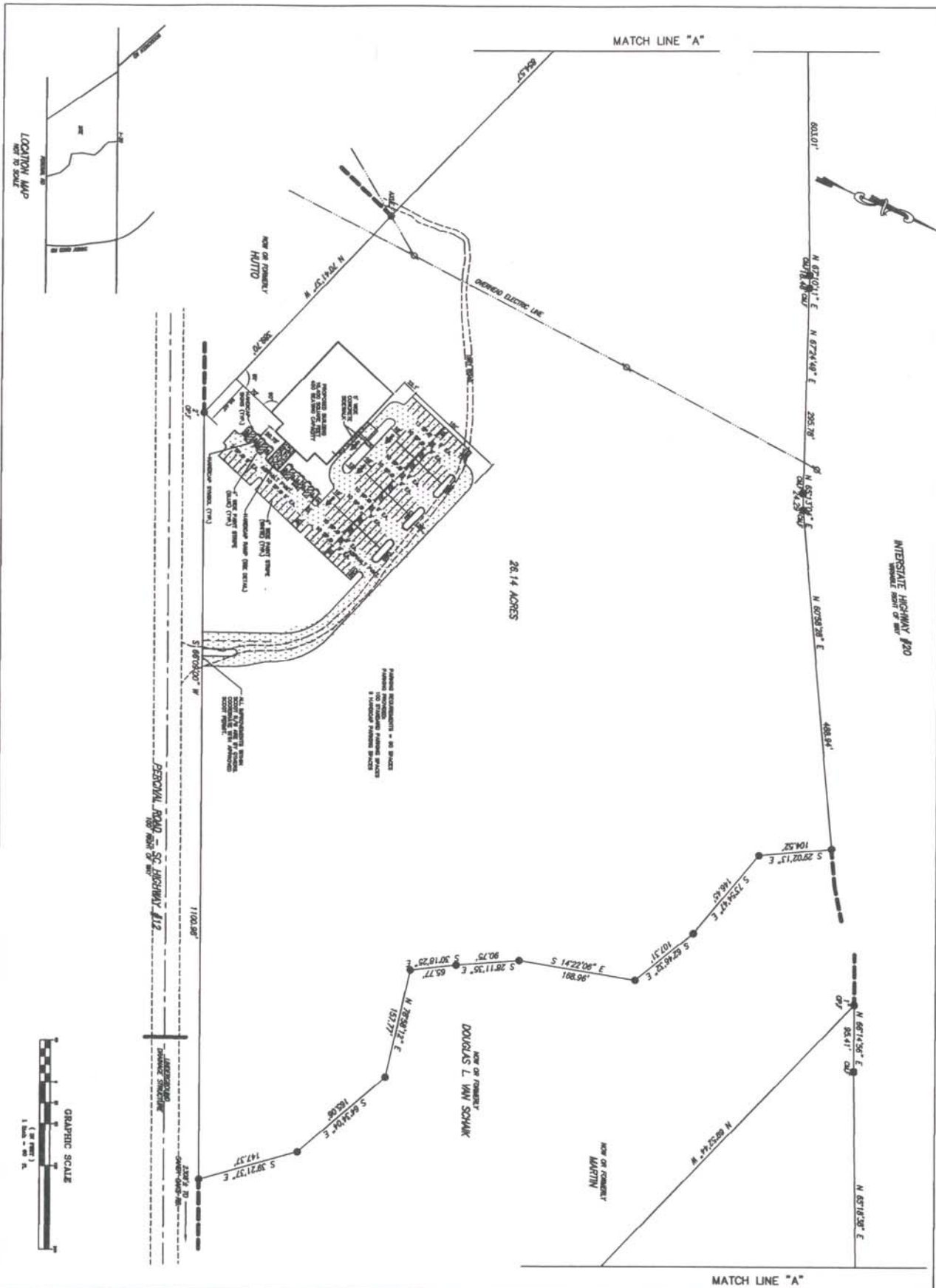
1. Number of existing uses / structures N/A
2. Size and use:

| | |
|-------------------------|-----------|
| a. Square footage _____ | Use _____ |
| b. Square footage _____ | Use _____ |
| c. Square footage _____ | Use _____ |

DR Roberts
Appellant's Signature
Doyle Roberts
Print Name

P.O. Box 24703
Columbia SC 29224-4703
Address, City, State & Zip Code

788-1942
Telephone Number



| | |
|-------|----------|
| Date | 11/01/04 |
| Sheet | 3 OF 4 |

REVISIONS

Project No. 04115

Drawn by

Client/Project: International Praise Church of God

Title: STAKING PLAN



Strickland Engineering, Inc.
 Consulting & Design Engineering

1092 Old State Road
 Gaston, SC 29053
 phone: (803) 461-1266
 fax (803) 461-1238



26.14 ACRES

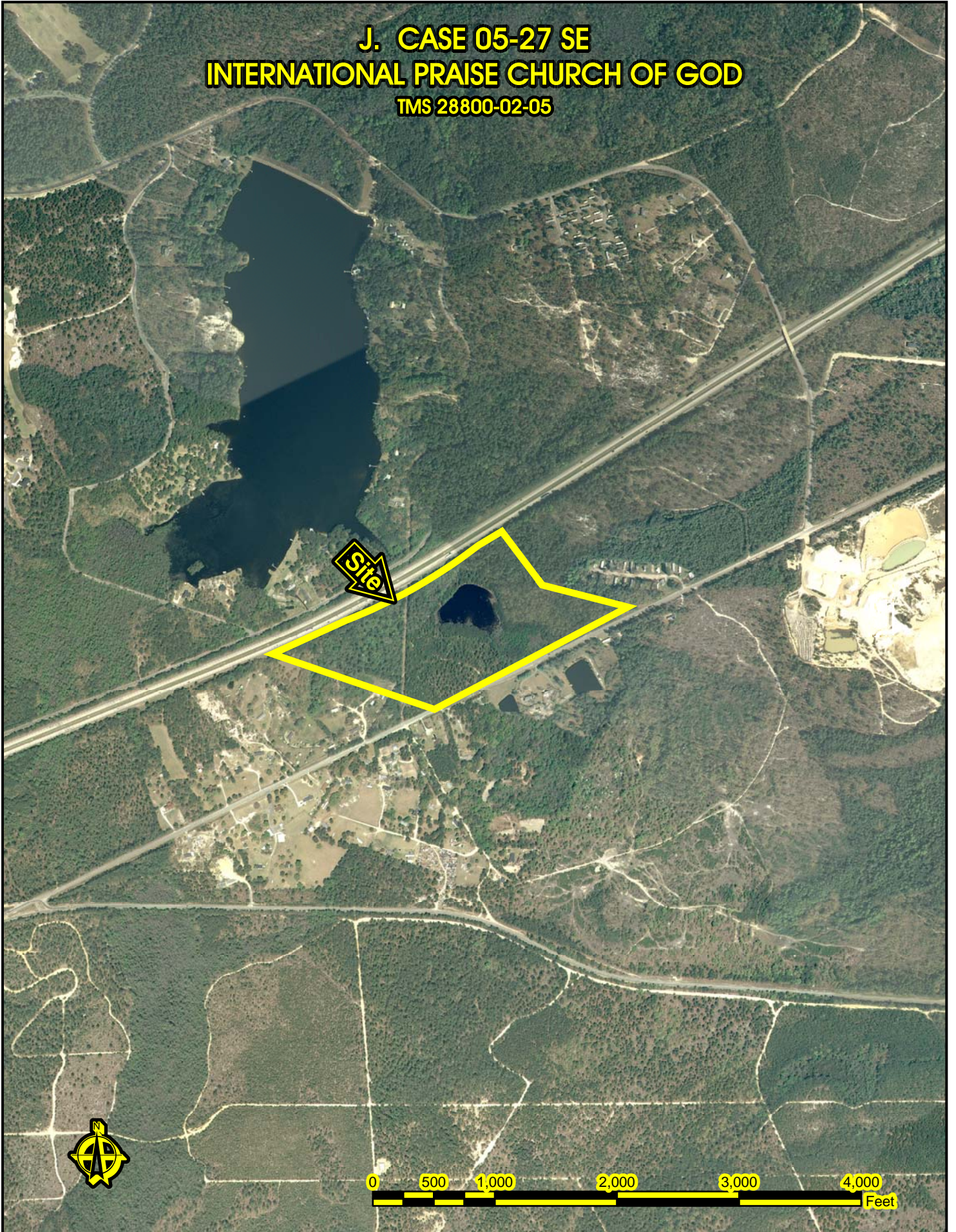
PARKING REQUIREMENTS = 90 SPACES
 PARKING PROVIDED:
 100 STANDARD PARKING SPACES
 9 HANDICAP PARKING SPACES

ALL IMPROVEMENTS WITHIN
 SCOOT ROW ARE BY OTHERS.
 COORDINATE WITH APPROVED
 SCOOT PERMIT.

PERCIVAL ROAD - S 100' RIGHT OF



J. CASE 05-27 SE
INTERNATIONAL PRAISE CHURCH OF GOD
TMS 28800-02-05





1 December 2004
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-28 Variance

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a variance to exceed the allowable signage in a C-3 (General Commercial) district.

GENERAL INFORMATION

Applicant

Joseph Tomarchio

Tax Map Number

07403-05-04

Location

2419 Broad River Road

Existing Zoning

C-3 (General Commercial)

Parcel Size

.86 acre tract

Existing Land Use

Commercial

Existing Status of the Property

The subject property is an existing commercial (video store) use along Broad River Road.

Proposed Status of the Property

The applicant proposes to exceed the allowed square footage for a wall-mounted sign by 250 square feet.

Immediate Adjacent Zoning and Land Use

- North - C-3; commercial
- South - C-3; commercial
- East - C-3; commercial
- West - C-3/RG-2; commercial/multi-family/fire service

Character of the Area

The surrounding uses are dedicated to various commercial uses. The subject parcel is abutted on the west by a fire department and a multi-family development.

ZONING ORDINANCE CITATION

Section 26-602.3 of the Zoning Ordinance authorizes the Board of Zoning Appeals to grant variances from the strict interpretation of the Zoning Ordinance that are not

contrary to the public interest when literal enforcement would result in unnecessary hardship.

Under no circumstances shall the Board grant a variance to permit a use not generally or by special exception permitted in the district involved. No nonconforming use of neighboring lands or structures in the same district or in other districts shall be grounds for the issuance of a variance. Under no circumstances shall the Board grant a variance to permit a decrease in minimum lot size, minimum lot width or in any other manner create a nonconforming lot.

CRITERIA FOR VARIANCE

The board of zoning appeals may grant a variance in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

(a) That there are extraordinary and exceptional conditions pertaining to the particular piece of property.

Staff observed no extraordinary and exceptional conditions to the property or structure.

(b) That these conditions do not result from the actions of the applicant.

N/A

(c) That these conditions do not generally apply to other property in the vicinity.

Staff was unable to confirm or refute that these conditions apply to other properties.

(d) 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.

The application of the sign regulation section of the county ordinance does not unreasonably restrict the utilization of the property.

(e) That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The granting of this variance will not create a detriment to the adjacent property, the public good, or the character of the district.

DISCUSSION

Staff visited the site.

The applicant proposes to exceed the allowable square footage for a wall-mounted sign by 250 square feet in order to gain visibility. The building is orientated towards Broad River Road. The allowed signage for this building is 100 square feet.

While staff feels that the granting of the variance will not negatively impact the adjacent properties or the character of the surrounding area, staff believes that the subject parcel does not meet all of the criteria for an unnecessary hardship. Therefore, staff cannot support this request.

CONDITIONS

N/A

26-602.2(c)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the variance is granted shall void the variance.

RECOMMENDATION

Recommend **denial** of this Variance for the following reason(s):

- A. Applicant fails to meet all criteria for a variance.
- B. There are other means to gain the requested additional square footage.

OTHER RELEVANT SECTIONS

Sec. 26-104. Business identification signs permitted in the RU, C-1, C-2, C-3, M-1 and M-2 districts.

The following signs are allowed in the above- referenced districts, subject to the issuance of a sign permit by the county and compliance with the applicable development standards of this section.

26-104.1 Free-standing signs, on premises.

For nonresidential uses, under the following conditions:

a. *Allowable area.* Free-standing signs are allowed one (1) square foot of sign face per linear foot of street frontage for the first one hundred (100) feet; and one half (1/2) square foot of sign face for each linear foot of street frontage in excess of one hundred (100) feet, not to exceed the square footage limits set forth by the following table:

| <i>Zoning Districts</i> | <i>Number of Street Frontages</i> | | |
|-------------------------|-----------------------------------|-----|-------------|
| | 1 | 2 | 3 |
| C-1, C-2, RU | 100 | 150 | 200 sq. ft. |
| C-3 | 250 | 400 | 500 sq. ft. |
| M-1, M-2 | 300 | 450 | 600 sq. ft. |

b. *Number of signs.* One (1) free- standing sign is allowed for each developed site, lot of parcel. Where a site or parcel fronts on more than one street, one (1) additional free- standing sign is permitted for each additional street upon which it fronts. Lots fronting on two (2) or more streets are allowed the permitted signage for each street

frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one (1) street frontage.

Where two (2) or more attached businesses or buildings occupy the same site or parcel, i.e shopping center, only one (1) free-standing sign for the aggregate businesses shall be permitted per street frontage.

c. *Height of signs.* No free-standing sign shall exceed ten (10) feet in height in the C-1 or C-2 district, and thirty-five (35) feet in height in the C-3, M-1 and M-2 district, except along an interstate highway where they may be erected to a height of fifty (50) feet, from the bottom of sign face, above the elevation of highway from which the sign is designed to be read.

26-104.2 Signs attached to buildings under the following conditions.

a. *Allowable area:* If there is no freestanding sign on the site, one and one-half (1 1/2) square feet of sign area shall be permitted for each lineal front foot of the principal building.

If there is a free-standing sign, only one (1) square foot of sign area shall be permitted for each lineal front foot of the principal building.

b. *Types of signs:* Flat, wall, projecting, marquee, roof and awning signs are allowed.

c. *Number of signs:* There is no limit on the number of signs if within the total allowable area limit. However, only one (1) projecting sign is allowed per building frontage, and shall be allowed only if there is no free-standing sign on the same site frontage; except for shopping centers, which may have one (1) projecting sign for each business use, plus allowable free-standing signs.

ATTACHMENTS

- Sign copy

CASE HISTORY

There are no records of this property previously requesting a special exception or variance.



RICHLAND COUNTY
 PLANNING AND DEVELOPMENT SERVICES
 P.O. BOX 192
 2020 HAMPTON STREET
 COLUMBIA, SOUTH CAROLINA 29202

BOARD OF ZONING APPEALS
 VARIANCE APPEAL

Appeal # _____ Fee _____ Application # _____
 Filed _____ Receipt # _____ Filed _____

No application for a variance will be received for inclusion on the Board of Zoning Appeal's Agenda unless the following conditions are met not later than the first day of the month prior to the date of the Board meeting, which is held on the first Wednesday of each month.

- (a) All questions on this application have been fully answered.
- (b) The application has been signed by the owner or his agent with the written authorization of the owner.
- (c) A plat plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and locations on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted.
- (d) The Zoning Administrator has certified that the proposed use and/or construction plans comply with all provisions of the Zoning Ordinance except those for which a variance has been requested.

***If the Zoning Administrator finds that the requirements of the Zoning Code for a variance have not been met, the application will be rejected.**

1. Location 2419 BROAD RIVER ROAD
2. Lot 7403 Block 05 Page 04 Zoning District C3
3. 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.
4. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows:
TO EXCEED THE SQUARE FOOTAGE OF ALLOWABLE SIGNAGE FOR THIS LOCATION.
5. 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:
Blockowner reduced the signage package in square footage from their previous sign package.
 - b) Describe how the conditions listed above were created:
CITY CODE IS COUNTING THE ENTIRE FILM STRIP AS SIGNAGE INSTEAD OF JUST THE COPY
 - c) These conditions do not generally apply to other property in the vicinity as shown by:
NEIGHBORING TENANTS
 - 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: _____
 - 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 REDUCED RUNNING / FILM STRIP IS LESS SIGNAGE THAN WAS PREVIOUSLY INSTALLED AND HAS IMPROVED THE LOOK OF THE STORE AND COMMUNITY
6. The following documents are submitted in support of this application [a site plan must be submitted]:
 - a) Renderings
 - b) SITE PLAN + MAP
 - c) PHOTOGRAPHS

(Attach additional pages if necessary)

PROPOSED NEW CONSTRUCTION

1. Free-standing structure () Addition to an existing building ()
2. Use _____ No. of sq. _____
3. Maximum height of building above finished grade 17'-3" No. of stories 1
4. Total parking spaces on lot (See Sec. 7-1.4) 40
5. Answer only if a commercial or manufacturing use:
 - a. No. and size of trucks N/A
 - b. No. of employees working on premises Approx 10
 - c. No. and size of proposed and existing signs as shown on plot plan 6

EXISTING USES AND BUILDINGS ON LOT

No. of existing buildings 1

Sq. ft. 6,000 SAFT Use _____

Sq. ft. _____ Use _____

Sq. ft. _____ Use _____

Blockbuster Appellant 2419 BROAD RIVER ROAD Address 803-731-4030 Phone Number

The use and construction as proposed herein complies with the terms of the Zoning Ordinance except for the variances

Zoning Administrator

FOR USE OF BOARD OF ZONING APPEALS

1. Landmarks commission referral required:
 Yes No
 Date referred _____ Date returned _____
2. Other referrals: Agency _____
 Date referral _____ Date returned _____
3. Any previous requests for same variance/special exception Yes No
 If "yes", Appeal No. _____ Date _____
4. Public hearing set for _____ Date posted _____
5. Advertised in _____ Date _____
6. Public hearing held _____ Appellant appeared Yes No
7. Findings of Board of Zoning Appeals:
 - a. The requirements of Section 26-602.3b(1) have been met by the applicant:
 Yes No
 - b. The reasons set forth in the application on the reverse side justify the granting of the variance, and the variance as granted is the minimum variance that will make possible the reasonable use of the land, building, or structure:
 Yes No
 - c. The granting of this variance will be in harmony with the general purpose and intent of the ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare: Yes No
8. Requested variance is granted with the following conditions and safeguards:

9. Requested variance is denied for the following reasons:

Record of Vote: (1) _____ (2) _____
 (3) _____ (4) _____ (5) _____
 (6) _____ (7) _____

Date _____ Board of Zoning Appeals Chairperson _____







1 December 2004
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-29 Special Exception

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of family daycare on property zoned RS-3 (single family residential).

GENERAL INFORMATION

Applicant

Helen Sexton

Tax Map Number

08815-04-06

Location

749 Maryland Street

Existing Zoning

RS-3 (Single Family Residential)

Parcel Size

.15± acre tract

Existing Land Use

Residential

Existing Status of the Property

The subject property has an existing single-family residential structure. A privacy fence encroaches into the front yard setback by 24 feet.

Proposed Status of the Property

The applicant proposes to have a fence that will encroach into the front yard setback by 24 feet.

Immediate Adjacent Zoning and Land Use

North - RS-3; residential

South - RS-3; residential

East - RS-3; residential

West - RS-3; residential

Character of the Area

The subject property is located within a community of single-family residential structures (Olympia).

ZONING ORDINANCE CITATION

Section 26-56.3 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.

CRITERIA FOR SPECIAL EXCEPTIONS

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

1. Traffic impact.

N/A

2. Vehicle and pedestrian safety.

The fence should not present any more of a hazard to vehicular or pedestrian safety than the cars that park along the street.

3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.

There should be a minimal, if any, impact of noise, lights, fumes or obstruction of airflow by the establishment of a family daycare.

4. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view.

The proposed use will not impose an adverse impact on the aesthetic character of the environs and does not require screening.

5. Orientation and spacing of improvements or buildings.

The size of the lot and the location of the existing structure precludes the need for changes in orientation and spacing of improvements or buildings.

DISCUSSION

Staff visited the site.

The applicant states that she would like to have a fence that extends along the property line to prevent a possible attack by a neighboring dog and to prevent the flowers of a shrub from falling onto the neighbors yard.

The fence that the applicant proposes doesn't seem to impede the visibility of vehicular traffic exiting or passing the property. Staff observed a number of vehicles that park along Maryland Street that could impede the visibility of vehicular. There is an area of the right-of-way that is used by the residents for a driveway.

Staff recommends that this request be approved with the following conditions.

CONDITIONS

1. Expansion of Maryland Street will void the special exception.

26-602.2(d)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

RECOMMENDATION

Recommend **approval** of this Special Exception for the following reasons:

- A. Based on the criteria for special exceptions, the project has demonstrated that it will not have an adverse affect on the surrounding area.

OTHER RELEVANT SECTIONS

N/A

ATTACHMENTS

- Plat
- Petition
- Pictures of subject property
- Letter

CASE HISTORY

No record of previous special exception or variance request.

Rcpt # 368430

Application # _____

Paid \$ 50.00

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
SPECIAL EXCEPTION APPEAL**

Filed 11-10-04

NOTICE TO APPLICANTS

No application for special exception will be processed unless the following conditions are met no later than the first (1st) day of the month prior to the date of the Board meeting, which is held the first Wednesday of each month:

- a. All questions on this application have been fully answered;
- b. The application has been signed by the owner or his agent with the written authorization of the owner;
- c. A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted on an 8 1/2" X 11" size pieces of paper.

1. Location: 749 Maryland Street Columbia SC 29201
TMS #: Page 08815 Block 04 Lot 06 Zoning District RS-3
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting : (nature of special exception) Encroachment into the required setback
3. The Board of Zoning Appeals is authorized to grant or deny special exception of this specific nature in Section 26-56.3 of the Zoning Ordinance.

PROPOSED NEW CONSTRUCTION

1. Free Standing Structure () Addition to an existing building ()
2. Use _____ Number of square footage _____
3. Answer only if a commercial or manufacturing use :
 - a. Total number of parking spaces on lot _____
 - b. Number of trucks _____ size _____
 - c. Number of proposed and existing signs _____
Size of proposed or existing signs _____
 - d. Number of employees working on premises _____

EXISTING USES AND STRUCTURES ON LOT

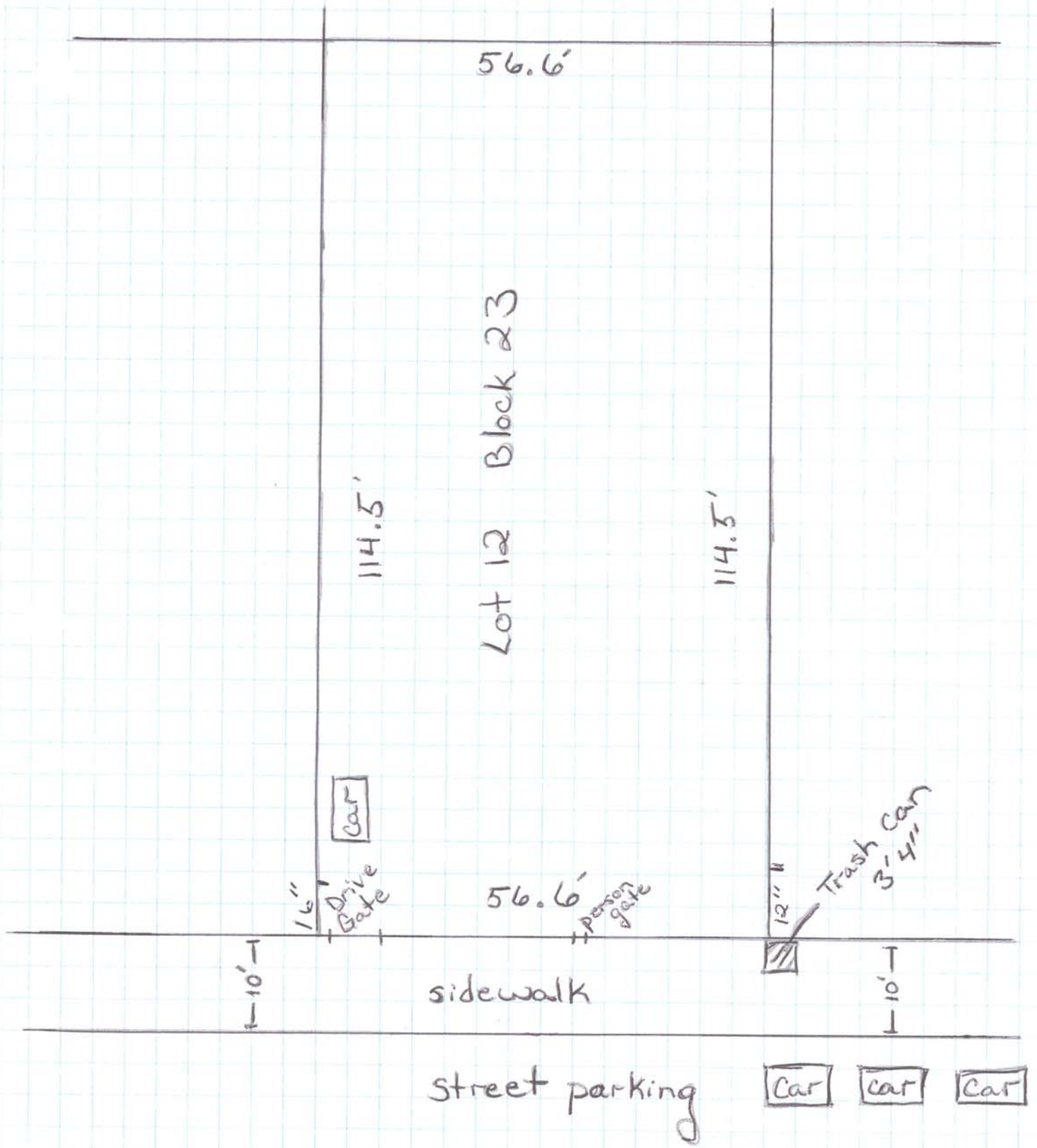
1. Number of existing uses / structures _____
2. Size and use:

| | |
|-------------------------|-----------|
| a. Square footage _____ | Use _____ |
| b. Square footage _____ | Use _____ |
| c. Square footage _____ | Use _____ |

Helen P. Sexton
Appellant's Signature
Helen P. Sexton
Print Name

749 Maryland St
Address, City, State & Zip Code
Columbia SC 29201

803-799-3320
Telephone Number



Monday, November 08, 2004

Petition on behalf of Mrs. Helen Sexton

Mrs. Helen Sexton is a long standing resident of the Olympia Community. She resides at 749 Maryland Street. We, her neighbors, have no complaints of Mrs. Helen Sexton installing a privacy fence along her property line. We hereby sign below with no objections.

1. - Andrew Davis *Adyhi* 752 Maryland Street Columbia SC 29201
2. - Michelle Marshall 141 Briar Ct. Darlington SC 29006
3. - Matt Landau 748 Maryland St. Columbia, SC 29201
4. - Neil Cumfer 746-A Maryland St. Columbia, SC 29201
5. - Wanda Wilson 745 Maryland St Columbia SC 29201
6. - Peggy Hodge 1209 Whitney St Columbia, S.C. 29201
7. - Billy Ham 1750 Maryland St. Columbia S.C. 29201
8. - Grady & Corera Branham 1316 Dover St
9. - Jeann Outlaw 762 Maryland St Columbia SC 29201
10. - *Marion Jenkins Johnson Garbage*
11. - Bonnie Fearing 1215 Whitney St
12. - Ruben Arguello 740 Maryland St. SC 29201
13. - Fern Gattini - mailman - good addition!
14. - Mary Maldonado 1206p Whitney St 29201
15. - Margaret L. Perry 730 Maryland St. Columbia SC 29201
16. - *Bussle BMS* 748 Maryland St. Columbia SC 29201
17. - Tim *Wright* 208. Avenue *W* Lane. Irmo SC, 29063
18. - David W. Guy 752 Maryland St Columbia SC
19. - James Wolf 752 Maryland St Cola, SC 29201
20. - Robert Busby 1136 Olympia Columbia, SC
21. - Jessie D. Kelly, 625 KENTUCKY ST., COLUMBIA, SC 29201
22. - Jackie Hyatt 646 Kentucky St. Columbia, SC 29201
23. - *Jeff McDaniel* 1312 Dover St. Columbia, SC 29201
24. - James McDaniel 1312 Dover St. Columbia S.C. 29201
- Mary McDaniel 1312 Dover St Cola S.C. 29201

Monday, November 08, 2004

Petition on behalf of Mrs. Helen Sexton

Mrs. Helen Sexton is a long standing resident of the Olympia Community. She resides at 749 Maryland Street. We, her neighbors, have no complaints of Mrs. Helen Sexton installing a privacy fence along her property line. We hereby sign below with no objections.

1. - *Kenneth Shain 1318 Dawn St Edyle 29201*
2. - *Annette Lruell 1320 Dover St Cola SC 29201*
3. - *Becky Johns 112 Carolina Lane 29160 (447-0452)*
4. - *Car B. Wilts 1124A Olympia Ave. Cola SC 29201*
5. - *Chris Wanta 633 S Assembly St Cola SC 29201*
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