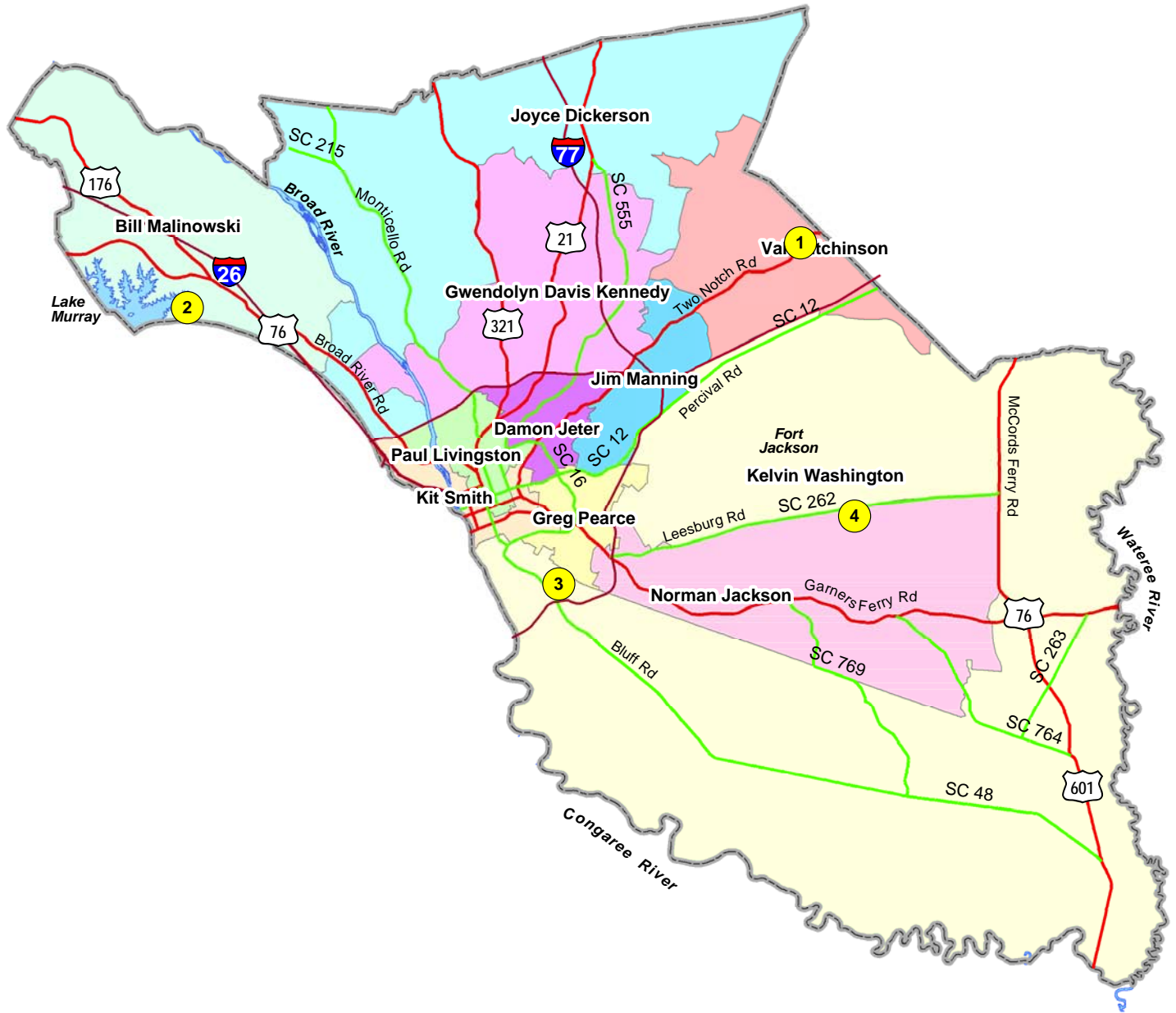


RICHLAND COUNTY
BOARD OF
ZONING APPEALS



Wednesday, 1 July 2009
1:00 p.m.
Council Chambers

RICHLAND COUNTY BOARD OF ZONING APPEALS JULY 1, 2009



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 09-10 V	Steve Rayl	29003-02-09	108 Vallenga, Columbia	Hutchinson
2. 09-18 SE	Pegasis Towers	02314-01-27	1437 Salem Church Rd., Irmo	Kennedy
3. 09-20 V	University Suites	13603-06-76	Bluff Rd., Columbia	Washington
4. 09-21 V	Samuel Thomas	28116-04-02	104 Buck Dr., Hopkins	Jackson



Richland County
Board of Zoning Appeals
Wednesday, 1 July 2009
2020 Hampton Street
2nd Floor, Council Chambers

Agenda

- I. CALL TO ORDER & RECOGNITION OF QUORUM Joshua McDuffie,
Chairman
- III. RULES OF ORDER Amelia Linder,
Attorney
- III. APPROVAL OF MINUTES – June 2009
- IV. PUBLIC HEARING Geonard Price,
Zoning Administrator

OPEN PUBLIC HEARING

09-10 V Steven Rayl 108 Vallenga Rd. Elgin SC 29045 29003-02-09	Requests a variance to encroach into the setbacks on property zoned RU. (Rural)	p. 1
09-18 SE Pegasis Towers 1437 Salem Church Rd. Irmo, SC, 29063 02314-01-27	Request a special exception to place a cell tower on property zoned RU (Rural).	p. 9
09-20 V University Suites Bluff Rd. Columbia, SC 29201 13603-06-78	Requests a parking variance on property zoned RM-HD. (Residential Multi-Family High Density)	p. 27
09-21 V Samuel Thomas 104 Buck Dr. Hopkins, SC 29061 28116-04-02	Requests a variance place an accessory structure in front of primary structure on property zoned RU. (Rural)	p. 35

- VII. ADJOURNMENT



REQUEST, ANALYSIS
AND
RECOMMENDATION

09-10 Variance

REQUEST

The applicant is requesting the Board of Appeals to grant a variance to encroach into the required rear yard setbacks on property zoned RU (Rural).

GENERAL INFORMATION

Applicant

Steven Rayl

Tax Map Number

29003-02-09

Location

108 Vallenga Road

Parcel Size

.53 acre tract

Existing Land Use

Residential

Existing Status of the Property

The subject property has an existing 1,458 square foot residential structure which was constructed circa 1960.

Proposed Status of the Property

The applicant is proposing a residential addition by attaching a former portable classroom to the existing residential structure.

Character of the Area

The area is comprised of single-family residential dwellings and manufactured homes. The subject property is located within Casa Loma Estates.

ZONING ORDINANCE CITATION

Section 26-33 (a) (2) of the Land Development Code empowers the Board of Zoning Appeals to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in an unnecessary hardship. Such appeals shall be made in accordance with the procedures and standards set forth in Sec. 26-57 of this chapter.

CRITERIA FOR VARIANCE

Standard of review. The board of zoning appeals shall not grant a variance unless and until it makes the following findings:

- a. That there are extraordinary and exceptional conditions pertaining to the particular piece of property; and
- b. That these conditions do not generally apply to other property in the vicinity; and
- c. That because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

- d. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

DISCUSSION

Staff visited the site.

The applicant is requesting a variance to encroach into the 50 foot required rear yard setback by 31 feet.

The applicant proposes to attach a 775± square foot portable classroom to the existing single-family dwelling. According to the applicant, the proposed addition will serve as a den/playroom. As indicated on the submitted plat, this addition will result in an encroachment into the required rear yard setback.

The parcel is irregularly configured. The angle of the rear property line results in a 77± foot depth discrepancy between the side property lines. This configuration of the property, coupled with the required setbacks, essentially prohibits the western portion of the property from being developed without the benefit of a variance.

Staff believes that the subject parcel meets all of the criteria required for the granting of a variance. Staff recommends that the request be approved. According to the standard of review, a variance shall not be granted until the following findings are made:

a. **Extraordinary and exceptional conditions**

Staff concurs that the configuration of the parcel presents challenges in the placement of this addition.

b. **How were conditions created**

Records indicate that the parcels were created prior to the adoption of land development regulations by Richland County.

c. **Conditions applicable to other properties**

The configurations of the parcels in this community vary.

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

While applying the setback requirements for the RU district to this lot would restrict the utilization of the property for a structural addition, it does not prevent the current or future utilization of the parcel or structure for residential use.

e. **Substantial detriment of granting variance**

The granting of the variance will not be of substantial detriment to the adjacent properties or harm the character of the district. There seems to be significant setback between the abutting property and the proposed addition.

CONDITIONS

26-57(f)(3)

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

OTHER RELEVANT SECTIONS

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

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

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

Any approval or denial of the request must be by a concurring vote of a majority of those members of the board of zoning appeals both present and voting. The decision of the board of zoning appeals shall be accompanied by written findings that the variance meets or does not meet each of the standards set forth in subparagraph (2) below. The decision and the written findings shall be permanently filed in the planning department as a public record. The written decision of the board of zoning appeals must be delivered to the applicant.

ATTACHMENTS

- Plat

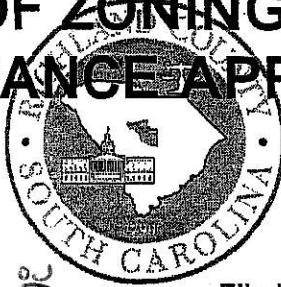
CASE HISTORY

No record of previous special exception or variance request.

09-10 V
Steven Rayl
108 Vallenga Rd.
TMS: 29003-02-09



RICHLAND COUNTY
BOARD OF ZONING APPEALS
VARIANCE APPEALS



Rcpt# _____

Application# _____

Paid \$ 100.00

Filed _____

1. Location 108 Jallenga Rd

2. Page 29003 Block 02 Lot 09 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 _____ 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 allow Den Addition

to existing home with new rear setback. to 34 feet and 22 feet. I need to add 16' to 20'

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: The current setback is (50')

current setbacks render the lot too narrow

b) Describe how the conditions listed above were created: Do not know exactly.

Haphazard lay-out of lot

c) These conditions do not generally apply to other property in the vicinity as shown by: _____

Attached map

d) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: the current set backs eliminate the

ability to esthetically and practically have this addition.

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: An existing fence and

shrubbery between the lots, and these are both back 12' to back.

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

a) Richland County Plat.

b) Addition drawings

c) Aerial map

(Attach additional pages if necessary)



1 July 2009
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

09-18 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 RU (Rural) district.

GENERAL INFORMATION

Applicant

Nathan Byrd (Pegasus Towers)

Tax Map Number

02314-01-27

Location

Rear of 1437 Salem Church Road

Parcel Size

10.23 -acre tract

Existing Land Use

undeveloped

Existing Status of the Property

The subject parcel is heavily wooded and undeveloped.

Proposed Status of the Property

The applicant proposes to erect a 195-foot telecommunications tower, within a 6,400 (80 x 80) square foot leased area.

Character of the Area

The surrounding area consists of subdivisions, large residential tracts, and heavily wooded, undeveloped parcels.

ZONING ORDINANCE CITATION

Table 26-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to authorize radio, television and all other types of communications towers, subject to the provisions of section 26-152 (d) (22).

CRITERIA FOR SPECIAL EXCEPTIONS

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

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

Special exception requirements (as found in section 26-152 (d) (22)):

(22) Radio, television and telecommunications and other transmitting towers.

- a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; LI Light Industrial; Heavy Industrial.
- b. Communication towers shall have a maximum height of three hundred (300) feet. For towers on buildings, the maximum height shall be twenty (20) feet above the roofline of buildings forty (40) feet or four stories in height or less. For buildings greater than four stories or forty-one (41) feet in height, the maximum height of communication towers shall be forty feet above the roofline.
- c. The minimum setbacks for communication towers from certain uses shall be as follows:
 1. In no case shall a communication tower be located within fifty (50) feet of a residential zoning district or an inhabited residential dwelling.
 2. For towers in excess of fifty (50) feet, the setback shall increase one (1) foot for each foot of height of the tower as measured from the base of the tower. The maximum required separation being two hundred and fifty (250) feet.
- d. The proposed user must show proof of an attempt to collocate on existing communication towers, and must be willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure. Evidence of an attempt to collocate must show that alternative towers, buildings, or other structures are not available for use 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 of interference from other communication towers.
- e. 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, the Federal Aviation Administration, or other regulatory agency.
- f. Each communication tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.
- g. Each communication tower site shall be landscaped in accordance with the requirements of Sec. 26-176 of this chapter.
- h. No signage may be attached to any portion of a communications tower. Signs for the purpose of identification, warning, emergency function or contact or other as required by applicable state or federal rule, law, or regulation may be placed as required by standard industry practice.
- i. 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.

DISCUSSION

The applicant proposes to erect a 195-foot telecommunications tower, within a 10,000 square foot leased compound.

Staff visited the site.

The tower is proposed to be located approximately 333' feet from Muskrat Run and a minimum of 195 feet from the side property lines.

Meeting the criteria for a special exception in section 26-152 (d) (22) (c) may indicate that the 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 address, before the Board, the special exception requirements of section 26-152 (d) (22) (d).

Staff recommends approval of this request.

CONDITIONS

Section 26-56 (f) (3)

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

OTHER RELEVANT SECTIONS

N/A

ATTACHMENTS

- Site plan

CASE HISTORY

No record of previous special exception or variance request.

09-18 SE
Pegasus Towers
1437 Salem Church Rd.
TMS: 02314-01-27



March 16, 2009

Mr. Geonard Price
Zoning Administrator
County of Richland
Department of Development Services
P.O. Box 192
2020 Hampton Street
Columbia, South Carolina 29202

Statement of Intent

Dear Mr. Price:

Pegasus Tower Company is a small Virginia based company that is committed to providing its clients with quality communication tower facilities. Pegasus Tower Company also provides facility management services to customers; however, constructing towers that can be collocated upon is a core business principle. Should this tower be approved Pegasus Tower Company will actively market this structure to public and private entities that need space for their communications equipment.

Statement of Intent

Pegasus Tower Company submits the accompanying documents for review and approval of a Special Exception on property under the ownership of **Mary Teresa Davis Tanner** and located on property between Salem Church Road and Muskrat Run Road, in Irmo, South Carolina. County records identify the land as Tax Parcel R02314-01-27. Pegasus Tower Company is requesting Richland County to review and approve the construction of a communication tower facility containing a 195' tall, monopole structure and associated ground equipment contained within an 80' x 80' fenced compound. The compound will be surrounded by a 7' chain-link security fence with 1' of barbed wire atop. The site's compound and equipment area will be screened from public view utilizing a combination of the landscaping shown (as outlined in Section 26-176) on the landscaping plan contained within the development plans and the existing, mature vegetation already on the property. Pegasus Tower Company will clear only as needed to construct the site. Access to the site will be directly from Muskrat Run Road along a new road that will be constructed to provide access to the facility. The road will be a joint ingress/egress easement with a maximum width not to exceed 25 feet.

In addition, the proposal to place a tower on this property will not create issues related to traffic in the area. Traffic impact will be negligible since towers are passive uses that do not attract

traffic not generate traffic to function. Visits to the facility are typically bi-annual or based on equipment malfunctions. Regular traffic to and from the site is not a common characteristic of communication tower facilities. Vehicular and pedestrian safety will not be affected as well by the placement of a tower facility on this property. Structural characteristics constructed into the tower will limit its fall radius to remain close to the base of the structure but certainly well within the confines of the Tanner parcel of land. The structural letter submitted provides detail on the fall area radius of the proposed tower. In our view, the tower will have very limited, if any, tangible impacts on the surrounding area or the quality of life of its residents. The tower does not generate noise, will not have lighting and produces no odor or fumes.

The only impact of placing a tower on this property is that from the construction of the facility and access drive along with the visual impact of a tower on the property. Construction will be limited to the access drive and the compound area where the tower and equipment buildings will be located. Landscaping is proposed around the compound, however, considering the amount of vegetation that is already on the property, additional landscaping may not be necessary to screen the ground equipment placed at the site. Visually, there is nothing that can be done to hide a 195 foot tall structure. What has been done to reduce intrusiveness related to the tower is chose to construct a monopole instead of a steel lattice or a guyed-wire structure. The monopole is the most streamlined of the three structures without taking up a significant amount of a landowners land. Towers have become a very common part of the landscape throughout the country. Towers are today what electric transmission line poles were years ago as people disliked the placement of such poles all along the streets and roads of developing cities and counties. The tower is our new infrastructure and for all of its lack of visual appeal, its functionality cannot be dismissed. The placement of a tower in the location provides benefit to the community through improved public safety that results from improved communication even though it comes with an unwelcomed change to the visual environment.

Structural

The proposed tower will be 195' in height and will accommodate additional wireless and paging technology users. The tower as proposed will accommodate a minimum of four (4) wireless users; two additional locations for paging antennas; and a location for microwave dishes or a combination of other users depending upon their equipment specifications. Included in the submittal information is a letter from a licensed engineer with Sabre Towers and Poles indicating the tower's structural capacity and design.

Setbacks

The Ordinance requires a tower facility to observe a setback that is equal to the setback shall increase one (1) foot for each foot of height of the tower as measured from the base of the tower. The maximum required separation being two hundred fifty (250) feet. As proposed the monopole tower will be located in excess of its height from all property lines. The site development plans submitted provide evidence of the proposed setbacks for the structure. The structure will be 334 feet off of the west line of Muskrat Run Road; 196 feet off of the north property line; and 372 feet off of the south property line. The western property line is significantly in excess of any of the other setbacks discussed above.

Lighting

The height requested for this structure will not require lighting to be installed. Although the final FAA determination has not been received to date, the FAA has a standard rule that requires all structures 200' in height or greater to have lighting. At the proposed height, a lighting system will not be required for installation, according to the consultant study submitted. The tower will not be required to be painted by the FAA and therefore it will remain in a dull, gray color.

Tower Removal

Pegasus Tower Company has read and understands the requirements of the Zoning Ordinance regarding tower removal. Pegasus Tower Company has long-term obligations with tenants spread over the southeast region that have substantial financial capability along with unlimited future potential growth in the telecommunications industry. Pegasus is confident in its ability to sustain the financial capability to disassemble and remove the tower once it is no longer in operation. Our confidence is based on current tenant obligations and growth trends in the wireless telecommunications industry. In accordance with the spirit and intent of the ordinance

Government Access

Pegasus Tower Company understands that many local governments have a desire to utilize communication towers for their communication needs also. Pegasus Tower Company welcomes the opportunity to work with Richland County regarding a location on the proposed tower, if approved. A lease for the use of the space will be required as well as documentation regarding the equipment to be installed. This information assists Pegasus Tower Company in its ability to manage interference issues among the users of the structure.

Health and Safety

The proposed tower will be designed to withstand wind speeds in excess of 70 miles an hour, as defined by the American National Standards Association (ANSA) specifications. Regardless, Pegasus Tower Company carries extensive liability insurance and agrees as part of our leases to assume responsibility for damages or injuries resulting from our operations. As a part of all Pegasus Tower Company tower construction projects, Pegasus will insure that our clients will file for certifications required by the Federal Communications Commission (FCC) that will attest to the fact that the proposed communication facility complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER). All Pegasus Tower Company sites and tenant antennas are operated in compliance with all FCC licensing guidelines and rules regulating RF emissions and safety

All Pegasus Tower Company owned and built towers are designed by the manufacturer to be protected from strikes by lightning. Two important factors combine to protect our facility from lightning. First, the tower will be grounded using rods and cables that will be buried within the fenced compound. Second, the tower itself will provide a "cone of protection," a 45-degree circular arc from the top of the tower to the ground, which will protect all structures within that area from lightning strikes. Should the tower receive a lightning strike, the electrical surge would be directed into the ground and dissipated immediately.

Like all electrical devices, cellular telephone antennas produce electromagnetic fields (EMF's). EMF's are invisible lines of force that surround all electrical current. These fields are routinely found throughout nature and are even produced by chemical interactions within the human body. We are constantly being exposed to a variety of such fields from natural and manmade sources. Telecommunications facilities are designed to function using very low powered transmission facilities. Our radio frequency (RF) contribution to the environment is insignificant compared to the higher-powered AM and FM radio and television stations. It is very important to note that the transmission power levels of wireless communication antennas are typically in the 10 to 100 watts range, while a television tower emits up to 5 million watts and a commercial radio station tower operates at up to 100,000 watts of power. Many local government police and fire department communication facilities produce up to 500 watts of power.

The effect of wireless (cellular/digital/pcs) radio frequencies on AM and FM signals, and TV transmissions is considered negligible by the industry's regulatory agencies. There are too many frequencies separating the various wireless service providers to cause any adverse effects.

People rely on wireless phones for personal safety and security. At the same time, many public service agencies depend on wireless technology to provide disaster relief and emergency services. Pegasus Tower Company is committed to providing safe and efficient wireless communication facilities to all telecommunication service providers serving the Iredell County community.

Cellular systems use low power radio signals that operate in the same frequency band as UHF television, and PCS frequencies have been used by utilities and public safety agencies throughout our communities for years. Wireless antenna facilities transmit low power radio signals to carry telephone conversations. These personal wireless base station antennas typically operate at one hundred watts or less per channel and are placed in inaccessible locations on towers and rooftops. The power density decreases rapidly as you move away from the antenna, creating very low-level signals at ground level and points of public access. In addition, wireless phones operate at the lowest power needed to maintain contact with the base station – between 0.1 and 0.6 watts. Therefore, when new antenna sites are added to a network, the operating power of both the antenna facilities and the phones decrease as the distance between the antenna sites and the phones is reduced.

This wireless antenna facilities will comply with FCC rules governing the safety of radio emissions. Under the Telecommunications Act of 1996, the FCC has exclusive jurisdiction over the safety of RF emissions from personal wireless antenna facilities. Public Law 104-104, Section 704(a)(7)(B)(iv). The FCC rules constitute a national RF exposure standard that reflects the consensus agreement of the federal agencies charged with protecting public health and the environment, including the FDA, EPA, NIOSH, and OSHA.

The Telecommunications Act of 1996 recognizes the importance of ensuring the integrity of wireless communication networks that provide nationwide communication services. Nevertheless, Pegasus Tower Company understands the concerns regarding health and safety and recognizes their responsibility to address those concerns. Consequently this antenna facility site will comply with FCC regulations governing the safety of RF emissions.

Community Benefits

Anytime a wireless service provider expands its existing coverage footprint or makes improvements to its network that correct errors of deficiencies in coverage, it is a benefit to that area of the community. In this particular matter, the benefits previously mentioned apply, as the facility will be providing coverage and capacity to areas of the County that currently do not have coverage or where coverage is minimal at best. The expanded and improved coverage in this area benefits the community through increased call reliability, dependability, increased options for communication (text messaging, voice calls, internet and email access) and overall improved safety since the ability to communicate for emergency and non-emergency needs will be significantly improved. The addition of improved coverage and capacity provides for a greater feeling of safety along with the added convenience of a network that has been improved to better handle the increased technological capabilities and demands of the new generation of wireless technologies. Lastly, the construction of this facility provides the County with an opportunity to increase its current commercial/industrial tax base while providing an infrastructure that will assist its efforts in the event of human or natural catastrophe.

This facility will have little physical impact on the environment with the exception of the visual change upon the landscape. The facility utilizes only telephone and electrical service. There will be no impact on water and sewer systems; noise from the facility will not have an adverse impact on any of the surrounding areas since there are no mechanical systems present other than the cooling of the base station equipment. Construction is limited to the creation of the access road, the location of the tower and the clearing/grading necessary to construct the facility.

Overall Benefits of Providing Wireless Coverage

In general, the nature and number of benefits associated with wireless communications are great and growing daily, as more and more citizens become users. There are over 16 million cellular phone users in the United States today. The vast majority of the persons responding to industry surveys cite increased safety and security as their primary reason for having a cellular telephone. Such surveys have shown that many people use their phone to report car trouble, medical emergencies, crimes in progress or the presence of drunken drivers on our public roads. It has been reported that 550,000 calls a month were made nationally to the 911 emergency systems from cellular phones. As people expand their non-working activities into the later evening hours, cellular phones will play an important role in providing personal safety and security.

The availability and use of cellular telephones are a major personal convenience, and significantly enhances one's quality of life. As the national and worldwide antenna systems are installed and the user base increases exponentially, unit costs associated with their use will decrease. This will result in even greater numbers of user and higher monthly usage, improving the quality of life for many people. It is reported by service providers that call volume from cellular telephones equals or exceeds that of landline phones across the country between the hours of 4:00 p.m. and 5:00 p.m., Monday through Friday.

During the hurricanes that have hit the State of Florida over the years, residents found that due to damages, cellular communication was the only means of communication available in their area or in regions of the State for long periods of time. As a result, many Florida cities and counties have defined the cellular telephone industry as an "essential use" in their Zoning Codes. Cellular communication provides an extremely important community service to emergency groups, such as police, fire, ambulance and hospitals. The quick response by a cellular user to an accident or other mishap has saved lives. Increased competition in the cellular industry will result in better service, lower costs to the general public and the continued growth in the number of cellular telephone users across the nation.

Sincerely,




Harold K. Timmons
Consultant to
Pegasus Tower Company

PEGASUS TOWER COMPANY

STATEMENT OF INTENT TO ALLOW TOWER SHARING

Pegasus Tower Company, a Virginia based company, states and agrees to actively seek additional co-locators/tenants on all towers we own and/or manage. Our staff is committed to actively marketing and promoting our structures to a wide variety of telecommunication companies at fair and competitive rates. In keeping with the spirit of this letter of intent Pegasus Tower Company seek to offer use of our structures at fair and competitive market rental rates. In evaluating rental rates to charge wireless carriers for use of our structures we agree to (1) survey the surrounding market area and the corresponding rental rate range for that area in order to provide a sampling of market rates; (2) perform a financial analysis of each site we develop to determine the revenue that is needed for providing the ability to meet project financial return hurdle rates; and (3) discuss with the parties our rate expectations and actively negotiate rates with the prospective tower user.

PEGASUS TOWER COMPANY, LTD.

By:  *Pegasus Tower
for Company, LTD*
Nathan Byrd

Date: March 11, 2009

Title: Technical Services Manager



A Division of Sabre Industries, Inc.

Guyed Towers Self-Supporting Towers Monopoles Concealment Structures Turnkey Installations

March 5, 2009

Ms. Roberta Young
Pegasus Tower Company, Ltd.
139 Steelsburg Highway
Cedar Bluff, VA 24609

Ref: Proposed 195 ft Sabre 5-carrier Monopine for Tanner, Richland County, SC

Dear Ms. Young,

The Sabre monopole will be designed for a maximum Basic Wind Speed of 75 mph with 1/2 inch radial ice, in accordance with the Electronic Industries Alliance Standard EIA/TIA-222-F, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures." It will also meet the requirements of the 2006 International Building Code.

When designed according to these standards, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within one of the monopole shaft sections. This would result in a buckling failure mode, where the steel shaft would bend beyond its elastic limit (beyond the point where the shaft would return to its original shape upon removal of the wind load).

Therefore, it is likely that the overall effect of an extreme wind event would be localized buckling of the monopole shaft. Assuming that the wind pressure profile is similar to that used to design the monopole, the shaft will buckle at the location of the highest combined stress ratio in the upper portion of the monopole. This is likely to result in the portion of the monopole above "folding over" onto the portion below. Please note that this letter only applies to a monopole designed and manufactured by Sabre Towers & Poles. In the unlikely event of total separation, this, in turn, would result in collapse of that portion to the ground within a radius of 65 ft from the base of the monopole.

Please let me know if you have any questions or require additional information.

Sincerely,

Handwritten signature of Stephen Yeo

3/5/09

Stephen Yeo, P.E.
Vice President, Development Solutions



Ken Patterson

Airspace Consulting, Inc.

www.airspace-ken.com

Site ID: Tanner / SCR103

March 11, 2009

To Whom It May Concern:

On March 11, 2009, I personally conducted an evaluation of a proposed telecommunications site for Pegasus Tower Company. The study was to determine if the proposed structure would create any adverse effect on navigable airspace. The site is located near Irmo, South Carolina at 34° 06' 24.36" North and 81° 13' 52.00" West (NAD 83). The site elevation is 390' above mean sea level (AMSL). The proposed structure height is 199' above ground level (AGL) or 589' AMSL. Part 77 of the Federal Air Regulations and Part 17 of the FCC Rules and Regulations were used as the primary reference for this evaluation.

The closest public use or DOD landing surface is Runway 11 at Columbia Metropolitan Airport. The distance to the runway is 10.79 nautical miles on a true bearing of 334.48° from the runway.

The proposed 199' AGL (589' AMSL) structure would not exceed any FAR Part 77 or FCC Part 17 notice requirement and, therefore, notice to the FAA is not required for this structure. If filed, the 199' AGL structure should be approved by the FAA.

Normally, structures that do not require notice to the FAA do not require marking and/or lighting. Private use landing facilities and AM broadcast stations are not a factor for this study.

For additional information or questions about this study, contact my office anytime.

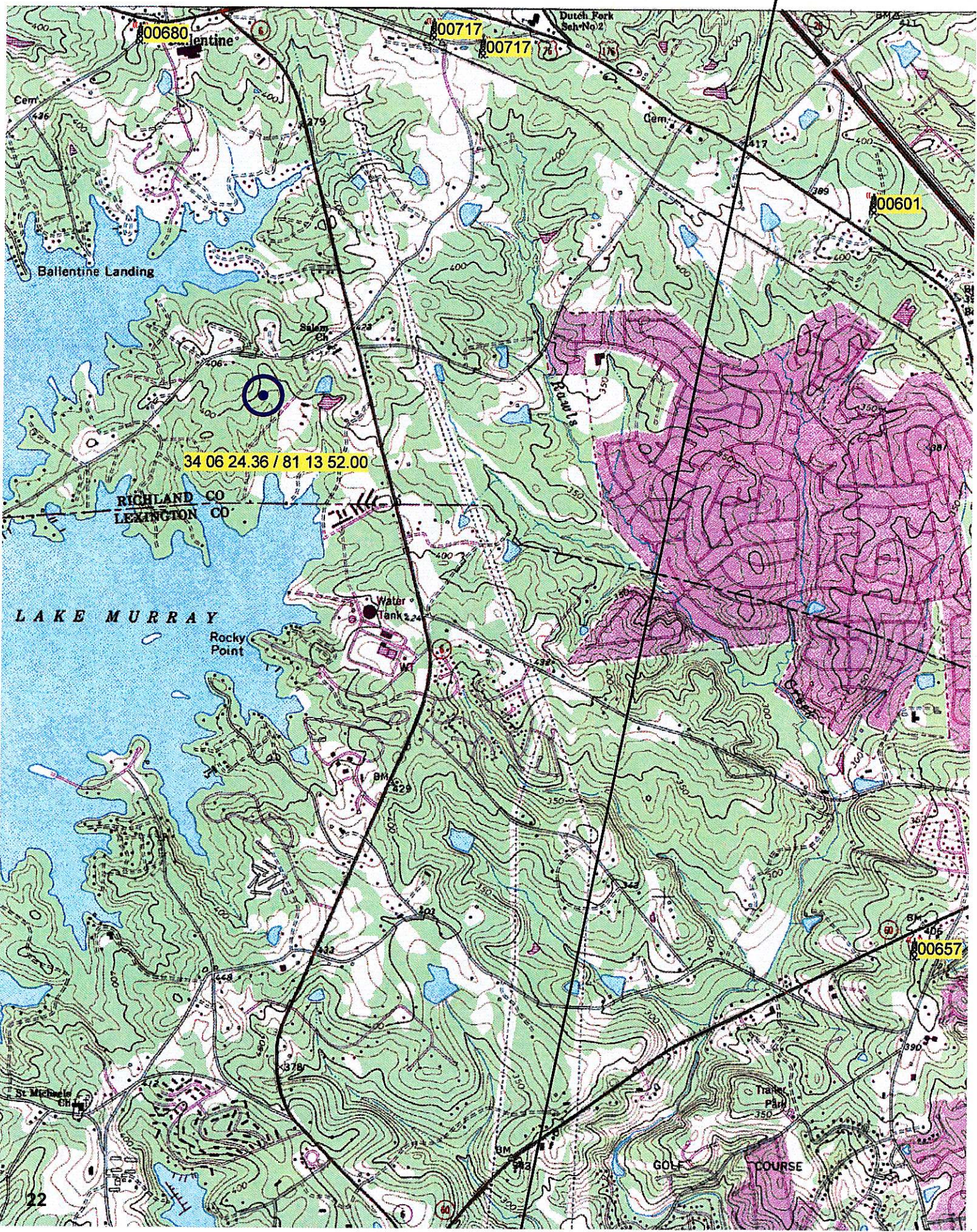
Sincerely,



Ken Patterson

KP14512

141 Massengale Road, Brooks, GA 30205
(770) 461-0563 FAX (501) 638-5264 kpac0@bellsouth.net



00680

00717

00717

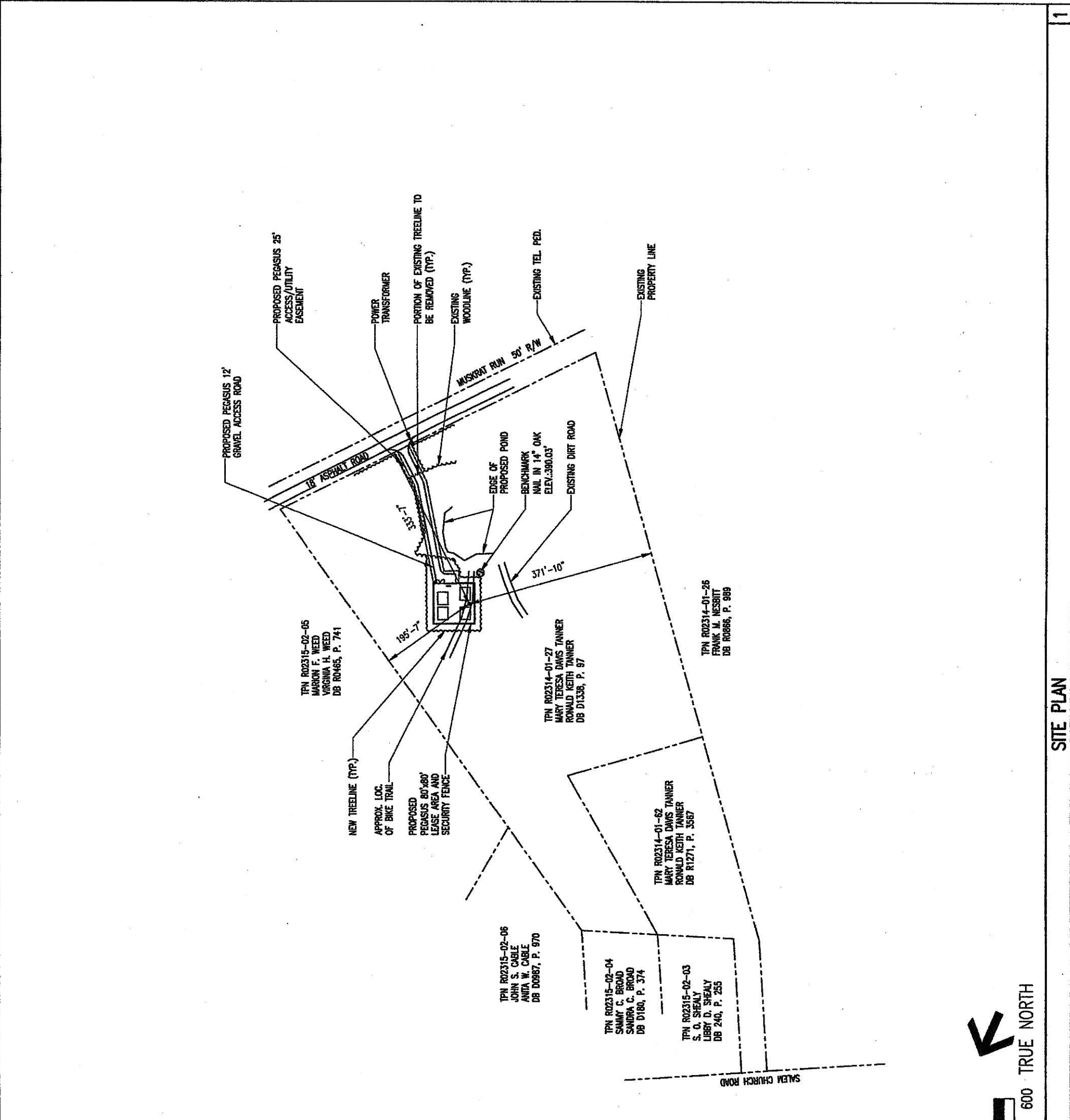
00601

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RICHLAND CO
LEXINGTON CO

00657

LEGEND	
NEW FENCE	—●—
EXIST. FENCE	—X—
SETBACK	—X—
EASEMENT	—
LEASE	—
PROPERTY LINE	—
EXIST. CONTOUR	—
NEW CONTOUR	—
TYP. BUILDING	□
TYP. ROAD	—



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architects
engineers
 5659 COLUMBIA PIKE, SUITE 101
 FALLS CHURCH, VA 22041-2688
 TEL: (703) 871-8000
 FAX: (703) 871-8300

NO.	DESCRIPTION	BY	DATE
1			
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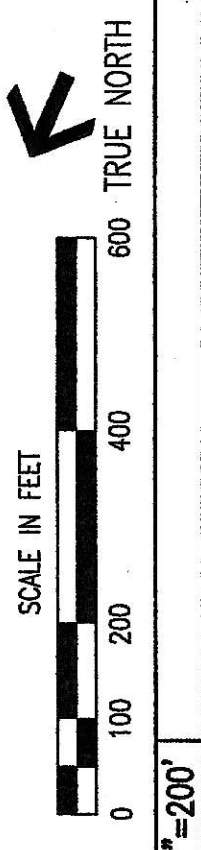
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SCRI03
 SITE NAME:
TANNER
 SITE ADDRESS:
 1437 SALEM CHURCH RD
 IRMO, SC 29063

STAMP HERE:

DRAWN BY:	AGT
CHECKED BY:	CDM
DATE DRAWN:	03-06-09
SUBMISSION:	ZONING
SHEET TITLE:	

SITE PLAN

SHEET NUMBER:
A-0
 REV. #



SITE PLAN

1



PEGASUSTOWERS
 PEGASUS TOWER CO. LTD
 139 STEELSPRING HWY
 CENAR BLUFF, VA 24068
 TEL: (276) 864-7416
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architects
engineers
 5609 COLUMBIA PINE SUITE 101
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 FAX: (703) 671-8300

NO.	DESCRIPTION	BY	DATE

SITE NUMBER:
SCR103
 SITE NAME:
TANNER
 SITE ADDRESS:
 1437 SALEM CHURCH RD
 IRMO, SC 29063

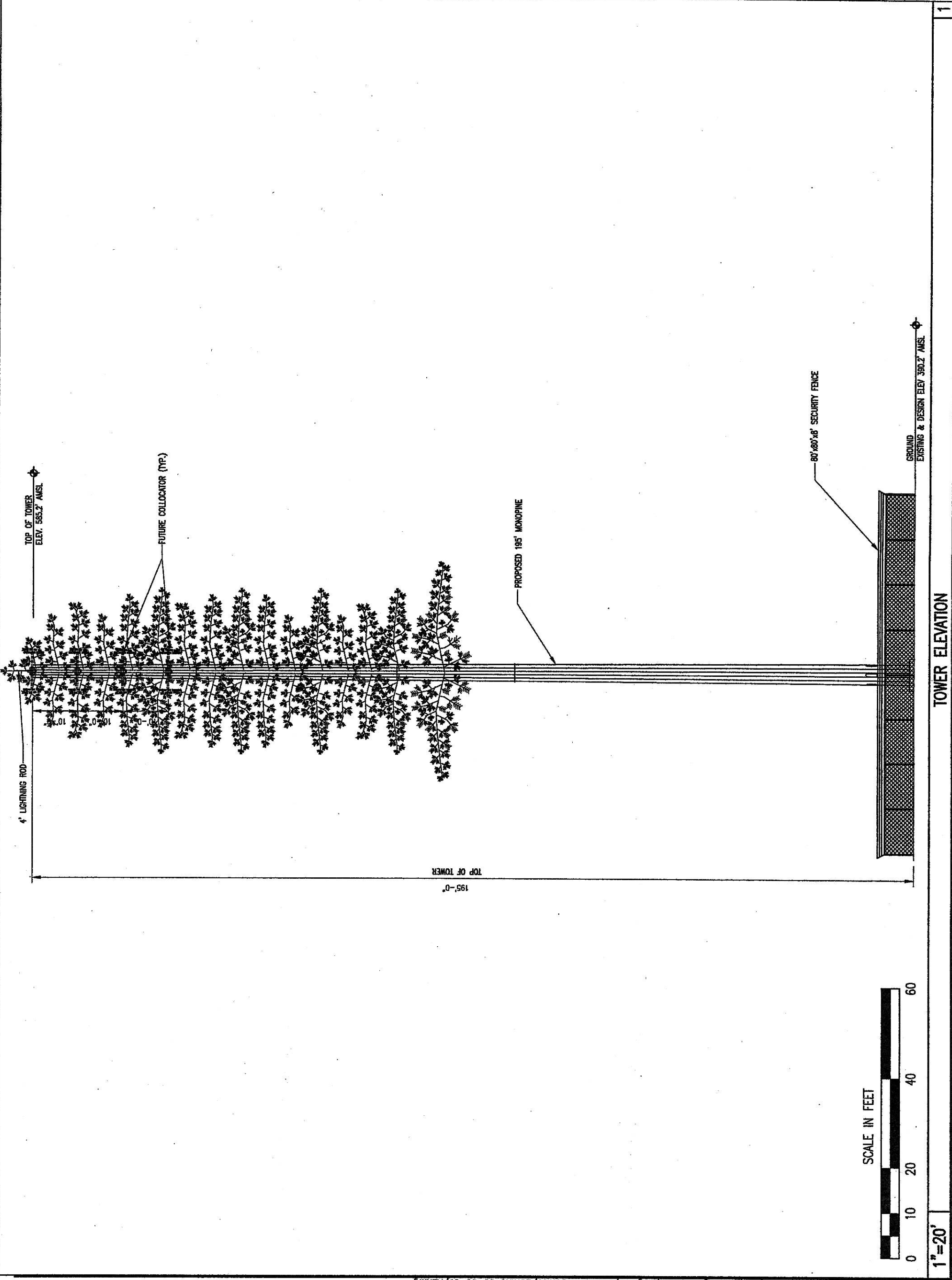
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DATE DRAWN:	03-06-09
SUBMISSION:	ZONING
SHEET TITLE:	

TOWER ELEVATION

SHEET NUMBER:
A-2
 REV. #

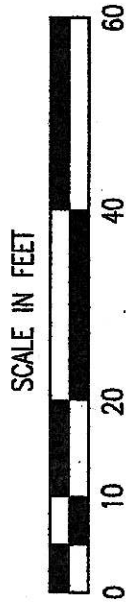
CALL FOR UNDERGROUND UTILITIES PRIOR TO DIGGING



1

TOWER ELEVATION

GROUND EXISTING & DESIGN ELEV 360.2' AMSL





1 July 2009
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

09-20 Variance

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a variance to exceed the maximum number of parking spaces on property zoned RM-HD (Residential, Multi-Family, High Density).

GENERAL INFORMATION

Applicant

Melinda Lucka

Tax Map Number

13603-06-78

Location

Bluff Road

Parcel Size

13.94- acre tract

Existing Land Use

Undeveloped

Existing Status of the Property

The property is heavily wooded and undeveloped. It is abutted on the east by a multi-family development and on the west and north by single-family housing.

Proposed Status of the Property

The applicant is proposing a 94 unit multi-family development (designed for student housing).

Character of the Area

The surrounding area is comprised of multi-family, single-family and industrial uses.

ZONING ORDINANCE CITATION

Section 26-33 (a) (2) of the Land Development Code empowers the Board of Zoning Appeals to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in an unnecessary hardship. Such appeals shall be made in accordance with the procedures and standards set forth in Sec. 26-57 of this chapter.

CRITERIA FOR VARIANCE

Standard of review. The board of zoning appeals shall not grant a variance unless and until it makes the following findings:

- a. **That there are extraordinary and exceptional conditions pertaining to the particular piece of property; and**
- b. **That these conditions do not generally apply to other property in the vicinity; and**
- c. **That because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and**
- d. **That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.**

DISCUSSION

Staff visited the site.

The applicant is requesting a variance to exceed the maximum number of parking spaces by 73 (maximum allowed – 302; proposed – 375)

The Land Development Code has a minimum and maximum required off-street parking standard, dependent upon the type of land use. Under this code, the applicant is required to provide a minimum of 94 parking spaces, but cannot exceed the maximum of 282 parking spaces (including the clubhouse – 302).

The applicant states that the need for the additional number of parking spaces is necessitated by the type of tenants within this development. This development is specifically marketed towards students. The applicant states that the maximum off-street parking spaces for a multi-family dwelling, three (3) per unit, doesn't adequately address the parking needs of the four (4) bedroom units.

Staff believes that the subject parcel meets all of the criteria required for the granting of a variance. Staff recommends that the request be approved. According to the standard of review, a variance shall not be granted until the following findings are made:

- a. **Extraordinary and exceptional conditions**
The LDC doesn't provide off-street parking standards for this type of use.
- b. **How were conditions created**
The use was not specifically addressed in the LDC.
- c. **Conditions applicable to other properties**
Similar developments (student housing) have not requested a variance to exceed parking.
- d. **Application of the ordinance restricting utilization of property**
Failure to obtain a variance would not prohibit the project from being built as indicated. At a minimum, the development is required to provide one (1) off-street parking space per unit. This would probably result in tenants parking in non-designated areas, such as, the clubhouse and/or the street.

e. **Substantial detriment of granting variance**

The granting of the variance will not be of substantial detriment to the adjacent properties or harm the character of the district if granted.

CONDITIONS

26-57(f)(3)

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

OTHER RELEVANT SECTIONS

Sec. 26-173. Off-street parking standards

- (a) *General requirements.* Permanent off-street parking is required in all districts unless otherwise specified. Such parking shall be provided in the amount required by this section at the time of erection, alteration, enlargement, establishment, or change in any building or land use. Any permit application submitted to the planning department shall include information as to the location and dimensions of off- street parking and the means of ingress and egress to such space.

ATTACHMENTS

- Applicant's attachments

CASE HISTORY

No record of previous special exception or variance request.

RICHLAND COUNTY BOARD OF ZONING APPEALS VARIANCE APPEALS



Rcpt# _____

Application# _____

Paid \$ _____ Filed _____

1. Location Bluff Road TMS: 13607-02-01

2. Page _____ Block _____ Lot _____ Zoning District RM-HD

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 allow ninety-four (94) multi-family units of student dwellings, with

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: There is no "student housing" classification for multi-family units in the zoning ordinance. This land use is not defined in Ordinance.
- b) Describe how the conditions listed above were created: The multifamily ordinance either allows higher density w/ ASD spaces or townhouse development for only 282.
- c) These conditions do not generally apply to other property in the vicinity as shown by: most multi family is traditional apartments. This is specifically for student housing.
- 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: The necessary spaces can only be approved if we built a higher density development. Zoning allows 160 units; our development is for 94 units, with one space per bedroom plus clubhouse space.
- 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: Allowing the variance will keep all parking onsite, rather than cars being parked on neighboring properties.

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

- a) Applicant letter
- b) Site plan
- c) _____

[Please see attached letter with explanation of details.] 4/30/09

(Attach additional pages if necessary)

LUCKA LAW FIRM

ATTORNEYS AT LAW

505 BELLE HALL PARKWAY, SUITE 101
MT. PLEASANT, SOUTH CAROLINA 29464
TELEPHONE (843) 856-2627
FACSIMILE (843) 856-2664

Writer's email: slucka@luckalawfirm.com

April 29, 2009

Geonard H. Price
Zoning Administrator
Richland County Planning and
Development Services
2020 Hampton Street
P.O. Box 192
Columbia, S.C. 29202

RE: Variance Request-University Suites, LLC-Bluff Road

Dear Mr. Price:

I am submitting a variance request on behalf of our client, University Suites, LLC, for the June 3, 2009 Zoning Board hearing. We would respectfully request to be allowed a greater number of parking spaces than the Ordinance provides, based upon the design and use of the residential units as "student housing," more fully explained below.

This is a unique situation. Unlike many variance requests that I have handled, where applicants ask to provide *fewer* parking spaces, our client will be requesting a *greater* number of spaces than the Ordinance provides. The reason for this is that the company specializes in building "student housing" units, and the Ordinance does not have a classification for student housing. Based on the zoning of the University Suites, LLC property, (RM-HD) District, our clients are authorized to build 160 units; however, they are opting not to build such a high density development, and only wish to build 94 units on this property.

The parking issue is that the zoning requirements for regular, multi-family apartments, allowing the authorized 160 units, is classified as "garden style" apartments, would authorize approximately 450 parking spaces plus clubhouse parking. Since there is no classification for a "student housing" category of land use in the Ordinance, and since University Suites, LLC does not want to build as dense a community as the 160 units in the regular apartment development style, the classification type for student housing units was classified as a "townhouse" designation. The townhouse designation limits their parking to 280 spaces plus 31 clubhouse spaces. We are requesting 344 spaces, plus clubhouse spaces for a total of 375 spaces.

We would submit that the Zoning Ordinance, when applied to the proposed land use, presents us with a hardship. Our client is sensitive to the reality that cars for the development should park onsite. Each apartment unit will have 2-4 bedrooms, which means that each unit will have 2-4 cars; one for each roommate living in the apartment. Rather than the possible scenario of having cars parked offsite, on adjacent roads, or in places that would be blocking their neighbors, University Suites, LLC wants to be able to provide a realistic number of parking spaces for all residents and their visitors. They would ask to be able to determine parking based upon numbers of bedrooms plus spaces for the clubhouse, rather than basing parking on a standard number of cars per unit. We believe that if the variance is granted, the impact on the surrounding area will be minimized.

The owner and I, along with the project engineer, will be available at the hearing for questions and to elaborate on details.

Best regards,



Melinda A. Lucka

cc: John Cale, University Suites, LLC



REQUEST, ANALYSIS
AND
RECOMMENDATION

09-21 Variance

REQUEST

The applicant is requesting the Board of Appeals to grant a variance to locate an accessory dwelling in front of the building line of a principal structure on property zoned RU (Rural).

GENERAL INFORMATION

Applicant

Samuel Thomas

Tax Map Number

28116-04-02

Location

104 Buck Road

Parcel Size

2± acre tract

Existing Land Use

Residential

Existing Status of the Property

The subject property has an existing 2,053 square foot residential structure.

Proposed Status of the Property

The applicant is proposing to establish an accessory dwelling in front of the building line of the residential structure.

Character of the Area

The area is comprised of wooded, large parcels, either residentially developed or undeveloped. The subject property is located within the Deer Ridge Farms Subdivision.

ZONING ORDINANCE CITATION

Section 26-33 (a) (2) of the Land Development Code empowers the Board of Zoning Appeals to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in an unnecessary hardship. Such appeals shall be made in accordance with the procedures and standards set forth in Sec. 26-57 of this chapter.

CRITERIA FOR VARIANCE

Standard of review. The board of zoning appeals shall not grant a variance unless and until it makes the following findings:

- a. That there are extraordinary and exceptional conditions pertaining to the particular piece of property; and
- b. That these conditions do not generally apply to other property in the vicinity; and
- c. That because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

- d. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

DISCUSSION

Staff visited the site.

The applicant is requesting a variance to construct an accessory dwelling in front of the building line of the residential structure. Section 26-185 (b) of the Richland County Land Development Code establishes location standards for accessory structures.

According to the applicant, the proposed structure is a 70± year old cottage house he wishes to keep and use for non-residential purposes.

The applicant has identified a location on the parcel, approximately 41 feet from Buck Road, for the placement of the structure. It is stated by the applicant that this location is the only reasonable area on the property the structure could be located. According to the applicant, other areas of the property have been eliminated for placement of the structure because of the moisture of the soil, an existing creek which limits access, and the septic tank runoff area. These conditions have been identified on the comprehensive site sketch. Staff observed that areas of the property appeared muddy and that the applicant has constructed ditches to increase drainage.

Staff believes that the subject parcel meets all of the criteria required for the granting of a variance. Staff recommends that the request be approved. According to the standard of review, a variance shall not be granted until the following findings are made:

a. **Extraordinary and exceptional conditions**

Staff concurs that the parcel is challenged by the conditions of the property. There are limited areas on the property to establish this structure.

b. **How were conditions created**

The conditions are naturally present.

c. **Conditions applicable to other properties**

There are no indications that the same hydric conditions are present on other parcels.

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

Without the granting of the variance, the structure would, in all probability, not be able to be placed on the parcel.

e. **Substantial detriment of granting variance**

The granting of the variance will not be of substantial detriment to the adjacent properties or harm the character of the district if the required front yard setback for the district, 40 feet, is met.

CONDITIONS

26-57(f)(3)

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

OTHER RELEVANT SECTIONS

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

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

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

Any approval or denial of the request must be by a concurring vote of a majority of those members of the board of zoning appeals both present and voting. The decision of the board of zoning appeals shall be accompanied by written findings that the variance meets or does not meet each of the standards set forth in subparagraph (2) below. The decision and the written findings shall be permanently filed in the planning department as a public record. The written decision of the board of zoning appeals must be delivered to the applicant.

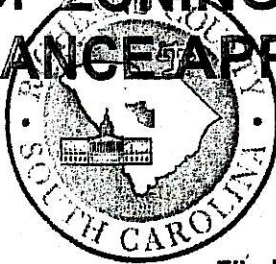
ATTACHMENTS

- Plat
- Letters

CASE HISTORY

No record of previous special exception or variance request.

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
VARIANCE APPEALS**



Rcpt# _____

Application# _____

Paid \$ _____

Filed _____

1. Location 104 Buck Dr., Hopkins, S.C. 29061-9276
2. Page 28116 Block 04 Lot 02 Zoning District RC
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 Allow Placement of
SMALL MOVED HOUSE FORWARD OF EXISTING STRUCTURE
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: ONLY ACCESSIBLE SITE / MOST SUITABLE SITE
LIMITED BY SMALL CREEKS, OLD GROWTH TREES, UNSTABLE →
 - b) Describe how the conditions listed above were created: NATURALLY ACCURRING
TOPOGRAPHY OF LAND, RAIN WATER RUN OFF
 - c) These conditions do not generally apply to other property in the vicinity as shown by: Plat & Comprehensive Sketch
 - 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: HAVING TO CUT OLD GROWTH TREES, INTERRUPTING
NATURAL FLOW OF WATER, AND HAVING EXTRA FOUNDATION →
 - 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: STRUCTURE BLENDS IN WELL,
NO OBJECTION BY ANY NEIGHBOURS, WILL ONLY ENHANCE →
6. The following documents are submitted in support of this application [a site plan must be submitted]:
 - a) Plat of Property
 - b) Site Plan - Comprehensive Sketch
 - c) Pictures of Property & House
 - d) Signatures of Immediate Neighbors
 - e) NOTE ABOUT HOUSE

(Attach additional pages if necessary)

About the Assory House.

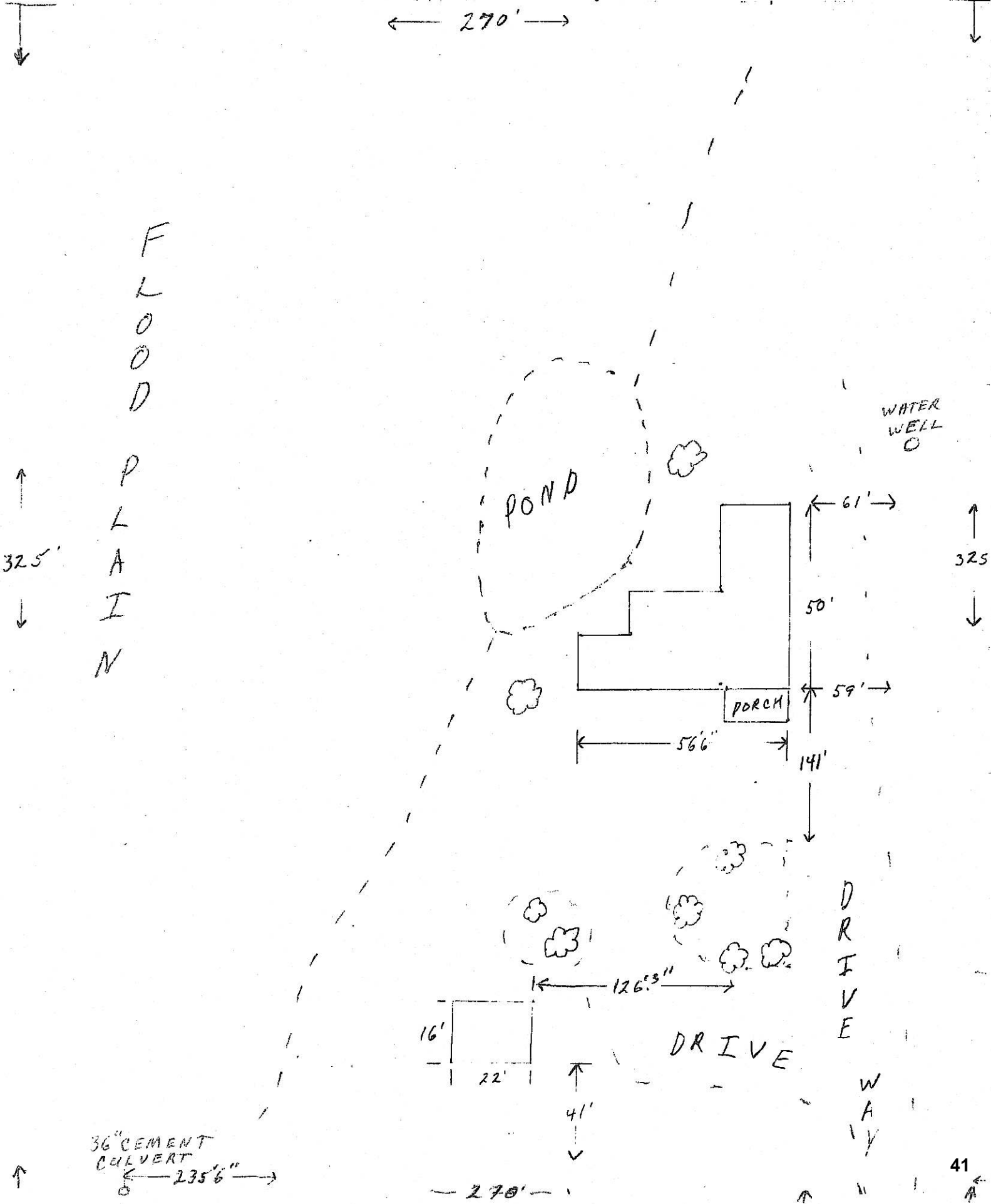
The Cottage House was built
abt. 70 years ago by my
Grandfather. I acquired the
house 27 years ago and completely
remodded at that time. The
property that it was on was
sold, so I had to move the
house. All I want is to save
the cottage and make it look good
again. Its a wonderfull piece
of family history.

Samuel C. Thaw

104 BUCK DR.

PLAT OF PROPERTY

SCALE $\frac{1"}{32} = 1'$



F
L
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O
D

P
L
A
I
N

325'

325'

WATER WELL

POND

PORCH

DRIVE WAY

DRIVE

36" CEMENT CULVERT
235'6"

16'
22'

41'

270'

41'

By signing this all you are stating is that you, as a neighbor of Samuel C. Thomas, do not object to the placement of the small accessory house forward of existing structure on 104 Buck Dr., Hopkins, S.C., 29061

Name *Mr. Mrs. Mark Zimm* Address *112 Fern Dr*

Daniel Rice

105 BUCK DR

Walter Left

106 Doe Dr.

Lenard A. Spawen

104 Doe DR



Richland County Government
2020 Hampton Street
Columbia, SC 29204

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