# RICHLAND COUNTY BOARD OF ZONING APPEALS 



Wednesday, 1 March 2017 3 p.m.
Council Chambers

## RICHLAND COUNTY BOARD OF ZONING APPEALS March 1, 2017



| CASE NO. | APPLICANT | TMS NO. | LOCATION | DISTRICT |
| :---: | :---: | :---: | :---: | :---: |
| 1. 16-08 SE | Rosa M. Richardson | R27800-03-33 | S/S Garners Ferry Road <br> Hopkins, SC 29061 | N. Jackson |
| 2. 17-01 SE | James L. LaPann <br> Faulk \& Foster | R12200-03-19 | S/S Lorick Road <br> Blythewood, SC 29016 | Kennedy |
| 3. 17-02 SE | Ryan Howard <br> Indigo Construction | R38000-03-51 | E/S McCord's Ferry Road <br> Lugoff, SC 29044 | Myers |



Richland County
Board of Zoning Appeals
Wednesday, March 1, 2017
2020 Hampton Street
$2^{\text {nd }}$ Floor, Council Chambers
3:00 p.m.

## Agenda

I. CALL TO ORDER \& RECOGNITION OF QUORUM

Joshua McDuffie, Chairman
II. ADOPTION OF AGENDA
III. PUBLIC NOTICE ANNOUNCEMENT

## IV. ELECTION OF OFFICERS

V. RULES OF ORDER

Chairman
VI. APPROVAL OF MINUTES - February 2017
VII. PUBLIC HEARING

Geonard Price,
Deputy Planning Director/Zoning Adm.

## OPEN PUBLIC HEARING

16-08 SE
Rosa M. Richardson
S/S Garners Ferry Road
Hopkins, SC 29061
TMS\# 27800-03-33
Page 1
17-01 SE
James L. LaPann
Faulk \& Foster
S/S Lorick Road
Blythewood, SC 29016
TMS\# 12200-03-19
Page 7
17-02 SE
Ryan Howard
Indigo Construction
E/S McCord's Ferry Road
Lugoff, SC 29044
TMS\# 38000-03-51
Page 31
VIII. OTHER BUSINESS
IX. ADJOURNMENT

Requests a special exception for an orphanage on property zoned Rural (RU)

Requests a special exception to establish a communication tower on property zoned Rural (RU)

Requests a special exception to establish a borrow pit on property zoned Rural (RU)

## REQUEST, DISCUSSION AND RECOMMENDATION

## CASE:

16-08 Special Exception

## REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of an orphanage in a RU (Rural) district.

## GENERAL INFORMATION:

Applicant: Rosa M. Richardson
TMS: 27800-03-33
Location: S/S Garners Ferry Road, Eastover, SC 29044
Parcel Size: 23.8 acre tract
Existing Land Use: The parcel is primarily heavily wooded.
Proposed Land Use: The applicant proposes to establish an orphanage.
Character of Area: The area consists primarily of large undeveloped and residentially developed parcels, with a scattering of commercial/industrial/institutional uses along Garners Ferry Road.

## ZONING ORDINANCE CITATION:

Table 26-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to authorize orphanages subject to the provisions of section 26-152 (d) (19).

## CRITERIA FOR SPECIAL EXCEPTION:

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

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

## Special exception requirements (as found in section 26-152 (d) (19)):

## Orphanages.

a. Use districts: Rural; Rural Residential; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
b. Minimum lot size to establish an orphanage shall be one (1) acre.
c. The front setback shall be the same as permitted in the applicable zoning district. Side and rear setbacks shall be twenty-five (25) feet from property lines.
d. No parking space or drive shall be located closer than twenty (20) feet from any road line or property line. No parking shall be permitted in the front yard.

## DISCUSSION:

Staff visited the site.
The applicant is proposing to establish an orphanage for a maximum of ten (10) children, ages 8 - to 18 years of age. The applicant proposes to have a maximum of four (4) employees on the shift of greatest employment.

The children will be housed in a proposed 5,000 square foot structure. The structure is proposed to have a chapel, recreation room, family room, kitchen and eight (8) bedrooms with full baths.

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

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

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

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

In addition to receiving approval from the Board of Zoning appeals for the establishment of this use, the applicant is also required to be licensed by the South Carolina Department of Health and Environmental Control and the Department of Social Services.

Staff recommends approval.

## CONDITIONS:

Section 26-56 (f) (3)
Conditions: In granting a special exception, the board of zoning appeals may prescribe conditions and safeguards in addition to those spelled out in this chapter. The board of zoning appeals may also prescribe a time limit within which the special exception shall be begun or completed, or both. All conditions placed on the project by the board of zoning appeals shall be incorporated into such project.

## OTHER RELEVANT SECTIONS:

N/A

## CASE HISTORY:

No record of previous special exception or variance request.

## ATTACHMENTS:

- Site plan
- Applicant's responses to the special exception conditions/criteria


BOARD OF ZONING APPEALS SPECIAL EXCEPTION


1. Location: 515 Garners Ferry Rd, Hopkins, SC 29061
B27800 Block: 03 tot: 33 zoning District: Rural TMS Page: $\qquad$
$\qquad$
$\qquad$
$\qquad$
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting:

3. Describe the roposasil ideal: home for mate/pemale children ages 8 to 18 yrs old to
environment $m$
Area attributed io the proposal (surer feet): $\qquad$ 5000 sf
4. Are other uses located upon the subject property? Wo $\square$ Yes (if Yes, list each use and the square footage attributed to each use):
a. Use $\qquad$
b. Use $\qquad$
c. Use $\qquad$ square footage $\qquad$ square footage $\qquad$ square footage $\qquad$
5. Total number of parking spaces on the subject property: $\qquad$

- 7. Total number of employees on shift of greatest employment: $\qquad$

8. Address the following Standards of Review (Sec. 26-56 (f) (2) of the Richland County Land Development Code). Please note that the members of the Board of Zoning Appeals will use your answers, among other things, as they evaluate your request.
a. Traffic impact: NONE
$\qquad$
$\qquad$
b. Vehicle and pedestrian safety: NO Question $\qquad$
c. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property: $\qquad$ na
$\qquad$
d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view: Nh a
$\qquad$
e. Orientation and spacing of improvements or buildings: $\qquad$ NT
$\qquad$


## REQUEST, DISCUSSION AND RECOMMENDATION

## CASE:

17-01 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: James La Pann
Verizon Wireless
TMS: 12200-03-19
Location: S/S Lorick Road, Blythewood, SC 29016
Parcel Size: 66.38 acre tract
Existing Land Use: The parcel is heavily wooded.
Proposed Land Use: The applicant proposes to erect a 190 -foot telecommunications tower, within a 10,000 square foot leased area.
Character of Area: The area consists of residentially developed parcels and large, heavily wooded 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 26152 (d) (22).

## CRITERIA FOR SPECIAL EXCEPTION:

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

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

## Special exception requirements (as found in section 26-152 (d) (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 abutting districts shall be as follows:

1. Communication towers abutting a residentially zoned parcel shall have a minimum setback of one (1) foot for every one (1) foot of tower height or one hundred (100) percent of the tower's fall zone, plus a safety factor of ten (10) percent. Fall zones shall be certified in the form of a letter from an engineer, licensed by the State of South Carolina, that includes the engineer's original signature and seal. The fall zone shall not encroach onto structures on any property; nor shall the fall zone encroach onto adjacent properties, unless the owner of the adjacent property signs a waiver. The waiver shall be in a recordable waiver document and shall indemnify and hold the county harmless. In no case shall the fall zone encroach into a public right-of-way. Additionally, the owner of the tower shall agree in writing to indemnify and hold Richland County harmless from and against any liability arising out of damage to real or personal property or injury to any person or in any way connected with the construction of, erection of, maintenance of, and/or collapse of the communication tower and antenna, including the removal of said communication tower and antenna.
2. Communication towers abutting a non-residentially zoned parcel with a habitable residential dwelling shall have a minimum setback of fifty (50) feet.
3. Communication towers abutting a non-residentially zoned parcel without a habitable residential dwelling shall observe the setbacks of the district in which it is located.
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 Section 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 190 -foot monopole telecommunications tower, which will be situated within a $2,500(50 \times 50)$ square foot fenced area.

Staff visited the site.
The closest setback of the proposed tower from the nearest property line is 82 feet.

According to the provisions of subsection 26-152 (d) (22) (c) (1) "....a residentially zoned parcel shall have a minimum setback of one (1) foot for every one (1) foot of tower height or one hundred (100) percent of the tower's fall zone, plus a safety factor of ten (10) percent. Fall zones shall be certified in the form of a letter from an engineer..." The required setbacks for the RU district are:

- Front - 40 feet
- Rear - 50 feet
- Side - 20 feet

The submitted site plan indicates that the tower will meet the required setbacks.
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 for this request.

## CONDITIONS:

Section 26-56 (f) (3)
Conditions: In granting a special exception, the board of zoning appeals may prescribe conditions and safeguards in addition to those spelled out in this chapter. The board of zoning appeals may also prescribe a time limit within which the special exception shall be begun or completed, or both. All conditions placed on the project by the board of zoning appeals shall be incorporated into such project.

## OTHER RELEVANT SECTIONS:

N/A

## CASE HISTORY:

No record of previous special exception or variance request.

## ATTACHMENTS:

- Site plan
- Applicant's responses to the special exception conditions/criteria



# ORDINANCE COMPLIANCE STATEMENT, NARRATIVE, AND SPECIAL EXCEPTION 

Application: Land Use Review for proposed Verizon Wireless Communication Tower Site

Verizon Site Name: LORICK ROD
Project Description: Verizon proposes to place a $190^{\prime}$ monopole tower with a $9^{\prime}$ lightning arrester and associated 11' 6 " $\times 20^{\prime}$ concrete equipment pad, with outdoor equipment, within a fenced compound on a $100^{\prime} \times 100^{\prime}$ leased area. (See enclosed drawings for details (Exhibit A). This tower will have provisions on the tower for multiple carriers.

Parcel Address: Lorick Road, Blythewood, SC 29016
Property Owner: Douglas Van Schaik
Zoning: RU - Rural District

## NARRATIVE

Verizon Wireless is continually improving its network to best meet the needs of the community. In the present case, the growth in usage and the exhaustion of capacity at existing locations requires a new location. The purpose of this proposed tower will be to improve coverage to the area of Davidson County that is north of the Town of Midway and west of the main "north/south" highway, Route 52.

The proposed tower is located north of the City of Columbia, to the west of the main North/South routes State route 21 and Interstate 77. This proposed tower will vastly improve the coverage of those individuals travelling on routes 21 and interstate 77 , as well as the dense concentration of residences

There is a concentration of residential properties to the west of Route 52, and directly north of this proposed tower. This proposed tower will provide excellent coverage for these properties, as well as for individuals passing through this area on the highways.

One of the factors that Verizon has taken into consideration in designing this proposed site is the potential impact that the tower will have on the aesthetics of the area. The attached aerial photograph (Exhibit B) and the drawings (Exhibit A) show that there is a large wooded area between S.Union Grove Road and the site of the proposed tower.

This wooded area will provide approximately 1,000 feet of thick woods to "cushion" the site from the surrounding properties. The proposed tower will be 190 feet tall with a 9 foot lighting rod. The trees that surround the proposed site, will not shield the full 190 feet of the tower, but they will cover the fenced in
compound, equipment shelters, chain link fencing and all other equipment from view. These surrounding trees will also cover the lower part of the monopole.

In addition, evergreen trees will be planted around the compound to further shield the base of the tower and minimize the aesthetic impact of the tower and compound.

Consideration of this application should not, however, be limited to examining how successfully Verizon Wireless has mitigated any negative impact through design and location. The positive impact of the site should be given full weight as well. We live in a society where the phone has become an essential tool for daily living. Furthermore, the benefits of this site to the community go beyond just convenience for residents and businesses. Quality wireless service is part of the critical infrastructure necessary for public safety in emergency situations such as accidents, crimes, health events and storms. Given the design, location and benefits provided by this proposed site, the lack of significant impacts, and compliance with the requirements of the ordinance as more fully demonstrated below, approval of this application is respectfully requested.

## ORDINANCE COMPLIANCE STATEMENT

Verizon Wireless offers this Ordinance Compliance Statement in support of its application for permission pursuant to the Richland County Zoning Code section Article V. Special Uses, Section 5.08 Requirements for Individual Special Uses, (PP), Wireless Telecommunication Towers and Facilities, Up to 160 Feet.

Paragraphs followed by an asterisk ( ${ }^{*}$ ) do not require a response or do not apply to this application.

## 26-152 - Special Exceptions

(c) Special Exceptions listed by zoning district
(22) Radio, Television, and Telecommunications and other Transmitting Towers- (RU, OI, NC, RC, GC, M-1, LI, HI)
(d) Standards
(22) Radio, television and telecommunications and other transmitting towers.
a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 Light Industrial; LI Light Industrial; Heavy Industrial.

The proposed tower shall be located in the RU (Rural) District of Richland County where towers are permitted by a special exception.
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.

The proposed tower shall have an overall height, including all appurtenances, of 199 feet.
c. Communication towers abutting a residentially zoned parcel must be located in such manner that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties and street right-of-ways. To verify that this requirement has been met, a licensed engineer shall submit a letter to the Planning Department certifying that the fall zones are designed so as to prevent the aforesaid encroachments and such letter must include the engineer's original signature and seal.

Annexed as Exhibit B is a letter from Robert E. Beacom, P.E. , S.E. an engineer licensed in the State of South Carolina. The letter bears Mr. Beacom's official stamp. In the letter he stated that the fall zone of the proposed tower will be less than 81 feet. As is shown on drawing C- 1 of Exhibit $\mathbf{A}$, the distance from the center of the tower to the nearest residential parcel is $\mathbf{8 1}$ feet.

Please note that in drawing C-1 of Exhibit A the fall zone is shown by a circle. Said circle does not encroach onto structures on any property, adjacent premises, or a public right of way.
2. Communication towers abutting a non-residentially zoned parcel with a habitable residential dwelling shall have a minimum setback of fifty (50) feet.

The proposed tower meets this setback requirement. All abutting parcels are more than fifty (50) feet from the base of the tower. There are no structures within the fall zone, as is shown on Exhibit A, drawing C1 (overall site plan).
3. Communication towers abutting a non-residentially zoned parcel without a habitable residential dwelling shall observe the setbacks of the district in which it is located.

The proposed tower meets the $R U$ district setback requirements.
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.

Annexed as Exhibit C is a letter dated August 9, 2016 from a Real Estate Manager at Verizon Wireless which states that an exhaustive search and thorough review of the proposed search ring was made. There are no existing towers located within the designated search area that would meet the needs of this proposed site. There are no other structures such as water tanks, high rise
buildings, electric transmission lines, or any other alternative technology not requiring the use of towers or structures, which could provide the service intended to be provided through the use of this proposed new tower.

The issued search ring is very site specific. The ring is a capacity site, offloading traffic from existing Verizon towers that are at maximum capacity.

In addition, this tower will be designed to accommodate at least two (2) additional users.
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.

The proposed tower is below the minimum height that would require illumination by the FAA and therefore, there will be no nighttime strobe lighting.
f. Each communication tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.

The proposed wireless communications tower and associated structures shall be appropriately secured by means of an eight-foot chain link fence with an additional one-foot of barbed wire.
g. Each communication tower site shall be landscaped in accordance with the requirements of Section 26-176 of this chapter.

Page L1 (Landscape Plan) of Exhibit A shows the landscaping in full compliance with the requirements of Section 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.

No additional signage, other than those required by applicable state and federal law, shall be placed at the facility.
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.

Verizon Wireless agrees to remove the tower and accessory equipment within one hundred twenty (120) days after cessation of use.

## Sec. 26-152. Special exceptions.

(a) Purpose. Special exceptions are uses that are generally compatible with the land uses permitted in a particular zoning district. However, because of their unique characteristics or their potential impacts on the surrounding neighborhood and/or the county as a whole, they require individual consideration of their location, design, configuration, and/or operation at the particular location being proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare.
(b) Conditions. All special exceptions shall, at a minimum, meet the conditions set forth in this section. The Board of Zoning Appeals shall approve or deny an application for a special exception (see also Section 26-56 of this chapter) based on the following:
(1) A determination that all standards for the particular use, as defined in this article and in other relevant sections of this chapter, have been met.

As is set forth above, Richland County has established certain regulations for the approval of the construction of a telecommunications tower. The Ordinance Compliance Statement above demonstrates how that all standards for this use have been met.
(2) A finding that the special exception is in harmony with the intent and purpose of this chapter. In making this determination, the board shall consider the following:
a. Traffic impacts. - The proposed telecommunications tower will be an un-manned location which will have no impact on the RU zoning district.
b. Vehicle and pedestrian safety. The telecommunication tower that is proposed in this application will have no effect on vehicle and pedestrian safety. It will be surrounded by a tall fence that will not allow pedestrians to have access to the base of the tower, and there are no walkways or roads in the vicinity of the proposed tower.
c. Potential impact of noise, lights, fumes, or obstruction of airflow on adjoining properties. - This monopole will not be lit, and will not make any noise. It will not give off any fumes and will not obstruct the airflow to the adjoining properties.
d. Adverse impact of the proposed use on the aesthetic character of the environs, to include the possible need for screening from view. Both landscaping and placement of the tower in the middle of dense woods will reduce any possible aesthetic impact of the proposed tower.
e. Orientation and spacing of improvements or buildings. The proposed telecommunications tower site is designed to have the smallest footprint, while still allowing for maintenance and repair workers to have access to the equipment.

In granting a special exception, the board may impose such additional restrictions and requirements as it may deem necessary in order that the purpose and intent of this chapter are served.

This document is offered in support of Verizon Wireless's application to be allowed to construct and maintain a telecommunications tower on Lorick Road, in a RU zone.

Games L. La Pann<br>James L. LaPann, Zoning Specialist<br>Faulk \& Foster Real Estate<br>584 Laurel Lane, Lancaster, PA 17601<br>(518) 791-3740

Verizon Wireless 8921 Research Drive Charloite, North Carolina 28262

August 9, 2016

Geonard Price
Richland County Zoning Administrator
2020 Hampton Street, $1^{\text {st }}$ floor
Columbia, SC 29202

$$
\begin{array}{ll}
\text { Re: } & \text { Proposed Verizon Wireless Telecommunications Tower on } \\
\text { Lorick Road, Blythewood, SC } 29016 \\
\text { Parcel ID \# R12200-03-19 } \\
\text { Verizon Site Name: Lorick Rod }
\end{array}
$$

To whom it may concern:
I am providing this Letter to comply with two (2) portions of the Richland County Zoning Code:

## 1. Section 26-12(22) (d)

Verizon Wireless engineers have determined that the Verizon Wireless network requires that the tower that we are referring as "Lorick Rod" be located within a certain portion of Richland County.

Verizon Wireless had done a review of said area to locate any existing sites that could serve as an alternative to constructing a new tower. After doing a thorough review of the search area, Verizon Wireless was not able to locate any existing cell towers or buildings that are of adequate height to provide a colocation option for these antennas (199').

Geonard Price
Zoning Compliance letter
Page 2
August 9, 2016

## 2. Section 26-12 (22) (i)

If the tower that is the subject of this application is no longer used for communications purposes Verizon Wireless will dismantle and removed said tower within one hundred twenty (120) days of the date the tower is taken out of service.


| verizonv <br> B921 RESRARCH DRIVE CFARLOTTR, NORTE CAROLINA 28262 |  |  |  |
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| PROJECT INFORMATION: |  |  |  |
| VERIZON NAME: LORICK ROAD VERIZON No.: TBD LORICK ROAD BLYTHEWOOD, SC 29016 RICHLAND COUNTY |  |  |  |
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| SITE NOTES: <br> 1. VERIZON WIRELESS STAFF SHALL COORDINATE WITH THE PROPERTY OWNER AND/OR TOWER OWNER TO OBTAIN THE PROPER EASEMENT AGREEMENTS TO CONSTRUCT AND MAINTAIN EQUIPMENT IN AND AROUND THE TOWER COMPOUND. <br> 2. PROPOSED COMPOUND LAYOUT BASED ON SURVEY PROVIDED BY BATEMAN CIVIL SURVEY CO. DATED $11 / 17 / 2014$ AND SITE VISIT ON 09/17/2014. <br> 3. CONTRACTOR TO CONFIRM WITH VERIZON CONSTRUCTION MANAGER THAT THE EQUIPMENT SHOWN HAS BEEN ORDERED/SCHEDULED FOR DELIVERY TO THIS SITE. <br> 4. THE BASIS OF EQUIPMENT DESIGN INCLUDES ONE (1) COMMSCOPE RBA72-36 BATTERY CABINET, ONE (1) COMMSCOPE RBA72 RF CABINET, AND ONE (1) ERICSSON RBS 6120 RF CABINET. <br> 5. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING AND MODIFYING SCOPE OF WORK TO ACCOMMODATE ANY CHANGES IN THE EXACT EQUIPMENT PROCURED BY VERIZON WIRELESS. COORDINATE any changes with verizon wreless construction manager. <br> 6. ROUTE COAX UP TOWER PER STRUCTURAL ANALYSIS BY TOWER OWNER. |
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## REQUEST, DISCUSSION AND RECOMMENDATION

## CASE:

17-02 Special Exception

## REQUEST:

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

GENERAL INFORMATION:
Applicant: Ryan Horton Indigo Construction
TMS: 38000-03-51
Location: E/S McCords Ferry Road, Lugoff, SC 29078
Parcel Size: 46.57 acre tract
Existing Land Use: The parcel is heavily wooded.
Proposed Land Use: The applicant proposes to construct a borrow pit.
Character of Area: The area consists of residentially developed parcels and large, heavily wooded parcels.

## ZONING ORDINANCE CITATION:

Table 26-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to authorize borrow pits subject to the provisions of section 26-152 (d) (3).

## CRITERIA FOR SPECIAL EXCEPTION:

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

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

## Special exception requirements (as found in section 26-152 (d) (3)):

(3) Borrow pits.
a. Use districts: Rural; Rural Residential; M-1 and LI Light Industrial.
b. Proposals for borrow pits will only be permitted where:

1. There are overriding environmental or other planning benefits compared to obtaining materials from alternative sources;
2. Alternative materials of the required specification are unavailable in sufficient quantities;
3. They are contiguous with or close to the projects they are intended to serve;
4. They are time-limited to the life of the project and material is to be used only for the specified project;
5. Proposals include appropriate reclamation measures that make full use of surplus spoil from the project;
6. The site can be restored to its original levels or an alternative acceptable landform only utilizing materials from the construction project;
7. Any impacts on the environment or local communities can be controlled to acceptable levels; and
8. The project area is less than ten (10) acres.
c. All borrow pits subject to this subsection shall comply with the following requirements:
9. The average slope of any cut bank measured from a point located ten (10) feet from the boundary of any abutting property to the bottom of the cut bank in the pit shall not exceed a horizontal to vertical ratio of 2:1. The owner of the borrow pit is responsible for maintaining this condition;
10. The top of the cut bank of the borrow pit shall, at no time, be closer than ten (10) feet from the property boundary of any abutting landowner;
11. The depth of the borrow pit is limited to a maximum of twelve feet below the average seasonal high water table or three feet above a confining or semi-confining unit, whichever is shallower;
12. No excavation shall occur within two hundred (200) feet of a wetland or other surface water;
13. Best management practices shall be used to control erosion and sediment transport during and after the excavation activities;
14. The borrow pit slopes shall be stabilized with native vegetation within six months following completion of the excavation;
15. Upon completion of the excavation area, side slopes shall be no steeper than 4 (horizontal):1 (vertical) out to a depth of two feet below the average water elevation;
16. No on-site grading or sorting of materials shall occur; and
17. The active excavation, processing, and transportation of fill material shall only occur between 8:00 a.m. and 8:00 p.m.

## DISCUSSION:

The applicant proposes to establish a borrow pit of less than 10 acres within a 46.57 acre tract.
Staff visited the site.
The proposed site is heavily wooded and has a 100 foot wide SCE\&G electric transmission line right-of-way which runs along the northern portion of the property. Located northeast of the subject property are residentially developed parcels. The transmission line easement, proposed privacy berm/screen and a 9.75 acre tract should serve as a quasi-buffer between the residential parcels and the proposed borrow pit.

The applicant is required to conform to the requirements of section 26-152 (d) (3). Meeting these requirements should assist in minimizing the impact of a borrow pit on the surrounding area. Staff believes that this request will not impair the properties in the immediate or surrounding area.

If granted approval, the South Carolina Department of Health and Environmental Control will impose additional provisions on the operation of the borrow pit.

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

- Planning
- Building
- Public Works
- Fire Marshal

Staff recommends approval for this request.

If an approval is granted, it is staff's recommendation that an approval stipulate the following:

1. Prior to any land disturbance of the property, the plat subdividing the 9.75 acre tract must be recorded.

## CONDITIONS:

Section 26-56 (f) (3)
Conditions: In granting a special exception, the board of zoning appeals may prescribe conditions and safeguards in addition to those spelled out in this chapter. The board of zoning appeals may also prescribe a time limit within which the special exception shall be begun or completed, or both. All conditions placed on the project by the board of zoning appeals shall be incorporated into such project.

## OTHER RELEVANT SECTIONS:

N/A

## CASE HISTORY:

No record of previous special exception or variance request.

## ATTACHMENTS:

- Site plan
- Applicant's responses to the special exception conditions/criteria



# Board of Zoning Appeals <br> Special Exception 

1. Location: Highway 601

TMS Page: R38000 Block: 03 Lot:51 Zoning District: RU
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permit: Borrow Pit
3. Describe the proposal in detail: The proposed site is to be used as a Borrow Pit to provide construction fill material for various construction projects.
4. Area attributed to the proposal (square feet): 46 acres
5. Are other uses located upon the subject property? Yes
a. Use: Lot
square footage
9.75 acres
6. Total number of parking spaces on the subject property. Parking to be determined by Richland county per Site Engineer.
7. Total Number on Employees on shift of greatest Employment: 4
8. Address the following Standards of Review ( Sec. 26-56 (f) (2) of the Richland County Land Development Code). Please note that the members of the Board of Zoning Appeals with use your answers, among other things, as they evaluate your request.
a. Traffic impact: Currently Hwy 601 contains large volumes of commercial traffic which include construction dump trucks and logging tractor trailers. Based on the current commercial traffic on this road we believe we will have very minimal impact with current factors in place.
b. Vehicle and pedestrian safety: We will comply with all OSHA, MSHA, DEHEC and Richland County Regulations to provide safety to the public, environment and employees.
c. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property: The pit will be surrounded by 10 ft high berm to provide visual and sound barriers. The pit will also be lower in elevation that surrounding areas further suppressing potential impacts. Water will also be used as dust suppression as traffic enters and exits the barrow pit.
d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view: Normal hours between 7:00 AM 6:00 PM Monday through Friday and occasional Saturday on demand with no Sunday operation. We believe that the aesthetic character of the land with the amount of overburden of the soil makes this site and ideal choice for a borrow pit.
e. Orientation and spacing of improvements or buildings: No more than 10 acres will be used at any given time. We will maintain a buffer on all sides of the property
complying with all Richland County ordinances. We will install a scale with small office and storage for all supplies.

## Restricted Covenants Affecting Permit Activity

I, Ryan Horton, am the Applicant for a Special Exception permit for the purpose of Borrow Pit, and I hereby truthfully disclose that, to the best of my personal knowledge, the tract or parcel of land subject to said permit:
$\qquad$ is restricted by a recorded covenant that is contrary to, conflicts with, or prohibits the activity for which this permit applies.
$\qquad$ is NOT restricted by a recorded covenant that is contrary to, conflicts with, or prohibits the activity for which this permit applies.

I further understand and agree that unless stated above, Richland County does not have actual notice of any recorded covenant that is contrary to, conflicts with, or prohibits the activity for which this permit applies. Applicant therefore agrees to indemnify and hold harmless Richland Country from any Liabilities resulting from any Claims in the event that the permitted activity is found to be in violation of a recorded covenant.

As used herein:
(1) 'actual notice' is not constructive notice of documents filed in local offices concerning the property, and does not require Richland County to conduct searches in any records offices for filed restrictive covenants;
(2) 'permit does not mean an authorization to build of place a structure on a tract or parcel of land; and
(3) 'restrictive covenant' does not mean a restriction concerning a type of structure that may be built or placed on a tract of parcel of land.
(3) $\quad$ |Borrow pits.
a. Use districts: Rural; Rural Residential; M-1 and LI Light Industrial.
b. Proposals for borrow pits will only be permitted where:

1. There are overriding environmental or other planning benefits compared to obtaining materials from alternative sources;

The site of the proposed borrow pit is situated in area of Richland county that is very lightly populated, provides access to a state maintained road and has an adequate supply of the right materials to supply construction projects in the area. Current borrow pits in the area have depleted their supply of useable material making this borrow pit a much needed resource for the area.
2. Alternative materials of the required specification are unavailable in sufficient quantities;

The material on the site is sand clay which is used foundation/site preparation material on many construction sites. There is no locally available material of this type.
3. They are contiguous with or close to the projects they are intended to serve;

The borrow pit is to serve projects in the north eastern portion of Richland County.
4. They are time-limited to the life of the project and material is to be used only for the specified project;

The borrow pit will be used for various projects and they are time limited to the amount of useable material on site.
5. Proposals include appropriate reclamation measures that make full use of surplus spoil from the project;

The area will be reclaimed in accordance with SCDHEC requirements and regulations.
6. The site can be restored to its original levels or an alternative acceptable landform only utilizing materials from the construction project;

The site will be restored to an alternate acceptance landform utilizing topsoil and overburden from the subject site also in accordance with SCDHEC mining regulations.
7. Any impacts on the environment or local communities can be controlled to acceptable levels;

Any impacts to the environment or neighbors will be controlled. The location is isolated and there are no houses near the site. Any dust will be controlled by watering, and 10 ft berms will be constructed around the perimeter to provide visual and noise barriers. Drainage will be controlled according to engineer's recommendations per DHEC. The ingress and egress shall be directly from US Highway 601 so that no county roads shall be affected.
c. All borrow pits subject to this subsection shall comply with the following requirements:

1. The average slope of any cut bank measured from a point located ten (10) feet from the boundary of any abutting property to the bottom of the cut bank in the pit shall not exceed a horizontal to vertical ratio of $2: 1$. The owner of the borrow pit is responsible for maintaining this condition;

The set back of the borrow pit from adjacent property will be 100 liner feet.
2. The top of the cut bank of the borrow pit shall, at no time, be closer than ten (10) feet from the property boundary of any abutting landowner;

The offset from the property line will be 100 feet.
3. The depth of the borrow pit is limited to a maximum of twelve feet below the average seasonal high water table or three feet above a confining or semiconfining unit, whichever is shallower;

The depth of excavation shall not exceed 10 feet above the water table.
4. No excavation shall occur within two hundred (200) feet of a wetland or other surface water;

There are no wetlands on the proposed property
5. Best management practices shall be used to control erosion and sediment transport during and after the excavation activities;

We will follow all local, state and federal law governing borrow pits and their activity.
6. The borrow pit slopes shall be stabilized with native vegetation within six months following completion of excavation;

Native vegetation will be planted within six months following completion of excavation. We will also be purchasing a bond that insures the reclamation process per DEHEC regulations insuring that the county is protected.
7. Upon completion of the excavation area, side slopes shall be no steeper than 4 (horizontal):1 (vertical) out to a depth of two feet below the average water elevation;

The reclamation of the borrow pit will follow the guidelines of a DEHEC mining permit to protect the public
8. No on-site grading or sorting of materials shall occur; and The affected area shall not exceed 10 acres.

Only best mining practices will be used. Material will be separated at the time of loading and the affected area shall not exceed 10 acres.
9. The active excavation, processing, and transportation of fill material shall only occur between 8:00 a.m. and 8:00 p.m.

We will only operate between the times of 8:00am and 8:00 p.m.

# RICHLAND COUNTY BOARD OF ZONING APPEALS APPLICATION CHECKLIST 

A completed application package must be received by the Zoning Division no later than 5:00 pm on the 1 st working day of the month to be eligible for the following month's Board of Zoning Appeals meeting. An application is not complete unless ALL applicable checked items and associated fee are provided.


Completed application
Completed Information Sheet
A scaled drawing or plat of the parcel, which shall include any buildings or structures which are the subject of the request

Other, as determined by the zoning office.


Deferrals for all special exceptions, variances or administrative reviews will cost an additional $50 \%$ of the initial fee.

Initial: $\qquad$

## All fees are nonrefundable



Special Exception
$\$ 52.66$Variance
\$105.31

Administrative Review
\$105.31

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County Ordinances and State Laws related to land develqpment. I am the property owner, or his/her authorized agent of the subject site(s). I understand that falsifying any information herein may result in nullification of this request.


Property owner or authorized agent


If you are in need of additional information, the staff of the Richland County Planning Department may be contacted at: (803) 576-2190

The form must be completed on a hearing on appeal from action of a zoning official, application for a variance, or application for special exception. Entries must be typed or printed legibly in dark ink. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.
A copy of an accurate, legible site plan showing property dimensions and locations of all structures and improvements must be attached to an application for variance or special exception.
The Applicant hereby appeals (as stated on attached form):
$\square$ Administrative Review $\square$ Variance (Special Exception
Applicants): RyAN L. HORTON

Property Owner(s) [if other than Applicants)]: POND BRANCH ASSOCIATES
Address: P.O. Box 23068
Columbia ,S.C. 29224

Telephone: Aylan Brown - 803-787-7523
Email: aprltye Parthlink. net.

Address of Property for Board Consideration: $\qquad$
 TM:


## DESIGNATION OF AGENT

[Complete only if property owner is not applicant]

$\frac{1-11-2017}{\text { Date }}$

I (we) certify that the information in this application and the attached forms are correct.


Any previous requests for same variance/special exception
DYes XNo If "yes", Case No. $\qquad$ Date $\qquad$ $1-11-2017$

If you are in need of information or general correspondence, the staff of the Richland County Planning Department may be contacted at: BOZAORICHLANDONLINE.COM.

BOARD OF ZONING APPEALS SPECIAL EXCEPTION

1. Location:

TMS Page: $\qquad$ Block: $\qquad$
03
Lot: $\qquad$ 51

Zoning District: $\qquad$
RU
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting:

- BORROW PIT

3. Describe the proposal in detail: The RRO POSED SITE IS To BE USED AS A BORROW PIT TO PROVIDE FILL MATERIAL For VarIous COMSTRUCTION PROJECTS.
4. Area attributed to the proposal (square feet): $\qquad$ 40 ACRES
5. Are other uses located upon the subject property?

X Yes (if Yes, list each use and the square footage attributed to each use):
a. Use $\qquad$ HOME SITE square footage $\qquad$
b. Use $\qquad$
c. Use $\qquad$ square footage $\qquad$ square footage $\qquad$
6. Total number of parking spaces on the subject property: PARKIN/G PER RICLLANLD COuNTY/.
7. Total number of employees on shift of greatest employment: $\qquad$
8. Address the following Standards of Review (Sec. 26-56 (i) (2) of the Richland County Land Development Code). Please note that the members of the Board of Zoning Appeals will use your answers, among other things, as they evaluate your request.
a. Traffic impact. TRAFEIC IMPACT WILL BE MINIMRL GUI CUARENTY HAS LARGE COMMERILAL TRAFFIC.
$\qquad$ Trofrac
b. vehicle and pedestrian safety: WE WILL COMPLY WIVM AKL OSHA, MSHA ANS RÏHLAND COUNTY REGULATIONS.
c. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property: $1 / O R \perp / A L$ HOURS ARE BETWEEN 7:00AM-L:00 PM ME
d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening tom view: THE PIT WILL BE SURRemind Es BY
TOFT. HIGH BERM TO PROVIDE VISUAL AND SOUND BARRIERS.
e. Orientation and spacing of improvements or buildings: AO MORE THAN LS ACRES HILL BE USED AT ANY GIVEN TEIDE. WE WIN MATNTAEH A BUFFER OM ALL SIDES BF THEPROPERTY COMPLYING WITH ALL RILHAAND CONNTI ORDINANCES. WE WILL INSTAR A SCALE WITH SMALL OFFICE/ STORAGE FOR ALL SUPPLIES.


RESTRICTED COVENANTS AFFECTING PERMIT ACTIVITY


I, RYAN L. HORTON, , am the Applicant for a SPECIAL EXCEDJION
permit for the purpose of BORROW PIT
(use that will go on the property)
, and I hereby truthfully
disclose that, to the best of my personal knowledge, the tract or parcel of land subject to said permit:
$\qquad$ is restricted by a recorded covenant that is contrary to, conflicts with, or prohibits the activity for which this permit applies.
$X$ is NOT restricted by a recorded covenant that is contrary to, conflicts with, or prohibits the activity for which this permit applies.

I further understand and agree that unless stated above, Richland County does not have actual notice of any recorded covenant that is contrary to, conflicts with, or prohibits the activity for which this permit applies. Applicant therefore agrees to indemnify and hold harmless Richland County from any Liabilities resulting from any Claims in the event that the permitted activity is found to be in violation of a recorded covenant.

As used herein:
(1) 'actual notice' is not constructive notice of documents filed in local offices concerning the property, and does not require Richland County to conduct searches in any records offices for filed restrictive covenants;
(2) 'permit' does not mean an authorization to build or place a structure on a tract or parcel of land; and
(3) 'restrictive covenant' does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land."


SIGNATURE OF APPLICANT


PRINTED NAME OF APPLICANT


CITY/STATE/ZIP



