

RICHLAND COUNTY BOARD OF ZONING APPEALS

October 6, 2004

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5 *[Members Present: Dorsey, Tolbert, Brown, Perkins, Myers; Absent: Formyduval,*
6 *Young]*

7
8 Called to Order: 1:08 p.m.

9 CHAIRMAN TOLBERT: Good afternoon. We'd like to welcome you to the Zoning
10 Board of Appeals for October. We'll have opening remarks by Mr. Farrar.

11 MR. FARRAR: Good afternoon, ladies and gentlemen. My name is Brad Farrar
12 from the Richland County Attorney's Office. I'll go over the Board's rules and basic
13 procedure the Board will follow today. Couple of housekeeping matters. If there's
14 anybody here for Case A, Jeanie Duncan on 13 Island Drive, variance request, the case
15 has been deferred. If there's anybody here for that case, it will placed on a subsequent
16 agenda. Also, Case H, 05-13 SE, a special exception for Pepsi Bottling Group, Jeff
17 Stevens is the applicant, that one, also, is deferred. If you're here for those cases,
18 they'll be placed on a later agenda. The Board of Zoning Appeals is what they call a
19 quasi-court. It's not a court of law, but it's similar to a court - thank you - in many
20 respects. The Board will take testimony from the podium and they will - they'll take
21 evidence in the form of documentation, anything you want to present to the Board. It's
22 different from a court in that the Board does not follow strict rules of evidence. You
23 don't have to authenticate a document or, you know, lay a foundation for it. You just
24 present it. The Board will consider it for what it's worth. The order of presentation, the
25 applicant has 15 minutes. You don't have to take all this time, but you do have up to 15
26 minutes to present your case. You can do it however is appropriate to get the message
27 across. Sometimes you have video presentation, but whatever's appropriate to your

1 case is certainly fine. The opposition has three minutes per witness. Sometimes we
2 have a completely filled room, so a spokesperson is desirable. But that doesn't appear
3 to be the case today. We have plenty of opportunity for everyone to speak who wants
4 to. And the applicant has five minutes of rebuttal. So if you'll notice the order of
5 procedure, we applicant going first, then opposition, then applicant at the end. Why
6 does the applicant get to go first and last? Well, again, this comes back to the quasi-
7 court nature of the process. The applicant carries the burden of proving to the Board
8 why it is he or she should get the special exception or the variance. It's kind of a burden
9 of proof issue. The testimony today will be under oath. In a moment I'll place
10 everybody under oath. We do this as a group. If you're going to speak to a case you
11 need to, you know, please rise and take the oath. If you are going to speak to a case
12 you need to be on the signup sheet for that particular case. If you haven't signed up
13 yet, it's not a problem. We'll do it at the end of the opening remarks. But just, whether
14 you're signed up or not, we need to take the oath if you're going to address the Board.
15 Types of things the Board will consider, again, the Board will consider documents in
16 evidence you want to put in. Some things will carry more weight than others. If you
17 have sworn testimony, if you have affidavits, that type of thing, obviously that's going to
18 carry more weight than a laundry list, a petition, that type of thing that does not have
19 somebody attesting to their signature. So just keep in mind the weight certain evidence
20 will carry in front of the Board. At the conclusion of the case, the Board will render a
21 decision. They'll do so in open session. And then you'll have what I call a conditional
22 decision of the Board. Well that sounds like a lawyer term. What's the condition? Well,
23 the condition is that, under the Board's rules and bylaws, a decision of the Board is not

1 final until the minutes from which that decision was made have been approved. So, for
2 example, this is the August (sic) hearing of the Board. Typically the minutes are ready
3 the next month. So in the November meeting of the Board, today's minutes should be
4 approved. Now they don't have to be, but that's a typical timeline. Prior to your minutes
5 being approved – the reason I mention this, I represent only the Board, I don't represent
6 anybody who's coming before the Board today. But, for informational purposes, under
7 the rules and bylaws of the Board, if you were to take an action in reliance upon the
8 Board's decision prior to the minutes being approved, it could, you know, basically at
9 your own risk, at your own peril. Example I use is you're coming before the Board. You
10 want to get a 2' variance to build a carport into a side yard setback. Sounds like a
11 pretty, you know, innocuous request, not a lot of opposition, probably, to that, although
12 your neighbor could object to that. You come in, no opposition at the hearing. It's a
13 unanimous decision. The Board wishes you a nice day. You go home. You decide that
14 you're going to call the contractor right then, pour the foundation. All these things have
15 been done. You've spent some money. Well, prior to the minutes being approved at
16 the next meeting, for example, the neighbor could run in and say, "Well, you know, I've
17 been overseas serving my country. I've been indisposed and I now would like to tell
18 you what this is going to do to my property." And 2' doesn't sound like a lot, but it could
19 be a lot to me, the neighbor. So you could have some new evidence that the Board
20 might say, "We'd like to reconsider a case." And then you've spent this money on a
21 contractor on something that could be overturned. So, you know, it's - I have to explain
22 that because it's a theoretical exercise, but it's also legally possible. So I just want to let
23 you know about that. Once the minutes have been approved, however, you do have a

1 final decision of the Board. This concludes the process as far as the Board is
2 concerned. However, again we come back to the legal process, there is a mechanism
3 under state law which is independent of the Board's operation where anyone who is
4 aggrieved by a decision of the Board could appeal that decision. That appeal is to
5 Circuit Court, 1701 Main Street at the Courthouse. You simply file a petition stating how
6 it is the decision hurts you and is wrong as a matter of law. It's not a rehearing of the
7 case. It's basically showing how the Board got it wrong the first time. And that's a
8 process you need to be aware of, as well. However, this is not an indefinite thing. It's
9 not something that five years from now somebody's going to file an appeal to a decision
10 that's made today. You have 30 days from the day a decision of the Board is mailed –
11 okay – to file that appeal. So the two things you need to keep in mind are the
12 reconsideration avenue, which ends once the minutes have been approved and the
13 appeal process which ends 30 days after the decision's been mailed. And this is
14 something that, I say, you're probably going to be able to handicap this one pretty well.
15 If you're coming in and you've got some pretty substantial opposition to a case, that
16 might be one you want to look out for some type of an appeal, some further contest. If
17 it's smooth sailing, you're probably going to have a good sense of that as well. Any
18 questions about the reconsideration or appeal process? I think those are the two,
19 probably main things, that I hear questions on. Okay. Couple of other housekeeping
20 things before we take the oath, the Board is comprised of seven members. We only
21 have five, obviously, here at the moment. That's enough to conduct business. A
22 quorum is four. You have to have a quorum to conduct the business, so we have one
23 more than a quorum. However, if there's anyone who would like to wait for the full

1 panel to be here. For some reason you may want to have all seven instead of five. The
2 Board's pretty good about, or pretty lenient about, granting a deferral or a continuance if
3 that's your request. You just need to make that when your case is called and they will
4 hear that. Other thing I'll mention, and this is less likely since we have an odd number
5 of members, but in the event of a tie vote, which is possible if somebody recuses
6 himself and you have like a 2-2 vote for example. A little bit of an unusual process, I'll
7 say, in the Code of Ordinances pertaining to tie votes. What you have is that if, say for
8 example if somebody moves to approve a request and that fails for lack of a majority.
9 It's a 2-2 vote. Then somebody would make the contrary motion to deny the request. If
10 that also is a 2-2 vote, then the matter, rather than dying for lack of a majority, is placed
11 on the next agenda of the Board. That's what's in the Code and if that occurs I will give
12 a little more explanation on that. But it's atypical for that to happen. It's less so with –
13 even more so with an odd number of members. Finally, if anyone has a cell phone or
14 pager if you could please turn that off or to vibrate so we don't pick that up on the
15 recording system. If you've been to circuit court or to magistrate's court anytime in the
16 past year or so, they tell you if you've got one of those things and it goes off they're
17 going to confiscate it and I don't have a reason to not believe that. But we don't do that.
18 We just don't want to record it on the system. Any questions about anything that I've
19 covered? I do want to mention one other thing and I promise this is my last saved
20 comment, but if the Board is not sitting where they are at the moment it's because of a
21 recess or if they decide to go into Executive Session. An Executive Session is
22 permitted under the Freedom of Information Act South Carolina has enacted. Basically
23 what that says is that the public body, and this Board is a public body, may go into

1 Executive Session to discuss any number of things, but chiefly a personnel, contractual,
2 or a legal matter. In this context there's not going to be personnel or contractual issue
3 that comes up today, I'm certain. But there could be a legal issue. And if they want to
4 talk about a legal issue, they'll ask me and staff to come back, or, you know, whomever
5 they want from staff to come talk about the matter and we'll discuss it in Executive
6 Session. Now you cannot take a vote in Executive Session. You can't even take a
7 straw poll. You can't say, "We'll, you know, how are you leaning? How do you see this
8 thing?" You can't do that. You can discuss the legal matter; then you got to come back
9 out. Take a vote in open session. Everybody knows what's going on. And that's how
10 that process works. I do want to mention that because you may see them request that.
11 I don't know. Okay. If there're no – any questions on that process? Okay. If they're
12 not, at this time, if you would, and we'll do this as a group so we can expedite this, if you
13 would please stand and raise your right hand. I will swear you in at this time. Do you
14 swear or affirm the testimony you shall give shall be the truth, the whole truth and
15 nothing but the truth so help you God?

16 AUDIENCE:

17 MR. FARRAR: I do. Please be seated. Thank you. This is largely the honor
18 system on the oath. If anybody said anything other than "Yes" or "I do", please let me
19 know, otherwise we'll consider you sworn. At this time I will turn it back to the
20 Chairman. Thank you very much.

21 CHAIRMAN TOLBERT: Thank you, sir. Did anyone omit in signing in? I have
22 some sheets that's not been signed. If you plan to speak you need to come and sign in.
23 You can come forward.

1 MR. FARRAR: Okay. Is there anyone else who still needs to sign up? I think
2 we've run through everybody. Okay. On the, as I stated in terms of time limits to kind
3 of move the process, anyone in opposition has up to three minutes. The applicant has
4 15 minutes. That includes any witnesses for the applicant. So if you have a lot of
5 witnesses, just so you'll know, if everybody wants to come forward that's fine. But you
6 need to fit it within a 15-minute timeframe. So the applicant may want to keep that in
7 mind if you've got a lot of folks who - I think this first case we might. So, just so you
8 don't get cut off. And the time periods can be extended, by the way, by the Board if
9 they want to question you, that type of thing. But that's the - I just want to make sure
10 the 15 minute rule is understood. Thank you.

11 CHAIRMAN TOLBERT: Okay. We still have no one signed up for Case 05-08
12 SE. Charles Baker.

13 MR. BAKER: I signed in. I didn't know there was a special sign-in sheet for each
14 one.

15 CHAIRMAN TOLBERT: Yeah. That's what we were asking you. Which case
16 were you here for?

17 MR. BAKER: Oh, I signed in on [inaudible] sheets.

18 [Inaudible discussion]

19 CHAIRMAN TOLBERT: There's no one signed up for Case 05-10 SE. Jane
20 Blanding. Okay. And Margaret Hollis. You need to sign in. You didn't sign in under
21 your case. Okay. Mr. Price, you can present our first case, please.

1 **CASE 04-109 SE:**

2 MR. PRICE: As stated earlier, Item A, Case 04-106, variance, has been deferred.
3 So the first case is Item B, Case 04-109, special exception. The applicant is David
4 Welsford. The address is 1101 Olympia Avenue. The existing zoning is RG-2, which is
5 general residential. The subject property has a two story, 3240 square foot residential
6 structure that was constructed around 1900. The applicant proposes to establish a
7 rooming and boarding house residency.

8 CHAIRMAN TOLBERT: All right. Mr. Welsford, please state for the record your
9 name, address and any information that you'd like to share with the Board today.

10 **TESTIMONY OF DAVID WESLFORD:**

11 MR. WESLFORD: All right. My name is David Welsford and my address is 2112
12 Rosewood Drive. The address is question is 1101 Olympia Avenue. But I buy,
13 renovate, and rent out houses mostly to college students downtown in Olympia. I love
14 Olympia. I've been doing it five years. I'm excited about what's going on down there.
15 But most of the time I rent to college students and young professionals. Sometimes,
16 and this is the case on this house, I arrange roommate situations. Two people call me
17 and want to rent a house together, whatever, and I'll put them in the house. So this
18 house is a duplex. Upstairs I rent to four people. Downstairs I rent to four people,
19 which is allowed under the law. What I'd like to do is rent the upstairs to six people and
20 the downstairs to six people. So really I want a boarding house upstairs and one
21 downstairs. But let me give you the history of the house. It was built for the mill to be
22 used as a boarding house. So it was built 100 years ago as a boarding house. It's
23 been used as a boarding house for like 100 years. In the '60's there was a restaurant

1 downstairs and she had boarders upstairs. Austin Wilkes had it for awhile. They had it
2 used as a boarding house. A doctor rented it to a fraternity. There's another guy that
3 had it and it had three apartments in it. But, actually, the house is over 4000 square
4 feet. It says 3000 and some on the thing, but it's over 4000 square feet. It's just huge.
5 So there's six bedrooms upstairs, six bedrooms downstairs. Now, if I rented it to a
6 family upstairs and a family downstairs, I could rent it to 12 people upstairs and 12
7 people downstairs because there's six rooms. So I could rent it to 24 people. But as I –
8 what I want to do is only rent it to 12 people, six up and six down. The structure was
9 built for that. I've talked to the Commercial Building Inspector and he said I can use it
10 for a boarding house. The Fire Marshall said I would need to put in fire extinguishers. I
11 know parking has been a concern and I'll address the parking at the very end. But
12 there's a great need for this type of housing in the community. And that's what I ask
13 you guys to really think about is the need. Other people are probably going to talk
14 about the people that own houses in the neighborhood. But there's also a great need
15 for renters in the neighborhood. Rental people have needs and their voice should be
16 spoken, too. And I have here with me, I'd like them to come up now, all the people that
17 live around the house, live in the house, live in the house next door, live in the house
18 behind. And they're here to tell you that it's a good place. Some of them live there now.
19 Some of the used to live there. And I'd like them just to give a little word about the
20 house and how there's a need for it. And, then, at the very end I'll discuss the parking
21 situation.

22 CHAIRMAN TOLBERT: Okay. Is there going to be a spokesman for this group
23 or each one of you plan to speak?

1 MR. WELSFORD: I think each one's prepared a little –

2 CHAIRMAN TOLBERT: You realize the time that you're allotted for this? Okay.
3 For the Record, please state your name, address, and any information you want to
4 share with the Board.

5 **TESTIMONY OF MEGAN MCGOWAN:**

6 MS. MCGOWAN: My name is Megan McGowan. I live at 1101 Olympia Avenue.
7 When I was ready to move out of my mother's house about four months ago, I started
8 looking around for a safe, clean, quiet, low-priced place to live. I could not find a place
9 that had all these qualifications, so I enlisted my mother and father to help me find a
10 home. My mother started looking around and found 1101 Olympia. She told me that it
11 fit all my qualifications and that I should look at it. Later that day I went with my father to
12 look at the house and it was exactly what I wanted. My father and mother also felt it
13 was safe, good place for me to live. They would never let me live somewhere that
14 wasn't up to their expectations. Ms. Henley has brought up six issues about 1101
15 Olympia. I contested these issues that she is bringing in front of the Board of Zoning
16 Appeals. These are the issues and I contest each. Housing and variety of residents of
17 transient nature. This house is a home to all the residents no matter how long they live
18 at 1101 Olympia. All residents are on a three, six, or 12-month lease, just like at an
19 apartment complex. Most of the residents end up staying longer than a year.
20 Residents share kitchens and bathrooms. Residents do share kitchen and bathrooms.
21 We have two kitchens in the house, one on the first floor, one on the second floor. Each
22 kitchen is equipped with a stove, two refrigerators, a kitchen, a table and a microwave.
23 Each floor has two bathrooms. At this time Mr. Welsford only allows four women to live

1 in the upper level and four men to live in the lower level, therefore, one bathroom is
2 shared by two people. In the past, I have always shared a bathroom and a kitchen with
3 my family. Unless someone lives by themselves, it is rare that they have a bathroom
4 and a kitchen all to themselves. Residents do not have a common area. Residents do
5 not have a common area. First of all, to have a common area all the residents would
6 have to provide their own furnishings, TV, couch, tables, etc. Personally, I feel more
7 comfortable watching TV and studying in my own room. Exists as a boarding house.
8 And David's already explained that. Increased volume of traffic –

9 MR. WELSFORD: Let some others talk. Thank you [inaudible].

10 MS. MCGOWAN: Okay. Thank you. Okay.

11 **TESTIMONY OF BILL HAAS:**

12 MR. HAAS: Hey, everybody. My name's Bill Haas. I'm originally from Augusta.
13 I'm a construction worker. Been a commercial plumber for like 28 years. I didn't have
14 anything planned. I didn't know I was going to be asked to speak. But, basically, when
15 I moved in Mr. Welsford he gave me a pretty rigorous screening, credit check, all that. I
16 was pretty impressed with the level of professionalism and concern. He took his time
17 to, you know, go over the lease. And what I'm – I'm using - this particular situation I'm
18 in right now is basically a springboard. I'm in the process of getting my own company
19 going. And, for it's purposes, the house is, for what I'm getting and I'm pretty – I clean
20 up, you know, behind myself and the place is just, you know, it's clean. It's plenty of
21 space. It's, you know, I find there's – I think there's a real need for more places like
22 that. Thanks for letting me share.

23 **TESTIMONY OF SHAWN REIN:**

1 MR. REIN: Hello, folks. My name's Shawn Rein. I'm a resident at 1335 Dover
2 Street, in the Olympia area. I also used to work for Mr. Welsford as a maintenance
3 individual. I've had opportunity to work in 1101 Olympia. I've met a lot of the residents.
4 And I'm here to say that essentially it is a place for people who need a low-cost place to
5 live. They're well screened. They're good people. And in the three years I've been in
6 the Olympia area I've never had a problem with it. I've had friends who've lived in the
7 general area of that house, even closer than I, and they've never had a problem with it.
8 And I have four letters here, including one from myself; two of them are notarized,
9 stating that same effect. Thank you.

10 **TESTIMONY OF JUDY JUDY:**

11 MS. JUDY: Hi. My name is Judy Judy and I needed to come to this city to live for
12 a year. I needed a place where I could stay that would be clean, safe, close to my
13 daughter, who is teaching for the university here. This house provided me a place that
14 was clean and safe. Also it had a bus - the bus stop is just right in front of the house so
15 that people could get to and from wherever they needed to go to. The picture's that I
16 bought to you was our Christmas that we had at the house. These people were from
17 India, from Bulgaria. The one girl's a nursing student and, also, an officer in the Army
18 Reserves, which we find that most of the people in the house that are there are there for
19 some reason that they need a clean, dry, safe place, but they don't want to spend
20 \$1000 a month just to keep themselves in that type of condition. And, so, any time that
21 there was ever anything, Dave is right there to see to it that everything is kept clean. I
22 have talked to several of the neighbors, including the lady that brought the situation up,
23 and she has told me that there is nothing - she has never had a problem with one

1 tenant in the whole history of Dave owning the house. There was a personal thing that
2 she had with Dave when Dave first bought it and from my understanding that was some
3 years ago. So I just wanted to say that we need people and society needs more than
4 just \$1000 a month place to live and this provides it for the community. Thank you.

5 **TESTIMONY OF SHAWN STUCKER:**

6 MR. STUCKER: My name is Shawn Stucker and I live at 942 Texas Street and
7 I'm a former tenant of David's and I lived on Carolina Street, right around the corner
8 from 1101 Olympia. And I just want to say that I think that Olympia is a great place and
9 there's a lot of people who do own their own homes there. But there's a lot of student
10 housing there and there's a lot of rental going on there because it is so close to campus
11 and because there is affordable housing for students. And I think that this place is an
12 example of that and an example of a very affordable place for particularly a lot of
13 exchange students who have a hard time, who sometimes aren't allowed to work and a
14 lot of times aren't given the money and the funding that they need all the time. And I
15 think that this is a good opportunity to provide more affordable housing for students and
16 other people in need. And I have a couple of petitions here, a petition signed by about
17 60 people in the Olympia area. Thanks.

18 **TESTIMONY OF HENRY CHEN:**

19 MR. CHEN: Good afternoon, everybody. My name is Henry Chen and I am an
20 international graduate student of USC. I used to live in 1103 Olympia for about two
21 years and many of my friends they also lived in 1101 Olympia, that's another house
22 over there. And I think most of the people live in the house there are students from the
23 college. And the people that live there they are all quiet and nice to each other. And we

1 really like a house near by the campus because the house is cheap and affordable for
2 international students. And for most international students, when they just arrive here,
3 they don't have a car and they need to rent an affordable house to live in. And a house
4 on campus is very expensive. And David offered us a cheaper house and a quiet, nice
5 environment to live in. And the house is in walking distance to the campus. So, and
6 many of my friends that they're supposed to come here today, but they do have class
7 right now, so I come here. What I want to say is that we all like the house to be a
8 boarding house. Thank you very much.

9 **TESTIMONY OF GIDDEON BROWN:**

10 MR. BROWN: Hello. My name is Gideon Brown. I stay at 1101 Olympia
11 Avenue. I first met Dave when I was a tenant working on my masters at Columbia
12 International University. Now I'm in the workforce. I stay at 1101 Olympia Avenue.
13 And I just want to tell you that Dave is a good landlord and the houses are kept clean.
14 There's no noise. There's no drugs, drug activity going on in that place. I just want to
15 let you know that he is a good landlord. Thank you.

16 **TESTIMONY OF STACEY TURNER:**

17 MR. TURNER: How you doing? My name's Stacey Turner. I stay at 213
18 Carolina Street. My house is located just behind their house and their driveway is right
19 beside my house. All I have to say is David is really a good landlord. Like I said, he
20 keeps nice people around. It's not noisy. All I can say is really I don't see why there's a
21 problem with the place. Tenants are perfect. And I'm always outside cooking out and I
22 never see any problems, no arguments, no fights, just a nice place to be. Thank you
23 very much.

1 **TESTIMONY OF MATT CARROLL:**

2 MR. CARROLL: My name is Matt Carroll. I own some houses down Olympia,
3 also. I think it's been pretty clear that everybody said that Dave's a great landlord,
4 which is true. What I'm here to say is just that I've been through some zoning appeals
5 before. And my biggest thing with this house is you look at the use of it as a boarding
6 house and you look at the allowable, legal use of it right now as a duplex. Right now
7 Dave rents it to individual students. They come in. Are individual graduate students or
8 young professionals, whatever. They come in. Don't know each other. They come in
9 and move into a friendly environment and say, "Hey. You know I just moved here to
10 Columbia and I've got three friends sitting here right with me, you know, eating dinner in
11 the same kitchen, you know, whatever." And that creates a great environment for those
12 people. If Dave wasn't allowed to do that he would rent it as a duplex, which is
13 allowable by law. And that would be the only way for him to, you know, recoup the
14 money that he has put in to the house. As a duplex that house, as Dave said, could
15 house, I think, up to 24 people, two people per room, which is allowable by law. I don't
16 think Dave would put that many people in there. But the thing that I look at is that
17 community is a big college community. If you rent it to even six people per floor, that
18 turns in to a big party house. Right now there's never any parties. The people that live
19 there don't know each other. They don't know anything about –

20 CHAIRMAN TOLBERT: Thank you.

21 MR. CARROLL: So that's all I wanted to say.

22 CHAIRMAN TOLBERT: Okay. There's people signed up in opposition. There's
23 a list of those. Is there a spokesman for that group or you going to speak individually?

1 AUDIENCE MEMBER: No, sir, there is not. We'd like each one to speak.

2 CHAIRMAN TOLBERT: All right. Beth Nichols. For the Record, state your name
3 and any information -

4 **TESTIMONY OF BETH NICHOLS:**

5 MS. NICHOLS: My name is Beth Nichols and I live at 106 Alabama Street.

6 AUDIENCE MEMBER: Can you wait just a second to start on the time?

7 MS. NICHOLS: I can go ahead and start. I'll just start - I'll just talk while you're
8 going. I'd like to thank the Board of Zoning Appeals for giving me the time to speak
9 today. I'm here to speak from the perspective of someone who's lived in Olympia for 21
10 years. During my residence I've seen improvements made in Olympia such as the
11 landscaping of medians, installation of Olympia Park, and the renovation of homes
12 throughout the neighborhood. I've also participated in several organized events like
13 Olympia Alive that bring together property owners, businesses, and lawmakers to share
14 their vision for Olympia. Olympia is part of a vision. It's a vision of progression that
15 includes Olympia as an urban village in the proposed Town and Country Plan by
16 Richland County. Just recently Olympia Park has been designated part of the Three
17 Rivers Greenway Riverwalk. Historic landmark buildings in Olympia have been
18 restored, such as Olympia School and, currently, the Olympia Mill. Our neighborhood is
19 zoned for some of the best schools in Richland County and has a low history of crime
20 and is also convenient to downtown, USC, and major interstates. We do have what it
21 takes to be a desirable neighborhood for single-family residences and young
22 professionals and students to come to. But Olympia also faces many obstacles. Over
23 the years we have had increased traffic and air pollution and trash pollution because a

1 train trestle was taken down off of our avenue. Many of our streets are in poor
2 conditions and there are many landlords that are buying houses up in Olympia and
3 doing the bare minimum to fix them up and then renting them to transients. Over the
4 past few years we have seen an increase of crime, as well as traffic and trash, litter, etc.
5 By breaking houses into so many bedrooms, the owners of this and other boarding
6 houses are reducing the possibility that those homes could be used for single-family
7 residences, further deterring people from moving to Olympia. Since the increase of
8 landlords that do not comply with zoning laws and do not have respect for their
9 neighbors, we have seen a reduction in our property values. Allowing a boarding house
10 would significantly add to this problem of sinking property values. I would like to stress
11 that allowing the special exception will halt the progress that has been made and will
12 hinder efforts made to accomplish the vision laid out for Olympia, which is to make the
13 neighborhood safer, cleaner, and more desirable. Thank you.

14 CHAIRMAN TOLBERT: Excuse me. Question. You said it makes an impact on
15 traffic. And I think I've heard testimony said, basically, everybody's using a transit
16 system. How will that affect -

17 MS. NICHOLS: Well, can I speak?. I've actually lived in a house that abuts that
18 residence at 1101 Olympia and I can attest to the fact that over the years that Mr.
19 Welsford has owned that property there have been in excess of 10 cars parked for that
20 property at different times. Perhaps now there are not because I believe the Zoning
21 Board had to ask him to have some people move out. But, at times, over the past four
22 years as it has been run as a boarding house, there have been an excessive number of
23 cars and traffic on our street, which is a dead end street.

1 CHAIRMAN TOLBERT: You gain your information said it would impact the traffic
2 based on just your opinion or a study?

3 MS. NICHOLS: Well, the traffic – well, I did some research on the Internet and
4 found that it does increase traffic. But I can say my personal opinion is that the house,
5 having so many people living in that area, does increase the traffic on our street and the
6 street behind us, Carolina Street, as well as the alley that joins them.

7 CHAIRMAN TOLBERT: Okay. But that all dumps out into a main throughway
8 through there, right?

9 MS. NICHOLS: I'm sorry?

10 CHAIRMAN TOLBERT: Olympia. All that dumps into Olympic (sic) Ave.?

11 MS. NICHOLS: Right. Our street and Carolina Street do.

12 CHAIRMAN TOLBERT: All right. Thank you. Any other questions?

13 MS. NICHOLS: Thank you.

14 CHAIRMAN TOLBERT: Next we have Scott Henley.

15 **TESTIMONY OF SCOTT HENLEY:**

16 MR. HENLEY: My name is Scott Henley and I live at 104 Alabama Street, which
17 is two doors from the property. I'd like to start off by looking at the applicant's
18 application. Supposedly their reasons are supposed to be supplied as to why he would
19 like to do this. There's no reason supplied on the application I've seen. Also I'd like to
20 address the fact that an accurate plot is supposed to be given to the Board to make
21 their decision. There are substantial omissions in the drawing you received and there
22 are substantial discrepancies in the drawings you have received. In the packet we've
23 supplied you there are several pictures showing the areas I'm going to talk about now.

1 One of the areas – anything you see on here is not on your diagram that you received
2 as an application. In the rear area we have a driveway feeding 1103 Olympia
3 Boulevard (sic). There's a laundry room that juts out at least 6'. It is not shown on the
4 application. On the application that drive-thru is marked 'parking' and it may give you
5 the impression that that is a parking area. But as long as cars have to drive through to
6 get to the next property, which has no frontage on Olympia Boulevard (sic), that has to
7 be kept clear. Additionally, on the side the application says there's 27' of parking
8 available. Omitted are the stairwells to 1101, 1103, and some steps. In fact, there's a
9 total of 26' available between the stairwells of the house as you can on a picture that
10 I've supplied to you in your packet. This is an area that is supposed to have 27' of
11 parking according to the application that's turned in. One side of the application's
12 property is 106'. The other side is 96'. The deal is they're counting the alleyway, which
13 is used, or has been used in the past, they're counting that as their property. On the
14 plat you can see that that is not necessarily to be counted. And that result, the back
15 alley is approximately 20' of useable. And it has to be an alley through-fare. Parking is
16 – I don't know how that would work. The second point I would like to make, the Zoning
17 Board must rely on the words of people who come up here and make statements. Over
18 the last three years the applicant has told county officials that he is running two
19 apartments with four people in each apartment. The evidence states that he has been
20 advertising single rooms for rent, with pictures of the property. You have tenant quotes
21 in the newspaper stating that they're renting individual rooms. Thirdly, his resident
22 manager has called the county and asked for more trash bins because there are 12

1 people staying at this location. Now this is someone living in the house. All the time
2 he's telling the county zoning people that they're two apartments with only four.

3 CHAIRMAN TOLBERT: Thank you, sir. Any questions? Okay. Thank you.
4 Next we have Nancy Stover.

5 **TESTIMONY OF NANCY STOVER:**

6 MS. STOVER: Hi, there. My name's Nancy Kelly Stover and I live at 102
7 Alabama Street. And I really don't have a whole lot to say other than I have lived there
8 for better than 20 years. It has been an uphill battle to preserve the quality of life in our
9 neighborhood. We bought there to be in a single-family residential area and we're
10 slowly being overrun by rentals. And they're a hard thing to stop. And I understand
11 people need places to live and people need reasonable places to live. I went to college
12 at USC and I fought that same battle. But it's out there. You just have to be diligent.
13 They have – traffic is a problem. Parking is a problem. And I live at the very end of the
14 dead end street and that's our only way in and out is by that house. And if you have an
15 emergency or you have to get out some times at night and you have to go in there wake
16 these folks up to come move their cars so you can get out on to Olympia Avenue, it
17 creates a problem. It's not a personal attack on Mr. Welsford. He's a nice gentleman. I
18 mean, I have no gripes with him personally, but it's just this has been a little too much.
19 And I have children still living at home. I've raised three children in that house. I'm
20 down to one. But the safety of – the turnover of the neighbors is a concern because
21 I'm, you know, and of course your child. "Oh, somebody new moving in Mommie. Let's
22 go talk to them." Well, that's fine and dandy, but you don't know these people. And it
23 just creates tension within the neighborhood. And that's basically all I've got to say. It's

1 just, you know, again, I'm trying to preserve my way – not my way of life, but a way of
2 life, a safe way of life for my family, also, that's safe and clean and quiet. Thank you.

3 CHAIRMAN TOLBERT: Any questions?

4 MR. BROWN: Yes. I've got a question. Ms. Stover have you personally had to
5 wake people up and ask them to move their car so you –

6 MS. STOVER: Yes, sir, we have.

7 MR. BROWN: You have?

8 MS. STOVER: More than once.

9 MR. BROWN: Okay. Okay. Thank you.

10 MS. STOVER: Thank you.

11 CHAIRMAN TOLBERT: Next we have Angie Snyder.

12 **TESTIMONY OF ANGIE SNYDER:**

13 MS. SNYDER: I live at 1109 Olympia Avenue, exactly one block from this house.
14 My house is also a white, two-story house that I occupy with my three children. I had an
15 incident happen September 11th with one of the renters that entered my home through a
16 window mistaking my house for that house because he was intoxicated. Had to call
17 USC police. I have a copy of the police report for you guys. They ended up taking him
18 to jail for trespassing of real property. Had to be physically removed from my home.
19 Kept insisting that he lived there because he had paid his rent that week. I still insisted
20 to him that he didn't pay it to me and –

21 MR. WELSFORD: What's his name?

22 MS. SNYDER: His name was –

23 CHAIRMAN TOLBERT: Excuse me. Excuse me.

1 MS. SNYDER: It's in the police report. But even whenever he was arrested at
2 the house right next door to that one, that's how far he had gotten before USC police
3 could get through the Carolina football traffic to actually get to him, he was headed to
4 the white house and he was steady pointing saying, "I live there. I live there." He had
5 mistaken my house for that house. I had three children at home under 13, two girls
6 under eight. We were all in the house. He went straight up. Got into my bed in my
7 bedroom to go to sleep, to pass out. And I just would like to not see that ever happen
8 again and preserve the neighborhood for my children and my family and be safe.

9 CHAIRMAN TOLBERT: Questions? Any questions? Thank you, ma'am.
10 Henley, Vic?

11 **TESTIMONY OF VYE HENLEY:**

12 MS. HENLEY: Hi. My name is Vye Henley. I'm a 21-year resident of the
13 Olympia community and live two doors down from the property in question. I want to
14 say it is nothing personal. I own property. I have lived there for 20 years. And, on one
15 hand, it is personal because Mr. Welsford knew when he purchased the property that it
16 was an RG-2 zoning, which does not allow boarding houses without special exception.
17 I want to point out that all these photographs have been taken over the three year
18 period that Mr. Welsford has been involved, as I know of, in our neighborhood. This is
19 our street in 2002. This is Virginia Street, one of his properties now, in August of 2004.
20 This was the big house when he was renovating it as he carried trash from property to
21 property to dump here, in 2001 and 2002. This is a current property that he's
22 renovating on I believe Texas Street, that he does the same thing with, 2004. Here you
23 have the sights of the house in question, the back alley, the side of the house, trash,

1 2002 I believe. Parking from when he was renting in the early 2002 as rooms for rent
2 up to 12 total. So I just wanted you to know. Also, this is an example – this is the
3 middle of the street. This is where his folks are parking some times. Parked here.
4 Parked here. Out into the road. Mr. Welsford scoffs the law. He has made an
5 application for a boarding house, which by our own code, page 439, 26-22-46, would
6 indicate is a motel. He says he wants 12 people. Ten or more rooms should be
7 considered a hotel or motel. So I dare say he's probably applying for the wrong special
8 exception. He has rented the house as rooms for rent, as is evidenced in your packet
9 that you received a week ago. There's been a lack of compliance to county laws and
10 codes as documented, once again, in that packet we provided. Mr. Welsford asks
11 forgiveness, not permission. Only when he is caught, or reported, does he make the
12 proper application for permitting. He disrespects our neighborhood. He breaks houses
13 into bedrooms. Does away with living rooms. Provides bathrooms and small kitchens.
14 And that lowers our property values and our ability to sell to single families. He cut
15 down a mature, 30-year old oak tree off a highway right-of-way hoping to make parking
16 for his 1103 property without permission from the Highway Department. The trash - I
17 needn't say any more. For months this trash will stay because our county does not pick
18 it up. Traffic and parking goes without saying. When the house is full with 12 residents,
19 oftentimes they'll have their friends over and you're talking 24.

20 CHAIRMAN TOLBERT: Thank you. Any questions?

21 MS. PERKINS: Yeah. I have a question for her.

22 MS. HENLEY: Sure.

23 MS. PERKINS: Show me where the alleyway is –

1 MS. HENLEY: Yes, ma'am.

2 MS. PERKINS: - in the photograph here.

3 MS. HENLEY: The alley is right here.

4 MS. PERKINS: And that white vehicle, is it parked?

5 MS. HENLEY: This vehicle?

6 MS. PERKINS: In – the one –

7 CHAIRMAN TOLBERT: Up top.

8 MS. PERKINS: Up top. Yeah.

9 MS. HENLEY: This is on Alabama Street.

10 MS. PERKINS: Okay.

11 MS. HENLEY: The street that opens on to our property. So you have to come on
12 to Alabama Street and then the alley's right off this way.

13 MS. PERKINS: Okay.

14 MS. HENLEY: In your packet of information, I believe in Section C you should
15 have more clear photographs of that. If you look at that very – I'm sorry. It's not up
16 there. It's on your packet. You should have your packet of information. And it's tabbed
17 letter 'C'. Thank you very much for paying that attention. Everything we've spoken
18 about today is documented at length in this document and we'd appreciate your
19 reviewing it as you make your decision. But, if you look at that, you can see –

20 CHAIRMAN TOLBERT: Excuse me. Excuse me. Your time's allowed for
21 explanation. Are you –

22 MS. HENLEY: All right. I'm trying to explain.

23 MS. PERKINS: Yeah.

1 CHAIRMAN TOLBERT: Okay.

2 MS. PERKINS: I did. Okay.

3 CHAIRMAN TOLBERT: Thank you.

4 MS. HENLEY: Okay. Thank you.

5 CHAIRMAN TOLBERT: All right. Bob Gild.

6 **TESTIMONY OF ROBERT GUILD:**

7 MR. GUILD: Thank you, Mr. Chairman. My name is Robert Guild. I live at 314
8 Pall Mall, in the adjoining Grandby neighborhood. I'm the President of the Grandby Hill
9 Alliance, the neighborhood association in the other of the two mill villages in the larger
10 Olympia community. I want to speak in support of those opposing the Welsford
11 application to transform this RG-2 zoning use into a boarding house. Like many of the
12 residents of that boarding house who came before you earlier, I moved into my house in
13 1972 as a student at USC Law School. So I know that Olympia has been friendly to
14 students and it's proximity to the University and it's affordability were attractions to me.
15 But I chose to do as many of my friends have done; make that rental property my home.
16 And that RG-2 duplex house that I moved into as a USC student, my wife and I now
17 own and we use it as a single-family residence. And that really is the use that we are
18 promoting in the larger Olympia community. And this is taking properties, which
19 historically may have indeed been broken down into single-room occupancy from time
20 to time, but which are zoned RG-2 and we want to promote the obvious sense of
21 ownership and commitment to a community that is associated with single-family
22 homeownership. Olympia is one of the last communities in the larger Columbia area
23 where single-family homeownership remains affordable in existing housing. If you grant

1 this special exception and transform this into a boarding house, you will sentence the
2 Olympia community into forever having to contend with that large structure being only
3 essentially single-room occupancy. It will never make the transition that many, many
4 other houses in Olympia have made and will continue to make towards single-family
5 occupancy. I also know that Ms. Henley and others have submitted to you the affidavits
6 of more that 60 other Olympia neighbors of this property who attest to their opposition to
7 the special exception for boarding house and state numerous factual reasons why you
8 should deny the request. From the live witnesses I've heard plenty of testimony that the
9 traffic impacts, the trash, and the general incompatibility with the Olympia community
10 provide you and sound evidentiary and factual basis to deny this request for special
11 exception. And as a resident of the larger Olympia community I want to support the
12 Olympia neighborhood in their efforts to promote the future of Olympia and ask that you
13 deny the request for a boarding house. Thank you.

14 CHAIRMAN TOLBERT: Thank you. Any questions? Okay. Bernice Scott?

15 MR. PRICE: Excuse me, Mr. Chair?

16 CHAIRMAN TOLBERT: Yes.

17 MR. PRICE: I'd like to make one amendment to the Staff Report.

18 CHAIRMAN TOLBERT: Yes.

19 MR. PRICE: If you turn to page 7. Under "Proposed status of the property", if
20 you could strike out all of the words after "house". I have there "for up to nine
21 residents". That should not be in there.

22 CHAIRMAN TOLBERT: Okay. From "house" on strike it out?

23 MR. PRICE: Take out "for up to nine residents".

1 **TESTIMONY OF BERNICE G. SCOTT:**

2 MS. SCOTT: Mr. Chairman and Members, I'm Bernice G. Scott. I'm the Council
3 Representative for that area.

4 MS. DORSEY: I'd like to ask you if you're speaking as a citizen or as
5 Councilwoman Scott?

6 MS. SCOTT: As a citizen.

7 MS. DORSEY: Thank you.

8 MS. SCOTT: Thank you. In the '60's I was also a spinner in Olympic Mill, so I'm
9 very dear and close to that community. And it's important that of all the things that is
10 reoccurring down there now, they're changing everything, we're trying to bring back the
11 families. And it's an older settlement with a lot of older people there. And we're trying
12 to make it single-family homes. We're trying to keep it – the natural beauty – bring it
13 back. And this is what we're doing. So I'm asking you to please deny this at this time
14 for the community as a whole. Any questions?

15 CHAIRMAN TOLBERT: Any questions? Thank you. Mr. Welsford, you have
16 your chance for rebuttal.

17 MR. WELSFORD: Just one thing. The house is 4000 square feet. It's about
18 triple the size of the average house in the neighborhood. The house has always been
19 used as a boarding house. If I rented it right now, there would be 12 up and 12 down
20 potential renters, if I rented it as a duplex, which it is zoned for. So I'm asking for
21 something less than what it's zoned – I could actually do. The pictures she has is when
22 I renovated the house. I mean, I – you can see all the work that I've done to renovate
23 the house. And I've done that over and over. That's another one of my houses that I

1 renovated. I've probably done 20 houses in the neighborhood and made them a lot
2 nicer than what was. And I love Olympia. I'm excited about it growing. I'm excited
3 about the park. I'm excited about increasing value. I want that place to increase in
4 value. But I did want to address the parking concerns since that was the major issue.
5 Probably half to a third don't have cars. And I've got here a parking diagram. I think the
6 major concern with the Board has been the parking. And I've got nine spots, now,
7 which back out into the street, which has never been a problem before. The one car
8 she has is like a crazy example. I don't know whose car that was or what happened
9 there. This spot must have been like a Gamecock football game or something.

10 MS. HENLEY: Absolutely not.

11 MR. WELSFORD: Because it's never like that usually. I mean right now if you go
12 out there now I've got six people living there and there's less than four cars. She's got
13 pictures here that are just the extraneous, crazy situations when it was just - it's not like
14 that. I mean, it's normally not that trashed. It's when I built the house. But anyway,
15 back to the parking, what I'm asking you guys to think about doing is to put on my
16 special exception 'Okay, no more than eight cars or whatever' because I know you guys
17 have the ability to do that. And that way I can use the parking that I have now. I have
18 another parking option, Parking Change Option One, on the next page. This is what I
19 could do if you wanted me to. I could remove the laundry room and the stairway on the
20 side. Add an additional three parking spots to the right side. So then I would have - the
21 ones that pull out into the street now and the parking on the right side. Or, Option Two,
22 I could have three spots in on the right side, three from the back end on the right side,
23 and three from, on the back. I would have to remove the laundry room and I would

1 have to remove the stairs. And I'm willing to do that. But, I think as it stands right now,
2 if you put a limit on my cars and say you can only have eight cars, I would be way under
3 the limit all the time. So I think if traffic is your concern, I think that's one way we could
4 get around that. Judy, did you want to say something?

5 MS. JUDY: Yes.

6 CHAIRMAN TOLBERT: Excuse me. You're the only one has the burden of –

7 MR. WELSFORD: Okay. The trash. There's another house next door, 1103,
8 that uses my trash cans and that's why we had a problem there. But there's plenty of
9 containers for the trash that is there. In the last year I can't think of one time we had a
10 complaint on the trash. The drunk person I think that she referred to, I had one of my
11 renters say that that person was not from our house. I think that was a mistake. As
12 you've seen from my people, they're really awesome people. They're great people. We
13 never have any problems. It's a need in the community. The house is just enormous.
14 And we can get through the parking issues.

15 CHAIRMAN TOLBERT: Questions?

16 MS. DORSEY: Mr. –

17 MR. BROWN: Mr. Welsford, I'm a little confused - oh, I'm sorry. Go ahead.

18 MS. DORSEY: I just have one question. Do you take rents from each individual
19 or from one person?

20 MR. WELSFORD: They put them in a box.

21 MS. DORSEY: So you rent individual rooms to individual people.

22 MR. WELSFORD: Right. I consider –

23 MS. DORSEY: No. No.

1 MR. WELSFORD: Yeah. Right now I have a duplex. There's four people living
2 upstairs and four people downstairs and they pay me individually.

3 MS. DORSEY: Thank you.

4 MR. WELSFORD: And I think that's allowed under the law as a duplex. I rent a
5 lot of my houses to students. And I'll rent to three students and they'll pay me with three
6 checks. I think –

7 MS. DORSEY: So you're renting to individual people – individual –

8 MR. WELSFORD: Right.

9 MS. DORSEY: - individual checks for each person?

10 MR. WELSFORD: Right. But they share the kitchen and the bathroom. So it's
11 like a house. It's a single-family dwelling. People want to classify it as –

12 MS. DORSEY: You answered my question.

13 MR. WELSFORD: - as a boarding house right now.

14 CHAIRMAN TOLBERT: Thank you. Mr. Brown.

15 MR. BROWN: Mr. Welsford, I'm a little confused. How many rooms do you
16 intend to have for rent assuming you were to get this?

17 MR. WELSFORD: There's six upstairs and six downstairs. So 12.

18 MR. BROWN: So it'd be 12 rooms. Well, in that case, as a technical matter, his
19 application's inaccurate. It would have to be a hotel. It would have to be a hotel or a
20 motel.

21 MR. WELSFORD: Well, I want a boarding house –

22 MR. BROWN: Excuse me. I'm not talking to you right now.

23 CHAIRMAN TOLBERT: Hold on a second.

1 MR. BROWN: His application is in error because it would no longer qualify as a
2 rooming or boarding house if it's over 10 rooms.

3 MR. PRICE: We've kind of – Staff has discussed this.

4 MR. BROWN: I'm sorry?

5 MR. PRICE: We've discussed this. If this is considered to be duplex, then you
6 could have six rooms upstairs, six rooms downstairs. I mean, excuse me, yeah, six
7 rooms upstairs, six downstairs.

8 MR. BROWN: Not if he's renting them individually.

9 MR. PRICE: Right. But a duplex is a – that's a single unit.

10 MR. BROWN: But his application is to have a boarding house, not a duplex.

11 MR. PRICE: Right.

12 MR. BROWN: If he's going to have 12 rooms, it no longer qualifies as a –

13 MR. PRICE: Well, actually, his request is to have a boarding house in a duplex.

14 MR. WELSFORD: Two boarding houses.

15 MR. PRICE: Yeah.

16 MR. WELSFORD: One upstairs and one downstairs. Six in each. That's what I
17 wrote on my request form.

18 CHAIRMAN TOLBERT: Okay. Any other questions? I have a question. You
19 talked about your proposed changes for parking. And I see because of the nature of the
20 building you're talking about backing into the street.

21 MR. WELSFORD: No, that's for the parking that is now. But if you look at my
22 Option Two, you wouldn't have to back into the street.

1 CHAIRMAN TOLBERT: But your statement, your testimony, was that you were
2 going to back into the street.

3 MR. WELSFORD: As it is now. And that's what I would like to keep it, as it is
4 now. The street only has three houses on it and there's very little traffic on that street.

5 CHAIRMAN TOLBERT: Your Option One says that you were going to back into
6 the street.

7 MR. WELSFORD: Yeah. That's Option One.

8 CHAIRMAN TOLBERT: Okay. Now that's an option, so your option is saying
9 backing into the street. Is that not correct?

10 MR. WELSFORD: That is Option - yes.

11 CHAIRMAN TOLBERT: But still you make testimony that you're going to back
12 into the street. Right?

13 MR. WELSFORD: Well, I considered three parking diagrams. You could help me
14 choose which one you prefer. Option Two does not back into the street.

15 MR. BROWN: Doesn't Option Two – didn't you say that requires you to take
16 down the outside stairway?

17 MR. WELSFORD: Yeah. I'd have to make another stairwell.

18 MR. BROWN: If you take down the outside stairway, how are you going to have
19 a duplex when you don't have an entrance?

20 MR. WELSFORD: I'd have to move it to the other side of the building.

21 MR. PRICE: Let me add a little clarification. This is, of course, the first time I've
22 seen the options that Mr. Welsford's proposing. But as far as the parking goes, once

1 this becomes a rooming and boarding house, I believe I've stipulated – oh, excuse me.
2 I mentioned this in your report.

3 CHAIRMAN TOLBERT: We can't hardly hear you.

4 MR. PRICE: Okay. What I'm saying is that once this becomes a rooming and
5 boarding house, if it was granted, he would be required, some of the other sections of
6 the ordinance, and, of course, 26-78.4 requires off-street parking spaces. And in there
7 there are a couple of the subsections – I'll just read from a few that will really apply
8 here. "The minimum setback from property lines shall be as follows: off street parking
9 areas must be set back 10' from the front and secondary property lines." Also, I believe
10 this has come up before – some of our other cases – where it states that "All off street
11 parking areas, with the exception of parking areas for one and two family detached
12 dwellings, shall be designed that vehicles would not be required to back onto a public
13 street when leaving the premises." So – and that's – and I think that's in your Staff
14 Report. You'll see those are some of the concerns of Staff that those would need to be
15 met by the applicant. You know, even if you were to grant this approval, if this could not
16 be met, of course, the site plan review would not be approved. [Inaudible] he still could
17 not have the rooming and boarding house.

18 CHAIRMAN TOLBERT: Thank you. Any other questions? Okay.

19 MR. MYERS: I have one, Mr. Chairman.

20 CHAIRMAN TOLBERT: Okay.

21 MR. MYERS: You say your boarding house would be upstairs and a boarding
22 house is downstairs. And you have 12 rooms upstairs and 12 rooms downstairs?

23 MR. WELSFORD: No, sir. Six upstairs and six downstairs.

1 MR. MYERS: Okay. But 12 total?

2 MR. WELSFORD: Right.

3 CHAIRMAN TOLBERT: Okay. Any other questions? Okay. Chair will now
4 entertain a discussion.

5 MR. BROWN: I'm very familiar with the Olympia area and I have been for a long
6 time. And I know the efforts that they've made to improve that area and just improve
7 the quality of life there. It strikes me that the request Mr. Welsford is making is nothing
8 but a subterfuge to circumvent the intent of the zoning ordinance. And, personally, I
9 consider it an affront for him to even come in here.

10 MS. DORSEY: I have to agree with Mr. Brown. There's nothing about this
11 application that I see as legitimate. The only legitimate thing that I see is the current
12 zoning, which I think is appropriate for the area. What the Staff needs to do to ensure
13 that all the requirements of that zoning are met are fine. I see no reason to give a
14 special exception for this property.

15 CHAIRMAN TOLBERT: Any other discussion? No other discussion. Chair will
16 now entertain a motion.

17 MR. BROWN: Mr. Chairman, I move that Case 04-109 SE be denied. And I base
18 that on the fact that in the first instance I don't believe that the application even meets
19 the definition of the Zoning Ordinance of a rooming or boarding house. To say that
20 you're going to have duplex upstairs and a duplex downstairs is ludicrous. So I move
21 that it be denied.

22 MS. PERKINS: Second.

1 CHAIRMAN TOLBERT: Okay. That's been motioned and seconded that 04-109
2 SE be denied base on the statements made by the motion. All in favor. Motion denied.
3 *[Approved to deny: Dorsey, Tolbert, Brown, Perkins, Myers; Absent: Formyduval,*
4 *Young]*

5 CHAIRMAN TOLBERT: Next case, please.

6 **CASE 05-08 SE:**

7 MR. PRICE: The next item is Item C, Case 05-08, special exception. The
8 applicant is Charles Baker. The address is 3801 Westmore Drive. The zoning is M-1,
9 which is light industrial. The subject property is an existing 113,000 square foot
10 building. The applicant proposes to construct a 7,200 plus square foot addition to the
11 existing building that's dedicated for office space. The proposed addition will require an
12 additional 24 parking spaces. The applicant is asking for a special exception to reduce
13 the number of parking spaces by 50%. As stated, I don't believe that the current
14 parking there meets the code. And so by granting the special exception, you'll bring
15 that into compliance.

16 CHAIRMAN TOLBERT: Mr. Baker, state your name, address, and any
17 information you'd like to share with the Board.

18 **TESTIMONY OF CHARLES BAKER:**

19 MR. BAKER: My name is Charles Baker. My address is 101 Flintlake Road in
20 Columbia. I'm Project Manager with M. B. Kohn Construction. What we're asking for is
21 to be allowed to build the 7,200 square feet office that is right next to the existing facility,
22 Shakespeare. Shakespeare's been there for quite a number of years and has been –
23 had the parking and everything already in place. They currently have 125 people that

1 come to work there at a single shift. The total number of spaces on the lot right now is
2 161 with 12 truck spaces. The lot is there already. The office addition that we're
3 building will be nothing more than office spaces for people who are already there, in
4 particular the President, have a conference room, a break room, and that kind of thing,
5 of course, restrooms. So we're not going to add people nor will we add cars. We're just
6 going to give them more space. The building that they are in now has been there for
7 probably in the neighborhood of 30 years. And they've altered as they went along to
8 give people offices. But now it's gotten to the point where their offices are only five by
9 six feet, things like that. So they're moving up and they're opening up more business
10 stores and they wish to put their people, their hires and their personnel, in these offices
11 where they can work. And that's all I have.

12 CHAIRMAN TOLBERT: Okay. Questions?

13 MR. BROWN: I had a question for Mr. Price. Help me with this. He's asking, if I
14 understand correctly, to reduce the required parking for a building which is dedicated to
15 office space. Is that correct?

16 MR. PRICE: No, sir. This is for the entire parking.

17 MR. BROWN: Okay.

18 MR. PRICE: Yeah, this is for the entire parking. As I stated, Mr. Baker's correct.
19 That building has been there probably before zoning, at least according to our records.
20 And the parking does not meet code. And, of course, with this addition and because, as
21 you know, any nonconforming use that's expanded has to be – can't do it unless you
22 bring it up to code. So what we did was we just put all the parking together, reduced

1 that by 50%, which would meet what he's looking for. And that's when we came up with
2 the total of 128.

3 MR. BROWN: All right. So if this Board gives him a 50% reduction he will still be
4 able to meet the parking requirements for the office portion of it and for the warehouse,
5 or industrial part of it, as well?

6 MR. PRICE: Correct.

7 MR. BROWN: Okay.

8 CHAIRMAN TOLBERT: And this amount – I just want to make sure I'm clear.
9 This is for the – there's no additional employees. It's just for the employees there?

10 MR. BAKER: Yes, sir. That's all.

11 CHAIRMAN TOLBERT: Any other questions? Thank you, sir. There's no one
12 signed up in opposition. The Chair will now entertain a discussion.

13 MR. BROWN: Well, Mr. Chairman, we see these fairly frequently because the
14 zoning ordinance imposes some pretty stringent parking requirements, which in the
15 current day and age exceed what technology dictates in the way of employees
16 [inaudible]. I don't think this is particularly unusual or out of line now that I understand it,
17 personally.

18 CHAIRMAN TOLBERT: Any other discussion?

19 MS. DORSEY: Just out of curiosity, how did it not meet the current code, the
20 current parking? How did the parking situation not meet the code?

21 MR. PRICE: Yeah. It predates zoning.

22 MS. DORSEY: Okay.

1 CHAIRMAN TOLBERT: Any other questions? The Chair will now entertain a
2 motion.

3 MR. BROWN: Mr. Chairman, I move that Case 05-08 SE be approved.

4 CHAIRMAN TOLBERT: Is there a second?

5 MR. MYERS: Second.

6 CHAIRMAN TOLBERT: It has been motioned and seconded that 05-08 SE be
7 approved. All in favor by raising your hands. Opposers?

8 *[Approved: Dorsey, Tolbert, Brown, Perkins, Myers; Absent: Formyduval, Young]*

9 CHAIRMAN TOLBERT: Motion has been granted. Next case, please.

10 **CASE 05-09 SE:**

11 MR. PRICE: All right. The next item is Item D, Case 05-09, special exception.
12 The applicant is Bonnie Norma House. The location is 1208 Pineview Road. The
13 existing zoning is M-1, which is light industrial. The subject property has an existing
14 residential structure and numerous accessory structures. I believe you saw that in your
15 package. The property is fenced. The applicant proposes to place a 980 square foot
16 manufactured home on the subject property.

17 CHAIRMAN TOLBERT: Ms. House, please, for the Record, state your name,
18 address, and any information you can share with the Board.

19 **TESTIMONY OF BONNIE NORMA HOUSE:**

20 MS. HOUSE: Hi. My name is Bonnie House. I personally live at 337 Gatlin Drive
21 in Hopkins, South Carolina.

22 CHAIRMAN TOLBERT: Can you speak into the mic? Can you adjust those
23 mikes for her, please, because we can't hear?

1 MS. HOUSE: This one? Okay. My name is Bonnie Norma House. I personally
2 live at 337 Gatlin Drive in Hopkins, South Carolina. This is property that I grew up on
3 ever since I was 2 ½ years old. Right now my mother lives there. She's 84 years old.
4 She had a heart attack back in May this past year, a year and ago. So she's been living
5 with me for a year and a half. And between me working all the time and stopping by
6 there helping take care of the animals – I have to go by there and feed the chickens and
7 the goats and the dog and get the eggs in – and then take care of her when she gets to
8 my house and take care of my house, too, it's become a little bit more than I can take
9 care of. So what we want to do is have my sister move her trailer onto the property so
10 she can help me take care of everything. And that way Mother can go back to her
11 house and feel more comfortable. And, you know, my sister and I, both, will take turns
12 taking care of her.

13 CHAIRMAN TOLBERT: Okay. Any questions? We have a Linda –

14 MS. HOUSE: Howington.

15 CHAIRMAN TOLBERT: Howling –

16 MS. HOUSE: That's my sister.

17 CHAIRMAN TOLBERT: You want to speak?

18 **TESTIMONY OF LINDA HOWINGTON:**

19 MS. HOWINGTON: Yes. I'm Linda Howington.

20 CHAIRMAN TOLBERT: Please speak into the mic so we can hear you.

21 MS. HOWINGTON: I am Linda Howington. I am Ms. Mazie Nickolson's daughter
22 and Bonnie's sister. It's my mobile home that I would like to put back there so Mother
23 can come back to her house and I can help take care of her. Whenever our father died

1 years ago, he made us promise to take care of Mom. So we have to do that. And I
2 would like to be granted to move it down there if possible, please. Thank you.

3 CHAIRMAN TOLBERT: Ms. Nichols? Would you like to speak, ma'am? It's okay
4 if you don't want to speak. Okay. Any questions? Okay. There's no one signed up in
5 opposition. The Chair will now entertain a discussion.

6 MS. DORSEY: Mr. Chairman, this is clearly a case of compassionate use and I
7 have absolutely no objection.

8 CHAIRMAN TOLBERT: No other discussion. Chair will now entertain a motion.

9 MS. DORSEY: Mr. Chair, I move that Special Exception 05-09 be approved.

10 MR. BROWN: Second.

11 CHAIRMAN TOLBERT: It has been motioned and seconded that 05-09 SE be
12 approved. All in favor of the motion by raising your hand. Opposers? None.

13 *[Approved: Dorsey, Tolbert, Brown, Perkins, Myers; Absent: Formyduval, Young]*

14 CHAIRMAN TOLBERT: Motion granted. Okay. 05-10 SE, James Blanding, no
15 one has signed up. No one signed up.

16 MR. PRICE: Yeah. I'm not sure. Maybe we can just kind of move that to the
17 end. Maybe he'll show in. I know the applicant lives in Charleston.

18 CHAIRMAN TOLBERT: We'll see. Is there a motion to move 05-10 SE to the
19 back? Any a motion to move it or not to move it?

20 MS. PERKINS: That we don't move it.

21 CHAIRMAN TOLBERT: Make your motion.

22 MS. PERKINS: I move that we don't move it to the end of the agenda.

23 MR. BROWN: Second.

1 CHAIRMAN TOLBERT: All in favor of not moving it? Okay.

2 *[Approved: Dorsey, Tolbert, Brown, Perkins, Myers; Absent: Formyduval, Young]*

3 CHAIRMAN TOLBERT: Okay. Mr. Price. That's a denial then, right? Next case,
4 please.

5 **CASE 05-11 SE:**

6 MR. PRICE: The next item is Item F, Case 05-11 SE. The applicant is Margaret
7 Hollis. The address is 5318 Ridgeway Street. The current zoning is RS-1, which is
8 general residential. The subject property has an existing two-story, single-family
9 residential structure. Immediately behind the house is a detached garage. The site is
10 abutted on the left by a single-family residential structure and on the right by an
11 undeveloped lot. Diagonally from the site is a community center. The applicant
12 proposes to establish a family daycare for a maximum of six children. The ages of the
13 children would range from one to three years of age. The proposed hours of operation
14 are 7:00 a.m. to 6:00 p.m.. There's no fencing currently provided on the property.

15 CHAIRMAN TOLBERT: For the Record, I serve as Project Manager for the
16 project across the street, which is the Ridgewood Child Development Center, which is a
17 daycare center. And I am familiar with the Hollis family. So I would like to remove
18 myself from voting on this project. Kim is not here.

19 MR. FARRAR: Okay. For purposes of the hearing, if the Chairman's going to
20 recuse himself, the Vice-Chair is absent, and the Secretary is Mr. Price; at this time we
21 need to have an acting Chair for this case. So if you could take a quick vote to appoint
22 somebody to hear this one thing or you could, if you'd like to pass the gavel to, you
23 know, a senior member of the Board, whoever is –

1 MR. BROWN: Can't this Chairman –

2 MR. FARRAR: Yes.

3 MR. BROWN: - just choose a person to do that?

4 MR. FARRAR: He could choose. But you need to have somebody who's going
5 to make the decisions for this case.

6 CHAIRMAN TOLBERT: At this time I will pass the Chairmanship over to Mr.
7 Brown.

8 MR. BROWN: What if I don't accept? [Laughter]

9 ACTING CHAIRMAN BROWN: Ms. Hollis, you want to tell the Board what it is
10 you want to do, please?

11 **TESTIMONY OF MARGARET HOLLIS:**

12 MS. HOLLIS: Yes, sir. My name is Margaret Hollis. I live 5318 Ridgeway Street.
13 I've been working in a daycare for the last nine years until the one that I was working in
14 closed in June. So, since I had the space at my house, so instead of going someplace I
15 decided to just go ahead on and open up the daycare at my house. It was really a
16 boost for some of the other parents that used to work at the daycare helped me make
17 up my mind to do this because they prefer to have their kids with me. And I have the
18 space because like downstairs I'm no longer using. It's like a second – like the bottom
19 part I'm not using it's like a two bedroom, den, and a bathroom downstairs. On the left
20 side of me is a residential area. No one lives there. And one the right side of me I have
21 like two empty lots. So it's not a problem where the parents have to come in, they're
22 going to have drive in the yard to the back part where they come in. So they don't have

1 to come in the house inside my residential area to come in to the daycare part. So it's
2 not a problem. I think that's about it. So.

3 ACTING CHAIRMAN BROWN: All right. There is no one signed up in opposition
4 to this case. The Acting Chair will entertain discussion of the application.

5 MS. PERKINS: There is no fencing. Well, we don't have [inaudible].

6 ACTING CHAIRMAN BROWN: A fenced area should be provided.

7 MS. PERKINS: You would put a fence [inaudible]?

8 MS. HOLLIS: Yes. Yes. Yes, ma'am.

9 ACTING CHAIRMAN BROWN: Any other questions by members of the Board?
10 Any discussion by members?

11 MS. DORSEY: Well, my only concern was with the fencing. I do think that that's
12 important. The Acting Zoning Administrator's suggested, as a condition, that fencing be
13 provided within four months. And that's perfectly acceptable to me.

14 ACTING CHAIRMAN BROWN: Okay. Any further discussion?

15 MS. DORSEY: Just that also the condition about vacancy and abandonment be
16 included with any motion.

17 ACTING CHAIRMAN BROWN: All right. Any additional discussion? Hearing
18 none, the Chair will entertain a motion.

19 MR. MYERS: Mr. Chair, I make a motion that 05-11, special exception be
20 granted with the stipulations -

21 ACTING CHAIRMAN BROWN: You want to attach those conditions?

22 MR. MYERS: Yeah, with the condition of the fence. Number one, the vacancy or
23 abandonment or discontinuance of any period of 12 months as verified by the Business

1 License, the Board for special exemption, and fenced area be provided within four
2 months of the approval of the request, and, as it says, 4' at a minimum.

3 ACTING CHAIRMAN BROWN: Is there a second?

4 MS. PERKINS: Second.

5 ACTING CHAIRMAN BROWN: We have a motion and second to approve with
6 the conditions as stated by Mr. Myers. All those in favor indicate by raising the right
7 hand.

8 *[Approved: Dorsey, Brown, Perkins, Myers; Recused: Tolbert; Absent: Formyduval,*
9 *Young]*

10 ACTING CHAIRMAN BROWN: The motion's been granted, Ms. Hollis.

11 MS. HOLLIS: Thank you.

12 ACTING CHAIRMAN BROWN: The Zoning Administrator will be in touch.

13 MS. HOLLIS: Okay.

14 CHAIRMAN TOLBERT: I'd like to thank Mr. Brown for taking over the
15 chairmanship at that time. We're now ready for the next please.

16 MR. BROWN: They suggested that you resign and I take over. [Laughter]

17 MR. MYERS: Time will be up this year, anyway, I think.

18 MR. PRICE: Sorry. We were trying to figure out how that community center got
19 there. We have to look into it. Okay.

20 CHAIRMAN TOLBERT: Okay.

21 **CASE 05-12 SE:**

22 MR. PRICE: The next item is Item G, Case 05-12, special exception. The
23 applicant is Tammi Williams. The address is 5 Keswick Court. The zoning is RS-2,

1 single - RS-3, excuse me, single-family residential. The subject property is a single-
2 family residence located at the top of a cul-de-sac. There's an existing straight double
3 driveway, which leads to an enclosed section of the house. Within the fenced, rear yard
4 is a 12 by 16 storage building. The applicant proposes to establish a family daycare for
5 a maximum of six children. The ages of the children would range from one to five years
6 of age. The hours of operation are Monday to Friday, 5:00 a.m. to 6:00 p.m.

7 CHAIRMAN TOLBERT: Okay. Ms. Williams, please state for the Record your
8 name and any information you can share with the Board.

9 **TESTIMONY OF TAMMI WILLIAMS:**

10 MS. WILLIAMS: Hello. My name is Tammi Williams. I live at 5 Keswick Court in
11 Carriage Oaks. I'm coming back in front of you guys to ask for the special exemption to
12 do in-home family care for six children. This is just a strong determination that I have. I
13 love caring for kids. I went to DSS and got a listing of homes that were zoned and I
14 called around and asked them, you know, maybe to help me, give me information that
15 maybe could help me in coming back to Zoning and things that I might be able to do in
16 order to receive my zoning. In my handbook that I will pass out to all my parents, there
17 will be a safety policy in there that will clearly state loading and unloading procedures,
18 safety procedures, pulling into the driveway. Or another option would be the cars could
19 back in and then pull out of the driveway, if need be. I checked with the Highway Patrol
20 on to see what the right-of-way would be within my cul-de-sac. And they told me so
21 long as the cars are not blocking where you have to drive through, the cars can get
22 through, just in case you didn't feel comfortable with my driveway, with the cars being
23 able to unload and unload with the children pulling into the driveway. I've been back to

1 DSS with my paperwork. They asked me not to pay for the Fire Marshall and DHEC
2 and everybody to come out right now until after I came through zoning because last
3 year I went through all that. And they said to keep from spending that money out again
4 and, you know, run into problems just to wait until I come back to Zoning and, you know,
5 hopefully and prayerfully receive my special exemption for six children. We did close
6 our garage in and it is – inside is a daycare area which is enough space for 13 children
7 but, as a residence, the law allows 12. But I'm willing, with your permission, to keep six.
8 My goal was to do eight, but I'm willing, with your permission, to provide care for six
9 children. And right now, with those children, they would be coming out of the
10 neighborhood. I had went around and put flyers out to see what the community felt
11 about it. I put them out on three different occasions in the afternoons when I got off
12 work. And on three different occasions, the next morning the signs were taken down.
13 I've been to the association and asked them would they please come out. My husband
14 and I went to the meeting and asked them to please come out and sit down and see the
15 center and talk to us and tell us what we can do to ensure that we would provide a safe
16 environment for the kids. They looked us in the face and said there was no need
17 because they wasn't gonna to allow it in the community. So, I mean, I'm willing to try
18 and to make any provisions within, you know, my powers because this is something that
19 I feel really strong about. Right now I work at Ft. Jackson. My job is supporting me.
20 Even though they hate, you know, would hate for me to leave they know that this is my
21 lifetime goal and dream is to start in-home family childcare, which I've done in the past.
22 And then in the future we would love to build a daycare out in the northeast area. But
23 I'm asking for a special exemption to keep six children within my home.

1 CHAIRMAN TOLBERT: Ms. Williams, you stated you've been here before.

2 MS. WILLIAMS: Yes, sir.

3 CHAIRMAN TOLBERT: And the concerns that were last year, how have you
4 addressed those?

5 MS. WILLIAMS: I have – well, it was the concerns that were given to me was the
6 loading and unloading. As I said, the driveway will be free at all times and it's a double
7 driveway. That's not a really good picture. I have other pictures here. But it's a double
8 driveway. And it will be free for the parents to – they can either pull in to the driveway –
9 and I am within a cul-de-sac and the only cars that would come to my house, within the
10 cul-de-sac to my house would be coming to my house because the houses beside of
11 me they don't have to come to my home or my driveway in order to get to their home.
12 So they could either – when they pull around they could either back into the driveway,
13 unload the children, and then pull out and go out through the cul-de-sac. And, in the
14 meantime, you know, I was just trying to see what – if – what I could do as far as the
15 loading and unloading and I talked with the Highway Patrol. I talked with the Safety
16 Officer that lives in the area. He came out and showed me how parking would be safe
17 long as it's not blocking where cars could come around in the right-of-way, if need be, if
18 you didn't feel comfortable with the driveway. But I will go over all of those procedures
19 with parents before I would even accept the child. And we also added a back gate onto
20 our fence. And we're trying to find out about purchasing the property, which connects
21 behind us to extend our fence back. And then our side property, it goes – it starts at the
22 end of the driveway and it actually goes over like right at a foot to the next-door
23 neighbor. We had the land surveyed so we would know where our property was. So if

1 we needed to add another piece then that was a possibility to add another piece on to
2 the side of our driveway. We did have it surveyed and we have the line where our
3 property goes.

4 CHAIRMAN TOLBERT: Ms. Williams, I can't remember exactly what it was, but it
5 was something dealing with kids going around to get into the backyard or something like
6 that and - when you were here before.

7 MS. WILLIAMS: That was one of the questions that come up. But, as I stated
8 then, they can - I have several entrances. Where the daycare part is in my house, it
9 leads into a bathroom that we had installed. And you go in through the bathroom.
10 There's another door there that goes into the living room. And you could either go out
11 the front door or you can take a right and go through kitchen. Or there's a door in there
12 that leads into my den and dining room area, which goes out onto the back patio.

13 CHAIRMAN TOLBERT: I think I also - is there a power retention guideline or
14 something in that backyard? In your backyard?

15 MS. WILLIAMS: A line that runs - yes, sir. Yes. It's on the far end of -

16 CHAIRMAN TOLBERT: A cable line that's in your back yard.

17 MS. WILLIAMS: Yes, sir.

18 CHAIRMAN TOLBERT: For the power.

19 MS. WILLIAMS: It's a cable. It's a cable line.

20 MS. PERKINS: Can you bring up the picture? I'm not understanding. I'd like to
21 see. I didn't -

22 MR. BROWN: Then there's a high-tension line in it.

1 MS. WILLIAMS: Yeah, that area there is an area that I would not use for the kids.
2 It would be from the patio back to the opposite side. When we had the storage building
3 put there, I left space there so I could put play equipment and stuff on the other side of
4 the storage unit. So they wouldn't –

5 CHAIRMAN TOLBERT: Is that accessible?

6 MS. WILLIAMS: Is that accessible? Yes, sir. I mean, I don't have a, you know,
7 problem if I needed to gate that off or block it off. That wouldn't be a problem.

8 MS. PERKINS: The patio, you would gate the patio off?

9 MR. MYERS: Excuse me. Is that a – that's a support cable?

10 CHAIRMAN TOLBERT: Yeah.

11 MR. BROWN: What's it support?

12 CHAIRMAN TOLBERT: Main line going through the -

13 MR. MYERS: Supporting the pole.

14 MR. BROWN: Oh, okay.

15 MR. MYERS: It's not a live one.

16 MS. PERKINS: Not a live wire? Oh, okay.

17 MR. BROWN: It's a guy wire.

18 MS. PERKINS: Okay.

19 MR. MYERS: It is metal cable.

20 CHAIRMAN TOLBERT: Any other questions?

21 MR. BROWN: Ms. Williams, it sounds like you've gone to considerable expense
22 already to sort of prepare your house to be used as a daycare. Are you currently caring
23 for children now?

1 MS. WILLIAMS: No, sir. No, sir. I have tried to – I have done this by the rules,
2 regulations ever since we prepared the daycare. The only reason we went forth and
3 prepared this is because we checked before we did anything. I called the lawyer where
4 we closed the house on because in our covenants it states nothing prohibits in-home
5 childcare/babysitting. And I don't consider myself a babysitter because I believe a child
6 can learn at a young age. Mr. Gillis was our attorney at closing. He looked over the
7 covenants. He contacted me back. He said, "Ms. Williams, you're in every right to
8 close in and do childcare, you know, have the childcare facility within your home." And I
9 mean, I even talked with Ms. Dean Chavis, herself, on the phone several times. I mean,
10 I checked before we did anything. I didn't just jump up and, you know, we close the
11 garage or anything. We did a thorough check before we did anything.

12 MS. PERKINS: I'm not understanding. Now what do you mean by "thorough
13 check"? Of what?

14 MS. WILLIAMS: I went to, you know, like the association members, like Ms.
15 Dean Chavis, herself. Contacted her. I contacted our lawyer. I got what the
16 requirements were from DSS. And I mean I felt like I went –

17 MS. PERKINS: Oh, so you didn't – so a thorough check, what you're telling me is
18 that you're not – you didn't add the additions or close in the garage, because I didn't
19 know it was closed in, or add a bathroom because you intended to keep children.

20 MS. WILLIAMS: No, ma'am. No, ma'am. No.

21 MS. PERKINS: You did that because that's something you wanted to do for you.

22 MS. WILLIAMS: Correct. Correct. Yes, ma'am.

23 MS. PERKINS: Okay.

1 MS. WILLIAMS: Because I transferred here. I work at Ft. Jackson. I do have a
2 job. Yeah.

3 CHAIRMAN TOLBERT: You mentioned about the homeowners association. Are
4 you a member?

5 MS. WILLIAMS: Yes, sir.

6 CHAIRMAN TOLBERT: Any other questions? There's other people signed up to
7 speak. Okay.

8 MS. WILLIAMS: Thank you.

9 CHAIRMAN TOLBERT: Thank you. Brian Grantham? Okay. For the Record,
10 state your name.

11 **TESTIMONY OF BRIAN GRANTHAM:**

12 MR. GRANTHAM: My name is Brian Grantham and I stay at 105 Castleridge
13 Drive, right in Carriage Oaks. Sir, her husband works with me. We're Drill Sergeant
14 Leaders at the United States Army Drill Sergeant's School. And mainly the people that,
15 the kids that she'd be keeping, one would be mine. My child currently goes to on Post.
16 And my son has been there for two years now. But because of the relative distance,
17 you know, I feel comfortable. I went to the daycare center. I'm like, was totally wowed.
18 But everything they have in there, everything is just nice. I mean, I took my wife there.
19 My wife is a person that doesn't just change her mind on something very quickly. And
20 she was like, okay, I could consider doing that, you know. And I really want to support
21 and do that. My wife would have been here today, but she's a dental hygienist and she
22 works very hard so she can't get here today. But I totally support this. And I see
23 nothing wrong with the area that it's in. She stays about five houses from me, so if she

1 has six kids, with one of mine, there wouldn't be a car because I would walk my son up
2 there before I go to work in the morning. And, like I said, many of the people, the kids
3 she'll be keeping, probably are drill sergeants that we know and that she knows. And
4 we really need that, one because it saves a lot of time for us to go all the way on Post
5 and especially with my wife dropping my son off on Post and then she goes to work way
6 on the other side of town, you know. So I really hope that you support this. Thank you.

7 CHAIRMAN TOLBERT: Any questions? Okay. Thank you.

8 MR. GRANTHAM: Thank you.

9 CHAIRMAN TOLBERT: Richard Williams.

10 **TESTIMONY OF RICHARD WILLIAMS:**

11 MR. WILLIAMS: Good afternoon. My name is Richard Williams and I also reside
12 at 5 Keswick Court. I am Mrs. Williams' husband. For years this has been my wife's
13 dream. That's all she ever did her whole life. She has never worked another job except
14 for keeping kids. And I'm sure that every child that comes to our house will be in the
15 best hands possible. I'm just puzzled. And my whole chain of command, workers, are
16 puzzled of why our homeowners association is totally against it. And there's nothing
17 that I cannot give them. I can't tell them nothing. I can't – I mean my whole chain of
18 command has come out to my house and they looked at it. And they're asking me, "I
19 don't see any problem with it. I mean what is the problem?" And I can't give them an
20 answer. So I'm just saying this that I just wish that you would grant my wife her long-
21 term dream. And that's all I have.

22 CHAIRMAN TOLBERT: Questions? Okay. Thank you. We do have others
23 signed up in opposition. Caughman?

TESTIMONY OF DARRA COTHRAN:

MS. COTHRAN: Thank you, Mr. Chairman. I'm Darra Cothran of 1200 Main Street in Columbia. And I'm here representing the homeowners association at Carriage Oaks. This is the second year, I think the 3rd time they have been here in opposition of this. And, in their opinion, nothing has changed since the original denial as far as the residential character of the neighborhood and the safety issues. Carriage Oaks is a subdivision off of Clemson Road with one entrance and 400 homes. The property is restricted to single-family dwellings through the covenants on file with the county and through zoning. The association has a lot of sympathy with Ms. Williams and this is nothing personal at all. But her daycare center is not compatible with this neighborhood. We understand that she's a good person, a good worker, and this would be a good business - but not in this neighborhood. The safety issues are there, the residential character of the neighborhood, the business considerations of the other homeowners are what they're taking into effect. I have with me the President of the homeowners association and the Property Manager, neither one of whom have been approached in the last year and a half by Ms. Williams to discuss this, to ask about this. It's never come before the homeowners association, as a board. They heard about it when the property was posted. There's also an issue of the closed in garage, which is in violation of the covenants. And she was never up front with the homeowners association about that, either. The homeowners association asks that the Board consider the necessary criteria for this exception, one of them being the traffic impact. There's only one entrance into Carriage Oak. And Mrs. Williams' house is on a circle so more cars would definitely impact the traffic in the rest of the neighborhood. As she

1 pointed out, cars would have to either back into her driveway or back into the street
2 after dropping off or picking up a child. We see this as a safety issue. Especially
3 because the second criteria, which is vehicle and pedestrian safety, there are a large
4 number of small children in this neighborhood. They ride their bikes. They play on the
5 street. People walk their dogs. There's a lot of activity. And any backing in or backing
6 out would be dangerous, we think, for the children. The third one we'd like you to look
7 at is the adverse impact on the aesthetics of the area. The homeowners believe there'll
8 be an adverse impact because there is purely residential character in the neighborhood.
9 There could be a decrease in their property values. And if you allow one business in,
10 how do you deny the second or the third? They want to retain the character of this
11 neighborhood. It's a lovely, middle-class community. And although we understand her
12 desire to fulfill her dream, it doesn't fit in this neighborhood. And allowing one in will
13 irrevocably change the character. The property owners purchased their homes with the
14 protection of the covenants and the zoning laws. And they've elected board members
15 to represent them in matters such as these. And we ask for denial. Thank you.

16 CHAIRMAN TOLBERT: Thank you. Any questions?

17 MR. BROWN: Ms. Cothran?

18 MS. COTHRAN: Yes, sir.

19 MR. BROWN: Maybe you said it and maybe I missed it. Do the covenants
20 specifically address commercial activity or the use of residences for other than
21 residential use?

22 MS. COTHRAN: They specifically address it. They do refer to the fact that
23 babysitting could be allowed if it doesn't impact other things and we have said it does

1 impact in this instance. There's no circular drive. There's concern about safety issues
2 with cars backing in and out, with the fencing, with the electrical cable, things like that.

3 MR. BROWN: Thank you.

4 MS. COTHRAN: So it does impact it.

5 CHAIRMAN TOLBERT: Okay. Robert [inaudible].

6 AUDIENCE MEMBER: Thank you, Mr. Chairman, but I believe our attorney has
7 spoken for us. Thank you.

8 CHAIRMAN TOLBERT: Okay. Ms. Chavis?

9 MS. CHAVIS: I don't have anything further.

10 CHAIRMAN TOLBERT: Okay. Ms. Williams, you have five minutes for rebuttal.

11 MS. WILLIAMS: Okay. Once again, the association's information is incorrect. As
12 of right now, there's two entrances into Carriage Oaks. Will be three because they're
13 cutting a road to go in through by the Summit. You go – you turn in to Carriage Oaks,
14 you keep that road straight out you will come out in Winchester, the housing area right
15 next door. We did approach the board in reference to this in October. We went to a
16 board meeting, which was supposed to be nominating new board members. At this
17 meeting we sat there and we nominated new board members. They came back out, the
18 association members came back out, and told us because of the way the votes went
19 they could not nominate anyone. So they said they would do it through the mail. And
20 we, up to this day right now, we have not heard or received any information on new
21 board members being nominated. And this is – this here's – I want you, if you will take
22 and read this email, it's very hurtful and painful because when we purchased our home
23 the realtor knew that I might be interested, one day, in doing in-home childcare. He's a

1 part of the association. He told us, "Oh, you have plenty of room, here." He told us we
2 could take the fence down. We were first-time homeowners, that's why we try to take
3 the right steps before we do anything to find out if we're doing the right thing. And so he
4 highly encouraged us. This was the perfect home. We had plenty space. We could
5 take the fence down and extend back and do this and do that. And so that's the reason
6 we bought the home. He assured me, me and my husband, that we could do in-home
7 childcare. And we received this email that went out through the association. If you will.
8 I mean it's very hurtful so I know I won't be able to read it and get through it. And for
9 them to say, the association, they said, "Well, we don't have anything to do with you
10 getting zoned." I said, "Well, if that's the case then, why are y'all – everytime I go there
11 you're fighting me against it." They don't even live in Carriage Oaks.

12 MS. PERKINS: Do you understand that we don't get into to covenants and things
13 like that?

14 MS. WILLIAMS: Yes, ma'am.

15 MS. PERKINS: Okay. I just wanted –

16 MS. WILLIAMS: I just brought that out to show you that I, you know, I was trying
17 to follow steps before we did anything.

18 MS. PERKINS: That would be something that the homeowners association would
19 probably pursue through legal. Other than – so.

20 MS. WILLIAMS: Uh-hum (affirmative). And I'd also like to say, in fact, all of my
21 neighbors – I went to each neighbor in my cul-de-sac. They are strongly supporting
22 this. I included in my packet there's letters from every one of my neighbors in that cul-

1 de-sac. And, as I said, I put signs out to get a response from the community. And I put
2 them out around 7:00 o'clock. I get up the next morning. The signs are taken down.

3 MS. PERKINS: What kind of signs? I'm not sure that I –

4 MS. WILLIAMS: It's in the packet. It was a –

5 MS. PERKINS: The sign? Okay. Okay.

6 MS. WILLIAMS: Yes. It was asking would you like to have a licensed, childcare
7 home in the community. And, like I said, they were taken down on three different times.

8 On August 24th I contacted Ms. Chavis at 10:40 and I asked her if she could please –

9 MS. PERKINS: So you have been – let me stop you and ask you.

10 MS. WILLIAMS: Okay.

11 MS. PERKINS: You and your husband, because I think I remember last time you
12 were here about the homeowners association, you have tried to go and be a member of
13 your community, an active –

14 MS. WILLIAMS: Yes, ma'am.

15 MS. PERKINS: - part of your community. And – okay. And for whatever reason,
16 okay. Thank you.

17 MR. MYERS: I have a question. Ms. Williams, the kids that's coming to your –
18 for you to take care of, are they coming from the neighborhood? Do you know exactly
19 where they're coming from?

20 MS. WILLIAMS: As of right now, if I'm only allowed to do six, yes, sir. They're
21 coming from the neighborhood.

22 MR. MYERS: All of them?

23 MS. WILLIAMS: Yes, sir.

1 MS. DORSEY: You're stating that, of those 6, you're only going to be taking
2 children from your neighborhood?

3 MS. WILLIAMS: If that's a requirement, I have no problem with that because
4 there's a lot of military out there. Yes, ma'am.

5 MS. DORSEY: That's what, you know, that's just what I'm hearing you present to
6 us.

7 MS. WILLIAMS: I mean, I would love to open it up because I work on Post with
8 military families that have children that don't live within Carriage Oaks. They may live in
9 the Summit or they may live in the next housing area. But I do know that there is a big
10 demand of quality childcare within Carriage Oaks, you know.

11 MS. DORSEY: Right. That's what you're presenting to us that you want to take
12 children from your neighborhood.

13 MS. WILLIAMS: Yes, ma'am.

14 MS. DORSEY: Okay.

15 MS. PERKINS: So are you saying then – I want to make certain that you know
16 what she's asking you and what you're telling the Board. That if there are not six people
17 in your neighborhood, then, if you were to be granted the special exception, you could
18 not go outside of your neighborhood to get the six children. That's what your –

19 MS. WILLIAMS: No, ma'am. No, ma'am. I'm not asking just to do Carriage
20 Oaks. But I would. I don't have a problem with just doing children. I would love to open
21 it up to, you know –

22 MS. PERKINS: You just want to keep six children.

23 MS. WILLIAMS: Yes, ma'am.

1 MS. DORSEY: Okay. So you're not presenting one way or the other.

2 MS. WILLIAMS: No, ma'am.

3 MS. DORSEY: Okay.

4 MS. WILLIAMS: Excuse me. And I did – and like I was saying, on August 24th I
5 contacted Ms. Chavis and asked her for a copy of the bylaws. And in return, on
6 September 20th, she sent us a past due statement saying our association dues was
7 seriously behind. And that's not true. I have where it comes out our account and
8 everything. I never got the bylaws. She never sent them to me. She told me that she
9 would either mail them to me or she asked me if it would okay if she dropped them off to
10 my house. I said, "Yes, ma'am. Either way would be fine." And I have not received the
11 bylaws up until right now, this day.

12 CHAIRMAN TOLBERT: One question, Ms. Williams. One the turn around in your
13 driveway, you're talking about backing in and out. But if there's – I think the proper
14 procedure would be to turn around in your driveway, not trying to stop and back in to
15 your driveway. What would you do to apply to that part of the –

16 MS. WILLIAMS: In – I would have that in my handbook as part of my binding
17 contract to the parents. We sit down. We'll discuss it. And they're aware of, you know,
18 the situation. But I'd explain to them, you know, the procedures of loading and
19 unloading the children, not to back in. They needed to pull around, drop the children off.
20 And if, at any time, they come and there's, maybe, a parent dropping another child off,
21 they would have to wait in the car, in their vehicle, before they could pull in and unload
22 the children. And in my contract I also added where it would be a maximum of loading

1 and unloading, bringing your child in, of 15 minutes. So it won't be a buildup of traffic
2 within the cul-de-sac.

3 MS. PERKINS: So could they drive up your driveway and turn around on that
4 side hill and then go back out?

5 MS. WILLIAMS: Yes, ma'am.

6 MS. PERKINS: Okay.

7 MS. WILLIAMS: Yes, ma'am.

8 MS. PERKINS: Is that what you're proposing?

9 MS. WILLIAMS: Yes, ma'am.

10 MS. PERKINS: Okay.

11 CHAIRMAN TOLBERT: All right. Any other questions?

12 MS. WILLIAMS: And that cable line, my husband was telling me it's a protective.
13 It's not a cable. It's a support line for the wires that's –

14 CHAIRMAN TOLBERT: High tension wires in your backyard.

15 MS. WILLIAMS: Yes, sir. It has a piece of plastic all the way on it that covers it
16 up.

17 CHAIRMAN TOLBERT: Okay. Any other questions? Thank you, Ms. Williams.

18 MS. WILLIAMS: Okay. Thank you.

19 CHAIRMAN TOLBERT: Okay. The Chair will now entertain a discussion.

20 MS. PERKINS: The only think I can say is I remember, I vaguely remember last
21 time, I was, I think very adamant about her – she and her husband going to the
22 homeowners association and trying to come to some sort of agreement. And her
23 testimony here today is that she and her husband has tried to do that. I do understand

1 that there may be covenants and things that do not allow for the changing or redoing of
2 your home. But that is something that I can't take into consideration. That is something
3 that is beyond the scope, I think, of this Board. And so, with that, I think she and her
4 husband, in my opinion, have done what I kind of thought that they didn't do at first. So
5 [inaudible].

6 MS. DORSEY: I agree with Ms. Perkins in that I'm a little uncomfortable in feeling
7 that I'm being asked to enforce legal things that really aren't within the scope of the
8 requirements according to the ordinance. And the simple fact is, is that a child daycare
9 facility is a permitted use and if this applicant has shown that she can fulfill all the
10 requirements of the ordinance, then the things about the covenants really don't apply to
11 this Board. I recall that one of my concerns was the traffic and backing out and all. But
12 looking at where the home is, in a cul-de-sac, what that applicant has stated about the
13 lengths she is going to to ensure the safety, my concerns have been eliminated. Also, I
14 appreciate what the applicant stated about all the different ways you can get to the
15 backyard without having to drag the children around even though you have a fence
16 there. That's great. But the concerns I had previously I no longer have.

17 MR. BROWN: I have absolutely no doubt that Mrs. Williams would provide
18 excellent care for children in her home. However, personally, I have great difficulty with
19 the establishment of any type of commercial activity in the middle of a residential
20 development in the face of opposition from the neighboring homeowners or a
21 homeowners association. And I try to look at it objectively. But, at the same time, if I
22 put myself in the place of another homeowner in the area and think of the potential
23 impact on property values and the quality of life within that development and in the

1 immediate area, I have a problem with it. Not because it's Mrs. Williams or anyone
2 else, just on a general basis. So, obviously she has made a conscientious effort to do
3 what she can to ameliorate that concern, but that concern for me, personally, is still
4 present.

5 MS. DORSEY: I agree with you completely, Mr. Brown. That usually weighs
6 heavily in my decision, too. I agree completely.

7 MS. PERKINS: You know – and I think that I have a very – it is a very difficult
8 decision for me. But then when an applicant has come before the Board and presented
9 information – and I didn't think that that was just in my judgement that she did not do the
10 things that I thought that she should have done when she first came up. And I think
11 there was some – and I'm not sure – she did live in a cul-de-sac and I think there was
12 one entrance. And I think I did hear her say that because of building that there's more
13 entry into the area. And if we look at it, this one in the instance where you were saying
14 commercial use and we didn't look at the others in commercial use, and it would be
15 hard for me to identify something, now, that she didn't do that we kind of asked her to
16 do. And that, I guess, aside from that, I think [inaudible] does she meet the
17 requirements of the section [inaudible]. I think that's the bottom line. And it's hard
18 because people do buy areas to live in. That's it.

19 CHAIRMAN TOLBERT: Any other discussion? With no other discussion, the
20 Chair will now entertain a motion.

21 MS. PERKINS: Mr. Chair, I move that we approve 05-12 SE with the condition
22 that if vacancy, abandonment, or discontinuation for any period of 12 months will void
23 this special exception.

1 CHAIRMAN TOLBERT: Is there a second?

2 MS. PERKINS: And the fencing. No, we had fencing. That's -

3 MS. DORSEY: May I just amend that to include some – the wire does concern
4 me a bit. And some sort of protective fencing to keep any children from going by that
5 wire.

6 CHAIRMAN TOLBERT: Is there a second?

7 MR. MYERS: Second.

8 CHAIRMAN TOLBERT: It has been motioned that 05-12 SE be approved with
9 the stipulations stated in the motion. All in favor of approval raise your hand.
10 Opposers?

11 *[Approved: Dorsey, Tolbert, Perkins, Myers; Opposed: Brown; Absent: Formyduval,*
12 *Young]*

13 CHAIRMAN TOLBERT: Motion has been granted.

14 MS. WILLIAMS: Thank you.

15 CHAIRMAN TOLBERT: Next on the agenda.

16 MR. PRICE: As stated, Item H, Case 05-13, special exception has been deferred
17 at this time. We're now into other business. If you notice in your package we have a
18 reconsideration request from a case last month. It was Case 05-06, special exception.
19 The applicant was requesting a special exception for detached cluster housing in an
20 RS-2 zoning district. Before you you have the letter that was submitted by the applicant
21 and he would like to address the Board.

1 CHAIRMAN TOLBERT: There we go. Okay. Douglas Van Schaik, please come
2 forward. For the record, state your name and address and any information, additional,
3 that you can share with the Board for this reconsideration.

4 **TESTIMONY OF DOUGLAS VAN SCHAIK:**

5 MR. VAN SCHAIK: Yes, sir. I haven't signed in. I didn't know I was going to be
6 speaking, *per se*. Do you want to swear me in?

7 CHAIRMAN TOLBERT: You weren't sworn in?

8 MR. VAN SCHAIK: No, sir.

9 CHAIRMAN TOLBERT: Okay.

10 MR. FARRAR: Do you swear that all the testimony you shall give shall be the
11 truth, the whole truth, and nothing but the truth so help you God?

12 MR. VAN SCHAIK: I do. I'm not prepared to give you a complete presentation on
13 everything I can do. I just wanted to say that there was only one question asked of me
14 and that was about the traffic. There were a lot of assumptions made on how much of
15 the property was wetlands, how much were not wetlands, what was buffer, what was
16 common area, etc. The plot that was submitted was admittedly very poor. It did not
17 delineate any of the things that I can, had planned, and will do. And so I think it just
18 wasn't possible for the Board to understand what I am going to do. I have no doubt that
19 everything I will do and can do will in fact be a model cluster housing development. The
20 price points are higher than the three houses across the street that were opposed to it.
21 The traffic issue is really not an issue because the RS-2 zoning would have the same
22 number of cars. And, in fact, I would suggest that the cars would be a lot less because
23 this will be a higher price point. It will be an empty nester type of environment. We're

1 looking at \$250,000 to \$275,000 homes basically for people, not limited, of course, but
2 mostly for people for people who's children are grown. So there would be a lot less
3 traffic. So the net of it is I would like to have an opportunity to come back and give you
4 a complete proposal with charts, with graphs, with specifics on common areas, walking
5 trails, buffer zones, etc., including access to the pond. And I truly believe you would be
6 very, very pleased and would probably hold it up as a model for other cluster
7 developments. The assumptions that were made, the comments that were made, are
8 not accurate. And I, because of the format, because of the protocol, which admittedly I
9 should have understood, but I could not respond. So, I would beg your indulgence and
10 please give me another chance to do it properly to show you everything that can and
11 will be done.

12 CHAIRMAN TOLBERT: Questions?

13 MR. VAN SCHAİK: If I may add one comment, I did put it in here. I know many
14 of the people who appeared here. They're neighbors. And I will certainly approach
15 them, in a spirit of accommodation, to understand what their concerns really were
16 because I don't think most people understand what cluster housing is. It means that
17 you have smaller lots, but it doesn't mean that you have a lesser home. And it doesn't
18 mean that you have more homes. But that, unfortunately, was not conveyed,
19 successfully, by me. So I will, if you'll grant me to the next meeting, I will meet with the
20 President of the homeowners association. I will meet with the three people who live
21 across the street. And if I don't secure their approval of what I'm going to do, then I
22 guess it's a moot point. But I will do that. And I will spend – I will make an investment
23 in proper presentation materials to show you graphically what I plan to do. I would also

1 like to point out that I've reread the minutes and virtually everyone who spoke against
2 this project spoke highly of me, as an individual, as a person who does what they say
3 with a record of integrity and, in the previous phases of this project, doing a very fine
4 job. There's absolutely no reason why this would not continue with this, this phase.

5 CHAIRMAN TOLBERT: Given the information that you're now sharing with us on
6 the responsibility for your project, why wasn't this information given at the presentation?

7 MR. VAN SCHAİK: Sir, I have to take full responsibility myself. I guess, in blunt
8 language, I blew it. I just didn't really think I had to have that level of detail. I thought
9 the code, basically - I thought my word was good. I thought if I told you it, it would be
10 understood. But I blew it. I didn't understand, quite frankly. I didn't get here at 1:00
11 o'clock because I was advised that since I was next to last on the agenda that I could
12 come later. And I clearly missed the introductory comments about the protocol, the
13 format, etc. So I was unprepared. I really was. I'd never done this before. It was my
14 first time.

15 CHAIRMAN TOLBERT: Any other questions?

16 MR. VAN SCHAİK: I have something that I did have prepared which I'd like to
17 share with you, if I may. It's a color rendering which might give you a little better idea of
18 the type of thing I'm talking about. May I do that?

19 CHAIRMAN TOLBERT: Yes. Is this new evidence that you didn't present
20 before?

21 MR. VAN SCHAİK: Yes, sir. It's a schematic, which I think graphically illustrates
22 better than what I had done before.

23 CHAIRMAN TOLBERT: Okay.

1 MR. VAN SCHAIK: Thank you. Okay. That is not final. But that shows a little
2 bit more. This is not all wetlands. The assumption in the previous meeting was that
3 anything that was not a lot was a wetland, but that is not correct. That delineation has
4 not been made. But part of this land is regular land. But you can see that we have a
5 large area of common area. This will not be part of lots. This is all common area. So
6 that if you look around the perimeter of this development, virtually the entire perimeter
7 will be walking paths, common area, as will the pond be common area, not only to the
8 homes that will be on the pond but to other homes in the community, as well.

9 CHAIRMAN TOLBERT: I'm going to ask this question again. Knowing this
10 information now, was these changes made in an effort to present something new to
11 them or was this in your plan from the start?

12 MR. VAN SCHAIK: It was in my plan to begin with but I didn't understand that I
13 needed to do a full-fledged, color graphic presentation.

14 MS. DORSEY: It's the same thing.

15 MR. VAN SCHAIK: It is not the same thing, ma'am. I beg to differ with you.
16 That doesn't show you how much is wetlands. How can you assume that anything
17 that's green is wetlands?

18 MS. DORSEY: What I'm saying is that you did not show this as a common area.
19 I'm saying this is different. But you did not show this. Not that I think of it as a decent
20 common area, but there was no common access. I have the plan.

21 MR. VAN SCHAIK: It was a proposed lot layout. That's all it was. This – I will
22 not do something like this. I never really intended to do something that was this. I
23 guess I got bad advice in terms of what was needed in order to get cluster housing. But

1 to answer your question, I've always intended to have plenty of common area. I've
2 always intended to have the pond be a buffer, to be common area. There are 24 acres
3 in here and we're talking about maybe 14 acres with homes on it. I blew it. I mean I
4 didn't –

5 MS. DORSEY: What I'm trying to say to you is that you were denied based on
6 information you gave. It wasn't anything to do with the process or that. It was this is the
7 plan that you gave us. It did not meet, in my opinion, the ordinance, the intent, the
8 character of the area. And so it was denied based on what you gave us.

9 MR. VAN SCHAİK: Well, ma'am, you – I read the minutes. And there were
10 comments about it was all wetlands and I was giving away land that I couldn't use
11 anyway. I don't see anywhere on here where it says what is a wetland and what is not.
12 That's my point.

13 MS. DORSEY: So you're defining what wetlands are?

14 MR. VAN SCHAİK: No, I'm not defining. An engineer, an environmental firm, will
15 define that. And anything that's a wetland will be approved by the Army Corps of
16 Engineers. There were comments made by people who were protesting this that
17 developers build on wetlands and that's against the law. You cannot do that. The code
18 says that if I enhance the area, if I provide common area, if I allow 15% or more, that I
19 might be allowed to build the same number of houses that I could on the existing 24
20 acres. The code does not get into detail about what's a wetland and what's not a
21 wetland. All I did was show that the maximum I would build would be 86 lots. This is
22 not a complete rendering or map. I have looked at previous approvals and this shows
23 as more detail than ones that have been approved. It doesn't tell you it's a wetland,

1 neither does this. There were comments about “Oh. It’s all wetlands. He’s just giving
2 away wetlands.” That is not the case.

3 MS. DORSEY: I believe that the comments had to do more with unusable land
4 than trying to define – sit up here. I wouldn’t do that. But you have a large amount of
5 unusable land and placing houses closer together because there’s a large amount of
6 land that can’t be used isn’t my definition of what cluster housing is supposed to be.
7 And that was – and that concept of cluster housing shouldn’t be used that way.

8 MR. PRICE: Just want to kind of interject something. It seems what, from my
9 conversations with the applicant, one of the problems is that when you go to the cluster
10 housing section of our code and when someone comes in before us there is an intent.
11 And they do give some specifics of, you know, what’s going to be in the cluster housing,
12 usually the density, certain setbacks. But it does not really tell you how to accomplish
13 that. It doesn’t give you percentage of wetlands. It doesn’t tell, you know, anything
14 about how to design it. And with that being said, most of the applicants do submit
15 something. It seems in this particular case what the applicant has tried to do is take
16 what was spoken about at the last meeting and maybe some of the reasons why he was
17 denied and kind of revised his plan a little bit to try to meet those requirements from the
18 last meeting. Just pointing that out.

19 MR. VAN SCHAİK: To answer the Chairman’s, I guess, question. I am in the act
20 of preparing more materials which I think will explain to the Board what the character of
21 the land is, how the cluster community here will benefit the community, the people who
22 live there, in a tangible way. I think what we had before was a very poor offering on my
23 part and I bear full responsibility for that. But, in reading the code, I didn’t know I

1 needed to do all that detail up front because I cannot get approval for any houses,
2 whether it's 86 or whether it's 50, unless all the engineering work, unless all the
3 environmental work, unless the Army Corps of Engineer work, is all done and approved.
4 I mean there were comments made that I was going to break the law. That I was going
5 to build things on wetlands. And the assumption was made that everything that didn't
6 have a house on it was a wetland. That's simply not the case. It's simply not the case.
7 So I guess I would like an opportunity to show you what I can, and will do, and why this
8 will be a very high-quality cluster development. Now we've talked about alternatives.
9 And I'm not going to tell you what the alternatives are. But this is RS-2. I mean RS-2 is
10 60' lots. And I could do 60' lots and I can sell them very, very quickly. I'm trying to do
11 something very nice. I'm trying to do something high quality. It's going to take a longer
12 time to sell 60, 70, 50, however many lots come out, for \$275,000 homes, or \$230,000
13 to \$275,000 than it would be to sell \$135,000 or \$140,000 homes. I mean it's just how
14 the economics of development works. I don't believe that the Wildwood Homeowners
15 Association understands that. In fact, I feel quite certain that they will come back with
16 me and say, "Gee, Doug didn't explain this to us. We're glad he was afforded another
17 opportunity." And that's what I'm asking for. I will make the investment in time and
18 whatever money it costs. But I want to assure everybody that I'm not going to do
19 anything that's not proper and doesn't go through Planning, Army Corps of Engineers,
20 or whatever. I just - I mean that's against the law. I'm not going to do it. And I think
21 that there was an implication from the comments that the protestors made, those
22 against it, that quite frankly stated that. And as far as the Board, the Zoning Board,
23 there were four members there and only one person asked me a question. I believe

1 that was a traffic question. So, I'll do my best. I'm asking, I guess, for forgiveness, for
2 another chance. And I certainly would appreciate your offering that to me.

3 CHAIRMAN TOLBERT: Okay. Mr. Farrar. Question. We only had three Board
4 members present at – when his case was presented. I don't think it's fair to ask them to
5 be part of this decision on this. Do we need the same Board members or how would
6 this work for reconsideration?

7 MR. FARRAR: No. You'd have - those who were present here last month could
8 take it up. You'd have, you know, the requirement of a quorum is to conduct business.
9 If you have to, you know, whittle away, for lack of a better term, you know, members for
10 various reasons, if there's a recusal, some reason why they can't participate, you can
11 have a vote with fewer than four people. That's not a problem. The two who were, I
12 believe, Ms. Perkins and Mr. Myers did not hear the case. So, if the three of y'all did
13 hear the case, you could vote on - and under the bylaws, any member can move for
14 reconsideration. So, if that receives a majority of those members eligible to vote at this
15 point, that would be acceptable.

16 CHAIRMAN TOLBERT: Okay. Thank you. Okay. Is there anything else you'd
17 like to add before we render our decision?

18 MR. VAN SCHAİK: No, sir. Just if there any questions from anybody.

19 CHAIRMAN TOLBERT: Are there any questions? You didn't hear the case, so, I
20 mean. Any questions from the members that were present at the presentation? Are
21 there any comments as to the reconsiderations?

1 MR. BROWN: Generally speaking, we've been relatively liberal in granting
2 reconsideration requests [inaudible] reconsideration and representation by both sides.
3 And I think Mr. Van Schaik presented some matters that –

4 MR. FARRAR: Sir, I'm sorry. Stephanie said she can't pick it up.

5 MR. BROWN: Oh, I'm sorry.

6 MR. FARRAR: Sorry. It's a weak mic.

7 MR. BROWN: I think - my statement was that was that we have, generally, been
8 fairly liberal in granting requests for reconsideration and that I felt that Mr. Van Schaik
9 presented some matters that were not presented and, perhaps, could not be presented
10 at the previous meeting. And, personally, I would be inclined to offer him the
11 opportunity to come back before the Board and make a more thorough presentation.

12 MS. DORSEY: I believe that Mr. Van Schaik is missing the point of both what my
13 concerns and concerns of the residents. And I want to make a point about what he's
14 saying about the wetlands. Not only was there concern about the common area being
15 wetlands, as anyone defines it, but also about properties being placed in the pond. That
16 that - not building in wetlands or in the pond, but that the lots, the pond being part of the
17 lots. And this clearly showed that. Part of the concept of cluster housing is that you
18 draw development, high-density or more density development, away from perhaps
19 environmentally sensitive areas and you cluster that development away. That's part of
20 the beauty of cluster housing. Then you preserve those elements for common space,
21 for passive use, for active use. But that that – you are given the higher density, or not
22 actually higher density but the closer density, in order to draw it away from those areas
23 where – that might be negatively impacted. And that's what I want you to understand.

1 This plan still, while I see changes in it, it doesn't meet what cluster housing, according
2 to the code, says to me. So, if you were granted this, this is different than what you
3 presented. I can see it as being new. But it's still not meeting it. And I wanted you to
4 understand the concerns of the residents, too, as far as pitting. You want to say
5 something?

6 MR. VAN SCHAİK: Can I say something?

7 MS. DORSEY: Yes.

8 CHAIRMAN TOLBERT: No.

9 MS. DORSEY: Oh, I'm sorry. I'm sorry.

10 CHAIRMAN TOLBERT: We're in discussion. Okay.

11 MS. DORSEY: If – I want Mr. Van Schaik to understand that point if this is
12 approved of, that that's the kind of attention that, to me, is in the intent of this ordinance,
13 the attention to detail and to sensitive areas that are in the intent of the ordinance and
14 that I want to see. I think that there's a problem between the way density is defined and
15 actual yield, what the actual yield of a piece of land is. And that's caused a lot of
16 confusion. I think you should be cautious about saying that you're marketing to a
17 certain group, empty nesters. While that might support you in a marketing plan, that
18 doesn't bear any weight here, at least not to me, because I know that a house is going
19 to be sold to whoever wants to buy it. I'm curious to see what the best of cluster
20 housing could be. I think this area – that's what this area would expect and that's what I
21 would expect from the concept of cluster housing. I don't want to be the cat, so I'm
22 curious to see what your integrity could come up with.

1 CHAIRMAN TOLBERT: I agree with Mr. Brown in some points of we're allowing
2 situations to be granted an opportunity to present a case. But, however, I was a little bit
3 disappointed that the integrity of the Board, he felt like it was not necessary to bring a
4 full package to the Board given the responsibility that we have to render such decisions
5 and make the community aware of what we're about and what we're trying to do to
6 preserve communities to way they are dictated to be done. But, however, I would like to
7 hear additional information. But I was real complexed that the statement was made
8 that, you know, he was advised wrongly. I think this Board has a great job to do to
9 perform, to render such decisions and that type of understanding does not do me well
10 for me to sit here over and over again to – how to take on that type of statement. But,
11 given the information, we all make mistakes. And we just have to look at knowing that
12 responsibility this Board has should bring – information should be brought to the Board
13 at your best at all times. Information should not be – it looks as though we're just here.
14 You would just dump something. And we'll go through it. And it's done. Well, we have
15 a service to the community to provide such good quality information that we will render
16 a decision. I want to render a decision that I must go home and be able to be at peace
17 with, whether it's in my community or someone else's community. It just my feeling and
18 the reason that I'm here is because I would like to render that type of judgement. With
19 that said, the Chair will now entertain a motion for reconsideration.

20 MR. BROWN: Mr. Chairman, I move that this case be put on the docket for
21 reconsideration.

22 MS. DORSEY: I second.

1 CHAIRMAN TOLBERT: All in favor of the case presented to us for
2 reconsideration be put on the docket for next month, by raising your hands. Opposers?

3 *[Approved: Dorsey, Tolbert, Brown; Abstained: Perkins, Myers; Absent: Formyduval,*
4 *Young]*

5 CHAIRMAN TOLBERT: You have your reconsideration.

6 MR. VAN SCHAİK: Thank you, sir.

7 CHAIRMAN TOLBERT: Okay. Mr. Price.

8 MR. PRICE: Just maybe as a suggestion for – maybe even helping Staff in
9 guiding future applicants for, we'll say, cluster housing, just suggest that maybe you
10 look at what is required when someone submits a PUD package. And maybe just see
11 from what's outlined in that and say, "I think this'll be appropriate." Or, maybe, you
12 know, if the Board, you know, could just kind of guide Staff a little bit, when the
13 applicants come in we can tell them, "This is what's going to be expected of you. You
14 probably need to turn this in." And I think that would help out, you know, all parties
15 involved.

16 CHAIRMAN TOLBERT: I think they're full intention should be set forth, not, just
17 say, just come and give us what they think, just a little bit of information, for us to digest
18 and not make good decision. I think that information should be to the fullest extent of
19 what they plan to do.

20 MR. PRICE: Right, and I understand that. Unfortunately, if this - if what is listed
21 in the PUD, you know, in the descriptive statement that's required was, let's say, in the
22 cluster housing you would get – they would be very specific as to what needs to be
23 there. It's just a suggestion to look at it and -

1 MS. DORSEY: Where is it?

2 MR. PRICE: On page 478.

3 MR. BROWN: Well, I think, obviously, the more detail that an applicant can
4 provide the better. But we've got to balance that, I guess, to a certain extent against the
5 financial outlay that's involved in providing that level of detail. And I don't know where
6 that balance point is and I'm not sure we can really define it in a general context. But,
7 certainly, I agree that the more detail and the more that an applicant can do to show
8 how their particular concept meets or exceeds the various ideas set forth in the intent
9 section of the cluster housing portion of the zoning ordinance, you know, how they
10 address each of those criteria, for lack of a better term, in the intent section the better.
11 And, obviously, to the extent that they're able to do that and articulate it to the Board,
12 they enhance their opportunity of getting a favorable response from the Board. I think
13 the level that's provided in the PUD, as far as the general development plan that they
14 have to provide, may be a little bit too deep in terms of the costs, engineering costs,
15 involved in doing that. For instance, we use this one as an example, I don't think it
16 would, from my standpoint, that it would be reasonable to expect somebody to go out
17 and have the wetlands delineated and metes and bounds before they come in and ask
18 for a special exception. Because that's a considerable expense involved in that. And
19 they may not get it approved and then that's money that they've spent that they get no
20 return on.

21 MS. DORSEY: Well, when it comes to this type of a development, what I see us
22 as doing is really we can't fulfill our part of the ordinance without, essentially, the job of
23 the Zoning Board and Planning Commission. And they would – they have no

1 assurances when they go before Planning Commission if they were just going to do a
2 residential development. We're basically doing – because we have to have – we're
3 basically doing a residential development because we have to have the justification that
4 this is the right way to go in as opposed to leaving it as the current zoning. So in order
5 to bring us that justification, I don't know how I can do it with less information than what
6 the Planning Commission would get. And they are still, when they bring it before the
7 Planning Commission, they have no assurances there. They have no assurances when
8 it goes on to Council. Yet they bring that level of professionalism and that level of
9 preparedness to those bodies. I don't see our body as deserving less. And when it
10 comes to this level of decision-making, I don't want to make those decisions with less
11 information.

12 MR. BROWN: I'm not suggesting we should get any less information than any
13 other decision making body.

14 MS. DORSEY: Oh, I don't want them to have the impression that they can get it
15 with less here. Because once we give it to them, there's a certain amount that's kind of
16 set in stone that the Planning Commission can't –

17 MR. BROWN: But I think there's got to be a balance in there somewhere, and I
18 don't know precisely where it is, of what's a reasonable level of detail to expect in terms
19 of financial burden involved in the planning aspect.

20 CHAIRMAN TOLBERT: Well, you know, we can toss and turn these ideas, but
21 they're on a project that they know – that their mind's set that they're going to do. And I
22 still feel that they should give this Board as much information as they can in lieu of the
23 cost, like she, you know like you stated, cost is going to be there regardless. And I think

1 if you get more - they stand to have less opposition with more information from the start
2 than they will when you get up there because if you've already – you know you're going
3 to encounter this cost anyway. And if you're going to present it from the start, you'll
4 have already when you get to the end and you won't - so, as to answer your question,
5 as much information as they can give us.

6 MR. PRICE: Okay. And, once again you know, as I think as the applicant said,
7 they're not exactly sure what it is the Board may want. At the same time Staff is not
8 sure, you know, what to ask of the applicant. You know, take for example, someone
9 came in and said, "I want to do a cluster housing development." And, you know, I may
10 pull out, you know, I'll talk to them. Tell them, you know, what I think the Board's
11 looking for. Sometimes I may even go and pull out a former application that was
12 approved and you can show them that, but then that still may not be enough.

13 MS. DORSEY: It's still vague.

14 CHAIRMAN TOLBERT: Yeah.

15 MR. PRICE: So then they get here and trying to figure out what's going on. You
16 know, just more – not saying that, you know, do anything now or just adopt what's in the
17 PUD. But at least if I knew – if I knew, just me personally, what the Board was looking
18 for when someone comes in, you know, to show something or even ask. I could say,
19 "They specifically need these. Now anything additional you add would be great
20 because you want to be more specific." But there should be certain things that even
21 Staff should know that the Board is looking for.

22 MS. DORSEY: Is that something that, as a Board, we should discuss and come
23 up with in discussion?

1 MR. PRICE: Well, I think it's, you know, maybe. Maybe. Maybe you should. I
2 think as time goes on and more of these cluster requests come in, I think I can kind of
3 deduce from what, you know, from the discussions that y'all have, "Okay. I know
4 they're looking for this. I know they want to see this." And, say - are able to kind of put
5 that in a little more. But, you know, it's just - it's going to get built better each time.

6 MS. DORSEY: Well I don't want to go through that each time.

7 MR. PRICE: So that's the only reason why I say maybe look at, you know, the
8 PUD. See certain pieces in there that you might feel are, you know, appropriate for
9 what you're looking for. And I think Mr. Brown is correct, trying to find that balance in
10 there -

11 MS. DORSEY: Yes.

12 MR. PRICE: - is hard. And, you know, once again, we're looking for your
13 guidance on this because you're the ones making the decisions so you'd know what it is
14 that you expect to have before you.

15 MS. DORSEY: Okay.

16 MR. BROWN: I think we're going to see more and more of these cluster housing
17 proposals.

18 MS. DORSEY: Obviously.

19 MR. BROWN: And, one, because of the type of development that they generally
20 involved. And, secondly, because the amount of land that's available for development
21 is shrinking.

1 MS. DORSEY: And I'm very concerned that these developments are being used
2 where there's a large amount of unusable land. This is a way to increase density and
3 decrease common space.

4 MR. BROWN: That's probably true.

5 MS. DORSEY: And I want to make sure that that's not what's passed. That this
6 meets the best that we can do for the citizens of Richland County and the citizens that
7 would have to live in these developments. If we let our guard down, we're letting down
8 the citizens here. If we don't define better what we need to make these decisions, I just
9 as soon take what I've got. At least I know what I'm dealing with.

10 MR. PRICE: Yeah. And I agree with you, with something you said earlier, to a
11 degree, you know, this is cluster and they're for a special exception. But, you know, if
12 you really would kind of break it down. This is almost like a rezoning.

13 MS. DORSEY: Exactly. Exactly.

14 MR. PRICE: So it's just like a PUD, to a degree. It's just that you're probably a
15 little more specific in this. Right.

16 MS. DORSEY: And a lot of people are affected.

17 MR. PRICE: And that's kind of how it is. So, you know, whatever information you
18 ask for. I just ask, you know, from a Staff level, if you're, you know, more specific as to
19 what you want, it's a little easier for Staff to kind of guide the applicant that way when
20 they come before you, you know.

21 MS. PERKINS: Well, from what I've heard, you have some idea.

22 MR. PRICE: Yeah. I have some.

23 CHAIRMAN TOLBERT: Yeah.

1 MR. PRICE: But, you know, the more I know –

2 MS. DORSEY: I can name a few things.

3 MR. PRICE: One of the things or something you, maybe, can look at next time or
4 we can discuss at, you know, the next meeting because I believe that's going to be –

5 MS. DORSEY: I'd like that.

6 MR. PRICE: - relatively short agenda and something that we can, you know, we
7 can discuss then. So that's why I pointed out those pages to you. Just kind of looking
8 what's required in PUD.

9 MS. DORSEY: All right. As a general idea.

10 MR. PRICE: And then you could just say, you know, "I'm looking for this." And
11 maybe, you know, you may see something that you think it's appropriate. Mr. Brown
12 may, on the other hand, say, "Well, I don't see why." And maybe some compromise
13 could be reached in there.

14 MS. DORSEY: That would make it easier both for us and them.

15 MR. PRICE: Yeah. That's it for Other Business.

16 CHAIRMAN TOLBERT: I have –

17 MR. PRICE: Oh, I'm sorry.

18 CHAIRMAN TOLBERT: - something that I need to –

19 MR. BROWN: The minutes. We got minutes, too.

20 CHAIRMAN TOLBERT: Yeah, but before you bring the minutes. We have
21 several cases where our attendance was not and caused us to defer a meeting. And
22 we looked at – were advised by Ordinance 2-328: Absenteeism. There's a lot of rules
23 of thumb for absenteeism, but one of it is that you must call and let us know the

1 absenteeism because once these things are posted – and I was advised that when
2 they're posted we need to have the Members here so that the community won't be
3 called to let them know – like we had to cancel a meeting this year. July. And we just
4 need – there are all kind of provisions for, you know, sickness and death. It just has to
5 be stated. And then the Zoning Administrators, they can make their decisions on
6 whether to have the meeting or cancel it and proper notice so the community will not be
7 there. So I think that it was stated that in the future that if we call in and let them know,
8 it would be – you all would have a better opportunity to let, make, the community aware
9 if we come to a situation where won't have a meeting.

10 MR. PRICE: Well, I need to give everyone my cellphone number. [Inaudible]. I'd
11 really prefer, you know, if y'all could just call me on my private phone unless you want to
12 discuss it. Then you call me on the county phone. But if you just want to call and let me
13 know you aren't going to be here. Because most of the time, especially during
14 meetings, I may be running around, and you try to call the office that's going to be kind
15 of, you know, tough.

16 MR. BROWN: Might not be a bad idea just with the next agenda to put a note on
17 it saying don't forget if you're not going to be able to make a meeting call Mr. Price to
18 notify him.

19 MR. PRICE: Yeah. [Inaudible] list on there and should definitely be able to reach
20 somebody.

21 MR. BROWN: Just a tickler to –

22 MR. PRICE: Okay. [Inaudible] work out.

23 CHAIRMAN TOLBERT: Okay.

1 MR. PRICE: All right. Now we're to the approval of the minutes of September 1st.

2 MR. BROWN: I move approval of the September 1st minutes.

3 CHAIRMAN TOLBERT: Is there a second?

4 MS. DORSEY: Second.

5 CHAIRMAN TOLBERT: All in favor of the minutes being approved for
6 September? I know.

7 *[Approved: Dorsey, Tolbert, Perkins, Myers, Brown; Absent: Formyduval, Young]*

8 CHAIRMAN TOLBERT: Okay. Anything else?

9 MR. PRICE: All right. That is it.

10 CHAIRMAN TOLBERT: Declare the meeting of October adjourned.

11

12

[Adjourned 4:00 p.m.]