

# RICHLAND COUNTY BOARD OF ZONING APPEALS



Wednesday, 6 February 2013

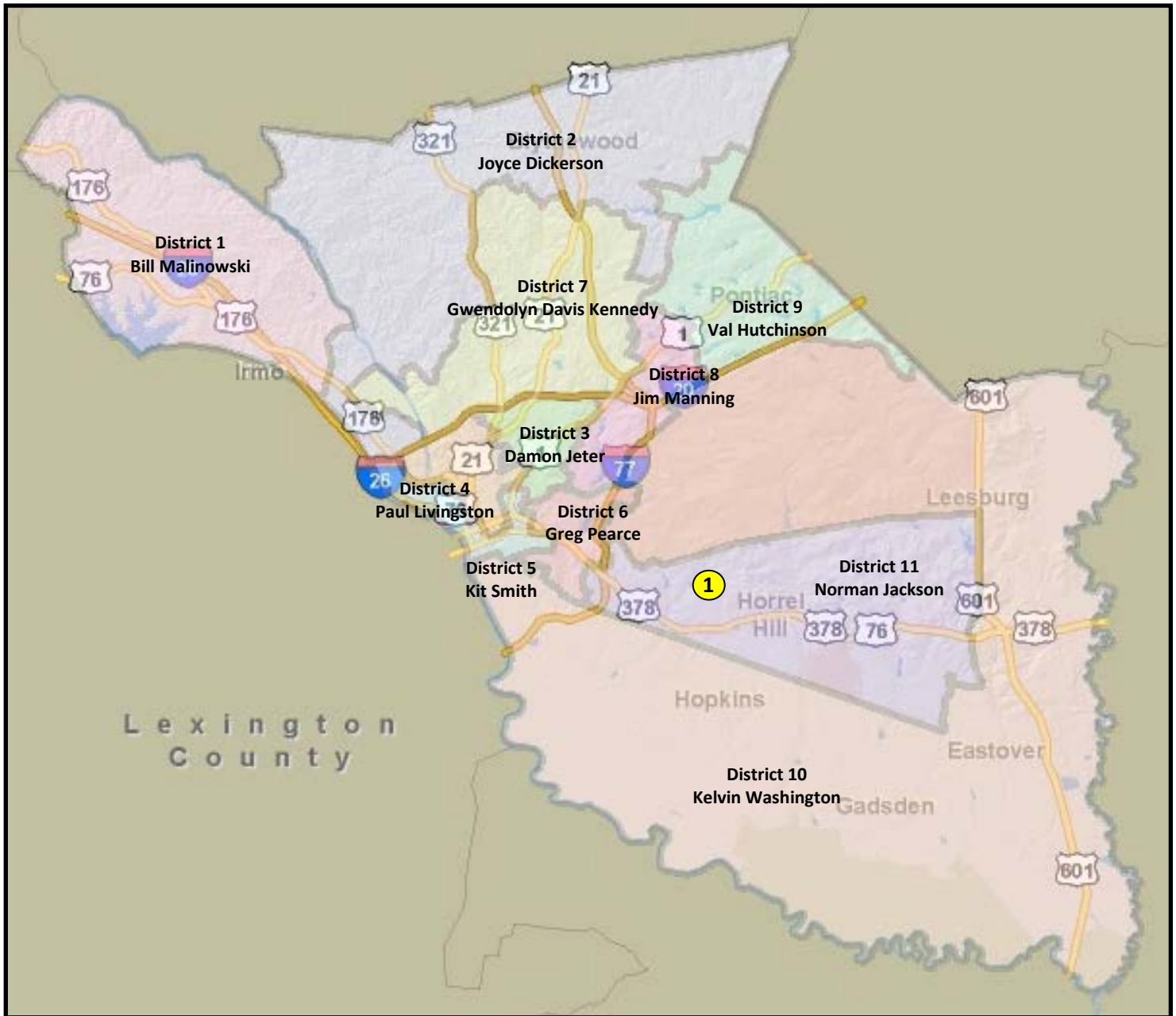
1:00 p.m.

Council Chambers



# RICHLAND COUNTY BOARD OF ZONING APPEALS

## February 6, 2013



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 13-01 AR	Brian Davis	21909-01-16	Alexander Pointe Subdivision Hopkins, SC 29061	Jackson





**Richland County  
Board of Zoning Appeals  
Wednesday, February 6, 2013  
2020 Hampton Street  
2<sup>nd</sup> Floor, Council Chambers**

## **Agenda**

**I. CALL TO ORDER & RECOGNITION OF QUORUM**      **Joshua McDuffie, Chairman**

**II. PUBLIC NOTICE ANNOUNCEMENT**

**III. RULES OF ORDER**

**Amelia Linder, Attorney**

**IV. APPROVAL OF MINUTES – January 2013**

**V. PUBLIC HEARING**

**Geonard Price,  
Deputy Planning Director/ Zoning Adm.**

### **OPEN PUBLIC HEARING**

**13-01 Administrative Review  
DDC Properties, Inc.  
141 Alexander Point Dr.  
Hopkins, SC 29061  
TMS# 21909-01-16**

**Appealing Section 26-185 (2) (b) (2).**

**Real estate office in a construction trailer or temporary modular unit.**

**VI. OTHER BUSINESS**

**VII. ADJOURNMENT**





## Administrative Review

### **CASE:**

13-01 Administrative Review

### **REQUEST:**

The applicant is appealing the zoning administrator's decision to deny the temporary placement of a real estate office on a vacant parcel located at the intersection of Alexander Pointe Drive and Alexander Pointe Lane. Section 26-185 (a) (2) (b) (2) of the Richland County Land Development Code allows for real estate offices to be located in temporary structures for construction projects. Section 26-185 (a) (2) (b) (2) states:

***Real estate office in a construction trailer or temporary modular unit. One (1) temporary structure, such a construction trailer or temporary modular unit, may be used as a real estate sales office in any new construction project. Such structure shall be allowed in all zoning districts. Temporary real estate offices in construction trailers or temporary modular units may remain on the site for no more than twelve (12) months or until one-half (½) of the units for the project are completed, whichever occurs first.***

### **GENERAL INFORMATION:**

***Applicant:*** Brian Davis

***TMS:*** 21909-01-16

***Location:*** 141 Alexander Pointe Drive

***Parcel Size:*** .50 acre tract

***Existing Land Use:*** The parcel is currently vacant.

### **ZONING ORDINANCE CITATION:**

26-33 (a) (1) of the Land Development Code authorizes the Board of Zoning Appeals to hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by the zoning administrator or other authorized staff of the planning department in the enforcement of this chapter. Such appeals must be taken within thirty (30) days after the order, requirement, decision, or determination that is alleged to be in error is made, and must be made in accordance with the procedures and standards set forth in Section 26-58 of this chapter.

### **CRITERIA FOR SPECIAL EXCEPTION:**

Upon receiving the application, the board of zoning appeals or planning commission (as applicable) shall conduct a public hearing on the appeal. Any party may appear in person or be represented by an agent. After conducting the public hearing, the board of zoning appeals or planning commission (as applicable) shall adopt an order reversing or affirming, wholly or in part, or modifying the order requirements, decision, or determination in question. These boards shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit. These boards in the execution of the duties specified herein may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction. The decision of these boards must be in writing and permanently filed in the planning department as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of these boards, which must be delivered to parties of interest by certified mail.







# **Planning & Development Services Department**

2020 Hampton Street, 1<sup>st</sup> Floor • Columbia, South Carolina 29204-1002  
Post Office Box 192 • Columbia, South Carolina 29202-0192

1 October 2012

Brian Davis  
140 Atrium Way  
Columbia, SC 29223

## **RE: Sales Trailer - Alexander Pointe Subdivision**

Dear Mr. Davis:

This letter is in response to your request to place a sales trailer on a parcel located at the intersection of Alexander Pointe Drive and Alexander Pointe Lane.

The proposed location of the sales trailer is in an area designated as a common area for Alexander Pointe Subdivision - phase 1B. According to section 26-185 (a) (2) (b) (2) of the Richland County Land Development Code (LDC), temporary real estate trailers are allowed to remain for twelve (12) months or until one-half of the units of the project are completed. Records indicate that Phase 1B of this development is nearly complete, thus the request to establish the trailer was denied.

### **Section 26-185 (a) (2) (b) (2)**

Real estate office in a construction trailer or temporary modular unit. One (1) temporary structure, such a construction trailer or temporary modular unit, may be used as a real estate sales office in any new construction project. Such structure shall be allowed in all zoning districts. Temporary real estate offices in construction trailers or temporary modular units may remain on the site for no more than twelve (12) months or until one-half (½) of the units for the project are completed, whichever occurs first.

You do have the option of placing the sales trailer in another phase, provided it meets the requirements of the above stated provision.

In cases where anyone has substantial reasons to believe that there is an error in the interpretation, decision, requirement, or determination by an administrative official, an appeal to the Board of Zoning Appeals must be filed no longer than thirty (30) days after the decision has been made.

Please call me if you have any questions or need additional information at 576-2174.

Sincerely,

A handwritten signature in black ink that reads "Geonard H. Price".

Geonard H. Price  
Deputy Planning Director/Zoning Administrator





# BOARD OF ZONING APPEALS ADMINISTRATIVE REVIEW



Receipt #	Application #	Fee Paid \$
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1. Applicant hereby appeals to the Board of Zoning Appeals from the action of the Zoning Official affecting the property described in the Notice of Appeals on the grounds that:

**(CHECK ONE)**       GRANTING      OR       DENIAL

of an application for a permit to \_\_\_\_\_

Place a sales trailer in front common area previously used for same purpose.

was erroneous and contrary to provisions of the zoning ordinance in Section \_\_\_\_\_ or other action or decision of the Zoning Official was erroneous as follows:

26-185(a) b. 2 I interpretate the "Active Project" as the entire subdivision not a phase. The "Project" is +/- 500 lots. Less than 1/2 lots have been sold.

2. Applicant is aggrieved by the action or decision in that:

Builder who has committed to buy all remaining lots could pull out if Sales Trailer site is not granted.

3. Applicant contends that the correct interpretation of the zoning ordinance as applied to the property is:

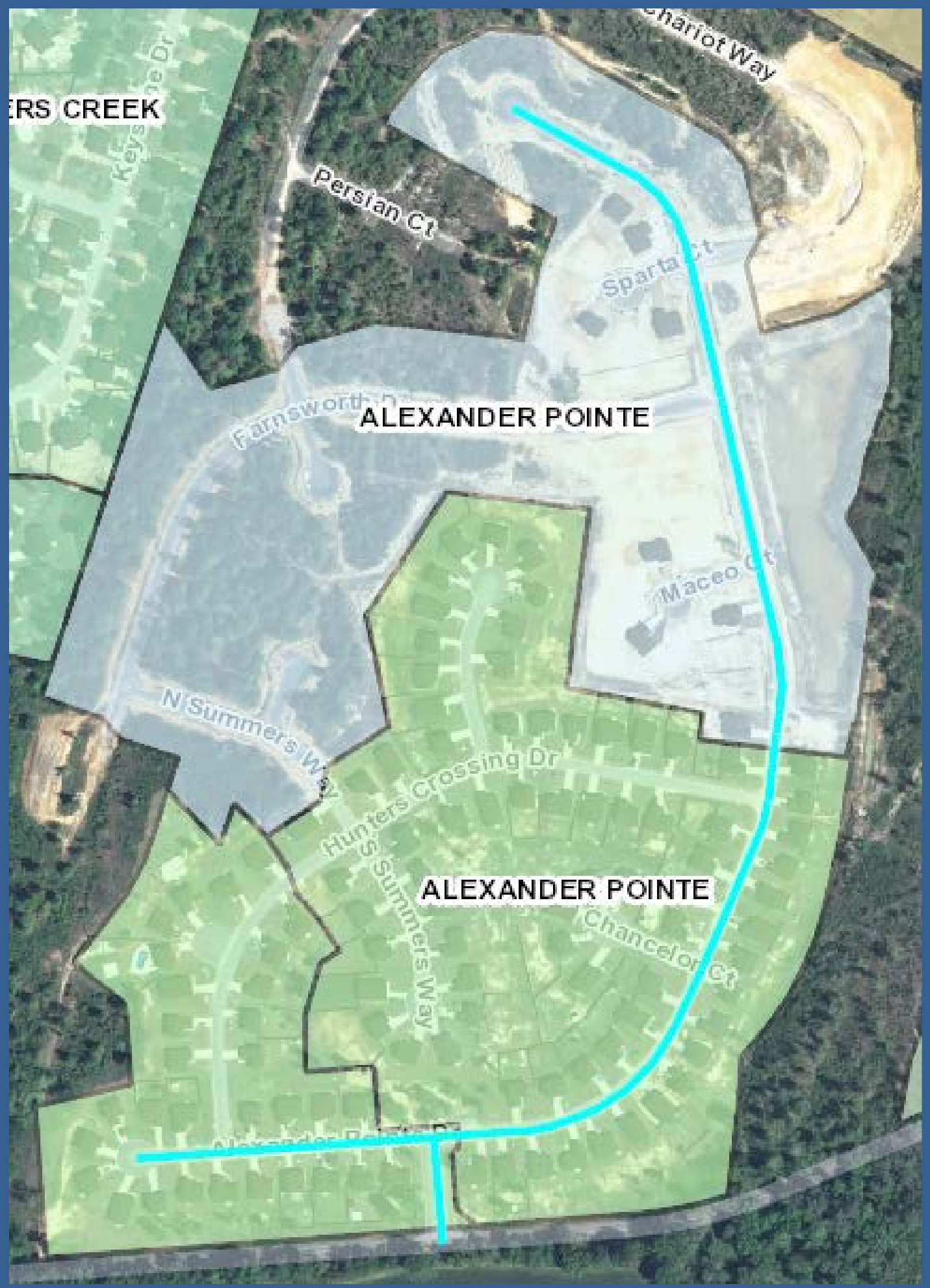
The project is +/- 500 lots not the 91 lots in the current phase.

4. Applicant requests the following relief:

To allow sales trailer to be placed at front of neighborhood with the maximum exposure to current homebuyers. The common area does not interfere with adjacent homeowners. Trailer from prior builder was never mentioned as a problem with adjacent homeowners.



ERS CREEK



**ALEXANDER POINTE**

**ALEXANDER POINTE**







Richland County Government  
2020 Hampton Street  
Columbia, SC 29204

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

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