

RICHLAND COUNTY BOARD OF ZONING APPEALS



**Wednesday, 3 November 2021
3 p.m.
Council Chambers**



**Richland County
Board of Zoning Appeals
Wednesday, November 3, 2021
3:00 p.m.**

Chairman - Jason McLees

Co-Chairman – Lonnie Daniels

Mike Spearman • Robert T Reese • Cody Pressley

Agenda

- I. CALL TO ORDER & RECOGNITION OF QUORUM** Jason McLees
- II. PUBLIC NOTICE ANNOUNCEMENT**
- III. ADOPTION OF AGENDA**
- IV. RULES OF ORDER** Chairman
- V. PUBLIC HEARING** Geonard Price,
Zoning Administrator

OPEN PUBLIC HEARING [ACTION]

- 1. SE21-002** Request a special exception to establish a manufactured home on property zoned Light Industrial (M-1) **District 10**
Doris Brown Cheryl D English
1309 Pineview Drive
Columbia, SC 29209
TMS# R16104-02-06
Page 1
- 2. ZV21-010** Request for a variance to encroach into the required side yard setbacks on property zoned Residential Single Family Low Density (RS-LD) **District 1**
Christopher A Brinkley Bill Malinowski
118 Blackburn Road W
Irmo, SC 29063
TMS# R02316-02-07
Page 7

VI. OTHER BUSINESS

VII. ADJOURNMENT



3 November 2021
Board of Zoning Appeals

REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

21-002 Special Exception

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the placement of a manufactured home on property zoned Light Industrial (M-1) district.

GENERAL INFORMATION:

Applicant: Leonard and Doris Brown

TMS: 16104-02-06

Location: 1309 Pineview Drive, Columbia, SC 29209

Parcel Size: .56 acre tract

Existing Land Use: The parcel is currently undeveloped.

Proposed Land Use: The applicant proposes to establish a manufactured home on the subject site.

Character of Area: The general area consists primarily of industrial developed parcels with a scattering of residentially developed parcels.

ZONING ORDINANCE CITATION:

Table 26-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to permit manufactured homes on property zoned Light Industrial (M-1), subject to the provisions of section 26-152 (d) (11).

CRITERIA FOR SPECIAL EXCEPTION:

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

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

Special exception requirements (as found in section 26-152 (d) (11)):

(11) *Dwellings, Manufactured Homes on Individual Lots.*

- a. Use districts: M-1 Light Industrial.
- b. Manufactured homes must meet the standards set by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976), as revised and in effect on the date the application is made for a land development permit.
- c. The tongue, axles, transporting lights, and removable towing apparatus must be removed subsequent to final placement.
- d. Manufactured home skirting or a continuous, permanent masonry foundation, unpierced except for openings required by the building code for ventilation, utilities and access, shall be installed under the manufactured home.

DISCUSSION:

Staff visited the site.

The applicant is proposing to establish a 27 x 52 manufactured home on the subject site.

The surrounding area consists primarily of industrially developed parcels with a few single-family detached structures and manufactured homes. The subject parcel is abutted on the west and north by residential structures and on the east by an industrial use.

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

Staff recommends **approval**.

CONDITIONS:

Section 26-56 (f) (3)

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

OTHER RELEVANT SECTIONS:

N/A

CASE HISTORY:

N/A

ATTACHMENTS:

- Application

Case SE21-002 MA
1309 Pineview Drive
Columbia, SC 29209
TMSR16104-02-06

Unnamed St

Metal Park Dr

Branning Dr

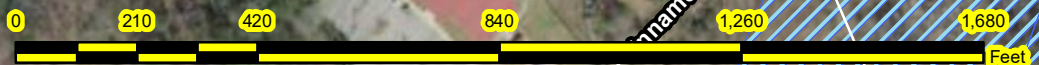
Pineview Dr

Unnamed St



 **SPECIAL FLOOD HAZARD AREA**

 **WETLANDS**



Richland County & Woolpert



BOARD OF ZONING APPEALS

SPECIAL EXCEPTION



1. Location: B09 Pineview Dr Columbia SC 29209
 TMS Page: _____ Block: _____ Lot: _____ Zoning District: Richland

2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting: Double Wide Mobile Home

3. Describe the proposal in detail: My ^{DOB} daughter and her two children need a place to stay. The house that she is renting has a mold issue, that that is making her sick because she is pregnant.

4. Area attributed to the proposal (square feet): 27 wide x 52 long

5. Are other uses located upon the subject property? No Yes (if Yes, list each use and the square footage attributed to each use):
 - a. Use _____ square footage _____
 - b. Use _____ square footage _____
 - c. Use _____ square footage _____

6. Total number of parking spaces on the subject property: N/A

7. Total number of employees on shift of greatest employment: N/A

8. Address the following **Standards of Review** (Sec. 26-56 (f) (2) of the Richland County Land Development Code). Please note that the members of the Board of Zoning Appeals will use your answers, among other things, as they evaluate your request.
 - a. Traffic impact: N/A

 - b. Vehicle and pedestrian safety: N/A

 - c. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property: NA

 - d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view: N/A

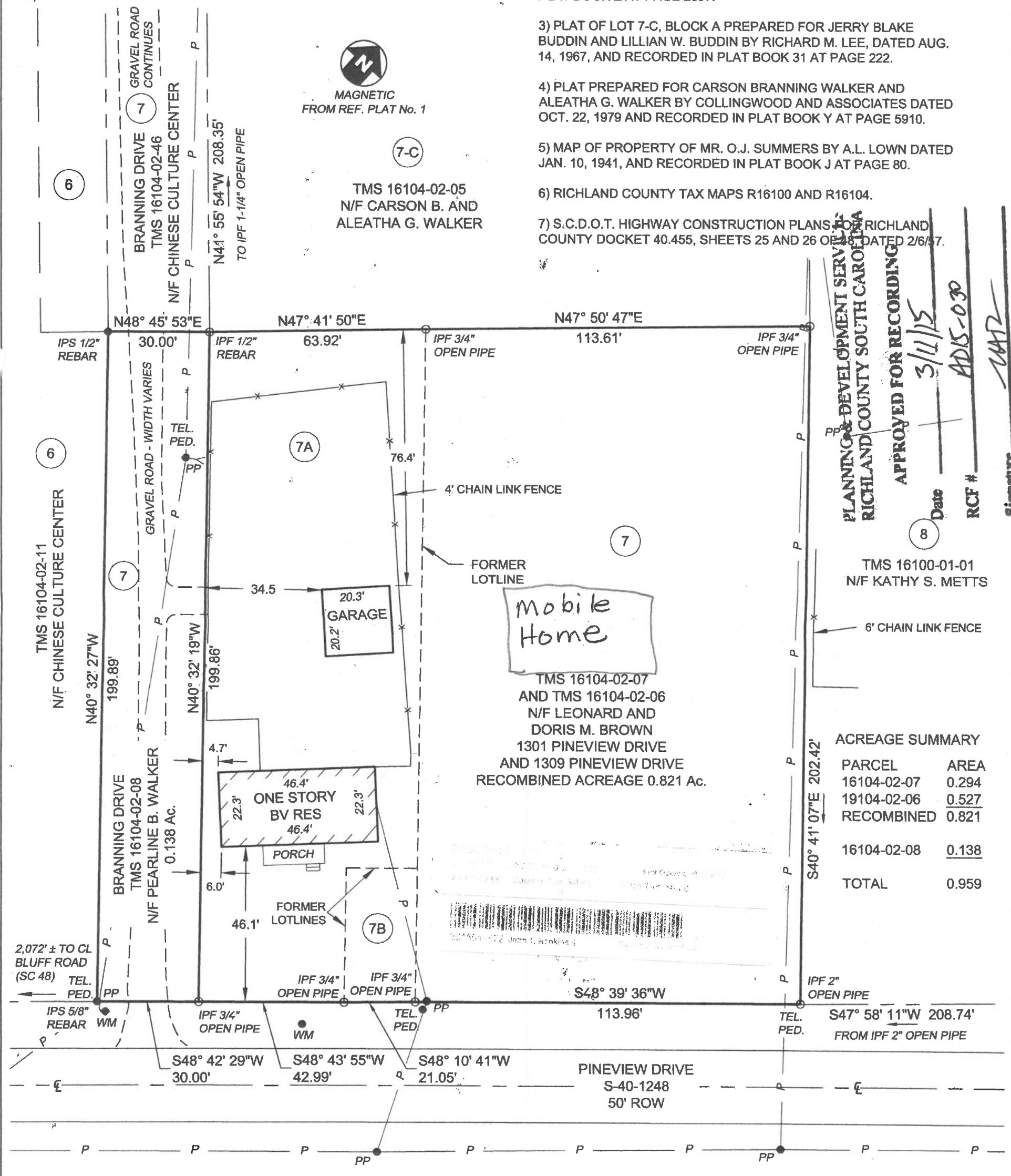
 - e. Orientation and spacing of improvements or buildings: N/A

NOTES

REFERENCES

- 1) THIS PLAT RECOMBINES EXISTING LOTS OF RECORD BY REMOVING THE DIVIDING LINE BETWEEN THEM AS SHOWN HEREON. ALL MEASUREMENTS SHOWN WERE MADE IN PREPARATION OF THE NOV. 17 PLAT, NO ADDITIONAL MEASUREMENTS BEING MADE FOR THIS PLAT.
- 2) UTILITY EASEMENT WIDTHS ARE UNKNOWN.

- 1) PROPERTY SURVEY PREPARED FOR LEONARD AND DORIS M. BROWN BY MICHAEL F. MORGAN, P.L.S., DATED NOV. 17, 2014.
- 2) PLAT OF PROPERTY SURVEYED FOR JAMES M. WALKER BY W. FRANK McAULAY, JR., DATED JULY 10, 1982, AND RECORDED IN PLAT BOOK Z AT PAGE 2697.
- 3) PLAT OF LOT 7-C, BLOCK A PREPARED FOR JERRY BLAKE BUDDIN AND LILLIAN W. BUDDIN BY RICHARD M. LEE, DATED AUG. 14, 1967, AND RECORDED IN PLAT BOOK 31 AT PAGE 222.
- 4) PLAT PREPARED FOR CARSON BRANNING WALKER AND ALEATHA G. WALKER BY COLLINGWOOD AND ASSOCIATES DATED OCT. 22, 1979 AND RECORDED IN PLAT BOOK Y AT PAGE 5910.
- 5) MAP OF PROPERTY OF MR. O.J. SUMMERS BY A.L. LOWN DATED JAN. 10, 1941, AND RECORDED IN PLAT BOOK J AT PAGE 80.
- 6) RICHLAND COUNTY TAX MAPS R16100 AND R16104.
- 7) S.C.D.O.T. HIGHWAY CONSTRUCTION PLANS OF RICHLAND COUNTY DOCKET 40.455, SHEETS 25 AND 26 OF 28 DATED 2/6/7.

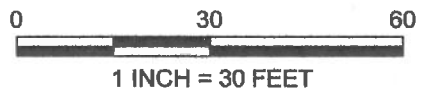


PLANNING & DEVELOPMENT SERVICES
 RICHLAND COUNTY SOUTH CAROLINA
 APPROVED FOR RECORDING
 Date: 3/11/15
 RCF #: AD15-030
 Signature: [Handwritten Signature]

TMS 16100-01-01
N/F KATHY S. METTS

6' CHAIN LINK FENCE

ACREAGE SUMMARY	
PARCEL	AREA
16104-02-07	0.294
19104-02-06	0.527
RECOMBINED	0.821
16104-02-08	0.138
TOTAL	0.959



PROPERTY SURVEY PREPARED FOR
LEONARD AND DORIS M. BROWN
 1237, 1301, AND 1309 PINEVIEW DRIVE, LOCATED NEAR THE CITY OF
 COLUMBIA IN UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 'B' SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

Michael F. Morgan
 MICHAEL F. MORGAN, S.C.P.L.S. No. 9061

MICHAEL F. MORGAN, P.L.S.
 2024 SHADOWOOD CT.
 COLUMBIA, SC 29212
 803.732.7906

SCALE 1" = 30'	DATE FEB. 27, 2015	DRAWING No. 14112-02
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3 November 2021
Board of Zoning Appeals

REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

ZV21-010 Variance

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a variance to encroach into the required side yard setback in the Residential Single-Family - Low Density (RS-LD) district.

GENERAL INFORMATION:

Applicant: Christopher A Brinkley

TMS: 02316-02-07

Location: 118 W Blackburn Road, Irmo, SC 29036

Parcel Size: .99 acres

Existing Land Use: Currently the property is residentially developed.

Proposed Land Use: The applicant proposes an addition which will encroach into the required side yard setback.

Character of Area: The area is residentially developed.

ZONING ORDINANCE CITATION:

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

CRITERIA FOR VARIANCE:

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

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

DISCUSSION:

The applicant is proposing to construct an addition to the existing residential structure that will encroach into the required five (5) foot side yard setback. The proposed addition will, "...encompass a small pool intended primarily for therapeutic purposes as well as an elevator to access the main floor level for my partially disabled wife, and allow for a small walkway circulation around the pool."

According to the applicant, there is a deed restriction on the property which restricts additions or new construction rear of the existing residential structure. Specifically, the deed establishes a 150 foot rear yard setback on the subject property.

Staff believes that the subject parcel does not meet all of the criteria required for the granting of a variance. Section 26-33 of the Richland County Land Development Code (LDC) states that the BZA, "...shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter..." According to subsection 26-89 (c) (4) (c) of the LDC, the minimum rear yard setback for principle structures in the RS-LD district is twenty (20) feet. As previously stated, the BOZA is authorized to grant variances where the provisions of chapter 26 cannot be met. In this case, the requirement for the rear yard setback (20 feet) can be met.

Staff recommends that the request be **denied**. According to the standard of review, a variance shall not be granted until the following findings are made:

a. Extraordinary and exceptional conditions

Staff was unable to identify extraordinary and/or exceptional conditions to the subject site.

b. Conditions applicable to other properties

Staff was unable to determine if conditions are applicable to other properties in the surrounding area which would necessitate a similar variance request.

c. Application of the ordinance restricting utilization of property

Applying the provisions of the LDC would not prevent the utilization of this parcel..

d. Substantial detriment of granting variance

There would be no substantial detriment to the surrounding properties if the variance is granted.

CONDITIONS:

26-57(f)(3)

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

OTHER RELEVANT SECTIONS:

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

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

a. Approve the request;

b. Continue the matter for additional consideration; or

c. Deny the request.

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

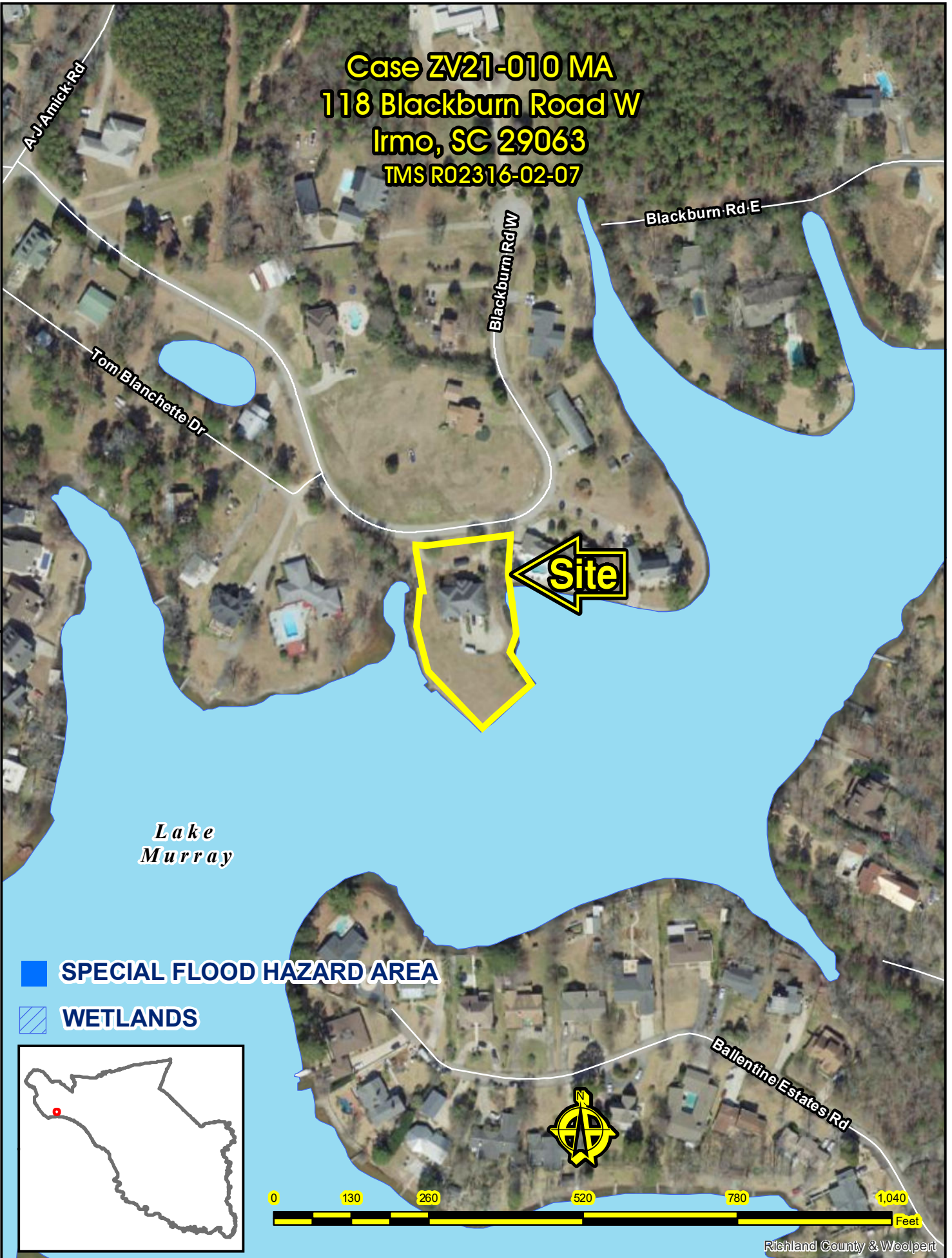
CASE HISTORY:

- None

ATTACHMENTS:

- Plat
- Application

Case ZV21-010 MA
118 Blackburn Road W
Irmo, SC 29063
TMS R02316-02-07






BOARD OF ZONING APPEALS VARIANCE APPEALS



Application #

1. Location 118 Blackburn Rd W, Irmo, SC 29063
 TMS Page 02316 Block 02 Lot 07 Zoning District RS-LD
2. Applicant hereby appeals to the Zoning Board of Appeals for a variance from the strict application to the property as described in the provisions of Section 26-89 of the Richland County Zoning Ordinance.
3. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows: Home Addition with Pool
4. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Sec. 26-602.3b(1) of the Richland County Zoning Code are met by the following facts.
 - a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as following: see attached page
 - b) Describe how the conditions listed above were created: See attached page
 - c) These conditions do not generally apply to other property in the vicinity as shown by: See attached page
 - d) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: See attached page
 - e) The authorization of the variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: See attached page
5. The following documents are submitted in support of this application [a site plan must be submitted]:
 - a) Annotated Plat
 - b) Partial Bostick Survey
 - c) Aerial & Photos

(Attach additional pages if necessary)

 Applicant's Signature	<u>118 Blackburn Rd W.</u> Address	<u>803.767.5498</u> Telephone Number
<u>Christopher A. BRINKLEY</u> Printed (typed) Name	<u>Irmo SC 29063</u> City, State, Zip Code	_____ Alternate Number

Supplement to Board of Zoning Appeals

Variance Appeals

Answers to Questions 4a thru 4e

Dated 08.30.2021

4.

- a) The current deed restrictions and limitations on the property have created exceptional conditions due to deed setback conditions, and property boundaries that, if not relaxed will impede the property owner from expanding their current residence and not be able to fully utilize the property for a proposed expansion. There are deed setback limitations from the centerline of the road, which fall in a location that limits the width of proposed buildings. The rear of the residence is currently back at this full setback and the limiting width can be seen on the attached plat with the proposed expansion shown. The home was originally placed at the maximum deed setback and both sides have limiting boundaries due to the waters of lake Murray. Additionally, the front 50' was donated to Richland County by us for road improvements to create a 50' ROW.
- b) The above deed restriction conditions were created by previous owners to limit the southern location of any structures on the property and were not intended to create hardships on the side limitations, but by virtue of the property width at the various southern setbacks, it creates an unintended hardship of width.
- c) No other property in our area is conditional to this 150' deed setback. The limiting factors for other property owners are the Waters of Lake Murray and zoning setbacks only. Because of the unique location of this property, one of the previous owners wanted to protect his view across the lake side of the property and added the 150' setback.
- d) Because we cannot go back further to the south to take advantage of the additional width in the boundary, we will not be able to add an addition to the home which will encompass a small pool intended primarily for therapeutic purposes as well as an elevator to access the main floor level for my partially disabled wife, and allow for a small walkway circulation around the pool.
- e) There are no adjacent developable properties since part of it is the waters of Lake Murray, and adjacent fringe land for greenspace that cannot be improved for any purpose. As you can see in the photos there is no one to infringe upon as there is a body of water; then a substantial side yard before reaching the neighbor's existing house which is 170' away.

REVISED JUNE 26, 1995 TO ADD PROPOSED DWELLING AND ELEVATIONS.



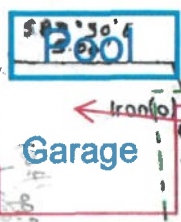
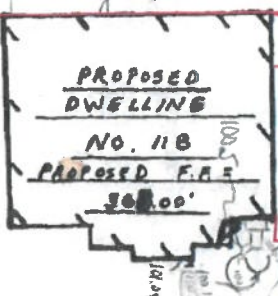
SEE LARGE SCALE DRAWING

1.09 ACRES
47,370 SQ. FT.

LAKE MURRAY

LAKE MURRAY

LAKE MURRAY



150' Setback Deed Restriction

5' Setback Line

Addition

NOW OR FORMERLY HAMBY

BLACKBURN ROAD

NOW OR FORMERLY HAMBY

T.O.M. TOP OF FIRE HYDRANT ELEVATION: 365.85'

Iron set 26' from Pavement

Iron set 26' from Pavement

N75°35'E 7.68'

N82°29'E 76.63'

N82°29'E 82.57'

Nail & Cap (a) 362.91

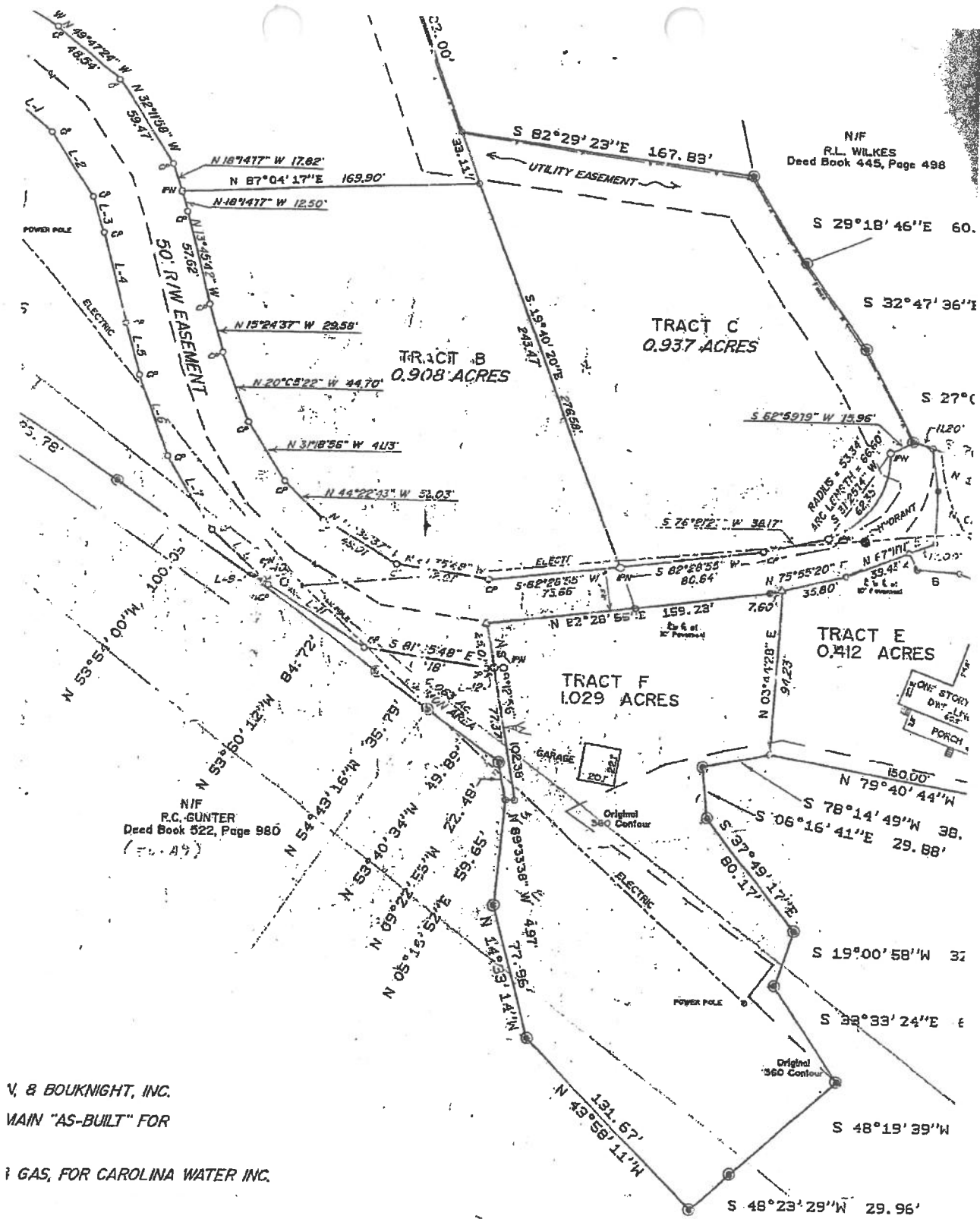
Nail & Cap (a)

Nail & Cap (a) 362.69

959' To 540-296

CHRISTOPHER A. BRINKLEY & TERESA J. BRINKLEY

DEED AND COUNTY RECORD INFORMATION



V. & BOUKNIGHT, INC.
 MAIN "AS-BUILT" FOR
 GAS, FOR CAROLINA WATER INC.
 THE CITY OF COLUMBIA,

CARL W. BOSTICK, R. L. S. 4



Legend

 118 Blackburn Rd

200 ft



Google Earth

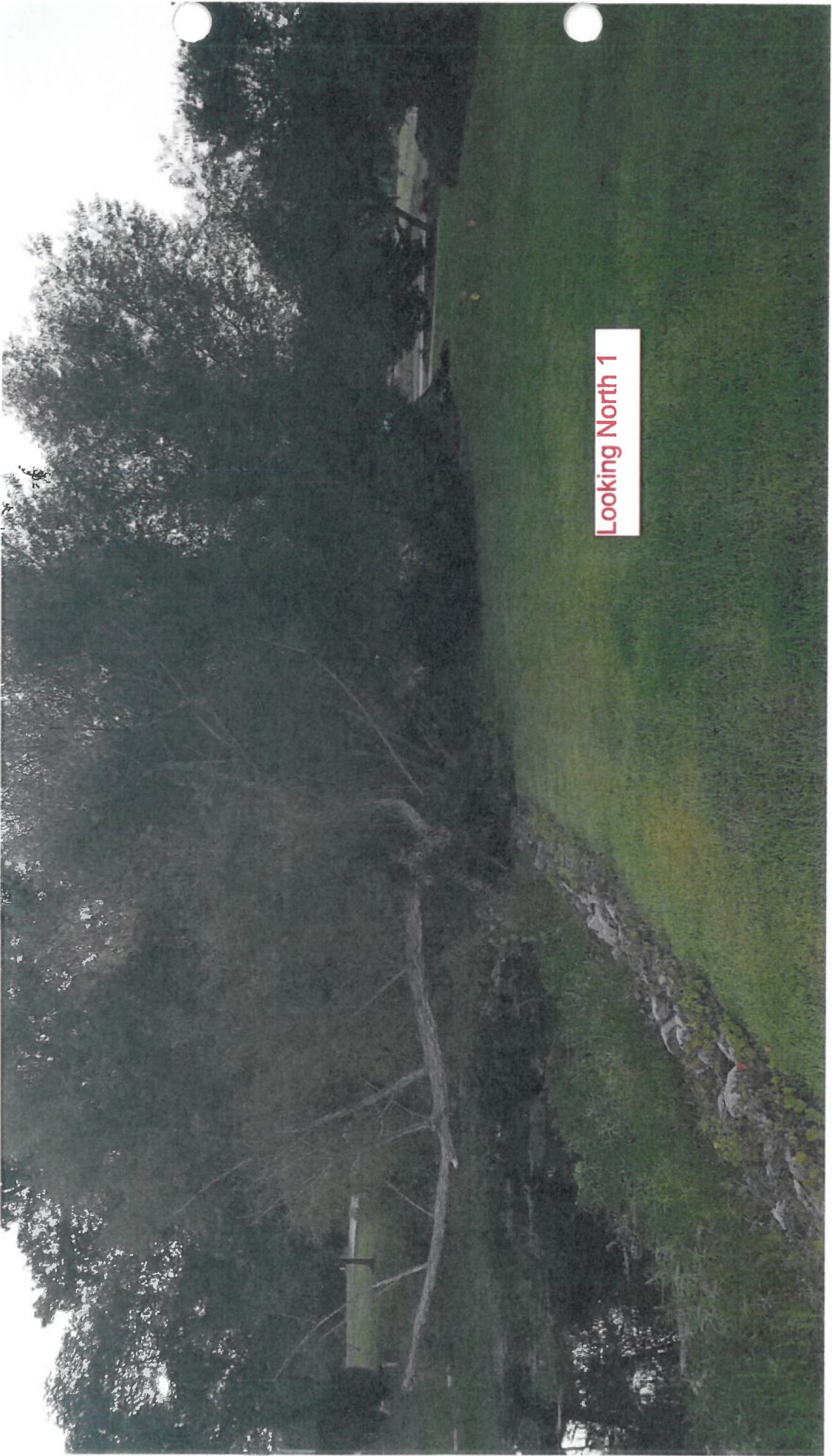
© 2021 Google



Looking South from Road 1



Looking South 2



Looking North 1



Looking West From House



Richland County Government
2020 Hampton Street
Columbia, SC 29204

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