

RICHLAND COUNTY BOARD OF ZONING APPEALS



Wednesday, 2 November 2022

3 p.m.

Council Chambers



**Richland County
Board of Zoning Appeals
Wednesday, November 2, 2022
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. ADDITIONS / DELETIONS TO THE AGENDA**
- IV. ADOPTION OF AGENDA**
- V. RULES OF ORDER** Chairman
- VI. PUBLIC HEARING** Geonard Price,
Zoning Administrator

OPEN PUBLIC HEARING [ACTION]

- 1. ZV22-003** Request for a variance for side setbacks. Property zoned Rural Home (RU). **District 1**
Steven Perry Bill Malinowski
112 Brody Road
Chapin, SC 29036
TMS# R01409-03-02

VII. OTHER BUSINESS

VIII. ADJOURNMENT



REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

ZV22-003

REQUEST:

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

GENERAL INFORMATION:

Applicant: Steve and Sadie Perry

TMS: 01409-03-02

Location: 112 Brody Road, Chapin, SC 29036

Parcel Size: .31 acres

Existing Land Use: Currently the property is residentially developed.

Proposed Land Use: The applicant proposes to construct a residential structure that will encroach into the required front and rear yard setbacks.

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 subject site contains a 1,365 square foot residential structure that was constructed in 1969 and a carport. It is the intent of the applicant to demolish the structure and construct a new residential structure that will encroach into the required forty (40) foot front yard and fifty (50) foot rear yard setbacks by 10 feet, respectively.

The parcels along Brody Road containing residential structures were developed under the requirements for Residential Single-Family Low Density (RS-LD) district or by variance to encroach into required setbacks.

According to the applicant, if the variance were denied, the proposed new structure would be able to fit on the property.

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

a. Extraordinary and exceptional conditions

The subject parcel is nonconforming according to the development standards for the RU district.

b. Conditions applicable to other properties

Records indicate that the subject parcel is the only nonconforming (RU) parcel along Brody Road that is developed without the benefit of a variance.

c. Application of the ordinance restricting utilization of property

Applying the provisions of the LDC would prevent the same reasonable utilization of property enjoyed by the adjacent property owners.

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:

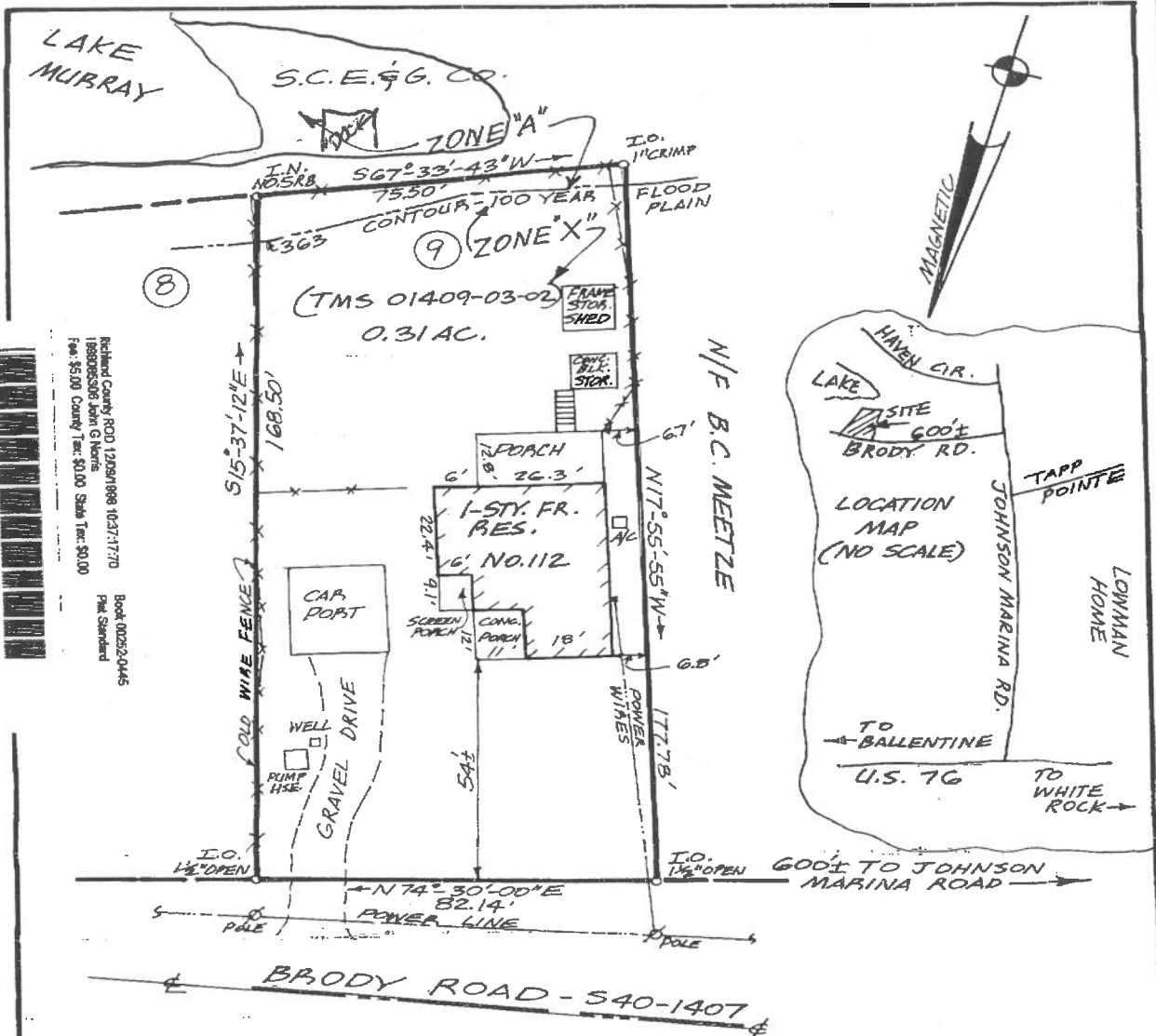
No record(s) of previous special exception or variance request.

ATTACHMENTS:

- Plat
- Application

Case ZV22-003
TMS: 01409-03-02

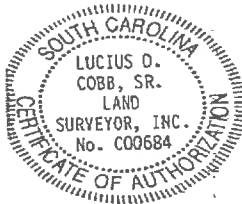




PLAT PREPARED FOR
MARK WILLIAM KRENGEL
 IN RICHLAND COUNTY, NEAR WHITE ROCK, S.C.

NOTES:

1. THE SAME BEING SHOWN AS LOT NO. 9 ON PLAT FOR B.C. MEETZLE BY RICHARD M. LEE, P.L.S., DATED APRIL 26, 1958, AND RECORDED IN PLAT BOOK "11" AT PAGE 16, PER MORTGAGE IN BOOK "M1781, PAGE 79400.
2. TAX MAP 01409-03-02.



SCALE: 1"=30' DATE: AUG. 6, 1998
 30 15 0 30 60

I HEREBY CERTIFY THAT I HAVE CONSULTED THE F.E.M.A. FLOOD INSURANCE RATE MAP (FIRM), AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE SUBJECT PROPERTY IS LOCATED IN ZONE XEA AS SHOWN HEREON, MAP OR FIRM COMMUNITY PANEL NO: 45079C0025G DATED: JAN. 17, 1994

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 2 SURVEY AS SPECIFIED THEREIN. THAT THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN HEREON. THAT THE AREA SHOWN HEREON (IS) (IS NOT) LOCATED IN A FLOOD HAZARD ZONE.

LUCIUS D. COBB, SR.
 LAND SURVEYOR, INC.
 S.C. REG. LAND SURVEYOR NO. 5039
 110 FIRETOWER ROAD
 IRMO, S.C. 29063
 (803) 781-6080

N.B. 43-P65.46-47

A9808116

LAKE MURRAY

S.C.E. & G. CO.

MAGNETIC

ZONE "A"

I.N. NO. 5 R.B. 567°-33'-43"W

I.O. 11" CRIMP

75.50' FLOOD PLAIN
CONTOUR - 100 YEAR

(8)

(9) ZONE "X"

(TMS 01409-03-02)
0.31 AC.

FRAME STOK. SHED

SPR. 3/2" STOK.

N/E B.C. MEITZLE

HAVEN CR. LAKE
SITE A
600' BRODY RD.

LOCATION MAP (NO SCALE)

TAPP POINT

JOHNSON MARINA RD.

LOWMAN HOME

TO BALLENTINE

U.S. 76

TO WHITE ROCK

600' TO JOHNSON MARINA ROAD

15°-37'-12" S 168.50'

COLD WIRE FENCE

CAR POBT

WELL
PUMP HSE

GRAVEL DRIVE

SCREEN POOL

CONC. POOL

6' NO. 112

1-STR. FR. RES.

6' PORCH

6' 26.3'

POWER WIRES

177.78'

17°-55'-55"W

6.7'

6.5'

I.O. 1 1/2" OPEN

I.O. 1 1/2" OPEN

N 74°-30'-00" E 82.14'
POWER LINE

S PALE POLE

BRODY ROAD - 540-1407

Richard Campy ROD 1209/1988 1027/1770
1888/06/06 John G. Harris
Fees: \$5.00 County Tax: \$0.00 State Tax: \$0.00

Book 00252-0445
P&M Standard



BOARD OF ZONING APPEALS

VARIANCE APPEALS



Application #

1. Location 112 Brody Rd
 TMS Page 0409 Block 03 Lot 12 Zoning District R4

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 _____ 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: 10 feet on front + 10 feet on Rear.
Basically making RS setbacks on R4 lot

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: R4 Lot that does not meet R4 guidelines.

b) Describe how the conditions listed above were created: Lot was "grandfathered" back in lots

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

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: Have plans future construction Planned construction not able to fit property

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: Many other lots on street have same setbacks or less

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

- a) Recorded Plat
- b) Hand Drawn -
- c) _____

(Attach additional pages if necessary)


 Applicant's Signature
Steven Perry
 Printed (typed) Name

112 Brody Rd
 Address
Chapin SC 29036
 City, State, Zip Code

803-518-1944
 Telephone Number

 Alternate Number



Richland County Government
2020 Hampton Street
Columbia, SC 29204

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