

RICHLAND COUNTY BOARD OF ZONING APPEALS



Wednesday, 11 July 2018

3 p.m.

Council Chambers



**Richland County
Board of Zoning Appeals
Wednesday, July 11, 2018
2020 Hampton Street
2nd Floor, Council Chambers
3:00 p.m.**

Agenda

- I. CALL TO ORDER & RECOGNITION OF QUORUM** **Mike Spearman, Chairman**
- II. ADOPTION OF AGENDA**
- III. PUBLIC NOTICE ANNOUNCEMENT**
- IV. RULES OF ORDER** **Mike Spearman, Chairman**
- V. APPROVAL OF MINUTES - May 2018**
- VI. PUBLIC HEARING** **Geonard Price,
Zoning Adm./Division Manager – CP&D**

OPEN PUBLIC HEARING

**18-003 V
Jason Brown
122 Signal Lane
Irmo, SC 29063
TMS# 02308-01-15**

**A variance to encroach into the required
front yard setback on property zoned
Residential, Single-Family, Low Density
(RS-LD)**

**District 1
Bill Malinowski**

- VII. OTHER BUSINESS**
- VIII. ADJOURNMENT**



REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

18-003 Variance

REQUEST:

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

GENERAL INFORMATION:

Applicant: Jason C. Brown

TMS: 02308-01-26

Location: 122 Signal Lane, Columbia, SC 29063

Parcel Size: .28 acres

Existing Land Use: Currently the property is residentially developed.

Proposed Land Use: The applicant proposes to construct a garage which will encroach into the required front yard setback.

Character of Area: The area is residentially developed (Beacon Point Subdivision).

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 a garage which will encroach into the required twenty-five (25) foot front yard setback by twenty-one (21) feet at its furthest point.

According to the applicant, the current garage is narrow and unable to fully accommodate two (2) cars. The applicant proposes to create a side entrance garage by extending the area of the current garage. The encroachment will result in approximately 280 square feet being located within the required setback.

The applicant states that the lot has a usable portion which is smaller than most other lots. This is due to the odd shape of the lot. In addition, the applicant also states that setback line, as a result of the lot's configuration, reduces the "...buildable portion of the lot much more so than other lots on the cul-de-sac."

If the variance is denied, the residential use of the property, including use of the garage, would still be feasible.

Staff believes that the subject parcel does not meet all of the criteria required for the granting of a variance. 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

If the variance is based on the garage, staff was unable to identify extraordinary and exceptional conditions in relation to the size of other garages in the subdivision. If the variance is based on the parcel, the configuration of the parcel is unique and different when compared to other parcels in the development.

b. Conditions applicable to other properties

Staff was unable to determine conditions 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:

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

ATTACHMENTS:

- Site plans
- Application

18-003 V
Jason Brown
122 Signal Lane
Irmo, SC 29063
TMS# 02308-01-26





BOARD OF ZONING APPEALS

VARIANCE APPEALS



Application #

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1. Location 122 Signal Lane, Irmo, SC 29063
 TMS Page 02308 Block 01 Lot 1526 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 26-57 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: Applicant wishes to construct an attached garage extending into the setback line area
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: Applicant's lot is oddly shaped with an extended, narrow portion that is unusable due to the setback line. As a result, the usable portion is smaller than most other lots
 - b) Describe how the conditions listed above were created: This odd shaped lot was created when subdivision was platted
 - c) These conditions do not generally apply to other property in the vicinity as shown by: Various plats, GIS map
 - 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: The set back line as applied to this lot reduced buildable portion of lot much more so than other lots on the cul-de-sac
 - 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, if not most of the other lots on the same cul-de-sac are able to, and have constructed similar garages as that proposed by applicant
5. The following documents are submitted in support of this application [a site plan must be submitted]:
 - a) Plat 442/0754 Consent by adjoining property owner
 - b) Portion of GIS map
 - c) diagram of proposed garage addition Photographs (7)

(Attach additional pages if necessary)

 Applicant's Signature

Jason C. Brown
 Printed (typed) Name

P.O. Box 2971
 Address

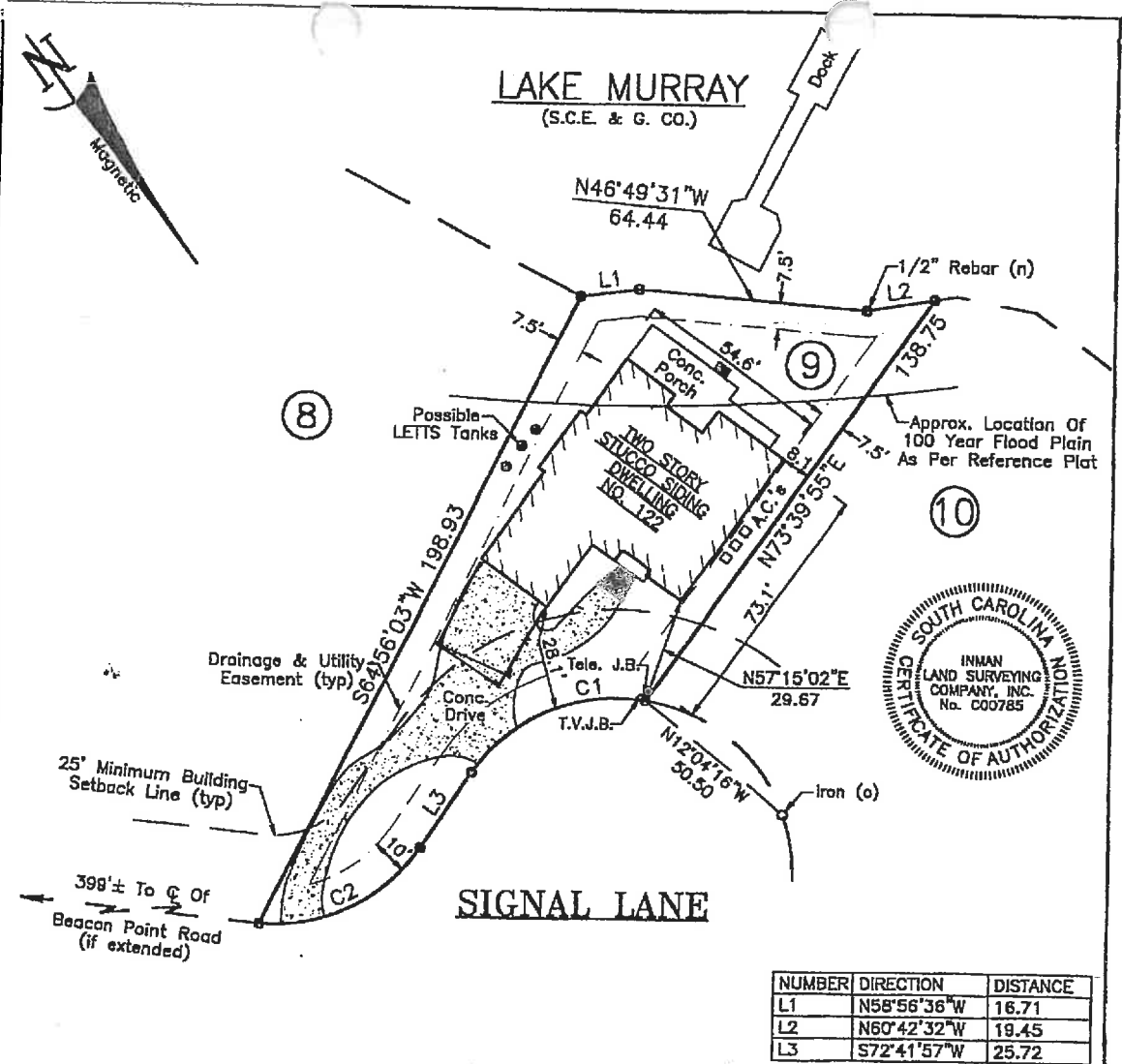
Irmo, SC 29063
 City, State, Zip Code

803-530-0128
 Telephone Number

Same
 Alternate Number

116716 DIGITIZED
 429-2796
 Mtg First Community

5716-2190
 2020 Hampok St



NUMBER	DIRECTION	DISTANCE
L1	N58°56'36\"W	16.71
L2	N60°42'32\"W	19.45
L3	S72°41'57\"W	25.72

NUMBER	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD DIRECTION
C1	50.00	56.61	64°52'32\"	53.64	S75°04'49\"E
C2	50.00	52.52	60°11'08\"	50.14	S77°33'30\"E

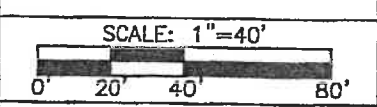
NOTE:
 5/8\" Rebars (a) shown thus .
 Unless Noted Otherwise.

PLAT PREPARED FOR:
**RICHARD L. EATON
 & SANDRA K. EATON**
 RICHLAND COUNTY, NEAR BALLENTINE, SOUTH CAROLINA

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN 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 "B" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

DATE: AUGUST 23, 2000

PROJECT NO.: 9912873



TOTAL AREA = 0.28 ACRE
 RATIO OF PRECISION = 1/10,000
 AREA BY COORDINATE METHOD

RICHARD P. INMAN, P.L.S. NO. 13385

REFERENCE:
 THE SAME BEING SHOWN AND DESIGNATED AS LOT NO. 9, ON A BONDED PLAT OF BEACON POINT, BY CIVIL ENGINEERING OF COLUMBIA, DATED JULY 13, 1998, REVISED OCTOBER 2, 1998, AND RECORDED IN THE OFFICE OF REGISTER OF DEEDS FOR RICHLAND COUNTY IN RECORD BOOK 202, PAGE 721.

NOTES:
 1. THIS PROPERTY IS POSSIBLY SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD NOT SHOWN HEREON.
 2. THIS PROPERTY MIGHT HAVE UNDERGROUND UTILITIES THAT ARE NOT VISIBLE AT THE SURFACE.
 3. NO FLOOD ZONE INSPECTION AT THIS TIME.

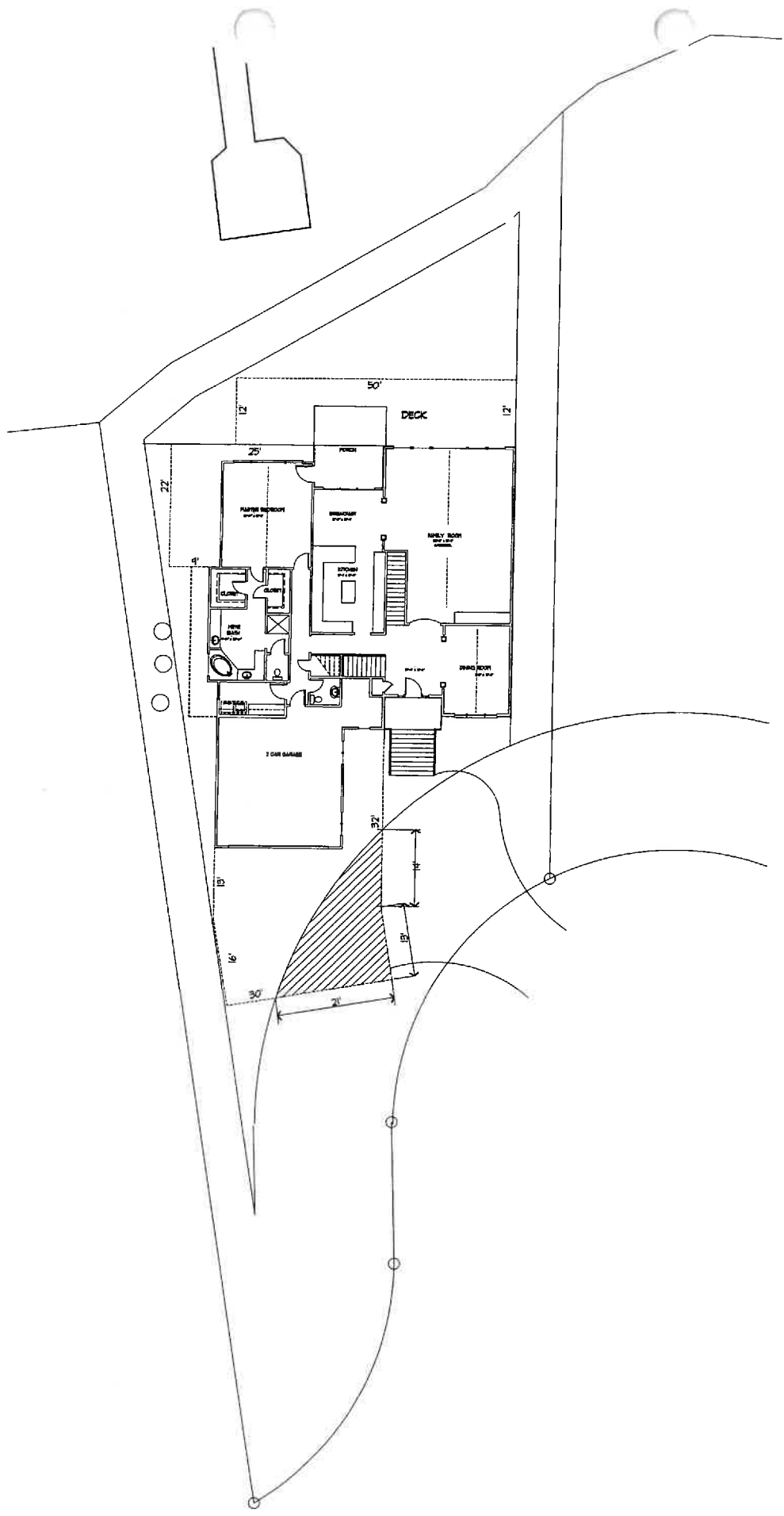
I HEREBY CERTIFY THAT THIS PLAT DEPICTS ONLY EXISTING PARCELS OR LOTS OF LAND WHICH WERE PLATTED AND DULY RECORDED IN THE REGISTER OF DEEDS AT RECORD BOOK 202, PAGE 721, PRIOR TO THE SURVEY UPON WHICH THIS PLAT IS BASED, HAVING SUBSTANTIALLY THE SAME SHAPE AND DIMENSIONS AS SHOWN HEREON, AND THAT NO NEW DIVISIONS CREATING NEW OR DIFFERENT LOTS OR TRACTS WERE MADE IN PREPARING THIS PLAT OR APPEAR HEREON.

INMAN LAND SURVEYING
 2223 BULL STREET COLUMBIA S.C.
 PHONE 252-1797 F.

Book 00442-0734
 2000069089 09/12/2000 14 35 06 62
 Fee: \$5.00 County Tax: \$0.00 State Tax: \$0.00

Plat Standard





Listing #334362

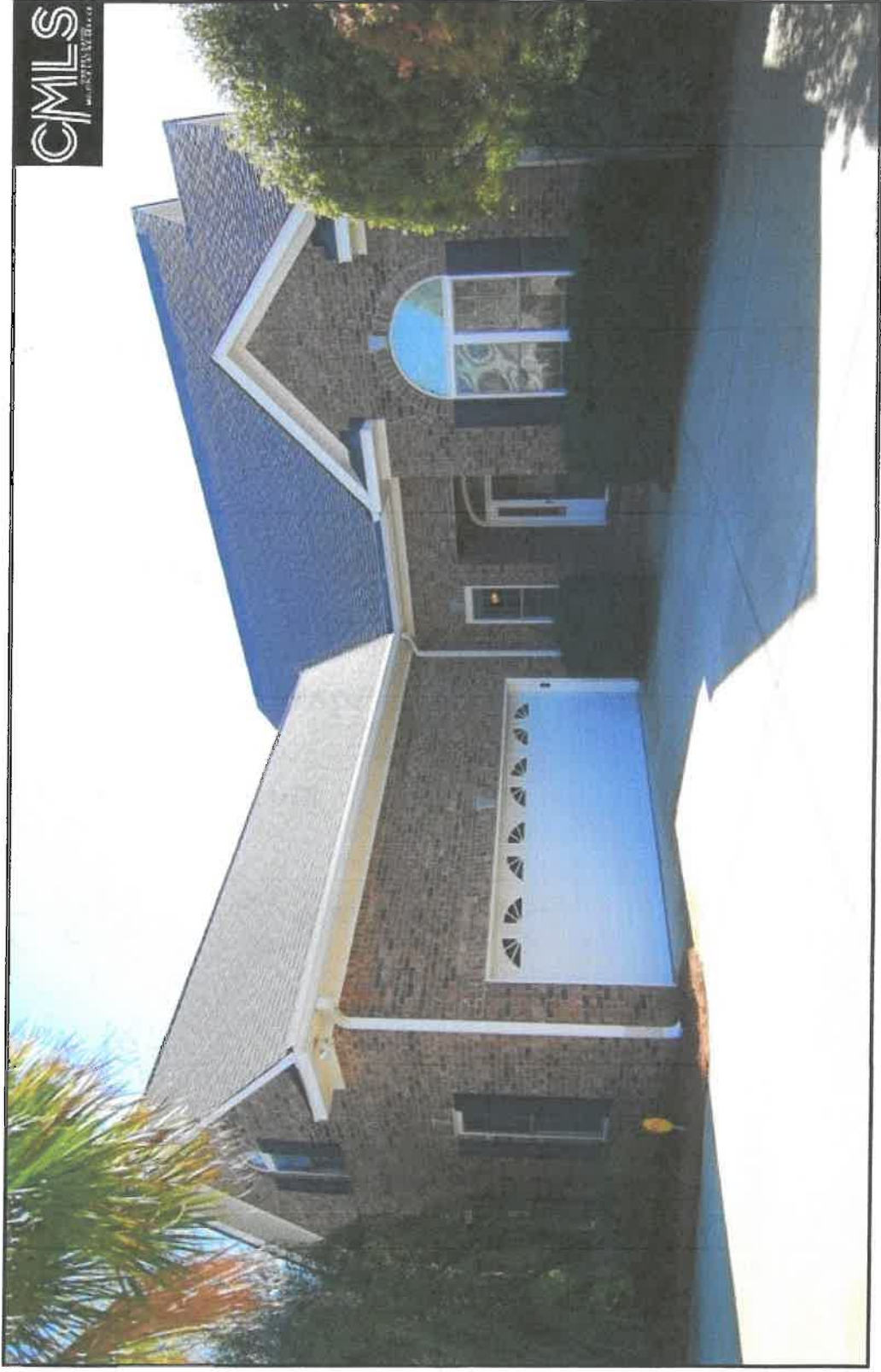




CMLS

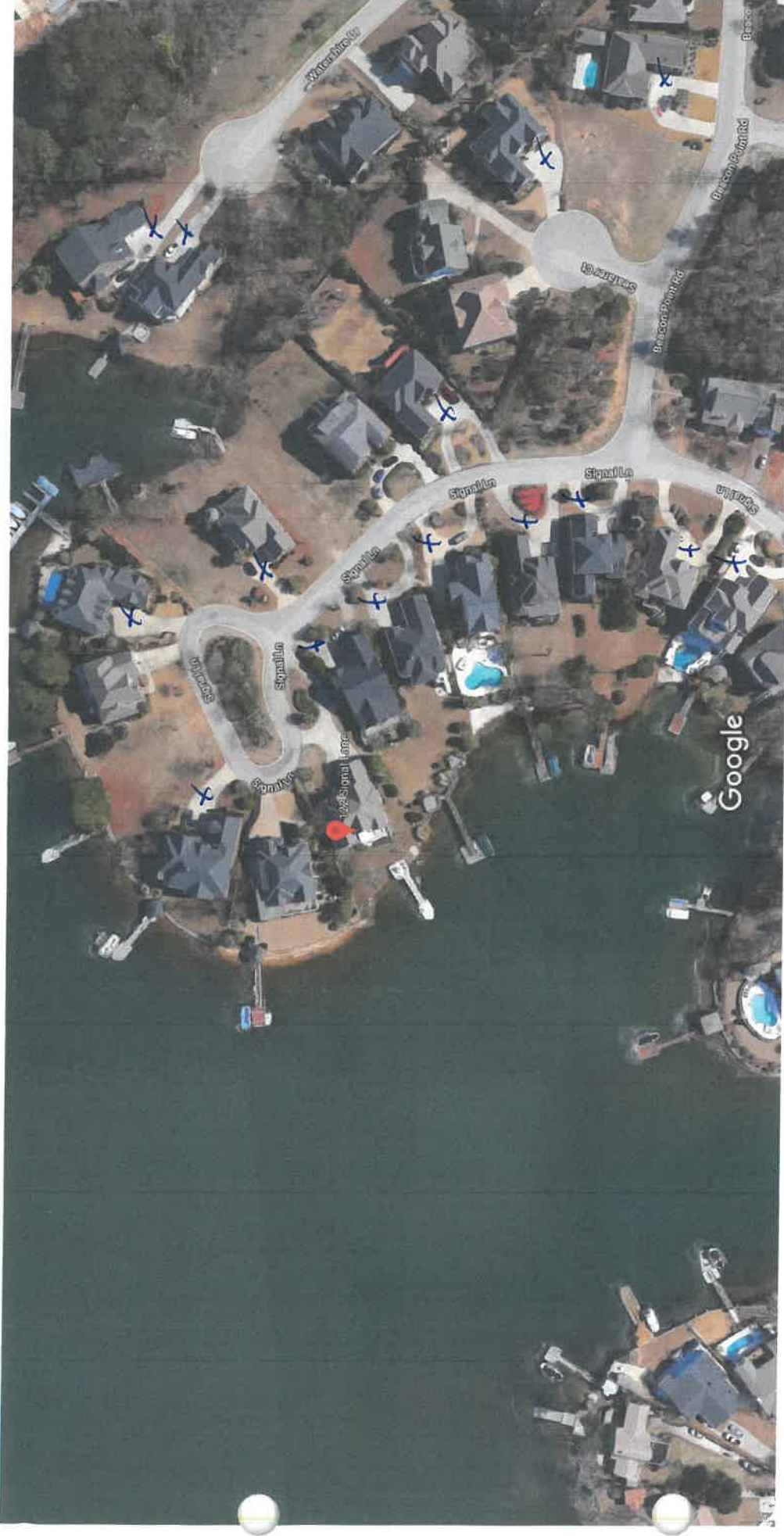
. Listing #424283





CMLS
COMMERCIAL MORTGAGE LENDING SERVICES

122 Signal Ln





122 Signal Ln

Irmo, SC 29063





Richland County Government
2020 Hampton Street
Columbia, SC 29204

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