

RICHLAND COUNTY BOARD OF ZONING APPEALS



Wednesday, 3 April 2019

3 p.m.

Council Chambers



**Richland County
Board of Zoning Appeals
Wednesday, April 3, 2019
2020 Hampton Street
2nd Floor, Council Chambers
3:00 p.m.**

Agenda

- I. CALL TO ORDER & RECOGNITION OF QUORUM** Mike Spearman, Chairman
- II. PUBLIC NOTICE ANNOUNCEMENT**
- III. ELECTION OF OFFICERS**
- IV. ADOPTION OF AGENDA**
- V. RULES OF ORDER** Chairman
- VI. APPROVAL OF MINUTES – March 2019**
- VII. PUBLIC HEARING** Geonard Price,
Zoning Administrator

1. Case 19-001 SE Darwin Flagg Brothers Forever, Inc. 1044 Acton Road Eastover, SC 29044 TMS: 39109-01-05 Page 1 Special Exception to establish a lodge on property zoned Rural (RU) District 10 Dalhi Myers

OPEN PUBLIC HEARING [ACTION]

2. Case 19-003 SE Satya B. Kadali 3901 Hardscrabble Road Columbia, SC 29223 TMS: 20100-01-05 Page 7 Special exception to establish a place of worship on property zoned Residential Single-Family, Medium Density (RS-MD) District 7 Gwendolyn Kennedy
3. Case 19-002 V Wade H. Berkebile 1017 Ivy Green Circle Irmo, SC 29063 TMS: 04103-03-18 A variance to encroach into the rear yard setback on property zoned Planned Development (PDD). District 1 Bill Malinowski
- Deferred**
4. Case 19-002 AR Stephen Powell Micro Green Technologies, Inc. 100 Bombay Drive Columbia, SC 29209 TMS: 16100-04-18 Page 13 An Administrative Review of the Zoning Administrator's determination that a waste grease separation plant is not a permitted use on property zoned Light Industrial (M-1). District 10 Dalhi Myers

VIII. OTHER BUSINESS [ACTION]

a. Review of Rules of Procedures

b. Discussion of adding Invocation and Pledge of Allegiance to future meetings

IX. ADJOURNMENT



REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

19-001 Special Exception

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of a club/lodge in a Rural (RU) district.

GENERAL INFORMATION:

Applicant: Darwin Flagg
Brothers Forever, Inc.

TMS: 39109-01-05

Location: 1044 Acton Road, Eastover, SC 29044

Parcel Size: 1 acres

Existing Land Use: The parcel currently contains a mobile office trailer.

Proposed Land Use: The applicant proposes to establish the 2,000 square foot structure for use as a lodge.

Character of Area: The area is comprised primarily with residentially developed parcels on large lots. An industrial use (International Paper) is locate east of the subject site.

ZONING ORDINANCE CITATION:

Table 26-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to authorize places of worship subject to the provisions of section 26-152 (d) (5).

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) (5)):

- (5) *Club and Lodges.*
 - a. Use districts: Rural.
 - b. A club or lodge may not be used after 12:00 midnight, Sunday through Thursday, and after 1:00 a.m. on Fridays and Saturdays.
 - c. Sexually oriented businesses are not permitted in a club or lodge.

DISCUSSION:

Staff visited the site.

The applicant proposes to establish a lodge within a 28' x 72' (2,016 square foot) modular structure. According to the applicant, the structure previously served as a church classroom.

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

The applicant is required to obtain a driveway permit from the SCDOT. The permit should address the appropriateness of any access points.

If granted approval, the proposed project will be subject to site plan review, which will entail a review from the following Richland County Departments:

- Planning
- Public Works
- Fire Marshall
- Soil and Water

Staff recommends **approval** for this request.

CONDITIONS:

Section 26-56 (f) (3)

(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:

No record of previous special exception or variance request.

ATTACHMENTS:

- Application



BOARD OF ZONING APPEALS SPECIAL EXCEPTION



1. Location: 1044 Acton Rd., Eastover, SC 29044
 TMS Page: 39109 Block: 01 Lot: 05 Zoning District: RU

2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting:
A structure used as a meeting lodge on a lot zoned RU

3. Describe the proposal in detail: Brothers Forever, Inc. requests a Special Exception to maintain a 28'x72' modular structure for use as a lodge on a lot zoned RU. Our building exterior looks like a modular home. It's interior previously served as a church classroom.

4. Area attributed to the proposal (square feet): 2,000

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: _____

7. Total number of employees on shift of greatest employment: _____

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: Acton Road is a lightly traveled country road having three homes along it's one mile length. We typically have one meeting and one work day per month involving 5-20 members. Parking is plentiful as we own the adjacent vacant lot.
- b. Vehicle and pedestrian safety: There are no sidewalks so vehicles and pedestrians share space as in most parking lot situations.
- c. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property: None expected. Our charity and other events are held at more appropriate venues.
- d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view: Our property is maintained well as are the neighboring homes. Maintenance of existing trees, hedges and lawn improve the neighborhood.
- e. Orientation and spacing of improvements or buildings: Our structures, well and septic are centered between the sides and a bit forward of center of the length of the acre lot.



**Case 19-001 SE
Darwin Flagg
Brothers Forever, Inc.
1044 Acton Road
Eastover, SC 29044
TMS: 39109-01-05**





3 April 2019
Board of Zoning Appeals

Administrative Review

CASE:

19-002 Administrative Review

REQUEST:

The applicant is appealing the zoning administrator's determination that a waste grease separation plant is not a permitted use on property zoned Light Industrial (M-1).

The basis for the denial is that the applicant contends that the proposed use is akin to a recycling operation and can be categorized as a *Materials Recovery Facility (Recycling)* use type. According to the North American Industry Classification System, United States Manual - 2002 Edition (NAICS), this use type is identified as:

Establishments primarily engaged in (1) operating facilities for separating and sorting recyclable materials from nonhazardous waste streams and/or (2) operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories.

Staff contends that the separation, processing, and treatment of disposable waste, in addition to noxious fumes produced, requires the operation to be placed under the use type category - *Nonhazardous Waste Treatment and Disposal*, which is identified as:

Establishments primarily engaged in (1) operating treatment or disposal facilities (except sewer systems, sewage treatment facilities or facilities for hazardous waste) or (2) the combined activity of collecting and/or hauling of waste materials within a local area and operating waste treatment or disposal facilities.

GENERAL INFORMATION:

Applicant: Steve Powell

ZONING ORDINANCE CITATION (S):

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.

FORMAL REVIEW:

26-58 (e) 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.



BOARD OF ZONING APPEALS ADMINISTRATIVE REVIEW



Receipt #	Application # <u>AR19-002</u>	Fee Paid \$ <u>105.31</u>
-----------	-------------------------------	---------------------------

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 BROWN GREASE MATERIAL RECOVERY

was erroneous and contrary to provisions of the zoning ordinance in Section 26-60 or other action or decision of the Zoning Official was erroneous as follows:
THE M-1 USE SPECIFICALLY PERMITS "MATERIAL RECOVERY" FROM A WASTE STREAM. THE PROPOSED FACILITY WILL SEPARATE MARKETABLE BROWN GREASE FROM GREASE TRAP WASTE, WHICH PRODUCES A RENEWABLE BIOFUEL FEEDSTOCK FROM A WASTE STREAM.

2. Applicant is aggrieved by the action or decision in that:
THE PROPERTY HAS BEEN UNDER CONTRACT FOR 90 DAYS AND THE ZONING ADMINISTRATION HAS NEGLIGENTLY FAILED TO ISSUE A WRITTEN DECISION. THE PROPERTY HAS 5 LARGE VERTICAL STORAGE TANKS WHERE A SIMILAR USE HAS BEEN ON THIS SITE FOR MANY YEARS.

3. Applicant contends that the correct interpretation of the zoning ordinance as applied to the property is:
GREASE TRAP WASTE IS PROPERLY IDENTIFIED AS A "WASTE STREAM." BROWN GREASE IS A MARKETABLE COMMODITY AS INTENDED IN THIS ALLOWED USE, IS TO BE SEPARATED AND RECOVERED IN THIS WASTE STREAM. THAT,

4. Applicant requests the following relief:
THAT THE BZA DIRECT THE ZONING ADMINISTRATION THAT THE PROPOSED USE IS PERMITTED IN THE M-1 ZONE.

VENTURE ENGINEERING

January 14, 2019

Mr. Geonard H. Price
Deputy Planning Director
Zoning Administrator
Richland County
2020 Hampton Street
Columbia, SC 29204

**Re: MicroGreen Waste Grease Separation Plant
100 Bombay Drive, Columbia, SC**

Dear Geo,

Since we met Monday a week ago I have been studying the NAICS codes for various uses in Richland County. The list of Permitted Uses that you provided at our meeting was only a partial list, so over the weekend I downloaded the full list of uses, mostly focusing on those under **“Transportation, Information, Warehousing, Waste Management and Utilities.”**

The MicroGreen Plant is designed to separate a renewable fuel source, brown grease, from a waste stream. Typically, the waste stream is from Greasetrap waste (GWT), but it could also be from other food waste sources. The only NAICS code description that I was able to find that addresses this is “Materials Recovery Facilities”, which specifically mentions “...*facilities for separating...recyclable materials from nonhazardous waste streams...*” which describes our process intent fairly accurately. The fact that the waste stream in this case is liquid should not matter- for example, some material recovery facilities recover silver from silver nitrate liquid solutions produced in medical and manufacturing. Our plant does improve, substantially, the water quality of the water waste discharged after the renewable brown grease is separated, but that is an operational benefit, not a product. Our product is brown grease. Materials Recovery Facilities are an allowed use in the M-1 zone.

Renewable brown grease has 94% of the energy value of diesel fuel, and can be burned directly in multi-fuel boilers in industrial plants or power plants, or it can be refined into bio-diesel. In South Carolina alone, an estimated 30 million gallons per year of brown grease is wasted into landfills, or land applied as a raw waste, resulting in ground and surface water pollution. The MicroGreen Technologies plant is the first of its kind that can cost-effectively separate and refine brown grease.

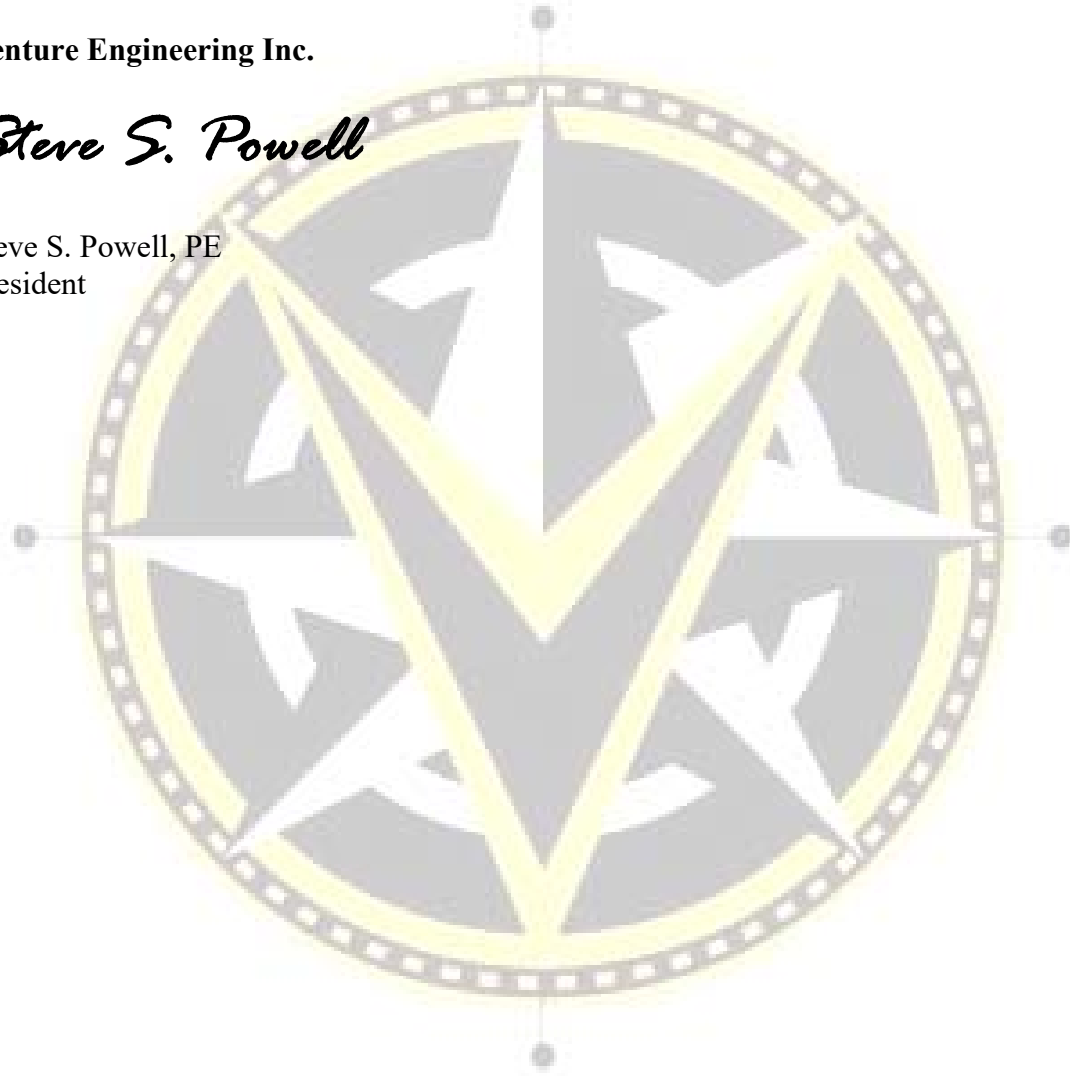
Although we must “treat” the residual waste to make the brown grease plant process odor-free, and to make the cost of discharging the water component to the public sewer system cost-effective, our purpose is not waste treatment, our business is recyclable brown grease. There is not a NAICS Code that more closely describes our plant and process. We trust that you can review this and concur that this is the best fit for a description of the MicroGreen plant at Bombay Drive. If you have any question, or need additional information, please let me know.

Very Truly Yours,

Venture Engineering Inc.

Steve S. Powell

Steve S. Powell, PE
President



**RICHLAND COUNTY
COMMUNITY PLANNING & DEVELOPMENT**

2020 Hampton Street
Columbia, SC 29204



Certified mail

26 February 2019

Steve S. Powell, P.E.
Venture Engineering
209 Highway 544
Conway, SC 29526

**RE: Zoning Determination for MicroGreen Waste Grease Separation Plant
100 Bombay Drive, Columbia, SC
TMS: 16100-04-18**

Dear Mr. Powell:

I have reviewed the proposed waste grease separation plant which we discussed during a meeting with Richland County staff and as outlined in your letter. The main zoning determinant is which use type, as listed in Table 26-V-2 of the Richland County Land Development Code (LDC), the proposed use should be categorized. As you have stated, the operation will involve the treatment of waste, primarily waste from grease traps, to create a renewable fuel source from the separated brown grease and the disposal of the residual water waste. It has been determined that the proposed use falls under the use type "waste treatment and disposal, nonhazardous". According to the North American Industry Classification System, United States Manual - 2002 Edition (NAICS), nonhazardous waste treatment and disposal uses are described as:

Establishments primarily engaged in (1) operating treatment or disposal facilities (except sewer systems, sewage treatment facilities or facilities for hazardous waste) or (2) the combined activity of collecting and/or hauling of waste materials within a local area and operating waste treatment or disposal facilities.

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 later than thirty (30) days after the decision has been made.

Please call me if you have any questions or need additional information at (803) 576-2190.

Sincerely,

A handwritten signature in blue ink that reads "G. Price".

Geonard Price
Division Manager/Zoning Administrator



REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

19-003 Special Exception

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of a place of worship in a RS-MD (Residential, Single-Family, Medium Density) district.

GENERAL INFORMATION:

Applicant: Satya B. Kadali

TMS: 20100-01-05

Location: 3901 Hardscrabble Road, Columbia, SC 29223

Parcel Size: 19.75 acres

Existing Land Use: The parcel is currently heavily wooded and undeveloped. A majority of the site is encumbered with land within the flood zone.

Proposed Land Use: The applicant proposes to establish a 10,000 square foot place of worship and 10,000 square foot fellowship hall.

Character of Area: The area is comprised primarily with residentially developed parcels and large, undeveloped lots.

ZONING ORDINANCE CITATION:

Table 26-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to authorize places of worship subject to the provisions of section 26-152 (d) (20).

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) (20)):

(20) *Places of worship.*

- a. Use districts: Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park.
- b. Facilities for a place of worship located on a site of three (3) acres or more shall have primary access to the facility from a collector or thoroughfare road.
- c. No parking space or drive shall be located closer than twenty (20) feet to a residence not associated with the place of worship. No parking area may be located in the front setback.

- d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be thirty (30) feet.

DISCUSSION:

Staff visited the site.

The applicant proposes to construct a 10,000 square foot place of worship within a 9-acre portion of the parcel. The proposed sanctuary and fellowship hall will have a setback of at least 90 feet (including the utility line easement) from the abutting subdivision (Grinders Mill) and 600 feet from Hardscrabble Road.

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

The applicant is required to obtain a driveway permit from the SCDOT. The permit should address the appropriateness of any access points.

If granted approval, the proposed project will be subject to site plan review, which will entail a review from the following Richland County Departments:

- Planning
- Public Works
- Fire Marshall

Staff recommends **approval** for this request.

CONDITIONS:

Section 26-56 (f) (3)

(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:

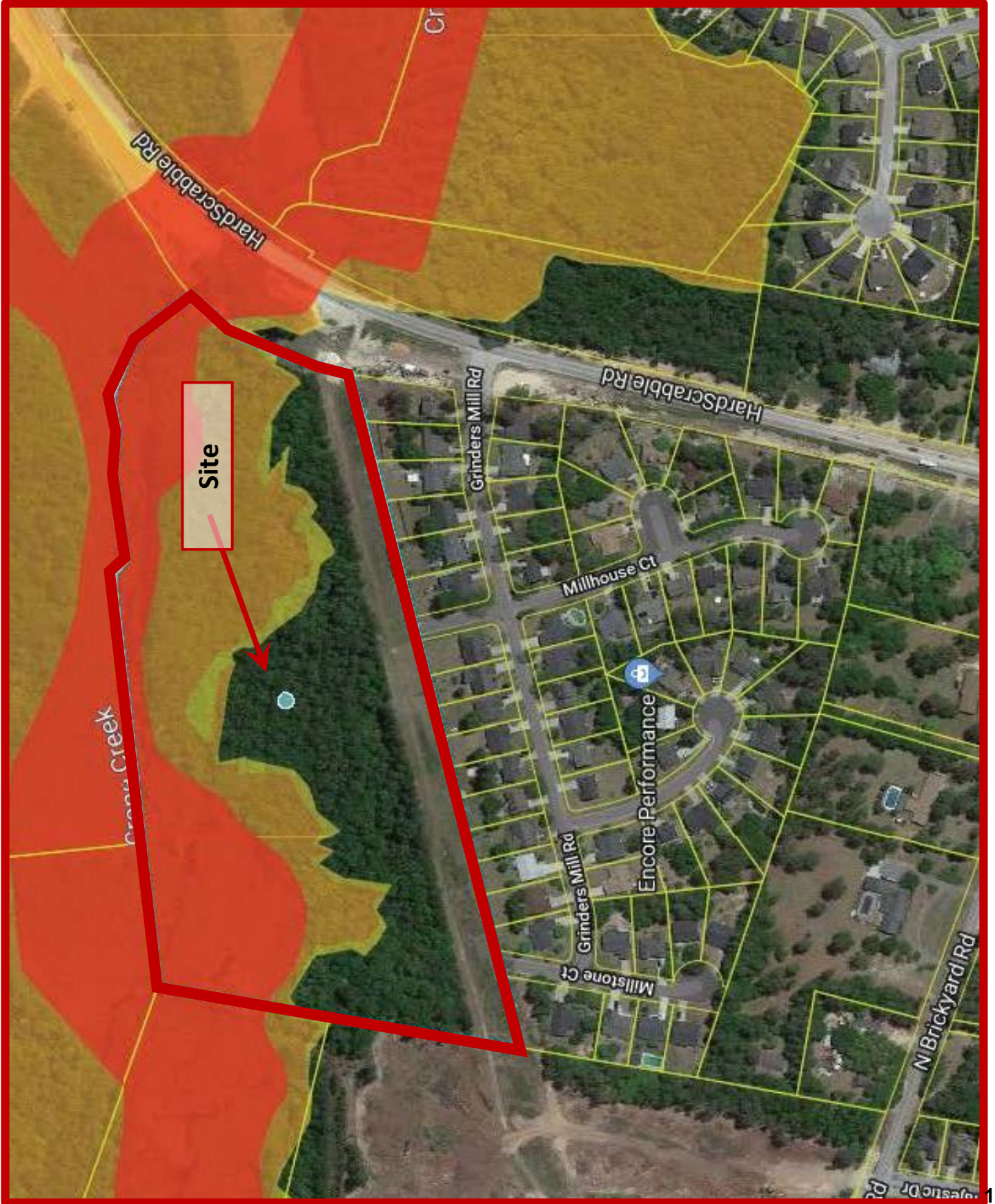
N/A

CASE HISTORY:

No record of previous special exception or variance request.

ATTACHMENTS:

- Proposed church siting
- Application





BOARD OF ZONING APPEALS

SPECIAL EXCEPTION



1. Location: 3905 Handscreable Rd. Columbia, SC.

TMS Page: 20100-01-05 Block: P57-3 Lot: _____ Zoning District: RSM D

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

To build church (Temple) on the above property

3. Describe the proposal in detail: To build 2 building

1. Fellowship Hall (Future) 100' x 100'

2. Sanctuary 100' x 100'

4. Area attributed to the proposal (square feet): 10,000 sq. feet.

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: 20

7. Total number of employees on shift of greatest employment: 2

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.

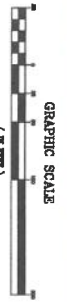
a. Traffic impact: minimal

b. Vehicle and pedestrian safety: 25-30 weekends.

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

d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view: NONE

e. Orientation and spacing of improvements or buildings: see SITE Plan



LOT SUBDIVISION
AREA & SETBACKS
FROM 2014-2015

ALL RIGHTS RESERVED. THIS DRAWING AND THE DESIGN, CONCEPTS, SPECIFICATIONS AND DIMENSIONS THEREIN ARE THE PROPERTY OF CRESCENT ENGINEERING, LLC. ANY REUSE OR REPRODUCTION OF THIS DRAWING OR ANY PART THEREOF WITHOUT THE WRITTEN PERMISSION OF CRESCENT ENGINEERING, LLC IS STRICTLY PROHIBITED.

PROJECT NO. 18003

C1
OF 1

????
PREPARED FOR
?????

SKETCH PLAN

CRESCENT
ENGINEERING, LLC
1514 LINDCOLN AVENUE, SUITE 207, COLUMBIA, SOUTH CAROLINA 29909
(803) 738-8700

DATE: JANUARY 30, 2019 SCALE: 1" = 50'



REVISIONS		
NO.	DESCRIPTION	DATE



Richland County Government
2020 Hampton Street
Columbia, SC 29204

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