

# **RICHLAND COUNTY BOARD OF ZONING APPEALS**



**Wednesday, 2 December 2020  
3 p.m.**

**Virtual Hearing**

<https://www.youtube.com/user/richlandonline/videos>





**Richland County  
Board of Zoning Appeals  
Wednesday, December 2, 2020  
3:00 p.m.**

**Zoom Hearing**

<https://www.youtube.com/user/richlandonline/videos>

**Chairman - LaTonya Derrick**

**Vice Chairman - Jason McLees**

**Mike Spearman • Lonnie Daniels • Cody Pressley**

## **Agenda**

- |   |  |
|---|--|
| <b>I. CALL TO ORDER &amp; RECOGNITION OF QUORUM</b> | <b>LaTonya Derrick, Chairman</b>               |
| <b>II. PUBLIC NOTICE ANNOUNCEMENT</b>               |  |
| <b>III. ADOPTION OF AGENDA</b>                      |  |
| <b>IV. RULES OF ORDER</b>                           | <b>Chairman</b>                                |
| <b>V. APPROVAL OF MINUTES - March and June 2020</b> |  |
| <b>VI. PUBLIC HEARING</b>                           | <b>Geonard Price,<br/>Zoning Administrator</b> |

### **OPEN PUBLIC HEARING [ACTION]**

- |  |   |
|--|---|
| <b>1. Case 20-001 V<br/>Fredy Neugenbauer<br/>37 Circle Drive<br/>Chapin, SC 29063<br/>TMS: 02401-01-25<br/>Page 1</b> | <b>A variance to encroach into the required setbacks on<br/>property zoned (RU) district.</b> |
|--|---|

**VII. OTHER BUSINESS**

**VIII. ADJOURNMENT**





2 December 2020  
Board of Zoning Appeals

REQUEST, DISCUSSION AND RECOMMENDATION

**CASE:**

20-001 Variance

**REQUEST:**

The applicant is requesting the Board of Zoning Appeals to grant a variance to encroach into the required side, front and rear yard setbacks in the Rural (RU) district.

**GENERAL INFORMATION:**

*Applicant:* Fredy Neugenbauer

*TMS:* 02401-01-35

*Location:* 37 Circle Drive, Chapin, SC 29036

*Parcel Size:* .42 acres

*Existing Land Use:* Currently the property is residentially developed.

*Proposed Land Use:* The applicant proposes to construct additions to the existing structure which will encroach into the required 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 applicant is proposing to "...renovate and expand..." the existing structure "...build a new structure on property using same setback side lot lines of current structure." Although the property is zone RU, the plans for the renovation were designed using the Residential Single-Family - Low Density (RS-LD) setback requirements of twenty (20) for the front yard and a side yard requirement of sixteen (16) feet with no side less than five (5) feet. The new structure will encroach into the west and east side yard setbacks by 8.5 and 11.7 feet, respectively. The existing structure was constructed in 1973. The minimum lot area for a parcel in the RU district is 33,000 square feet and the lot width is 120 feet. The lot area (18,295 square feet) and lot width (100 feet) for the subject site are both nonconforming.

Staff believes that the subject parcel does not meet all of the criteria required for the granting of a variance. While the nonconformity of the parcel limits the areas where the structure could be expanded, the applicant has not demonstrated that the conditions are exclusive to the subject site. The parcels along Circle Drive are nonconforming in area and width. 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**

The nonconformity of the parcel, in addition to the required setbacks for the district, restricts the square footage and configurations of proposed structures.

**b. Conditions applicable to other properties**

Staff determined that the other parcels in the general area of the subject site are nonconforming in area and width.

**c. Application of the ordinance restricting utilization of property**

While applying the setback requirements for the RU district would not prevent the utilization of this parcel, it does effectively prohibit further additions.

**d. Substantial detriment of granting variance**

There would be no substantial detriment to the surrounding properties if the variance is granted. Records indicate that a number of the adjacent parcels currently encroach into various required yard setbacks.

Records indicate that side yard an encroachment variance (92-11 V) was granted by the Board of Zoning Appeals for parcel #02402-03-08 (5 Circle Drive).

Records also indicate that a variance request (17-11 V) was denied by the Board of Zoning Appeals for parcel #02401-01-30 (17 Circle Drive).

**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.

**Sec. 26-252. Nonconforming vacant lots.**

- (a) *General.* A nonconforming vacant lot is a lot that was lawfully created prior to the effective date of this chapter, or any amendment thereto, but which does not conform to the dimensional or area requirements for the zoning district in which it is located.
- (b) *Standards.* A nonconforming vacant lot may be used for any of the uses permitted by Article V. of this chapter in the zoning district in which it is located if the use of the lot meets the following standards:
  - (1) All other minimum requirements for the particular zoning district and proposed use must be met or a variance obtained from these requirements.
  - (2) The nonconforming vacant lot does not adjoin and have continuous frontage with one or more other vacant lots in the same ownership. If a nonconforming lot does adjoin and have continuous frontage with one or more other vacant lots in the same ownership, such lots shall be combined or recombined as necessary to form a conforming lot or lots. This subsection shall not apply to a nonconforming vacant lot if a majority of the developed lots located on either side of the road where such a lot is located and within five hundred (500) feet of such lot are also nonconforming. The intent of this subsection is to require nonconforming lots to be combined with other lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has been previously developed.

**CASE HISTORY:**

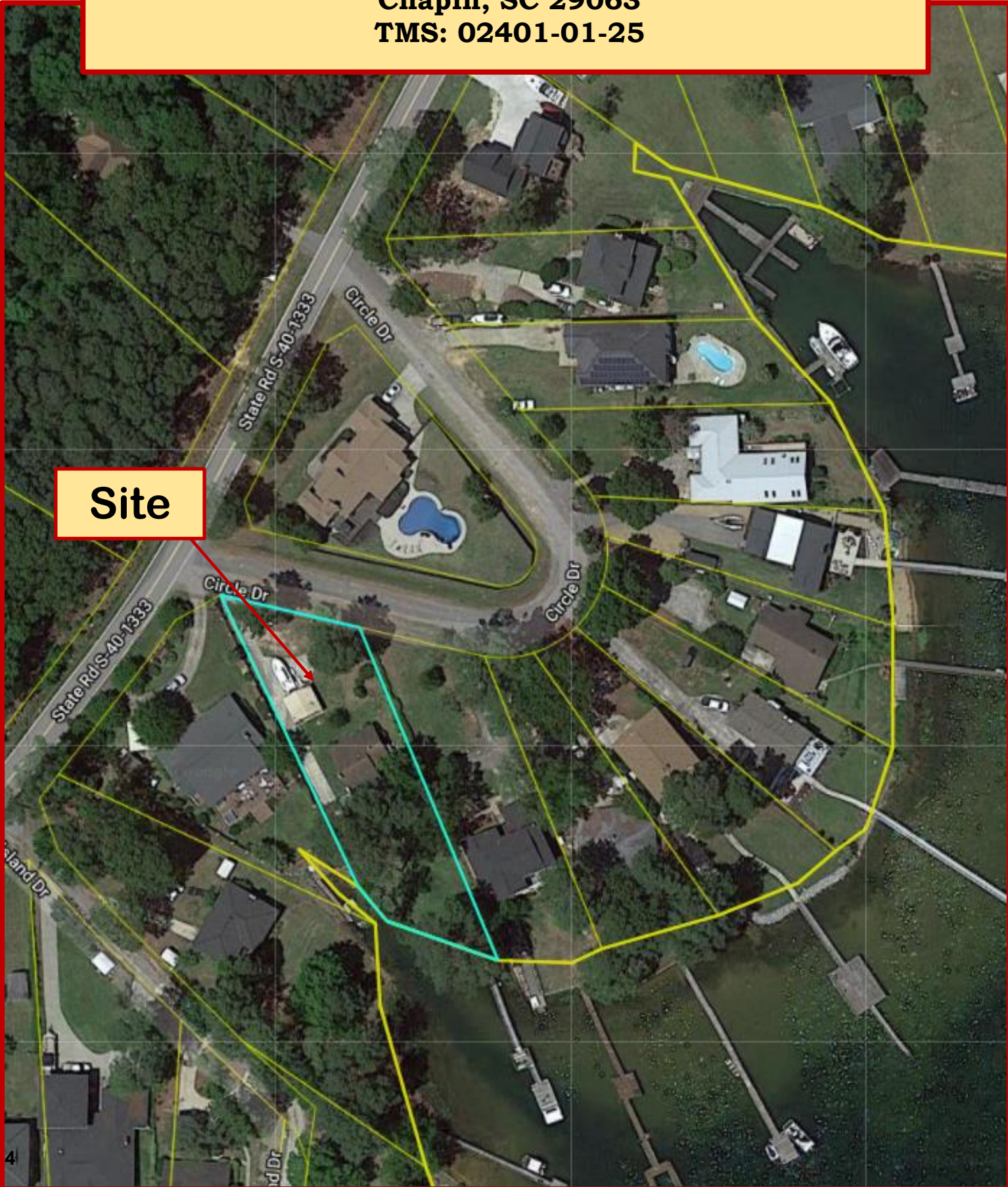
No record(s) of previous special exception or variance request.

**ATTACHMENTS:**

- Plat
- Application

**Case 20-001 V**  
**Fredy Neugenbauer**  
**37 Circle Drive**  
**Chapin, SC 29063**  
**TMS: 02401-01-25**

**Site**







# BOARD OF ZONING APPEALS VARIANCE APPEALS



Application #

1. Location \_\_\_\_\_  
 TMS Page R02401 Block 01 Lot 25 Zoning District RU

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 26-86 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: See attached response

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 response

b) Describe how the conditions listed above were created: See attached response

c) These conditions do not generally apply to other property in the vicinity as shown by: See attached response

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 response

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 response

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

- a) aerial of Circle Drive from County GIS
- b) plat of proposed expansion
- c) Construction drawings of proposed renovation/expansion

(Attach additional pages if necessary)

<i>FREDY NEUGEBAUER</i>	37 Circle Drive	980-475-7702
Applicant's Signature	Address	Telephone Number
FREDY NEUGEBAUER	Chapin, SC 29036	
Printed (typed) Name	City, State, Zip Code	Alternate Number

## Board of Zoning Appeals Application Responses – 37 Circle Drive Chapin, SC

**3.** The applicant requests a variance of the side yard setback to be in order to renovate and expand the existing single family residence on the property. The applicant's current plan proposes expanding the existing structure and would request a 16' total side yard setback with a 5' minimum setback (similar to a RS-LD Residential, Single-Family - Low Density District setback). The current required side yard setback for RU zoning is 20'.

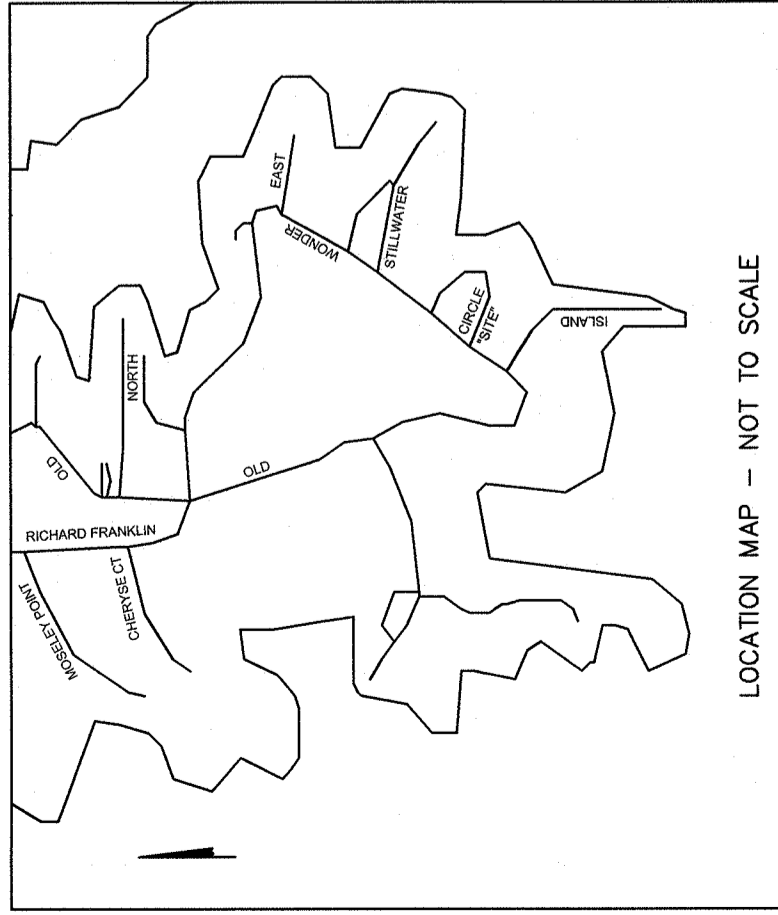
**4a.** The parcel currently does not meet the required 120' lot width for RU zoning. The 20' side setbacks are overly restrictive for this parcel that is only 73' wide at the current structure location. Additionally, the parcel is only .42 acres in area while the RU zoning designation has a minimum of a 1 acre requirement. In fact the current structure does not meet the 20' side yard setbacks set forth in the County zoning ordinance.

**4b.** The county's RU designation and required setbacks for this parcel have created the conditions listed above.

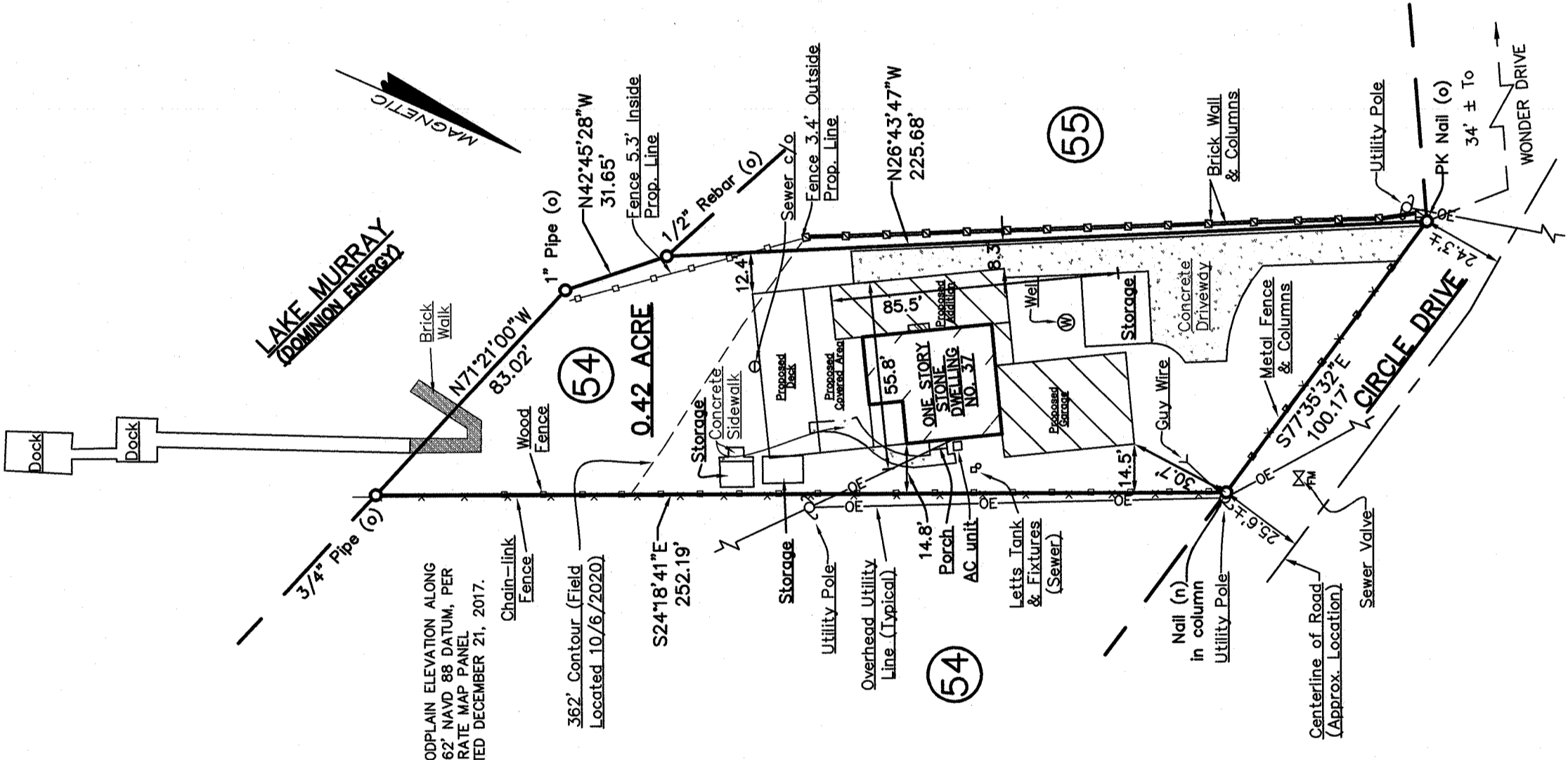
**4c.** Every parcel on Circle Drive does not currently meet the 120' lot width or have 20' side yard setbacks. Most structures on Circle Drive appear to be setback 5'-8' from the side property lines. See attached aerial plan from the County's GIS site.

**4d.** Application of the current setback requirements of RU zoning effectively prohibits any renovation or addition to the existing structure (or demolition of the existing and building new) since the existing structure currently does not meet the setbacks set forth in the zoning ordinance. A strict adherence of the zoning standards to this parcel prevents the current owner from being able to improve the property.

**4e.** Granting this side yard setback variance would not harm the character of the street. As previously mentioned in the application, the proposed side yard setback is in conformance with every other structure on Circle Drive. Circle Drive as a whole fits a RS-LD Residential, Single-Family - Low Density District designation better than the RU designation. Granting a side yard setback similar to those required in the RS-LD designation would be appropriate for this parcel and match the existing conditions on all the structures along Circle Drive.

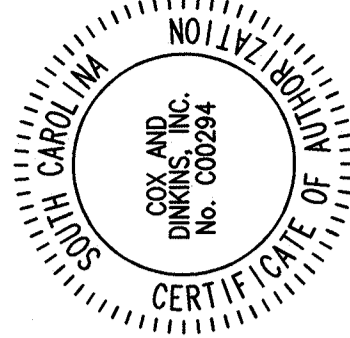


THE 100 YEAR FLOODPLAIN ELEVATION ALONG LAKE MURRAY IS 362' NAVD 88 DATUM, PER FLOOD INSURANCE RATE MAP PANEL 4507800182 L, DATED DECEMBER 21, 2017.



- NOTES:
- No Field Work Done by us at this time. Verify dwelling options and final dimensions with contractor before starting construction.
  - Although we believe setbacks/ easements/ utilities shown are correct, surveyor has not performed a code or title search of property. User of this plot plan agrees to take sole responsibility for any setbacks/ easements/ utilities/ site conditions with all parties prior to construction.
  - This Plot Plan is a conceptual drawing and contents shown hereon are subject to variation upon final construction.

**Note:**  
**Builder must verify building setbacks with Richland County Zoning prior to construction.**



Easements and/or restrictions may exist on the subject property which are not shown hereon.

REVISIONS		PLOT PLAN				REFERENCES:	
No.	DATE	DESCRIPTION	CHK:	SF NO.:	DWG:	BY:	
1			5/5	91-4	0V25G-134PP.dwg		2/R

<b>PREPARED FOR</b> <b>FREDY NEUGEBAUER</b> RICHLAND COUNTY, NEAR CHAPIN, SC		THIS PLOT PLAN DOES NOT REPRESENT A LAND SURVEY, WAS NOT PREPARED FOR RECORDATION, AND IS NOT SUITABLE FOR SURVEY OF PROPERTY. NO GROUND SURVEY WAS PERFORMED.	
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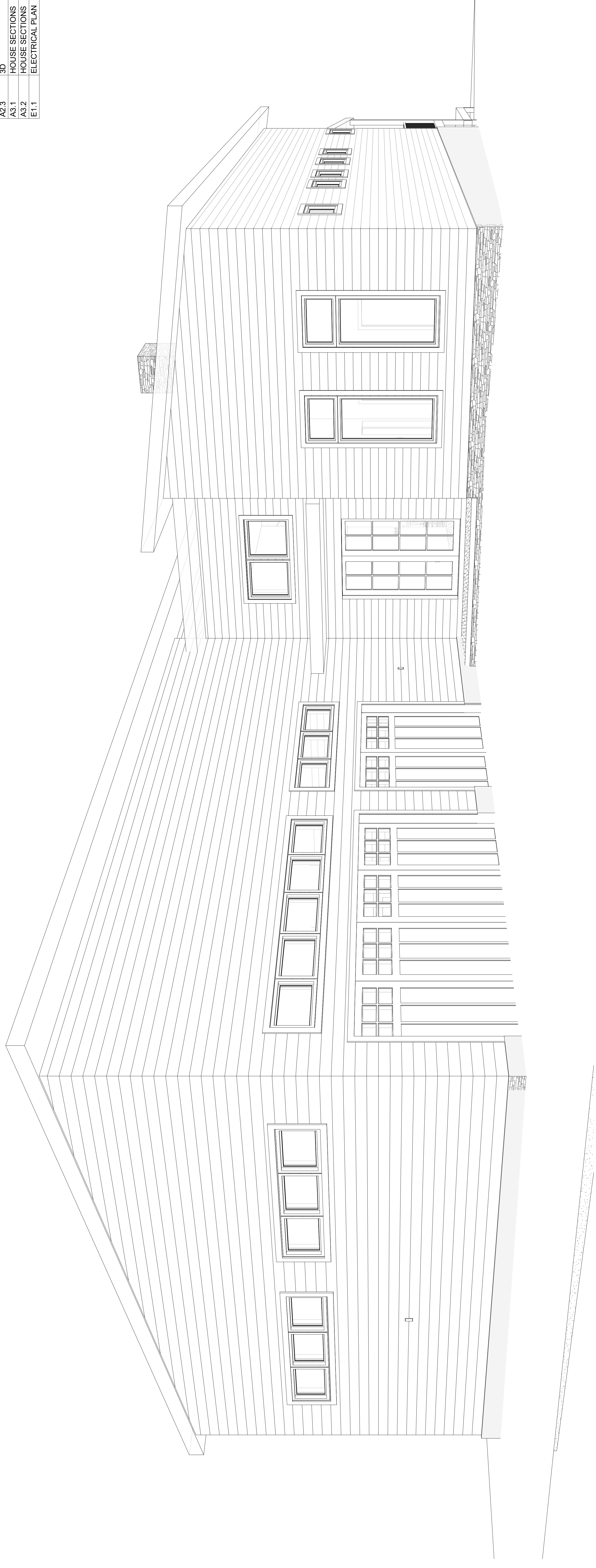
<b>COX AND DINKINS</b> ENGINEERS - SURVEYORS - LANDSCAPE ARCHITECTS 724 BELTLINE BLVD. COLUMBIA, SC 29205 803.254.0518 COXANDDINKINS.COM		SCALE: 0' 20' 40' 80' 1" = 40'	
DATE: OCTOBER 20, 2020		BOOK: P57-18,230-19; 256-134 TAX MAP NUMBER: 02401-01-25	

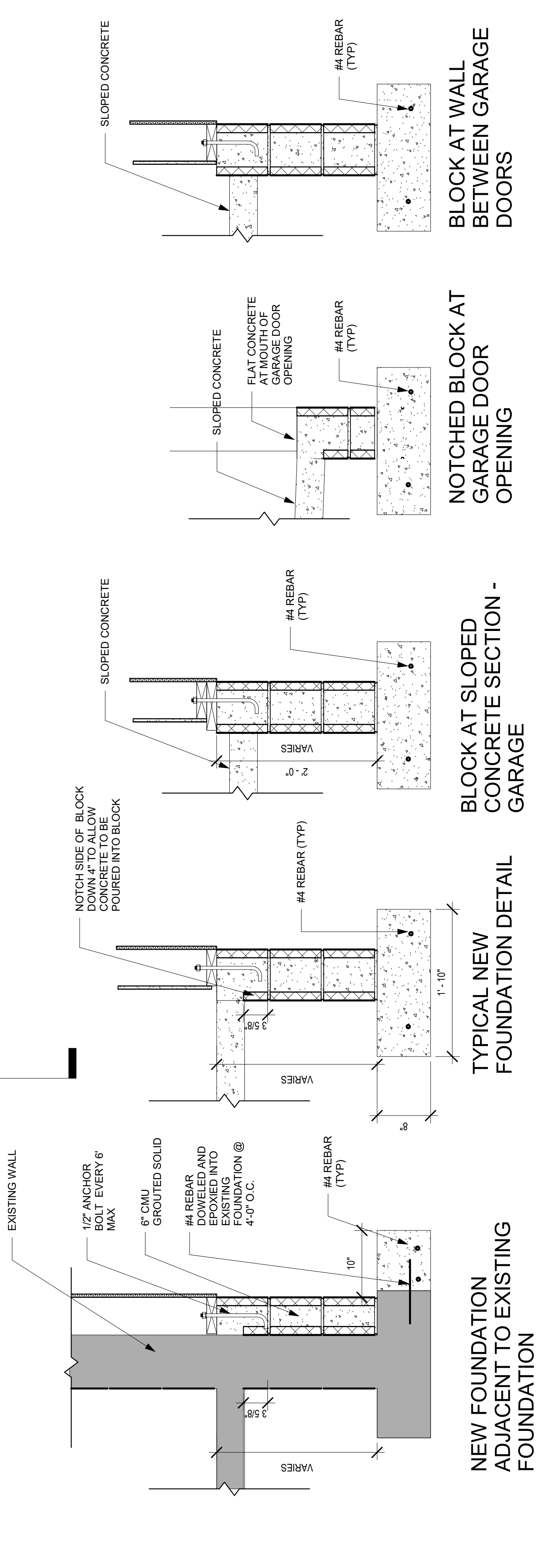
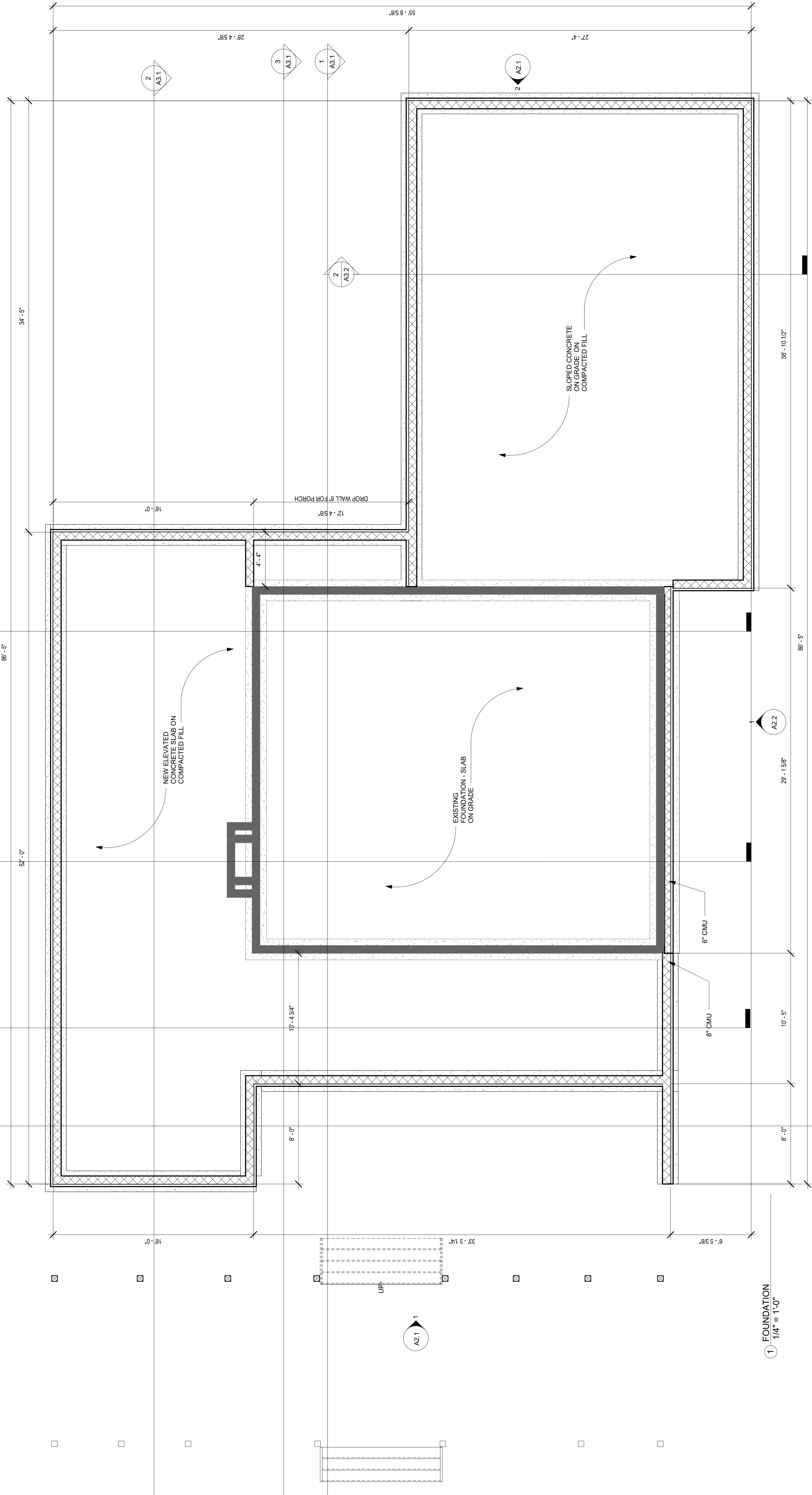
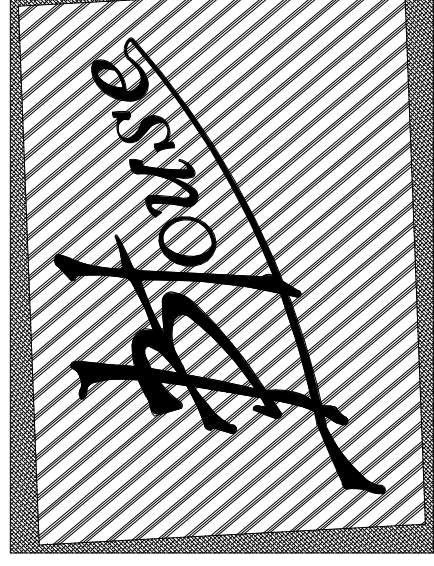
  

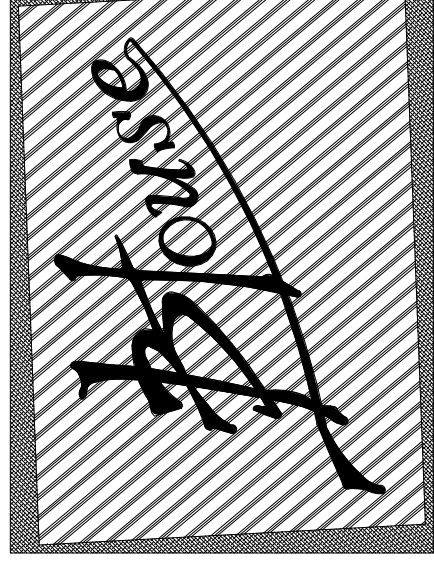
<b>REFERENCES:</b>		<b>NOTES:</b>	
1) THE SAME BEING DESIGNATED AS LOT NO. 54, ON PLAT OF SUBDIVISION OF RICHARD FRANKLIN ESTATES, BY R.E. COLLINGSWOOD, JR., DATED NOVEMBER 25, 1960, REVISED FEBRUARY 10, 1962, AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR RICHLAND COUNTY IN PLAT BOOK "S", PAGES 166 & 167. 2) PLAT PREPARED FOR CARL W. McCLAIN & DORIS K. McCLAIN, BY COX AND DINKINS, INC., DATED OCTOBER 17, 1986. 3) PLAT PREPARED FOR JAMES W. BURCH, BY COX AND DINKINS, INC., DATED JUNE 23, 2004, REVISED JULY 21, 2005. 4) PLAT PREPARED FOR FREDY NEUGEBAUER, BY COX AND DINKINS, INC., DATED OCTOBER 6, 2020.		1) THE LOCATION OF OTHER UNDERGROUND UTILITIES AND THEIR SERVICES ARE UNKNOWN. 2) THE 362' CONTOUR LINE IS BASED UPON REFERENCE MARK DESIGNATED AS "TRUSTY ANCHOR", ELEVATION=376.50 (FEET) (NAVD 88 DATUM), AS TAKEN FROM NGS DATA SHEET. (http://www.ngs.noaa.gov)	



Sheet List	
Sheet Number	Sheet Name
A0.0	COVER PAGE
A0.1	SITE PLAN
A1.0	FOUNDATION PLAN
A1.1	FIRST FLOOR PLAN
A1.2	ROOF PLAN
A2.1	ELEVATIONS
A2.2	ELEVATIONS
A2.3	3D
A3.1	HOUSE SECTIONS
A3.2	HOUSE SECTIONS
E1.1	ELECTRICAL PLAN





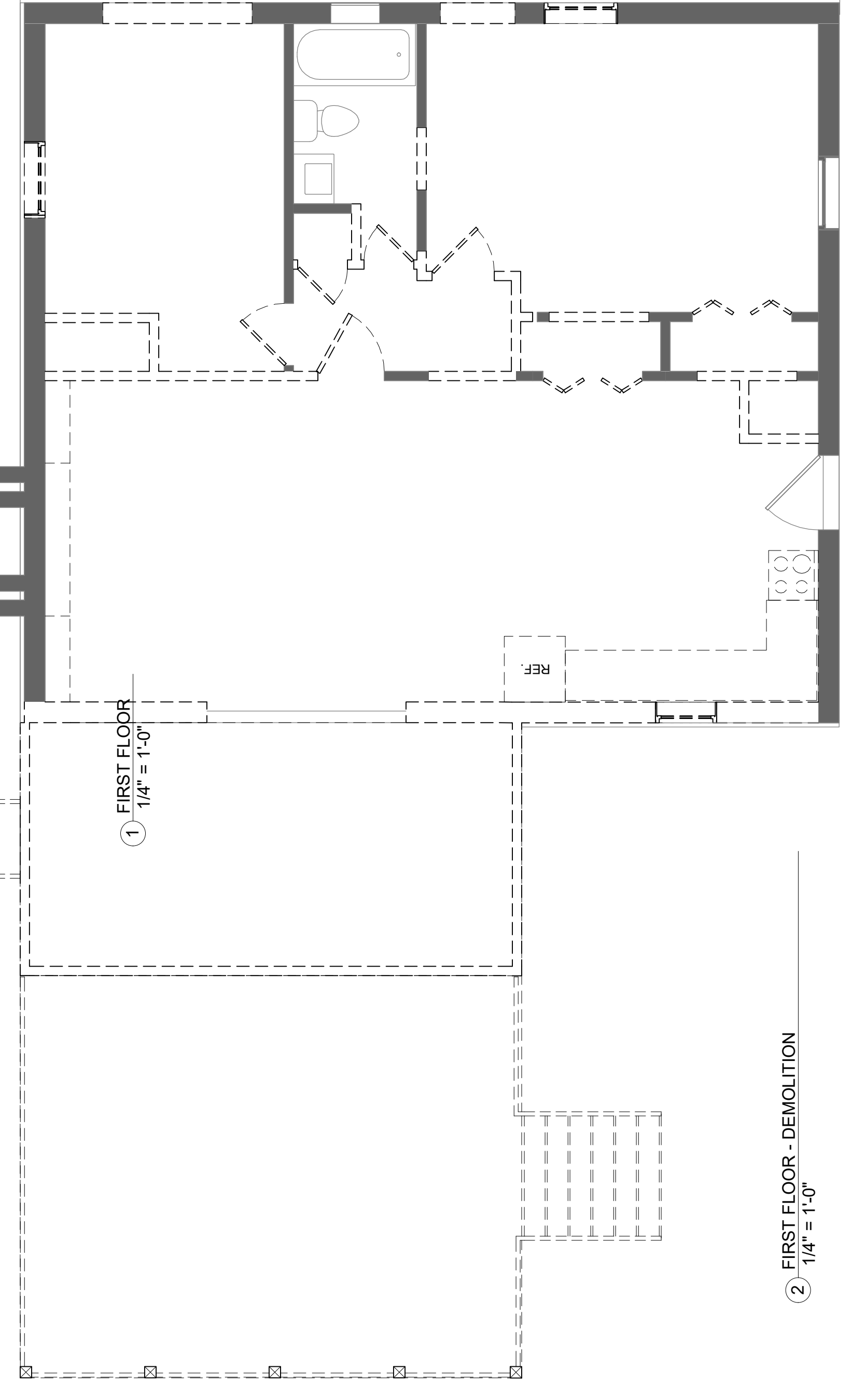
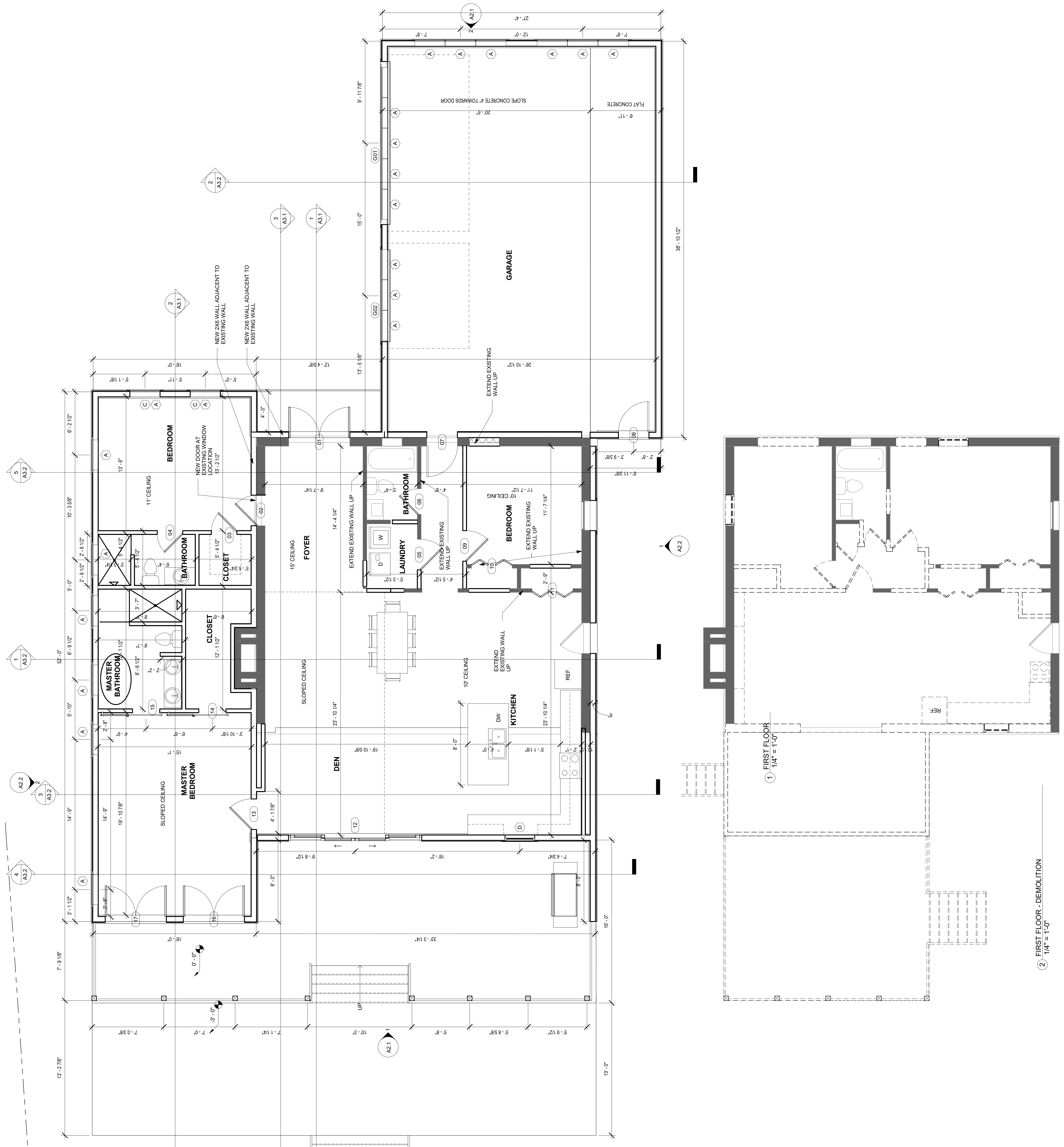


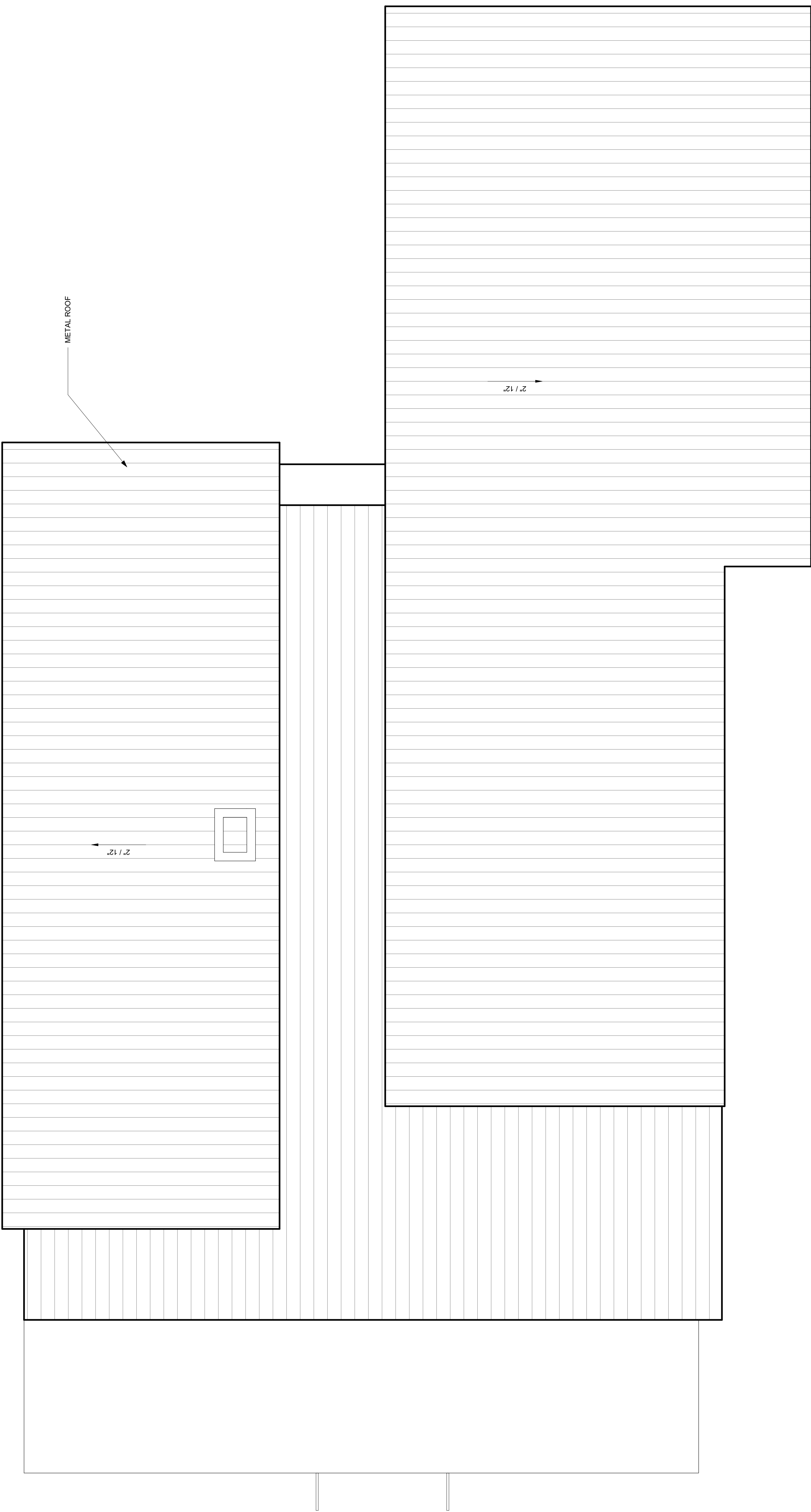
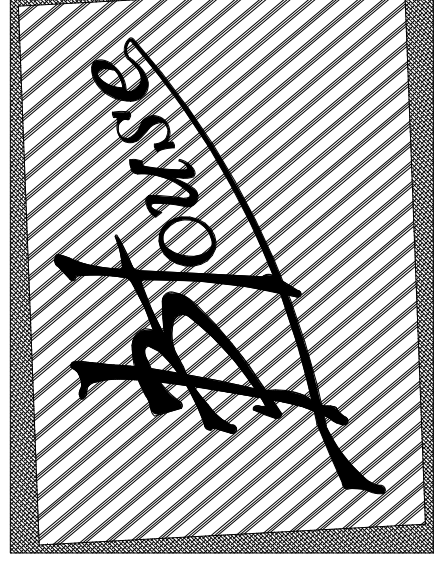
Window Schedule			
Type Mark	Rough Opening Width	Height	Comments
A	2'-11 1/2"	1'-11 1/2"	
C	2'-11 1/2"	5'-11 1/2"	
D	2'-11 1/2"	3'-11 1/2"	
E	2'-11 1/2"	2'-11 1/2"	
Grand total: 27			

FIRST FLOOR DOOR SCHEDULE				
Door Number	Door Size	Thickness	Description	Finish Comments
01	72" x 96"	0'-1 3/4"		
02	36" x 80"	0'-1 3/8"		
03	30" x 80"	0'-1 3/8"		
04	30" x 80"	0'-1 3/8"		
05	36" x 80"	0'-1 3/8"		
06	30" x 80"	0'-1 3/8"		
07	36" x 80"	0'-1 3/4"		
08	36" x 80"	0'-1 3/4"		
09	36" x 80"	0'-1 3/8"		
10	48" x 80"	0'-1 3/8"	BIFOLD DOOR	
11	48" x 80"	0'-1 3/8"	BIFOLD DOOR	
12	12'-0" x 8'-0"			
13	36" x 80"	0'-1 3/8"		
14	32"			
15	32"			
16	72" x 96"	0'-1 3/4"		
17	72" x 96"	0'-1 3/4"		
G01	16'-0" x 8'-0"		Garage Door	
G02	96" x 108"		Garage Door	

GENERAL NOTES:

- NEW EXTERIOR WALLS TO BE 2X6 STUDS @ 16" O.C. W/ R-19 BATT INSULATION.
- EXTEND ALL EXISTING EXTERIOR CMU WALLS BY ATTACHING NEW 2X4 STUD WALL ON TOP.
- ROOF RAFTERS TO BE 2X8 JOISTS AT 16" O.C. W/ 1/2" OSB SHEATHING





1,740 HEATED SQUARE FEET

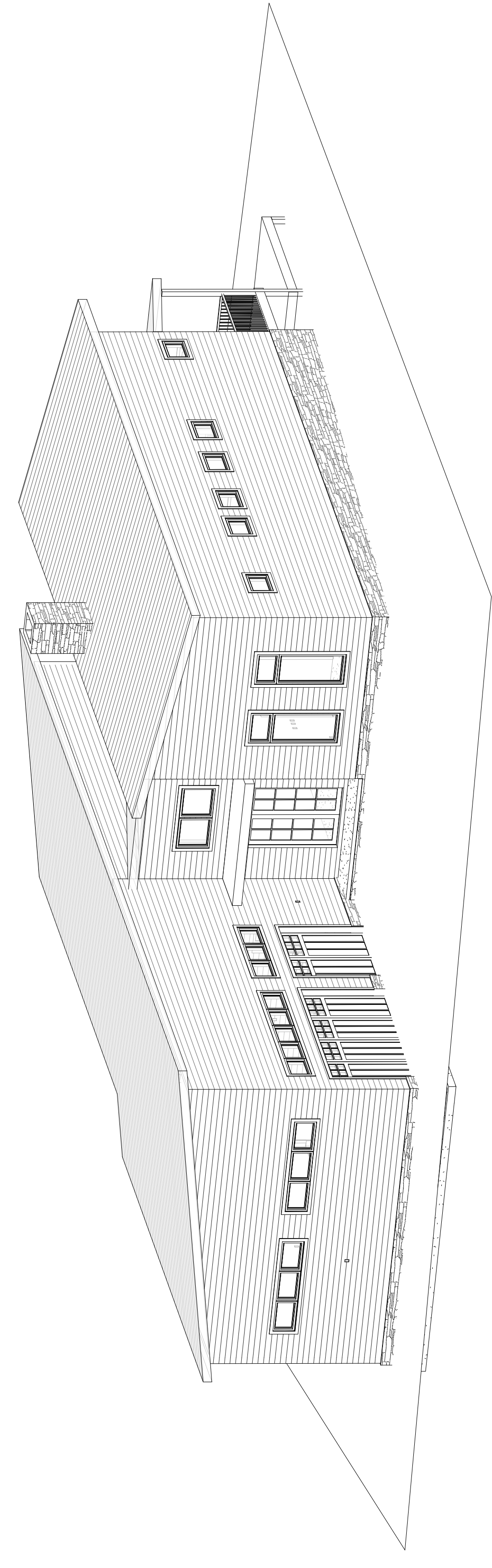
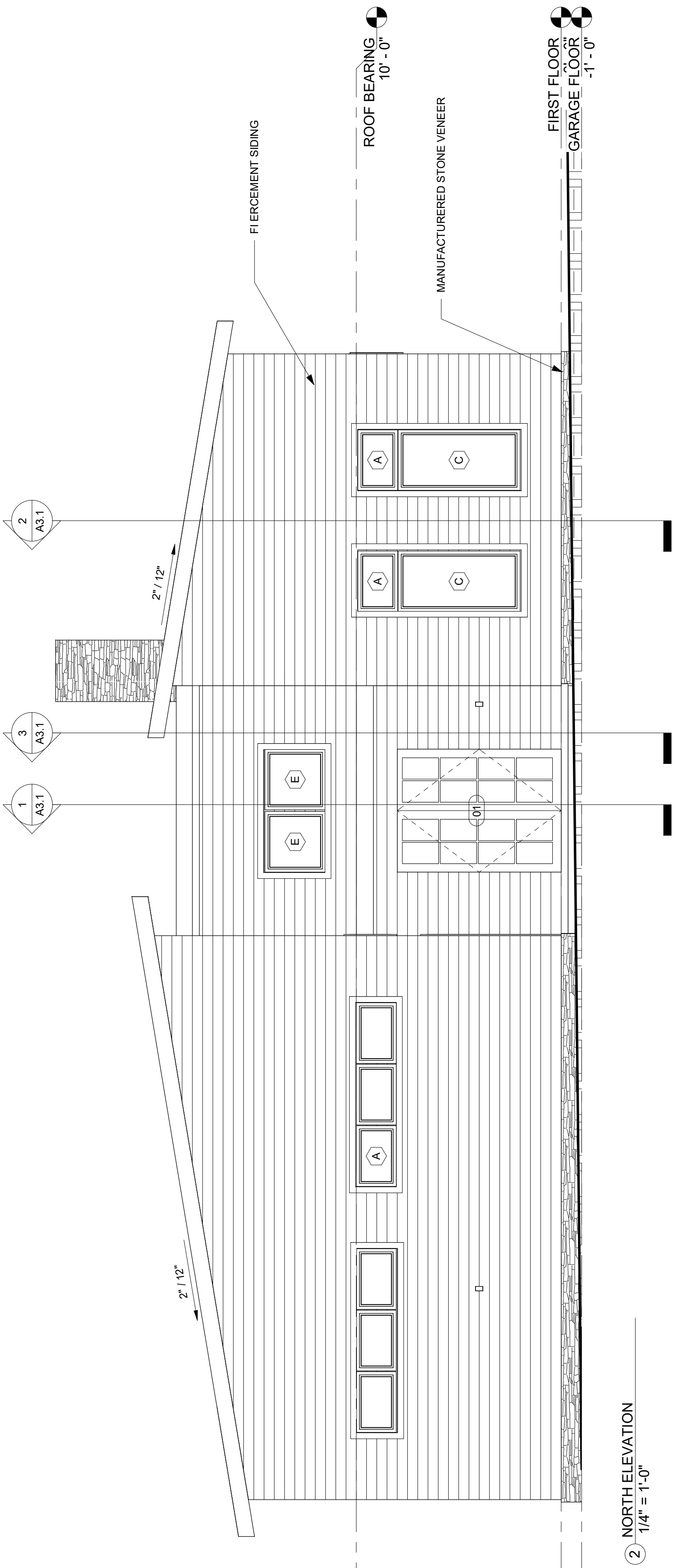
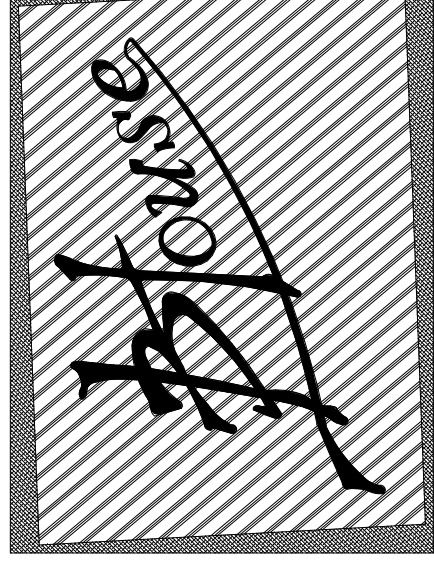
37 CIRCLE DRIVE  
RENOVATION  
CHAPIN, SC

**[b]HOUSE Designs**  
Josh Bolfinhouse, Architect  
www.bhousedesigns.com

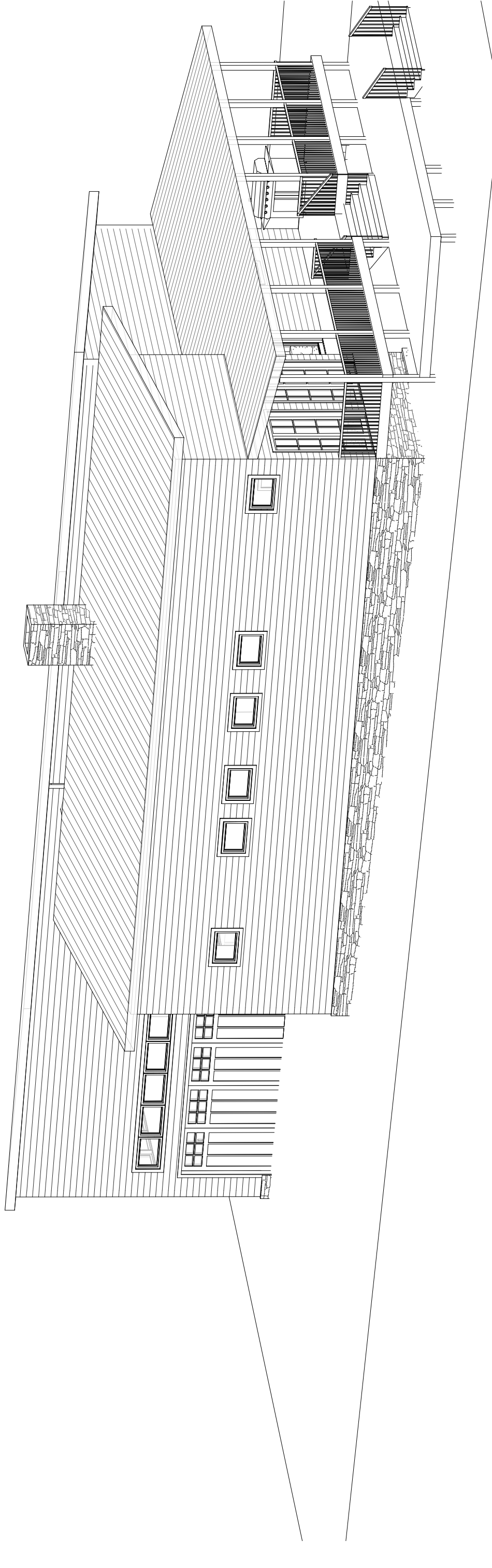
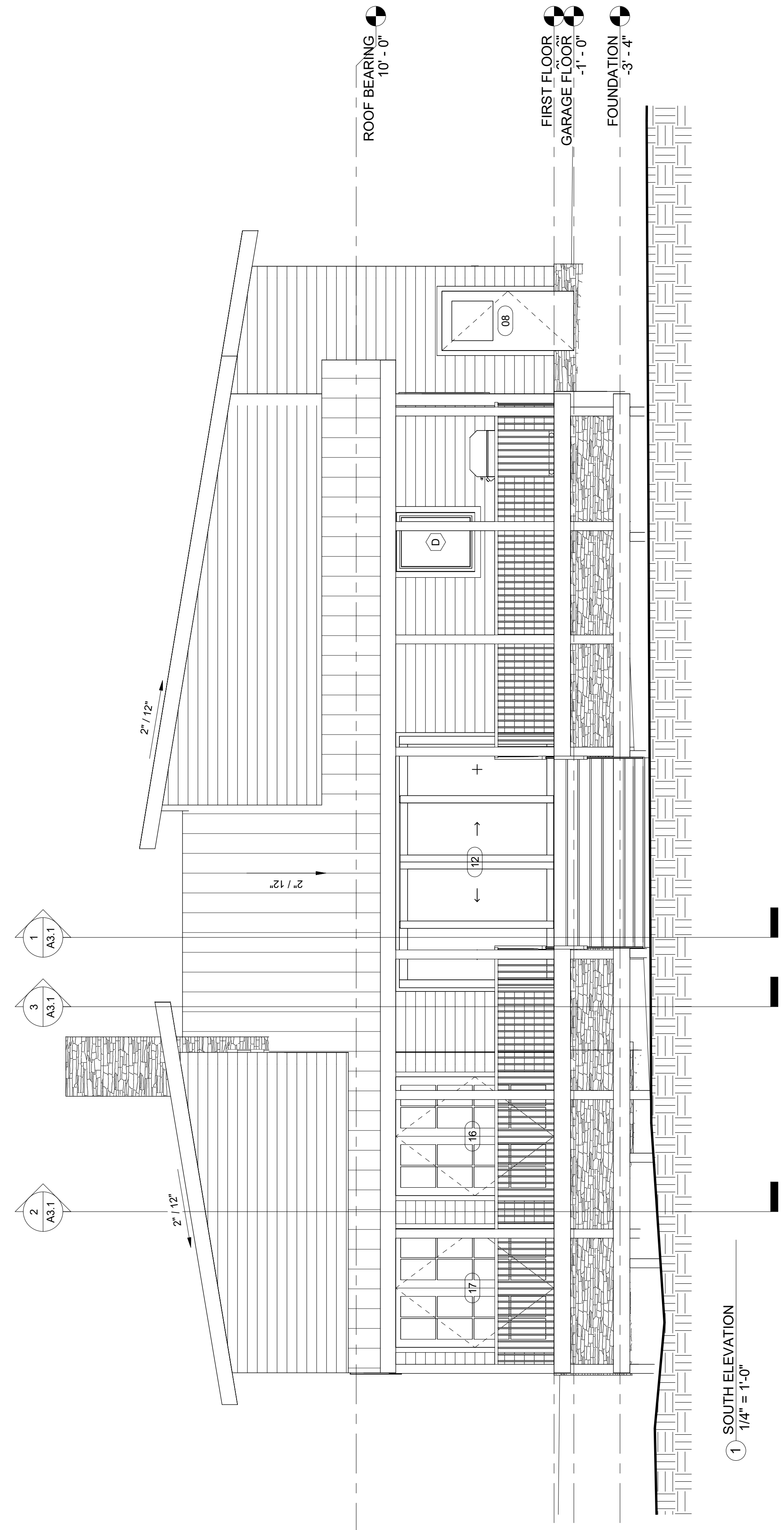
① ROOF PLAN  
1/4" = 1'-0"

Date	Revised
8.25.2020	
9.07.2020	
9.16.2020	
10.22.2020	

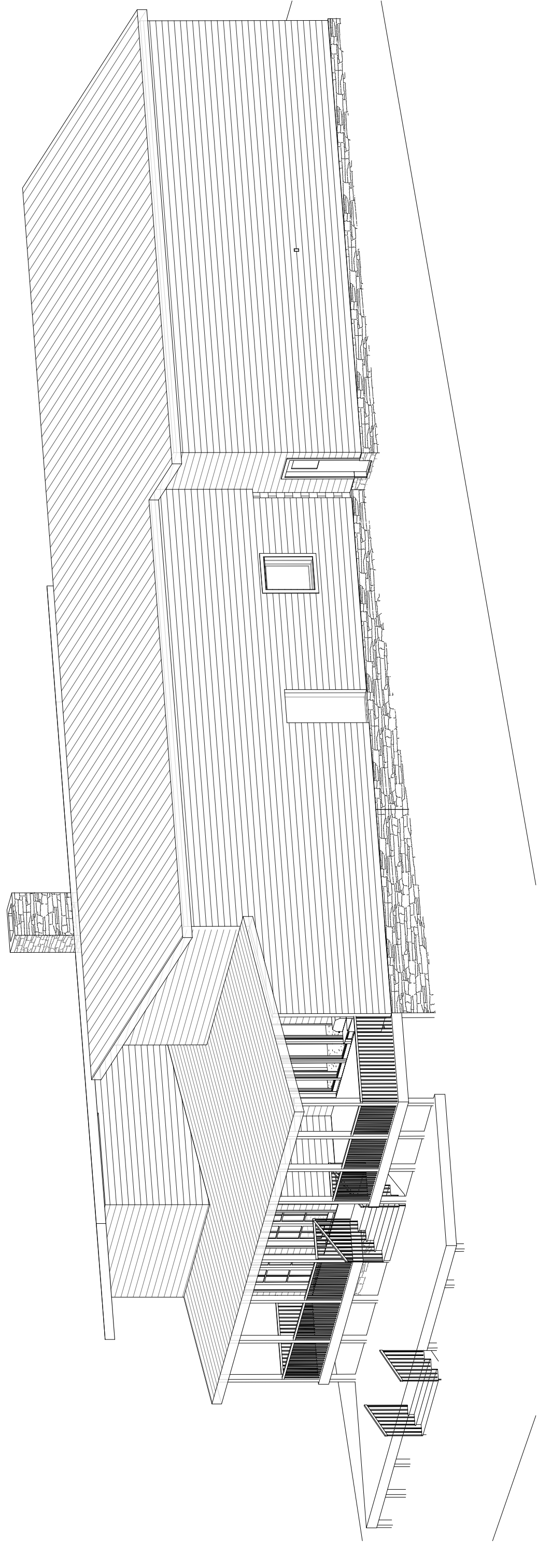
**A1.2**  
ROOF PLAN



3 (3D) Copy 1

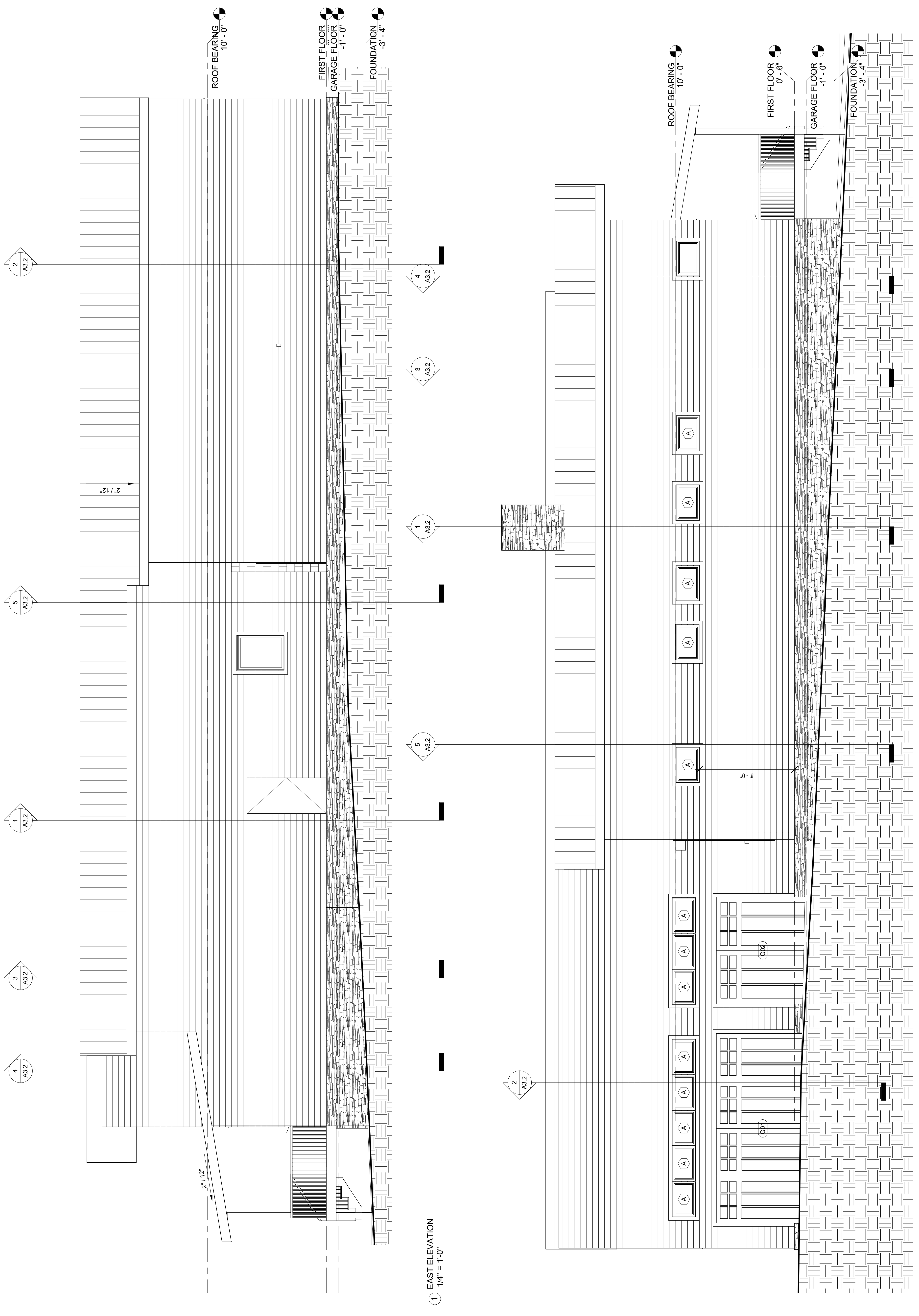
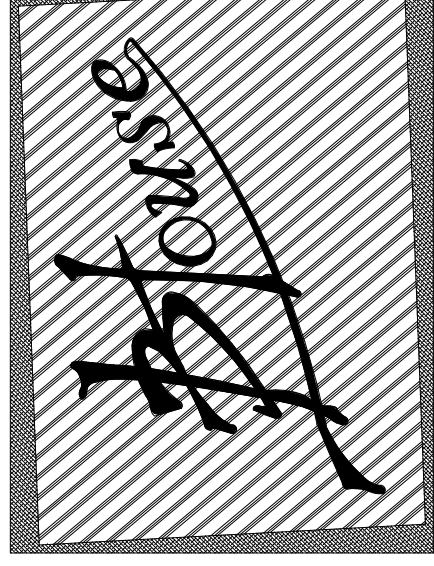


4 (3D) Copy 1 Copy 1



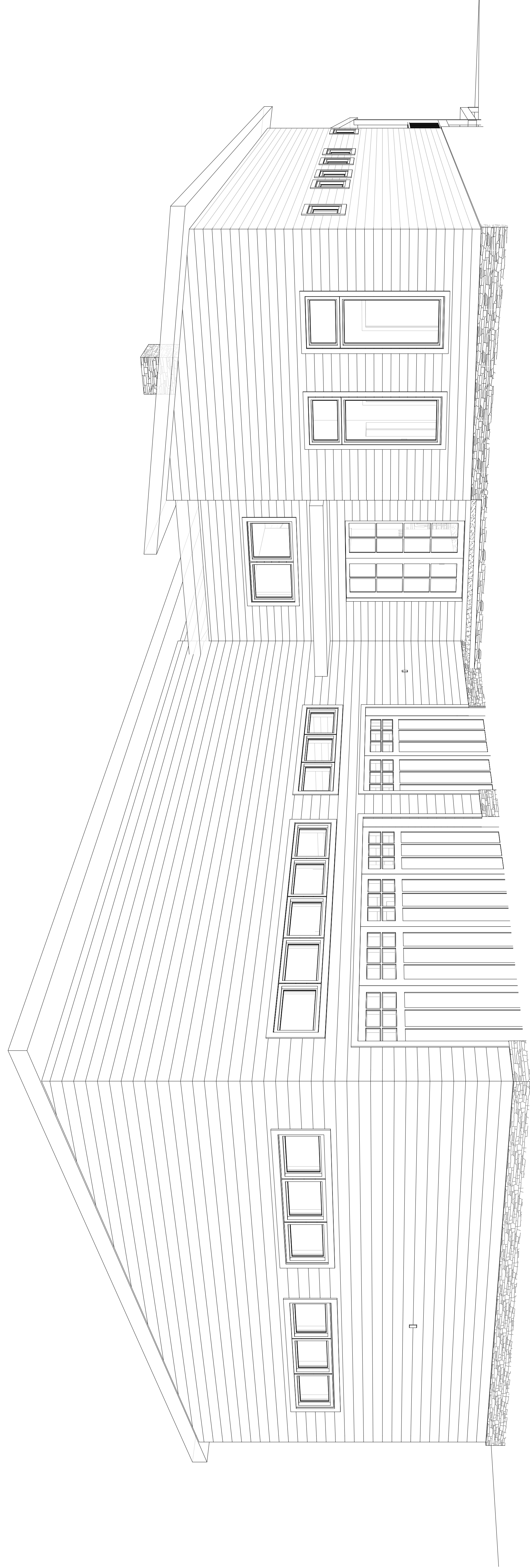
5 (3D) Copy 1 Copy 1 Copy 1



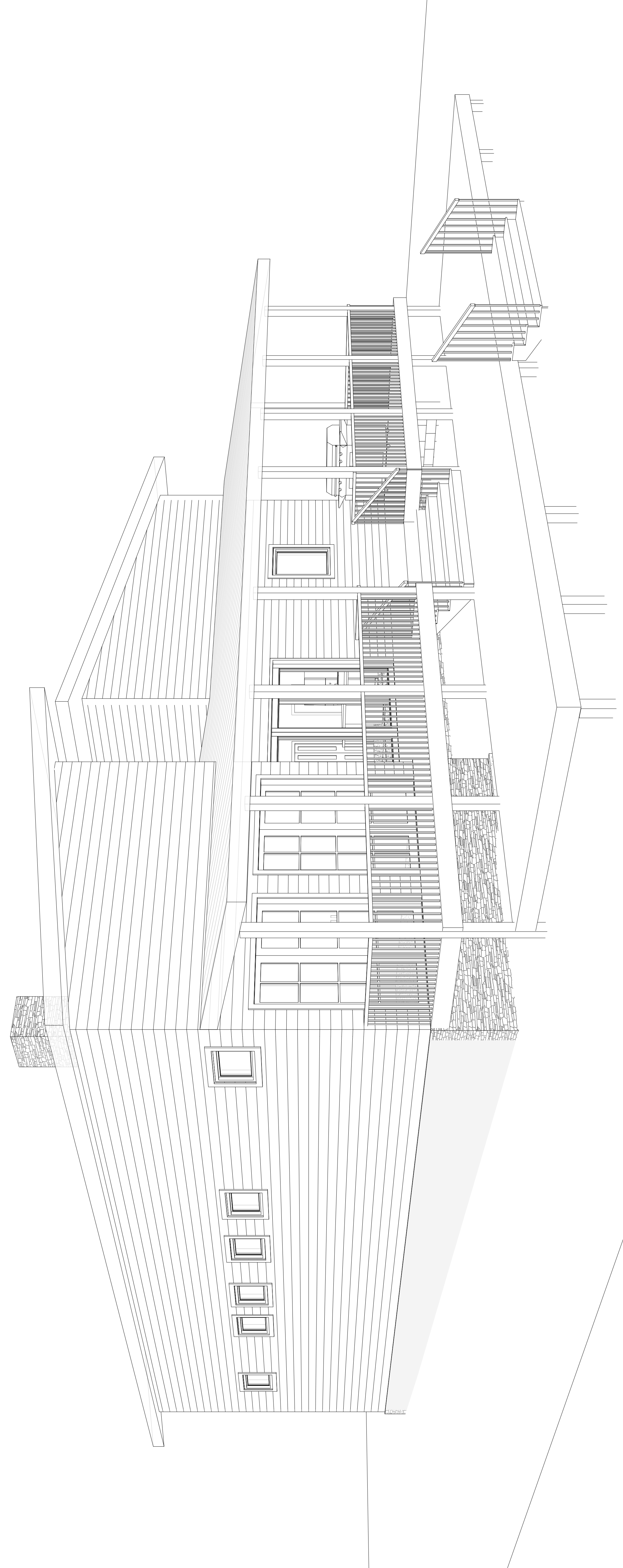


1 EAST ELEVATION  
1/4" = 1'-0"

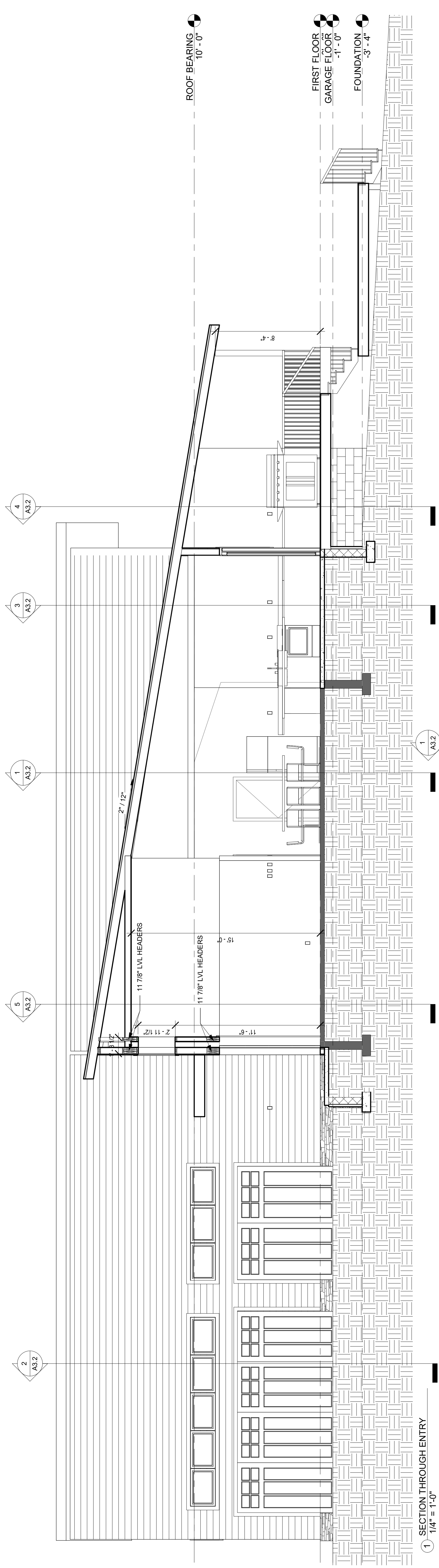
2 WEST ELEVATION  
1/4" = 1'-0"



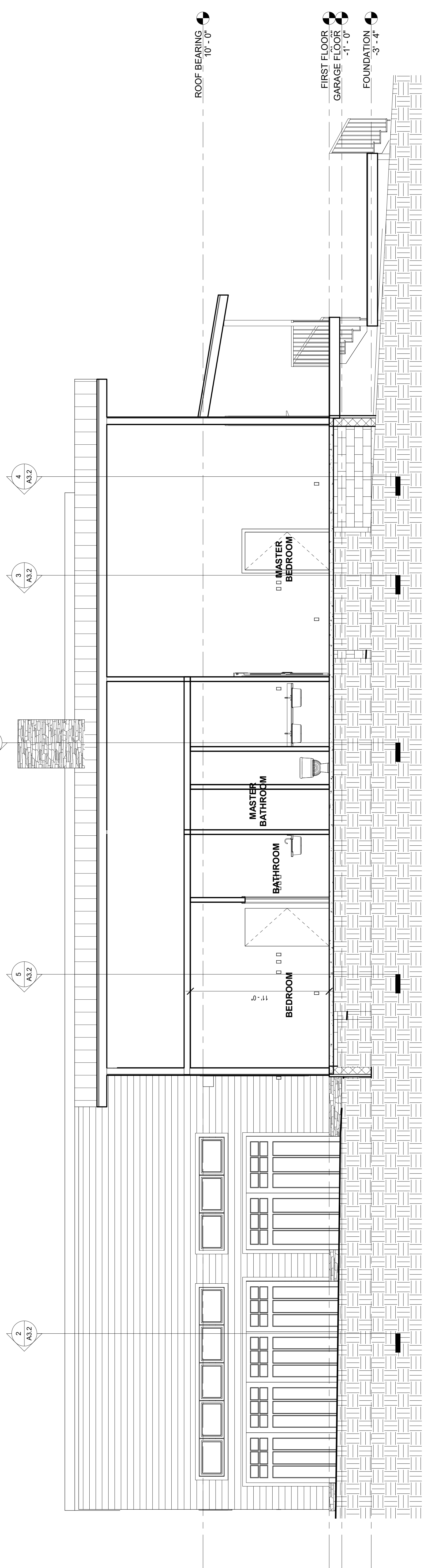
① 3D View 1



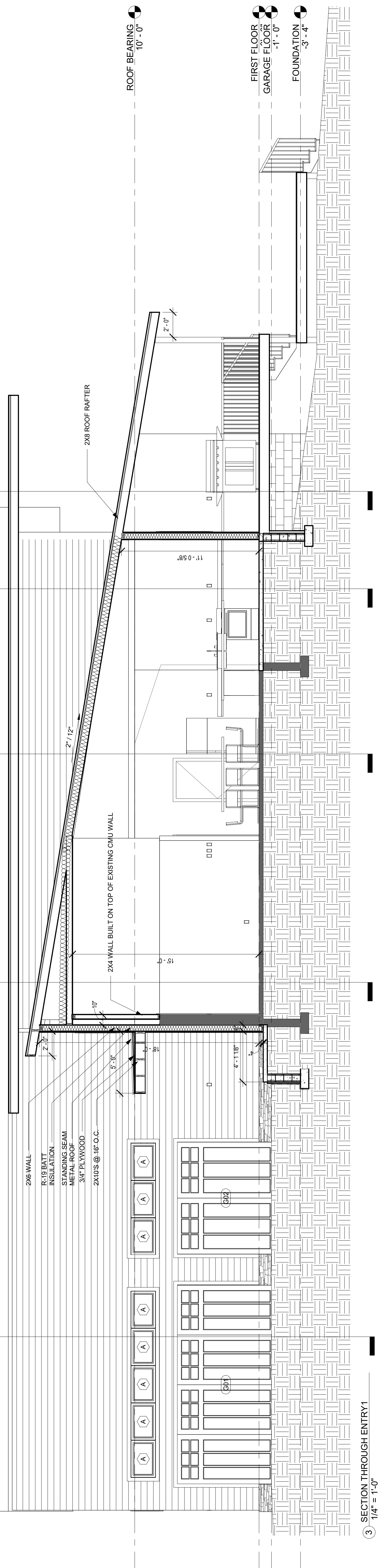
② 3D View 2



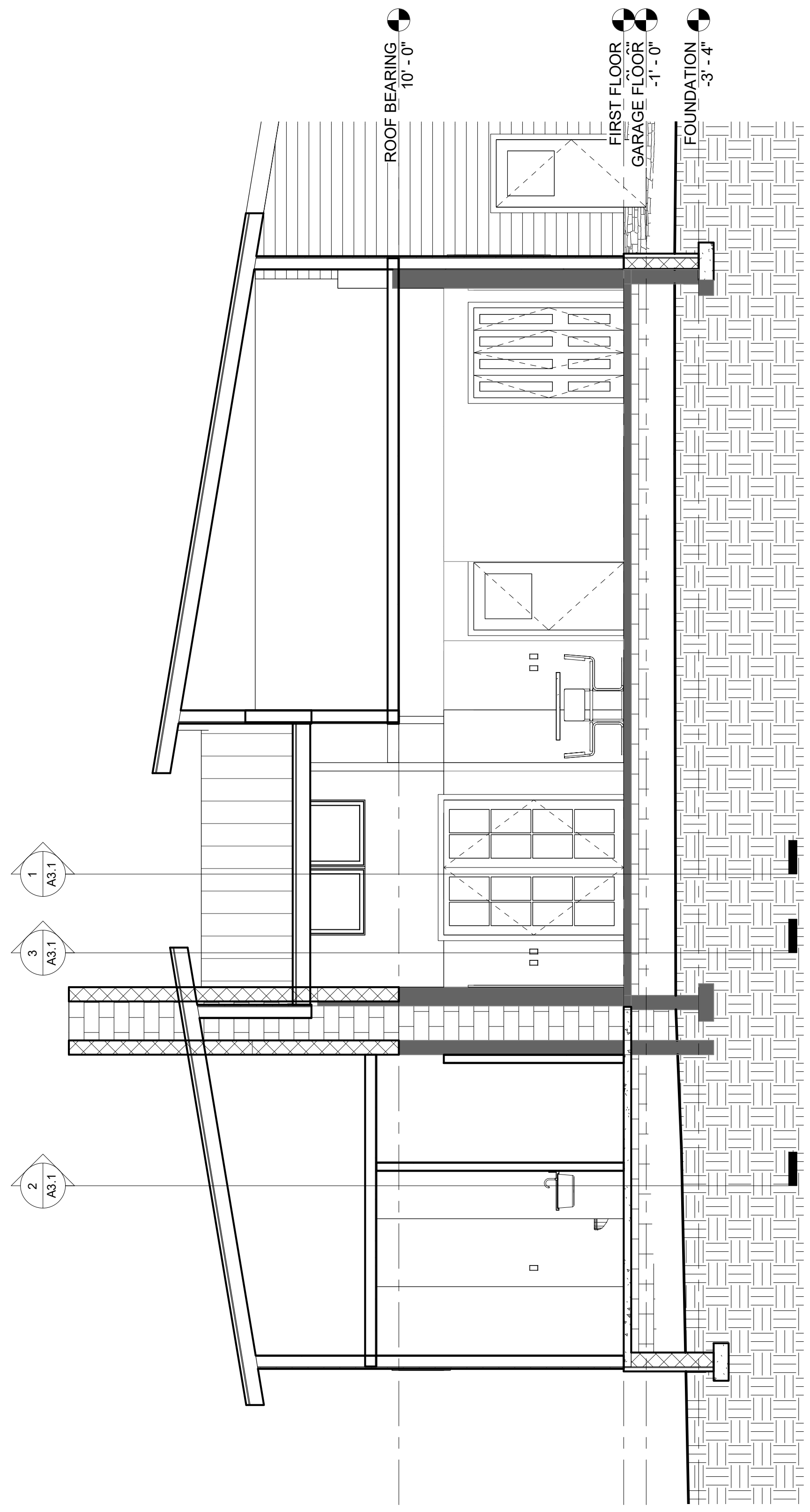
1 SECTION THROUGH ENTRY  
1/4" = 1'-0"



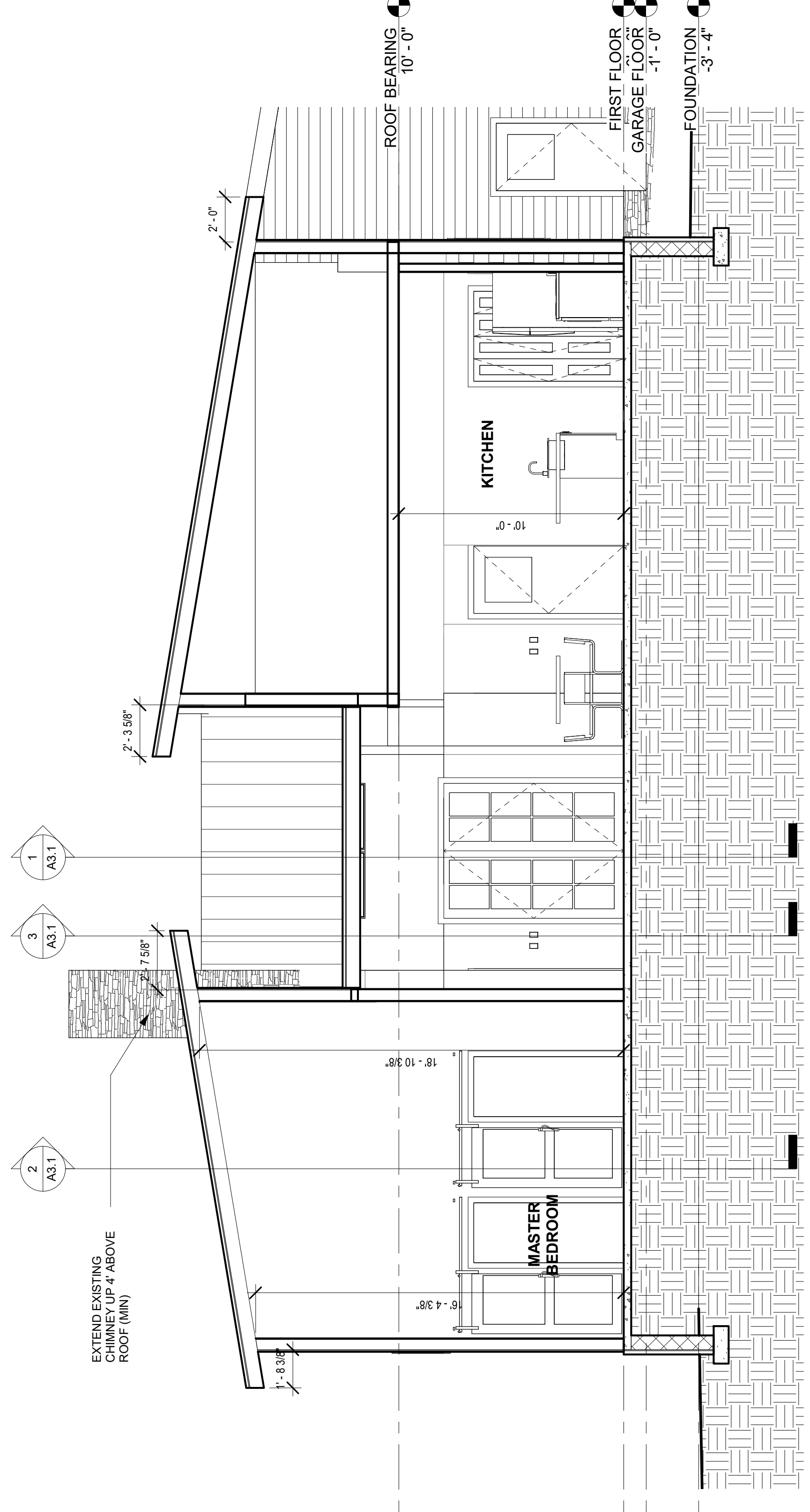
2 SECTION THROUGH BEDROOMS  
1/4" = 1'-0"



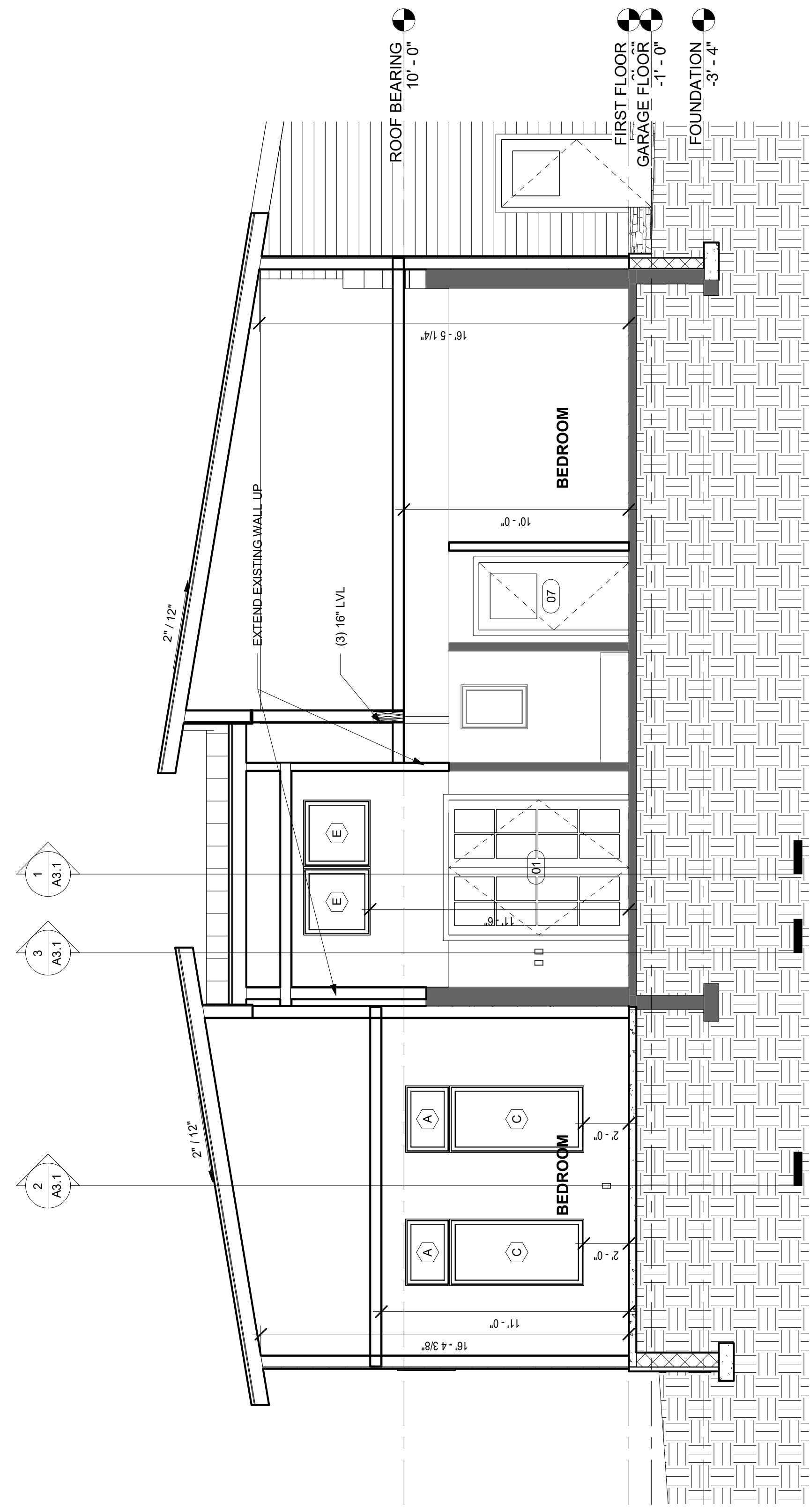
3 SECTION THROUGH ENTRY 1  
1/4" = 1'-0"



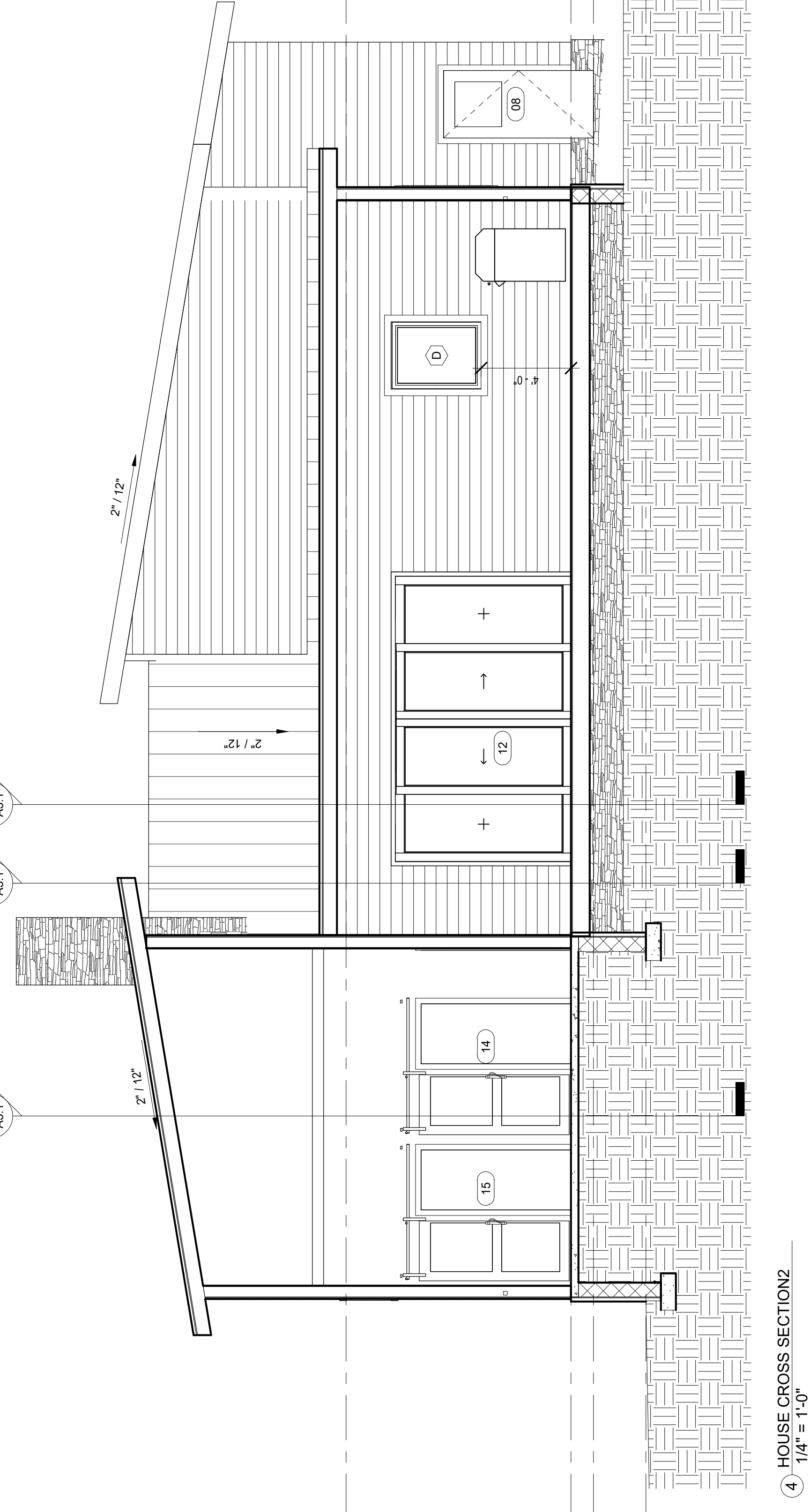
1 HOUSE CROSS SECTION  
1/4" = 1'-0"



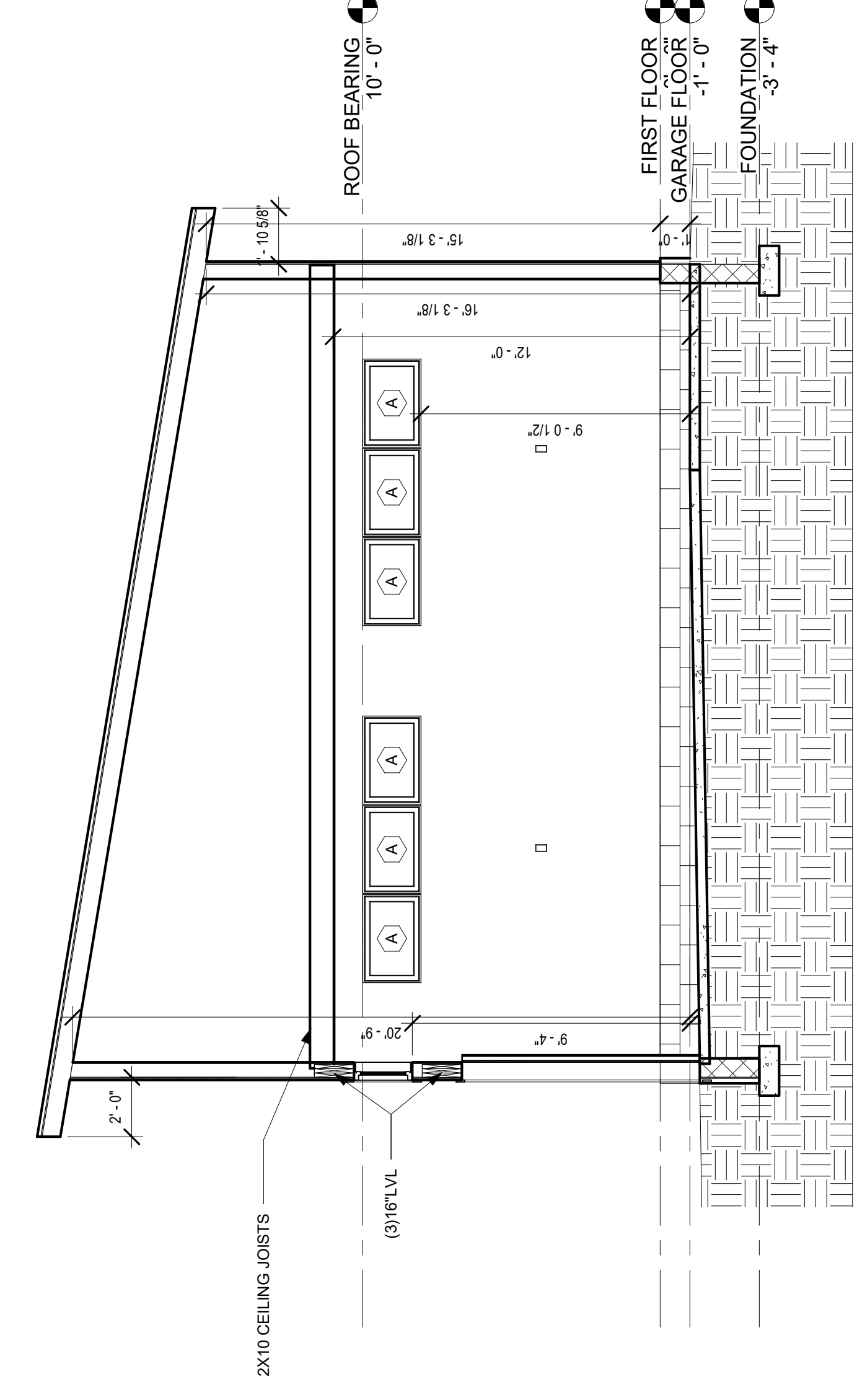
3 HOUSE CROSS SECTION 1  
1/4" = 1'-0"



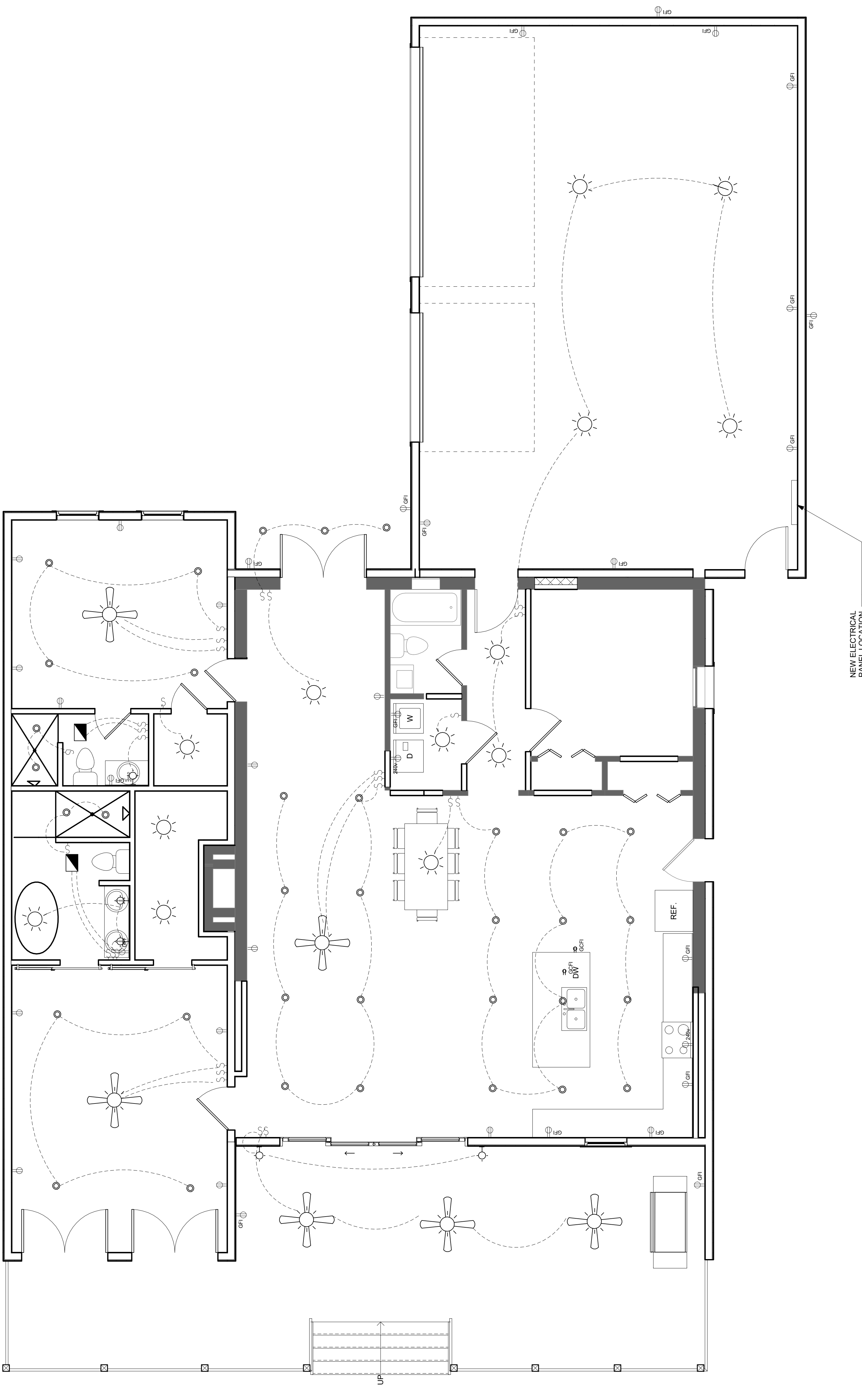
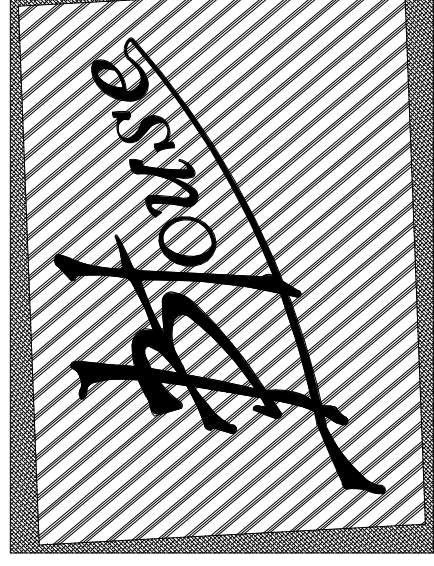
5 HOUSE CROSS SECTION 3  
1/4" = 1'-0"



4 HOUSE CROSS SECTION 2  
1/4" = 1'-0"



2 GARAGE SECTION  
1/4" = 1'-0"



① FIRST FLOOR ELECTRICAL  
1/4" = 1'-0"







Richland County Government  
2020 Hampton Street  
Columbia, SC 29204

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

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