

**RICHLAND COUNTY**  
**Board of Zoning Appeals**



**June 2, 2021**  
**3 pm**

***Virtual Meeting***

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





**Richland County  
Board of Zoning Appeals  
Wednesday, June 2, 2021  
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**

- I. CALL TO ORDER & RECOGNITION OF QUORUM** **LaTonya Derrick, Chairman**
- II. PUBLIC NOTICE ANNOUNCEMENT**
- III. ADOPTION OF AGENDA**
- IV. RULES OF ORDER** **Chairman**
- V. APPROVAL OF MINUTES - December 2020**
- VI. PUBLIC HEARING** **Geonard Price,  
Zoning Administrator**

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

- 1. SE21-001** **Request a special exception for the establishment of a borrow pit on property zoned Rural (RU)**  
**Sloan Construction**  
**B/S Harmon Road**  
**Hopkins, SC 29061**  
**TMS# 28000-03-01**  
**Page 1**
- 2. ZV21-003** **Request a variance to exceed the maximum height for a fence on property zoned Residential Single Family Residential (RS-LD)**  
**William Hall**  
**104 Shellywood Lane**  
**Columbia, SC 29212**  
**TMS# R05182-02-12**  
**Page 23**

- VII. ELECTION OF OFFICERS**
- VIII. OTHER BUSINESS**
- IX. ADJOURNMENT**







## REQUEST, DISCUSSION AND RECOMMENDATION

**CASE:**

SE21-001

**REQUEST:**

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the construction of a borrow pit in a RU (Rural) district.

**GENERAL INFORMATION:**

*Applicant:* Paul Edwards  
Sloan Construction

*TMS:* 28000-03-01 (portion)

*Location:* B/S Harmon Road (Hopkins, SC 29061)

*Parcel Size:* 50 acre tract

*Existing Land Use:* The parcel is wooded.

*Proposed Land Use:* The applicant proposes to construct a borrow pit.

*Character of Area:* The area consists of large tracts which are undeveloped and heavily wooded or residentially and agriculturally developed.

**ZONING ORDINANCE CITATION:**

Table 26-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to authorize borrow pits subject to the provisions of section 26-152 (d) (3).

**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.

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**Special exception requirements (as found in section 26-152 (d) (3)):**

(3) *Borrow pits.*

- a. Use districts: Rural; Rural Residential; M-1 and LI Light Industrial.
- b. Proposals for borrow pits will only be permitted where:
  1. There are overriding environmental or other planning benefits compared to obtaining materials from alternative sources;
  2. Alternative materials of the required specification are unavailable in sufficient quantities;
  3. They are contiguous with or close to the projects they are intended to serve;

4. They are time-limited to the life of the project and material is to be used only for the specified project;
  5. Proposals include appropriate reclamation measures that make full use of surplus spoil from the project;
  6. The site can be restored to its original levels or an alternative acceptable landform only utilizing materials from the construction project;
  7. Any impacts on the environment or local communities can be controlled to acceptable levels; and
  8. The project area is less than ten (10) acres.
- c. All borrow pits subject to this subsection shall comply with the following requirements:
1. The average slope of any cut bank measured from a point located ten (10) feet from the boundary of any abutting property to the bottom of the cut bank in the pit shall not exceed a horizontal to vertical ratio of 2:1. The owner of the borrow pit is responsible for maintaining this condition;
  2. The top of the cut bank of the borrow pit shall, at no time, be closer than ten (10) feet from the property boundary of any abutting landowner;
  3. The depth of the borrow pit is limited to a maximum of twelve feet below the average seasonal high water table or three feet above a confining or semi-confining unit, whichever is shallower;
  4. No excavation shall occur within two hundred (200) feet of a wetland or other surface water;
  5. Best management practices shall be used to control erosion and sediment transport during and after the excavation activities;
  6. The borrow pit slopes shall be stabilized with native vegetation within six months following completion of the excavation;
  7. Upon completion of the excavation area, side slopes shall be no steeper than 4 (horizontal):1 (vertical) out to a depth of two feet below the average water elevation;
  8. No on-site grading or sorting of materials shall occur; and
  9. The active excavation, processing, and transportation of fill material shall only occur between 8:00 a.m. and 8:00 p.m.

**DISCUSSION:**

The applicant proposes to establish a borrow pit within a 10± acre portion of the 67.54 acre tract.

The subject site is located at the intersection of Mount Elon Church Road and Harmon Road. The western portion of the property abuts a residentially developed property. The parcels south and north of the subject parcel are undeveloped. East of the site, across Mount Elon Church Road, are residentially developed parcels.

According to the applicant, the entrance for the proposed borrow pit be along Mount Elon Church Road, "...where it provides adequate site distance for trucks ingress and egress." The borrow pit operation is proposed to cause, "...up to 17 dumps trucks a day on Harmon Road during active operations."

The applicant is required to conform to the requirements of section 26-152 (d) (3). Meeting these requirements should demonstrate that the establishment of the borrow pit is warranted and should assist in minimizing the impact of a borrow pit on the surrounding area.

If granted approval, the South Carolina Department of Health and Environmental Control will impose additional provisions on the operation of the borrow pit.

Also, 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
- Building
- Public Works
- Fire Marshal

Staff recommends disapproval for this request. The applicant has not identified a specific project for the borrow pit.

If the Board of Zoning Appeals grants the request, it is staff's recommendation that the following stipulations be applied to the approval:

1. Prior to any land disturbance of the subject site, a plat identifying the 10 acre tract must be submitted to the Planning Department; and

**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:**

No record of previous special exception or variance request.

**ATTACHMENTS:**

- Application
- PowerPoint presentation
- Application letter

**SE21-001**  
**SLOAN CONSTRUCTION**  
**B/S HARMON ROAD**  
**HOPKINS, SC 29061**  
**TMS# 28000-03-01**







**SLOAN CONSTRUCTION**  
A Division of Reeves Construction Company



April 20, 2021

Mr. Geo Price  
Division Manager  
Richland County Community Planning and Development Department  
2020 Hampton Street  
Columbia, SC 29202

Re: Request for Special Exemption  
TMS# R28000-03-01

Dear Mr. Price,

We are submitting this additional information in support of our request for a Special Exemption Permit to operate a borrow pit on Harmon Road, parcel R28000-03-01. We understand we will be held to all the requirements listed in Section 26-152.D.3 of the Special Exemptions. We also want it to be known that we will be required to meet SCDHEC and SCDOT specifications for borrow pits. This will require that we maintain a Stormwater Management Plan onsite that lays out the locations of all Best Management Practices (BMP) for runoff management and avoidance.

Sloan Construction has maintained and operated an office in Columbia, SC for more than sixty (60) years. We have been a part of the community since that time and plan to be for the foreseeable future. Due to our longevity in the area, we know how special the Lower Richland community is for its rural lifestyle and environmental importance. Knowing the importance of public perception and how it can affect our business, we will ensure that we hold to the specifications listed above to make the pit as aesthetically pleasing as possible.

We understand that the Special Exemption will only be for one (1) project duration and for less than ten (10) acres. We hope to prove ourselves worthy on this first Special Exemption so that we can acquire future ones to support the needs of Richland County's Penny Tax Projects and other SCDOT projects.

We do hope that this request and the close proximity of parcel R28000-03-01 to the Richland County Penny Tax projects it will be granted Special Exemption Approval. The widening projects of Leesburg, Lower Richland, Pineview, Atlas, Shop, and Bluff roads provide multiple opportunities for Richland County borrow to be used in Richland County. The first opportunity would be Leesburg Road which bids on August 10, 2021.

We plan to start on the fifty (50) acre site north of Harmon Road to limit the full exposure of the entire parcel. If we continue to get approvals for the special exemptions and we exhaust the ability to get borrow material on the fifty (50) acre tract, then we will move over to the hundred (100) acre tract.

We also understand that the impact to traffic will be up to seventeen (17) dump trucks per day on Harmon and Mt Elon Church Road. While it is an increase compared to present day, this should not be a major traffic problem. The noise impacts would be limited to the dump trucks and excavators while we are actively operating. This will not be a seven-days a week, 365 days a year operation. It will be based on the production of the project which should be in short time intervals over the entire year. As far as the adverse impact to the aesthetics of the property, we would be isolated to a 10-acre segment of the property. We are required by DHEC specifications to temporary seed if we are not actively working in an area. The temporary seed will provide grass coverage to any long-term exposed dirt thereby ensuring proper grass coverage. We are also required to maintain soil erosion control so the property will be graded to ensure avoidance of soil leaving the property.

We hope that this information will be sufficient for the Board to favorably consider our request. Should you need any additional information, please do not hesitate to contact me. We also request to be involved in the meeting either in person or virtually, if allowed, to help answer any questions or concerns that may arise.

Sincerely,



Paul Edwards  
Business Development Manager  
Sloan Construction Company

Attachments – Board of Zoning Appeals Application  
Restrictive Covenants Form  
Completed Information Sheet  
Recorded Plat (Part of PowerPoint of Information)



# BOARD OF ZONING APPEALS

## SPECIAL EXCEPTION



1. Location: B/S Harmon Road - Corner of Harmon & Mt. Elon Church Rd

TMS Page: R28000-03-01 Block:        Lot:        Zoning District: RU

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

3. Describe the proposal in detail: Request to be able to establish a borrow pit on the 50 AC parcel that is north of Harmon Road. We desire to use it for borrow material on the Leesburg Road widening project as well as other Richland County Penny Projects.

4. Area attributed to the proposal (square feet): 2,178,000

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: 0

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: The borrow pit would cause up to 17 dump trucks a day on Harmon Road during active operations. This will not be a daily occurrence as it is dependent on project needs.

b. Vehicle and pedestrian safety: We would put an entrance on Mount Elon Church Road where it provides adequate site distance for trucks ingress and egress.

c. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property: There would be noise impacts for running motors of dump trucks and excavators.

d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view: While we plan to clear the trees, we will grade the site for proper drainage and apply permanent seeding according to DHEC requirements.

e. Orientation and spacing of improvements or buildings: None





### **Section 26-152 (d) (3)**

*(3) Borrow pits.*

- a. Use districts: Rural; Rural Residential; M-1 and LI Light Industrial. Site R28000-030-01 is zoned Rural.
- b. Proposals for borrow pits will only be permitted where:

1. There are overriding environmental or other planning benefits compared to obtaining materials from alternative sources;

There are no overriding environmental benefits to use this site over existing sites in the midlands. As far as other planning benefits, it would offer our company a reduced haul rate for local borrow material that is closer to the Richland County Penny Projects that are forth coming like Leesburg Road Widening, Shop Road Widening, Pineview Road Widening, Atlas Road Widening, Lower Richland Road Widening and Bluff Road Widening, therefor reducing the cost for borrow material to the County also.

2. Alternative materials of the required specification are unavailable in sufficient quantities;

We currently have not acquired a specific project that requires any alternative materials that are unavailable from other sites. The major concern that we have is the availability of material from existing approved sites in the Midlands due to the amount of material that will be required for the Carolina Crossroad's five phases.

3. They are contiguous with or close to the projects they are intended to serve;

While none of the Richland County projects named above are contiguous with parcel R28000-03-01, they are between 3 to 4 miles closer than the existing sites in Lexington and Richland Counties.

4. They are time-limited to the life of the project and material is to be used only for the specified project;

This provision is mandating that it only be for the life of each project and that the material is only used for that specific project. While we would like to be able to sell to outside companies and other projects, we understand Richland County's concern with that process and will respect that it has to be project specific.



5. Proposals include appropriate reclamation measures that make full use of surplus spoil from the project;

We don't currently have a reclamation plan to submit. We also do not know how much surplus spoil material will be left from the project since Richland County has not released the pay items for each of the Richland County Penny Projects. While we would use any surplus spoils to help regrade the site, we are not planning on having any available. Our plan is to grade the site as we excavate so that it drains properly and that it provides an acceptable appearance when excavation is complete. This site will not be a pond excavation site like most borrow pit sites. Due to the topography of the land, it will be more of a multiple plateau excavation. We would also be required by South Carolina Department of Health and Environmental Control (SCDHEC) to put up erosion control measures to ensure that sediment does not leave the site during operation. Once operations are complete, we would be required by SCDHEC's mining permit to have a uniform stand of grass on the property. Our permit with SCDHEC would not be closed out until they are satisfied with that requirement.

6. The site can be restored to its original levels or an alternative acceptable landform only utilizing materials from the construction project;

Most likely the site will not be restored to its original levels as we do not anticipate an abundance of surplus materials from any of the projects. As stated in Requirement #5, we plan to grade the site as we excavate to allow for proper drainage. We plan to utilize a multiple plateau excavation technique that will give the project a uniform appearance.

7. Any impacts on the environment or local communities can be controlled to acceptable levels; and

We expect minimal impact to the environment and local communities. We will maintain the proper erosion controls to minimize the impacts on the environment because we understand the significance that the Lower Richland area provides to the Midlands. While impacts to the local community will be minimized, we will have some impacts regarding noise and traffic. There will be some noise impacts from running dump trucks and excavators. We will limit the hours of operations to those requirements of Section 26-152 (d) (3) (C) (9) below. The ten (10) foot buffer for the cut bank will allow existing vegetation to remain which will absorb some of the noise generated on site. It will also help reduce any visible concerns to adjoining neighbors.

8. The project area is less than ten (10) acres.

This provision is mandating that the impact to the site area be less than ten (10) acres. We request to have permission for close to ten (10) acres to utilize. Slide 6 of the Presentation shows the requested ten (10) acre area that we would like to submit. This will allow us to utilize the maximum of borrow material for the project as necessary while also meeting the requirements in Section 26-152 (d) (3) (C) (1-3) below. We hope that upon approval and completion of the first ten (10) acres that the Planning Commission will approve future ten (10) acre special exemptions for extending the borrow pit onto more of the fifty (50) acre parcel of R28-000-030-01.

c. All borrow pits subject to this subsection shall comply with the following requirements:

1. The average slope of any cut bank measured from a point located ten (10) feet from the boundary of any abutting property to the bottom of the cut bank in the pit shall not exceed a horizontal to vertical ratio of 2:1. The owner of the borrow pit is responsible for maintaining this condition;

This condition is a mandate and will be upheld in our borrow excavation plan. This requirement and the topography of the parcel is why we decided to do a multiple plateau excavation which will allow us to reduce the number of areas that will require a 2:1 slope.

2. The top of the cut bank of the borrow pit shall, at no time, be closer than ten (10) feet from the property boundary of any abutting landowner;

This condition is a mandate and will be upheld in our borrow excavation plan. The ten (10) feet requirement will help us reduce the noise impacts and any visible concerns to adjacent property owners.

3. The depth of the borrow pit is limited to a maximum of twelve feet below the average seasonal high-water table or three feet above a confining or semi-confining unit, whichever is shallower;

The fifty (50 acre) portion of the full parcel which is located on the north side of Harmon Road is mainly made up of Fuquay (FuB) and Vacluse (VaC & VaD) soils. You can see the designation on slide 7 and 8 in our presentation. Per Richland County soil survey done by USDA the Vacluse soils seasonal high-water table is greater than 6 feet and the Fuquay soils seasonal high-water table is between 2.5 to 4 feet. Using the requirement of a maximum of twelve feet below the average seasonal high-water table, we conservatively anticipate taking 18 feet off in the Vacluse soils and 14.5 feet off in the Fuquay soils. These are conservative in nature as the contour of the land may restrict getting to these depths in certain areas. We will also abide by the 2:1 slope requirement which will constrict the depth as well. We will do actual determinations upon approval by the Planning Commission and upon acquisition of a project to determine the exact location of the average seasonal high-water table on parcel. The only confining or semi-confining unit is on the hundred (100) acre site and is not part of this special exemption as can be seen on Slide 6 of the Presentation.

4. No excavation shall occur within two hundred (200) feet of a wetland or other surface water;

There is no wetland on the fifty (50) acre parcel that we are submitted. There is a wetland on the hundred (100) acre site that the two hundred (200) feet restriction will affect. See Slide 6 on the Presentation. We are looking to start in the upper portion of the fifty (50) acre parcel so that we do not have any impact to the wetland. The additional distance along with the SCDHEC requirements for erosion control standards will ensure that we will not have any impacts to the wetlands.



5. Best management practices shall be used to control erosion and sediment transport during and after the excavation activities;

This condition is a mandate and is also required by the South Carolina Department of Transportation (SCDOT) and SCDHEC. We will install all the required erosion and sediment controls not only to meet the requirements but to ensure that we do not have any impacts that will negatively affect our reputation. We have been a long-standing company in Columbia due to our reputation and the fact that we respect the environment in which we all live as homeowners.

6. The borrow pit slopes shall be stabilized with native vegetation within six months following completion of the excavation;

This condition is a mandate and will be part of our erosion control plan. SCDHEC will also require us to have a temporary stand of grass on any areas that will not be touched within fourteen (14) days. Once we have finished the excavation on the slopes, we will stabilize with vegetation to ensure no environmental impacts and to assist us in minimizing the maintenance area of soil erosion issues that we will face.

7. Upon completion of the excavation area, side slopes shall be no steeper than 4 (horizontal):1 (vertical) out to a depth of two feet below the average water elevation;

While this condition is a mandate, we do not foresee having a pond on this property. All excavation will be a multiple plateau excavation.

8. No on-site grading or sorting of materials shall occur; and

This condition is a mandate and will be upheld to extent that it is allowed to meet the requirements stipulated above.

9. The active excavation, processing, and transportation of fill material shall only occur between 8:00 a.m. and 8:00 p.m.

This condition is a mandate that will be maintained by us, except if the project requires us to work outside that time frame and we will ask for a variance if that occurs.



## Borrow Pit Special Exemption





# Parcel Information

2/19/2021

Richland County GeolInfo

B/S HARMON RD | R28000-03-01

Print



## Address

Address	B/S HARMON RD
Municipality	Unincorporated
School District	Richland School District 1
Garbage Coll. Day	Thursday
Recycling Coll. Day	Thursday EOW
Yard Trash Coll. Day	Thursday
Latitude	33.98202
Longitude	-80.80627
Elevation	328 ft

## Census

Year	2010	2000	1990
Avg Hshld Income	\$61,810	\$50,078	\$41,346
Avg Home Value	\$173,700	\$124,300	\$97,800
Pop. Density (/sqmi)	53	5	23

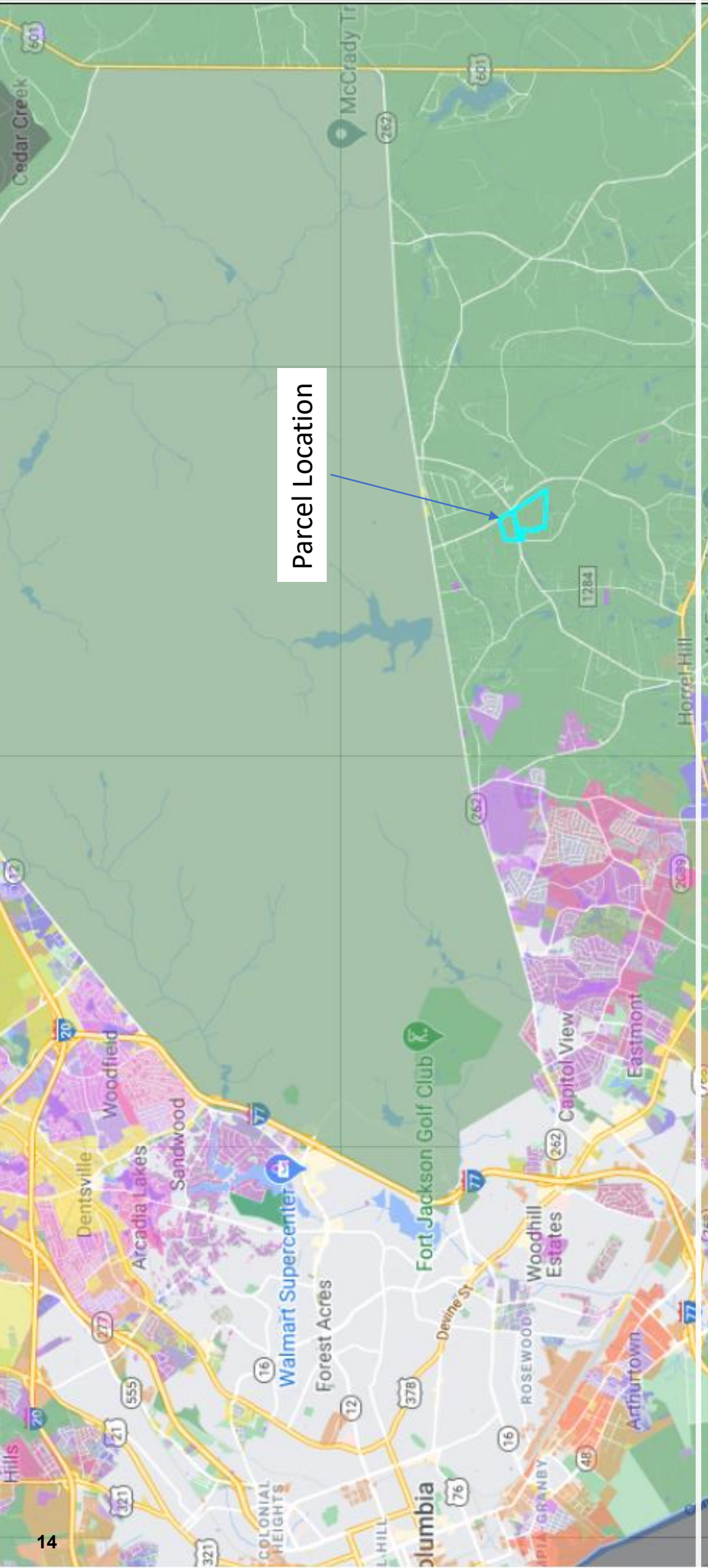
## Property

TMS	R28000-03-01
Owner	PRICE LEAH C ETAL
Beds	0.0
Baths	0.0
Heated Sqft	0
Year Built	
Tax District	1LR
Land Value	\$415,000
Building Value	\$0
Taxable Value	\$19,800
Market Value	\$415,400
Last Sale	\$0 (08/01/2001)
Zoning	RU
Secondary Zoning	
Owner Occupied	Ag Use

## Political

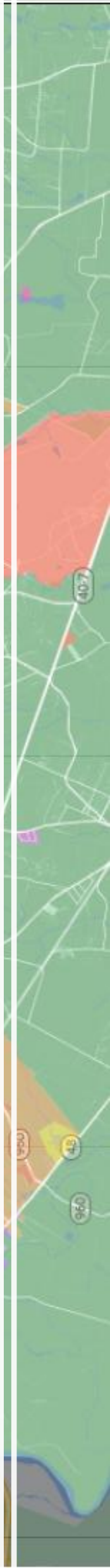
Voting Precinct	Horrell Hill
Voting Location	Horrell Hill Elementary
County Council Dist.	11
County Council Rep.	Chakisse Newton
SC Senate Dist.	21
SC Senate Rep.	Darrell Jackson
SC House Dist.	80
SC House Rep.	Dr. Jimmy C. Bales
County Magistrate Dist.	EASTOVER
County Magistrate	JUDGE DONALD SIMONS
Congressional Dist.	6
Congressional Rep.	James Clyburn
Sheriff Region	8

Disclaimer: This application is a product of the Richland County GIS Department. The data depicted here have been developed with extensive cooperation from other county departments, as well as other federal, state and local government agencies. Reasonable effort have been made to ensure the accuracy of this map. However, the information presented should be used for general reference only. Richland County expressly disclaims responsibility for damages or liability that may arise from the use of the information provided herein.



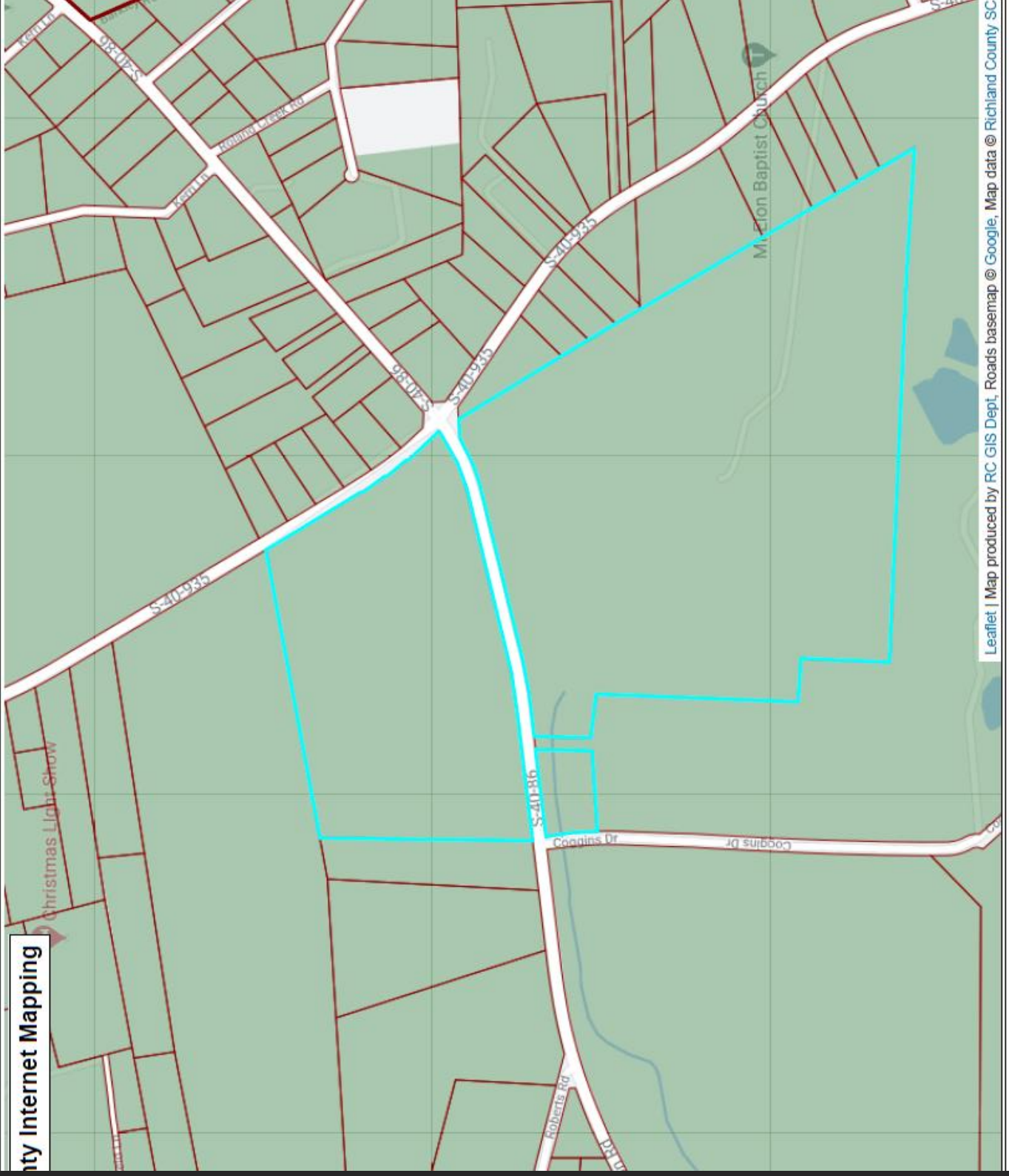
Parcel Location

# Full View Zoning Map





# Close Up Parcel Zoning



Richland County Internet Mapping

Christmas Light Show

Mt Zion Baptist Church

# Parcel View







# Soil Types

# High Water Table Depth

- Blanton (BaB) - > 6.0 feet
- Fuquay (FUB) – 2.5 to 4.0 feet
- Pelion (PeB) – 1.0 to 2.5 feet
- Troup (TrB) - > 6.0 feet
- Vaucluse (VaC & VaD) - > 6.0 feet

Note: Actual determination will need to be determined by soil boring.

Per Richland County soil survey by USDA.



# Contours of the Land





SC Active Mines – Midlands View



**Legend**

Filter by:

- Type
  - Active Mine
  - County
- All Active Mine Types
  - Clay Only
  - Gold Only
  - Granite Only
  - Limestone Only
  - Sand Only
  - Sericite Only
  - Shale Only
  - Vermiculite Only
- SC Geologic Regions

Legend:

Parcel Location

Richland Penny Tax Projects







# SC Active Mine – Richland County View



**Legend**

Filter by:

- Type
- County

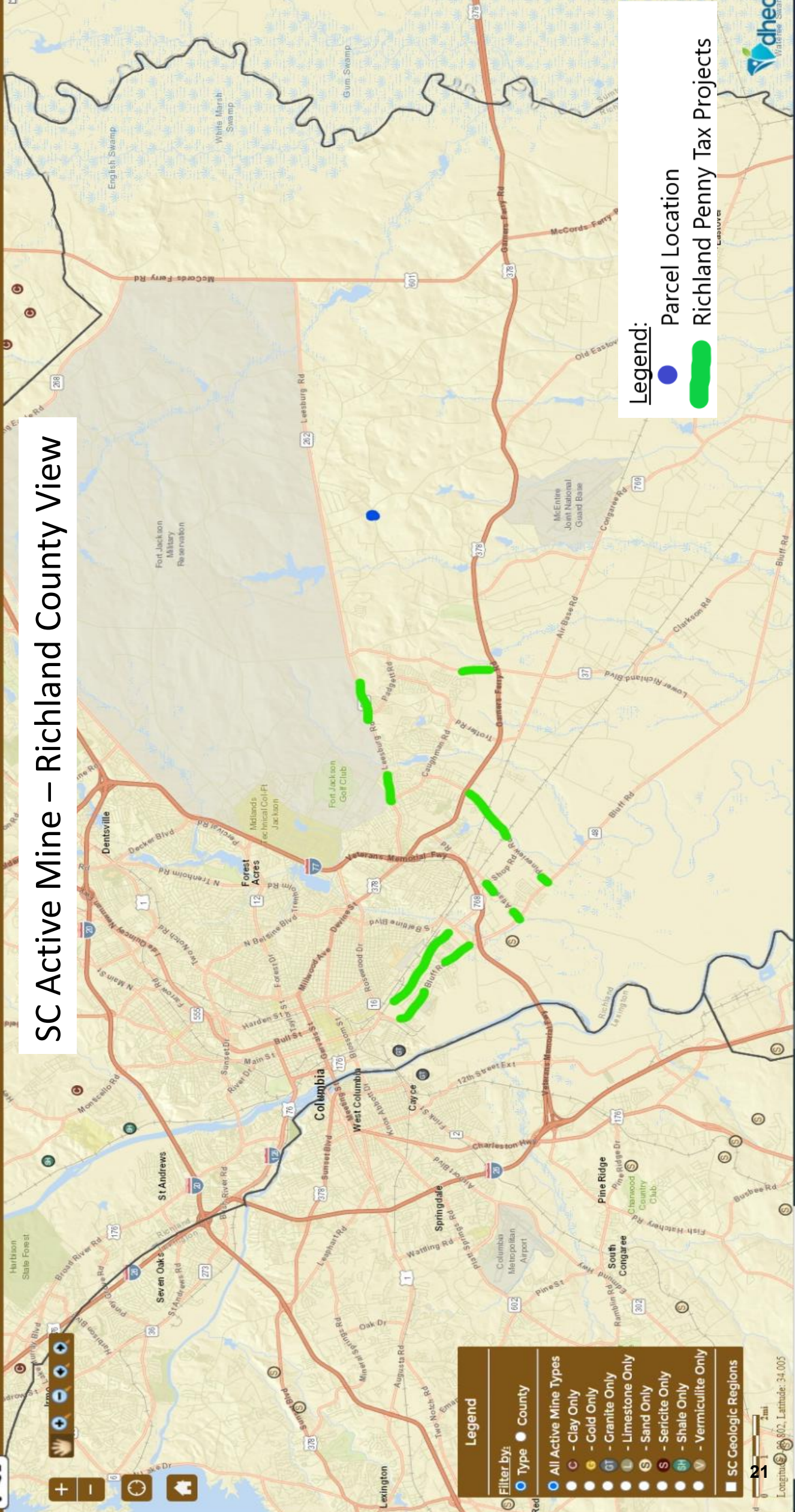
**All Active Mine Types**

- Clay Only
- Gold Only
- Granite Only
- Limestone Only
- Sand Only
- Sericite Only
- Shale Only
- Vermiculite Only

**SC Geologic Regions**

**Legend:**

- Parcel Location
- Richland Penny Tax Projects







## REQUEST, DISCUSSION AND RECOMMENDATION

### **CASE:**

ZV21-003 Variance

### **REQUEST:**

The applicant is requesting the Board of Zoning Appeals to grant a variance to exceed the maximum height for a fence in the Residential Single-Family Low Density (RS-LD) district.

### **GENERAL INFORMATION:**

*Applicant:* William and Kathy Hall

*TMS:* 05182-02-12

*Location:* 104 Shellywood Lane, Columbia, SC 29212

*Parcel Size:* .56± acres

*Existing Land Use:* Residential.

*Proposed Land Use:* The applicant proposes to establish a privacy fence in the rear and side yards which will exceed the maximum height by one (1) foot.

*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 requesting a variance to allow the constructed fence, located in the rear and side yards to remain at its eight (8) foot height. The maximum height for a fence in the rear and side yard is seven (7) feet, per section 26-172 (b) (5) of the Richland County Land Development Code (LDC).

According to the applicant, the granting of the variance will grant “us the necessary level of security for us and our guest, as well.”



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**

Staff was unable to determine that extraordinary and/or exceptional conditions apply to the subject parcel.

**b. Conditions applicable to other properties**

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

Applying the standards of section 26-172 (5) (c) would not restrict the utilization of the property.

**d. Substantial detriment of granting variance**

Staff is unable to determine if there would be 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.

**Sec. 26-172 (b) (5).**

(5) *Projections into required yards.* The general definition of yards is set forth in Section 26-22 of this chapter. However, the general definition will be construed subject to the following exceptions and interpretations:



- a. *Objects specifically excluded.* Those objects that are specifically excluded from the definition of a structure under Section 26-22 shall not be subject to regulation as an interpretation of the definition of yard.
- b. *Steps and open porches.* Steps and open porches without roofs shall be allowed in any required yard to within five (5) feet of an adjoining property line. Decks, whether covered or uncovered, do not fall within this exemption and must meet all applicable yard requirements.
- c. *Screening or retaining walls and fences.* Screening or retaining walls and fences may be permitted in a required yard upon the determination of the planning department that the fence or wall:
  1. Does not impede site vision clearance for driveways or roads.
  2. Does not include gates that swing outward into sidewalks or public rights-of-way.
  3. Front yard fences may not exceed four (4) feet in height.
  4. Fences and walls shall not exceed seven (7) feet in height when located in the required side and rear yards; provided, however, retaining walls are excluded from this limitation.
- d. *Architectural features.* Eaves, cornices, gutters, or other minor architectural features projecting less than twenty-four (24) inches from the main portion of a building shall be allowed to project into any yard.
- e. *Canopy/awning projections.* Canopies or awnings covering windows, doors, or other openings of commercial or industrial uses shall be allowed to project forty-eight (48) inches into required front yards provided they do not constitute a substantial impediment to visibility across such yards which would contribute to the creation of a traffic hazard, and further that such projection would not interfere with public use of any adjacent sidewalk and/or public road.
- f. *Service station and convenience store canopy projections.* Service station and convenience store gasoline island canopies may be located in the front yard setback, provided that no equipment or part of the canopy is located closer than fifteen (15) feet to a road right-of-way line.
- g. *At-grade impervious surfaces.* At-grade impervious surfaces, such as patios, shall be allowed to encroach into the side or rear yards. In no case, shall such surfaces be located closer than five (5) feet to a side or rear property line. Driveways are not included in this category and may encroach upon front side or rear yards.

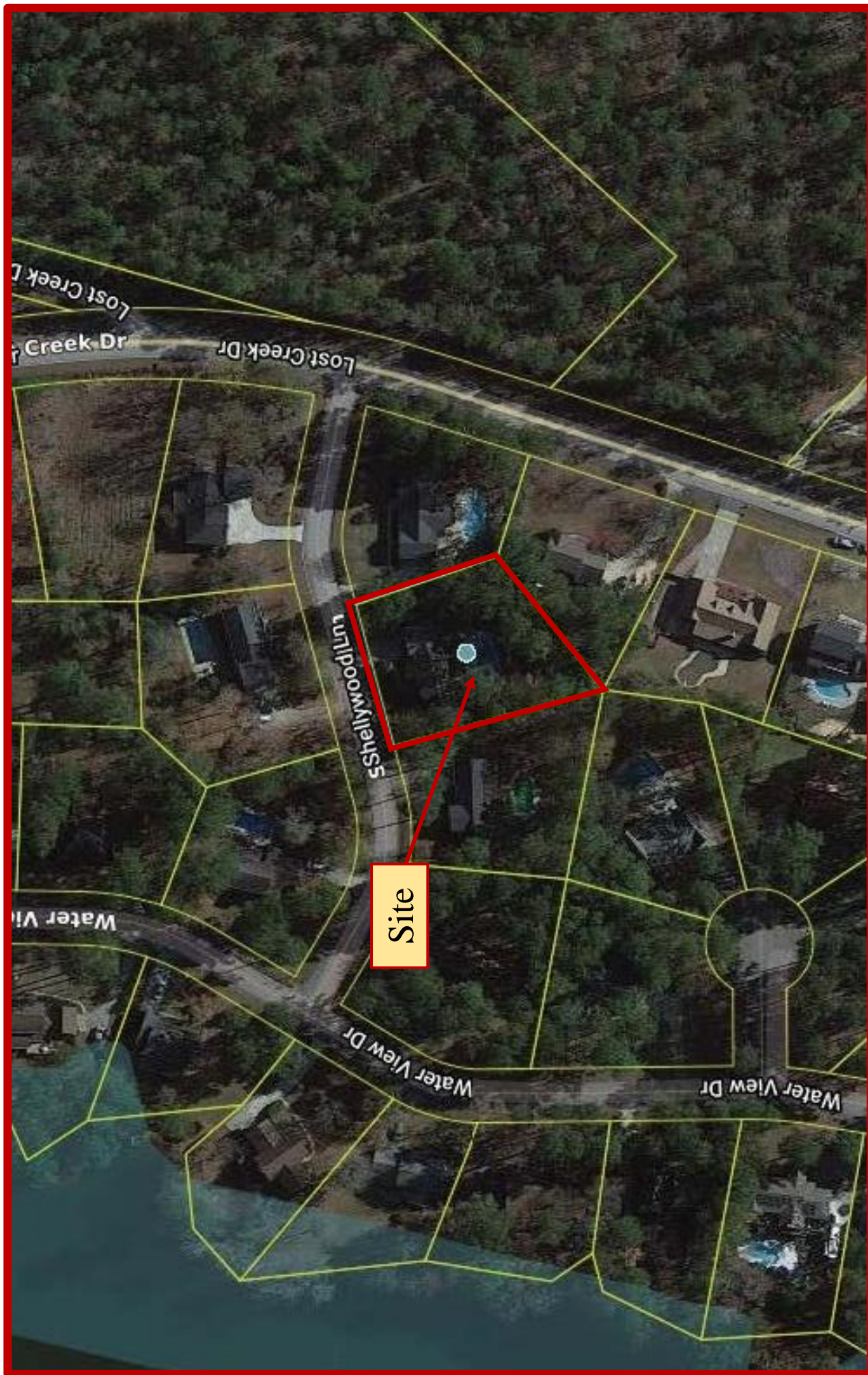
**CASE HISTORY:**

None

**ATTACHMENTS:**

- Plat
- Application

**ZV21-003**  
**WILLIAM HALL**  
**104 SHELLYWOOD LANE**  
**COLUMBIA, SC 29212**  
**TMS# R05182-02-12**





# BOARD OF ZONING APPEALS

## VARIANCE APPEALS



Application #

1. Location 104 SHELLYWOOD LANE COLUMBIA, S.C. 29212  
 TMS Page R05182 Block 02 Lot 12 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 26-172-5-(6)(4) 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: WANT TO LEAVE THE 8' FENCE AROUND OUR PROPERTY SHOWN AS (2) ON THE ATTACHED PLAT.
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 PAGES
  - b) Describe how the conditions listed above were created: SEE ATTACHED PAGES
  - c) These conditions do not generally apply to other property in the vicinity as shown by: SEE ATTACHED PAGES
  - 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 PAGES
  - 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 PAGES
5. The following documents are submitted in support of this application [a site plan must be submitted]:
  - a) PLAT OF THE PROPERTY
  - b) PHOTOS OF THE FENCE AND PROPERTY
  - c) REQUESTS FOR CONSIDERATION

(Attach additional pages if necessary)

William C. Hall  
Cathy T. Hall  
 Applicant's Signature

104 SHELLYWOOD LANE  
 Address

(803) 394-8919  
 Telephone Number

WILLIAM C. HALL  
CATHY T. HALL  
 Printed (typed) Name

COLUMBIA S.C. 29212  
 City, State, Zip Code

(803) 261-7000  
 Alternate Number

Variance Appeal for Bill and Cathy Hall

#4

a) The complainant's two-story house is built on a much higher ground than ours. From our back fence down to our patio, there is a 6 and ½ foot decline.

b) The topography of the lots remains unchanged for 40 years. However, over the past 20 years, the 20 foot trees between our back properties which provided good privacy has changed due to the trees slowly thinning out, or, as of late, were noticeably damaged by the neighbors back yard tree removal event or have been illegally cut down by the complainant. Our privacy level decreased considerably, opening up the view of our home and pool as much as 4 houses behind us.

c) Our property is the only one affected by the removal of and damage to the trees.

d) Reducing the height of our fence would greatly reduce the degree of privacy needed/desired by our family (college age granddaughters as well as several other females) who use our pool and back yard frequently during the year. Because we have experienced ongoing harassment, threats and irrational behavior from the complainant/homeowner/neighbor, we feel the 8' fence grants us the necessary level of security for us and our guests, as well.

e) To our knowledge, the variance request will not affect anyone but the complainant, who threatened to file the complaint to your committee (see quote below) if we did not drop our forced legal action against him for: trespassing on our property often (for a period of nearly one year), cutting our trees and removing 153 feet of chain link fence separating our properties, in spite of frequent verbal and messaging requests to stop doing so, and multiple calls to Richland County Sheriff's Department for assistance.

Quote: "If your clients decide to pursue a lawsuit for trespass, I will have no alternative but to file a counterclaim and ask Richland County to address the privacy fence issue."

PLEASE CONSIDER THESE FURTHER REASONS FOR OUR CASE BEFORE YOU MAKE A FINAL DECISION REGARDING THIS VARIANCE APPEAL:

1. Much time, thought, planning and advice was sought and given to install this fence.
2. We received 4 quotes from reputable fencers (none of whom informed us of the seven foot restriction). One of them actually suggested a 10 foot fence based on our needs and concerns. We elected not to do that. As well, the fencer we selected chose to get his own permit, and honestly, although it should have, the thought never occurred to us that there were any such restrictions. We naively thought the professional fencers would have known of any such restrictions, much like an electrician would know what type of wiring is allowed in a residence.

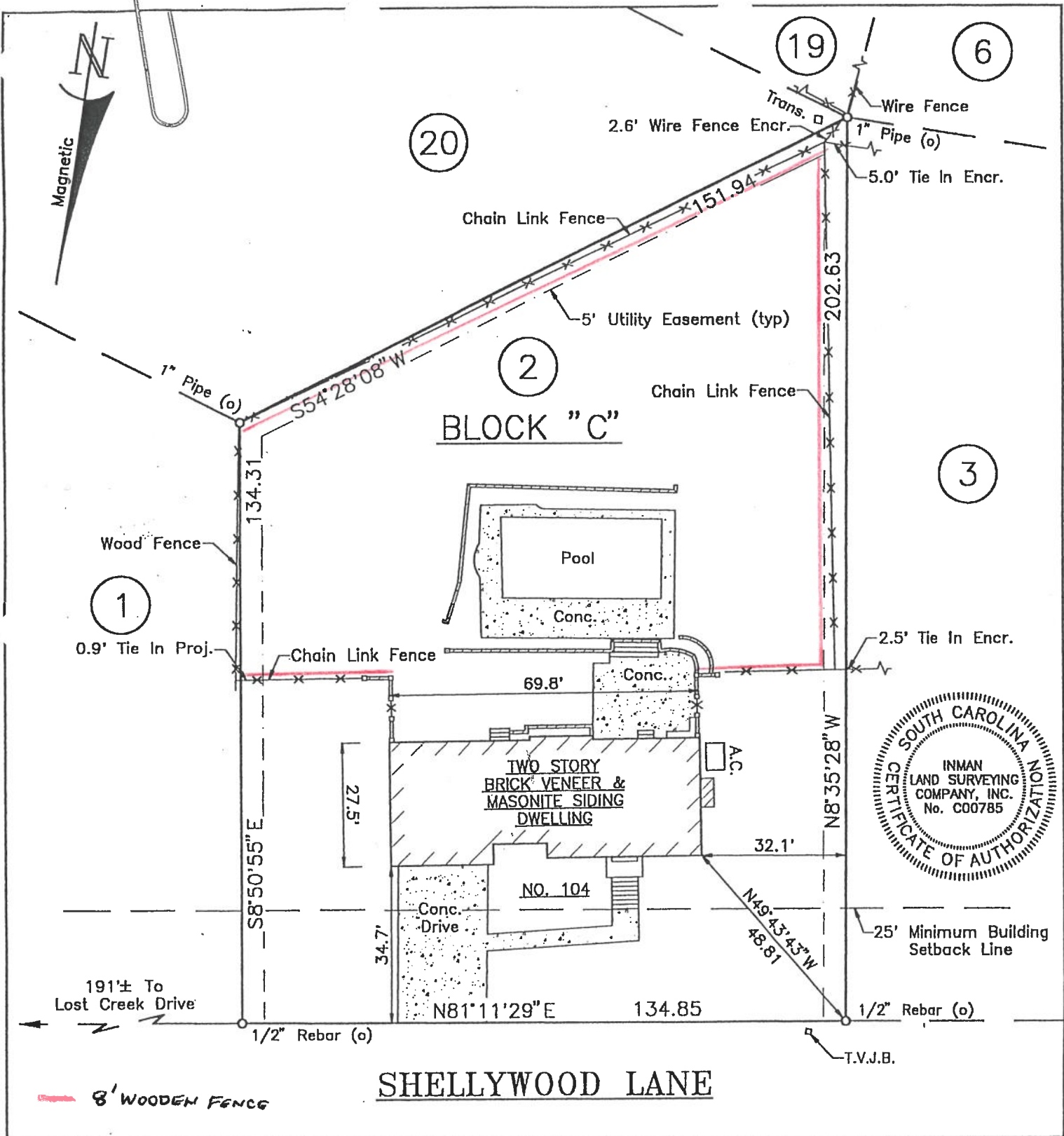
3. Fence pickets are manufactured at 6, 8 and 10 foot heights and to cut off a foot or more from the 8' pickets would result in an unnecessary cost to the homeowner.

4. We chose the decorative dog-eared fence pickets resulting in a cost of \$9,100.00. This restriction would cause us to have to remove the entire decorative element of this fence. We have plans to beautify and preserve the fence with a light gray weatherproof stain, thus preventing it from losing its strength and structure over the years.

5. The wooden fence was installed two to five feet from the real property line, thereby not appearing to be imposing to any adjacent property owner. The property between the wood fence and the real property line is where the 20 year, 20 foot trees are planted and we are maintaining those as best we can.

Thank you for considering our case for a variance appeal and we ask for forgiveness of the violation based on the above reasons.





PLAT PREPARED FOR:

**WILLIAM C. HALL & CATHY T. HALL**

RICHLAND COUNTY, NEAR COLUMBIA, SOUTH CAROLINA

DATE: FEBRUARY 18, 1999

PROJECT NO.: 9902027

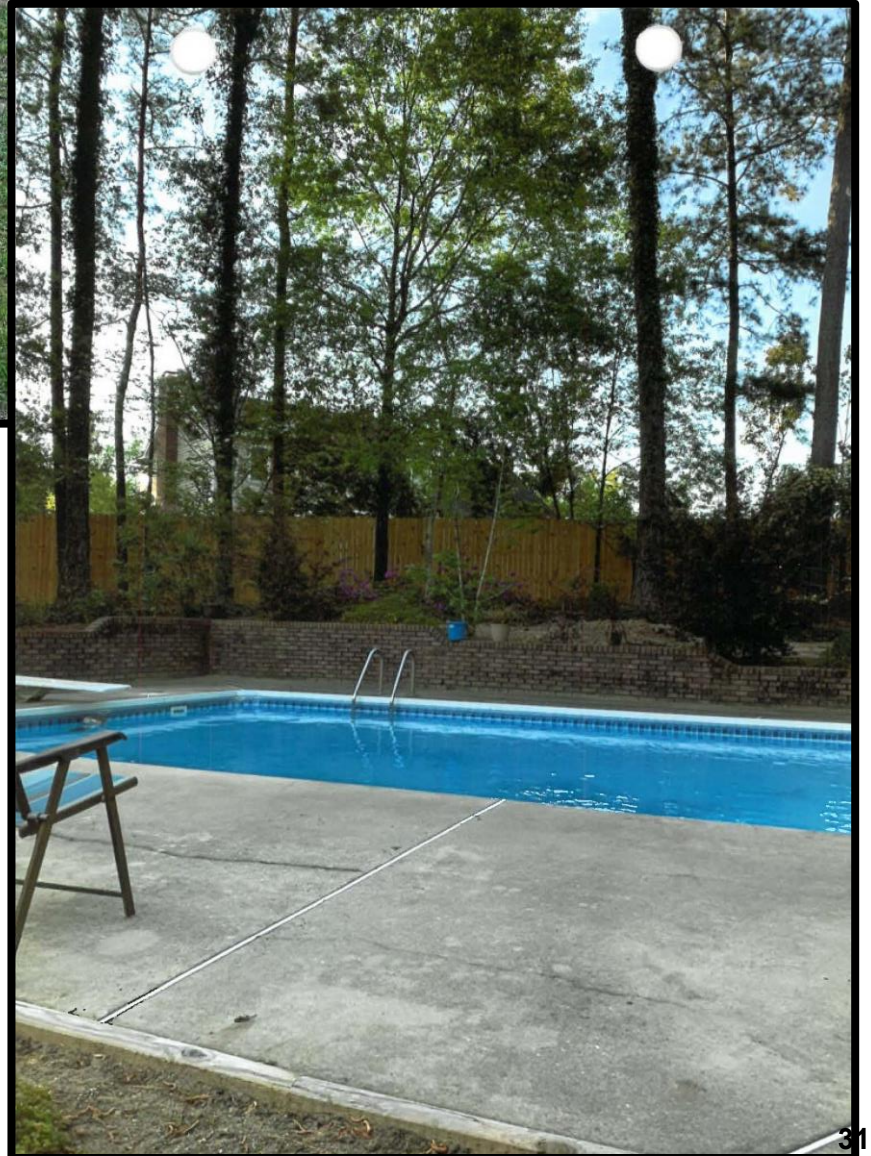
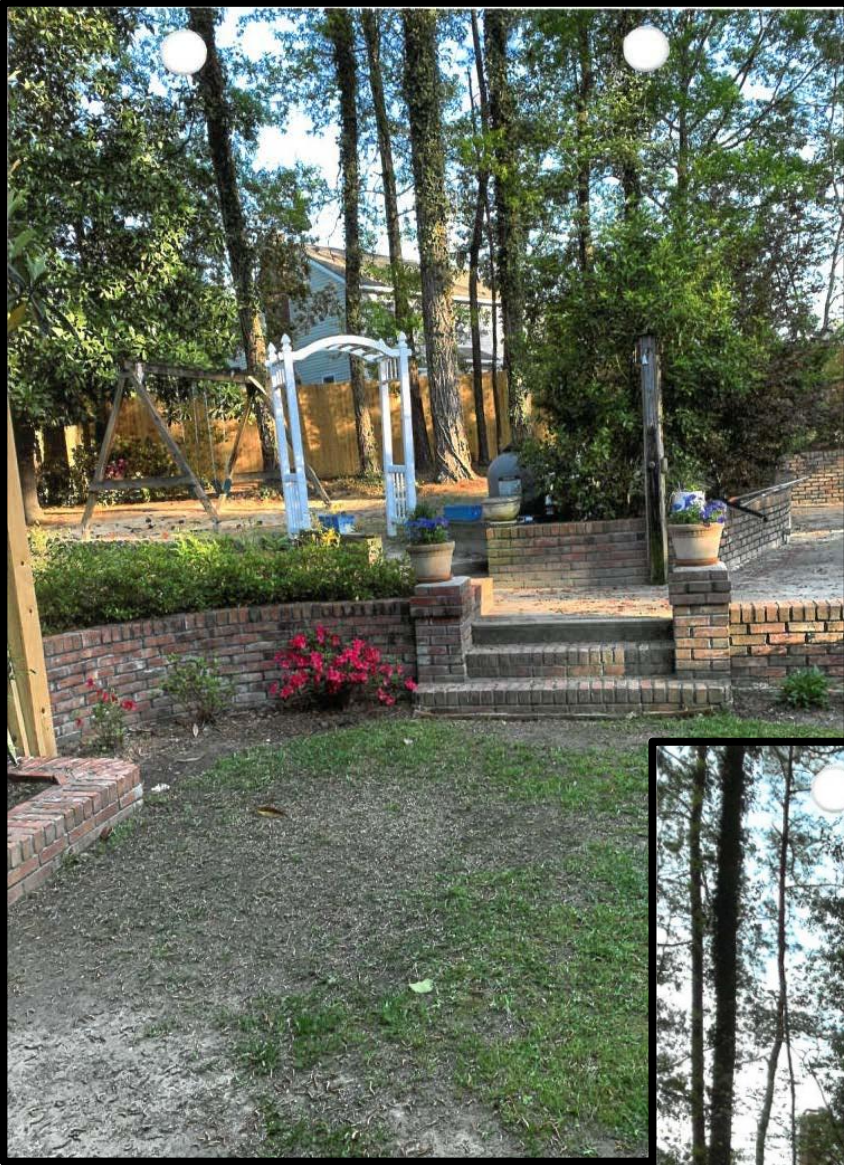
I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED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

SCALE: 1" = 30'

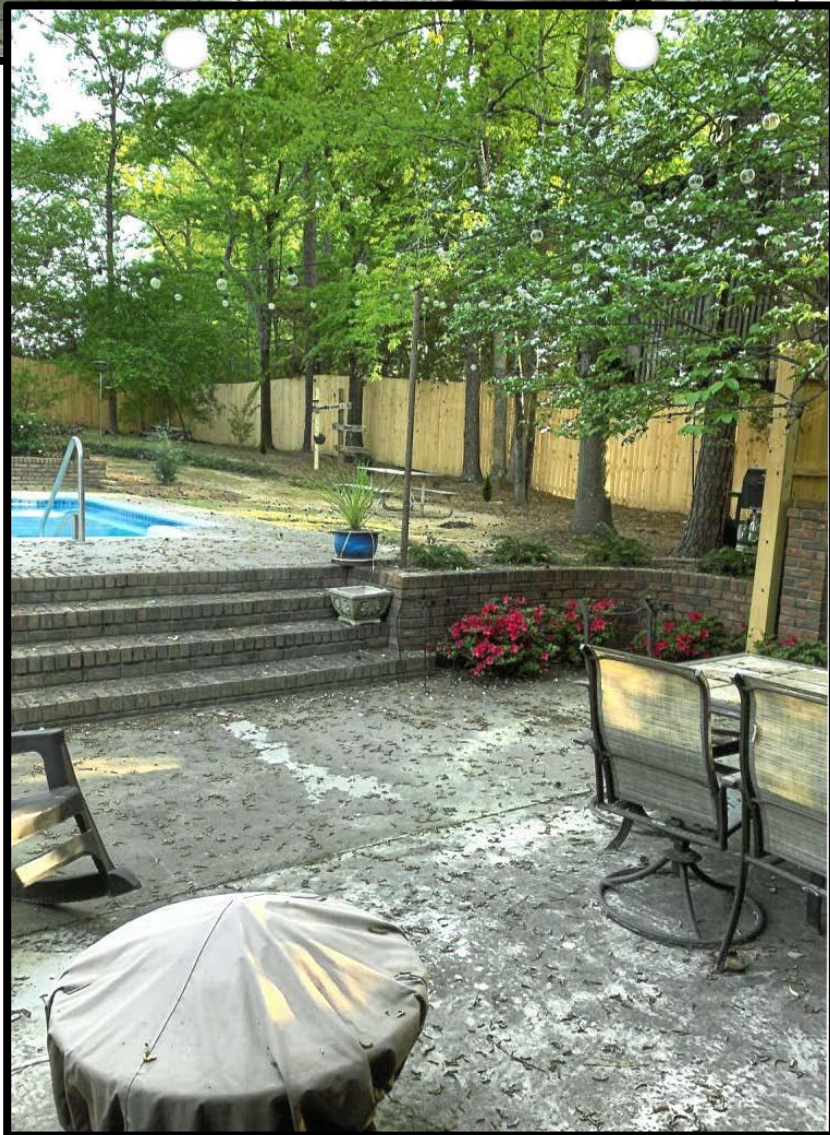
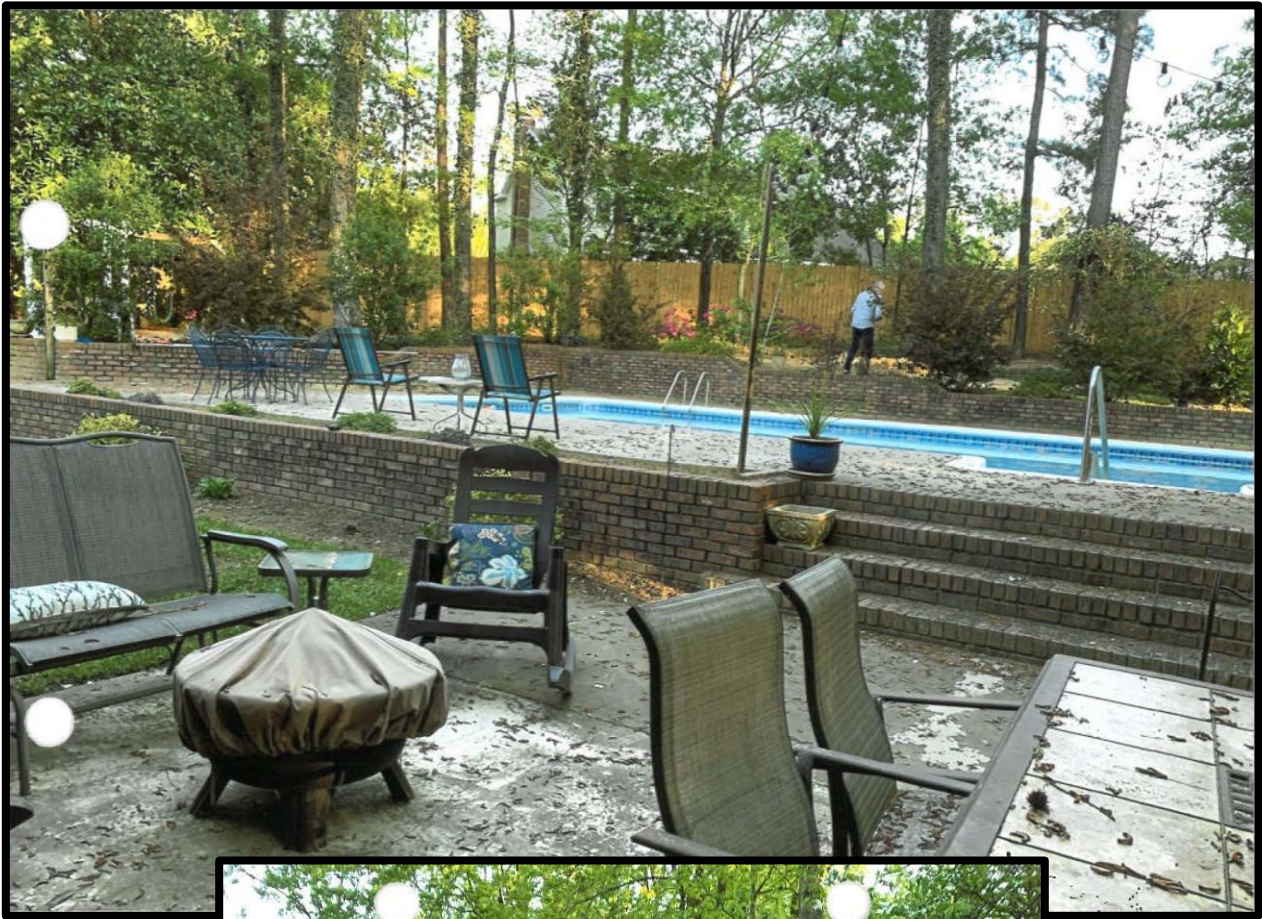
*D. I. O. D. I. 7*



**ZV21-003**





















Richland County Government  
2020 Hampton Street  
Columbia, SC 29204

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

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