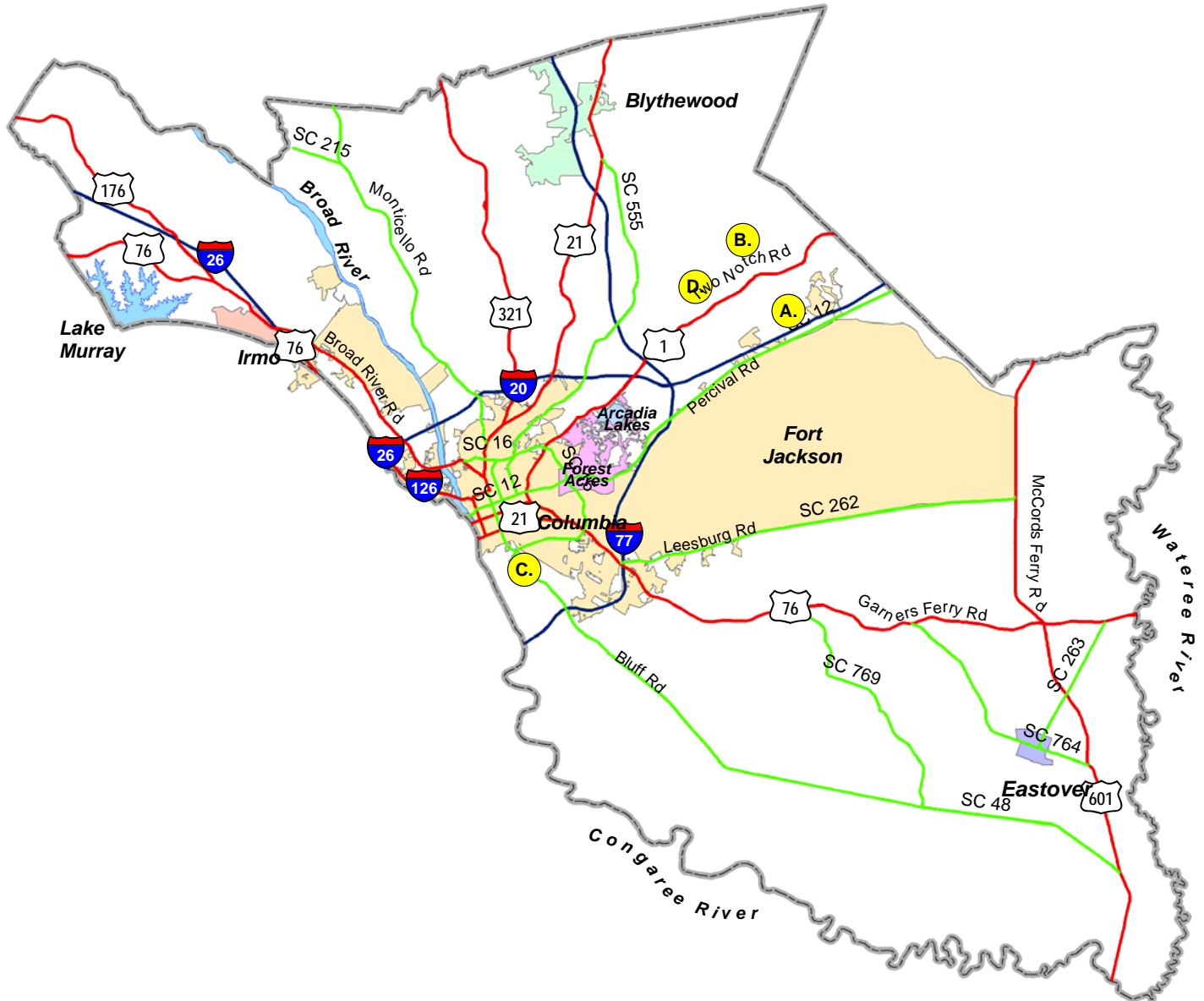


RICHLAND COUNTY
BOARD OF
ZONING APPEALS



Wednesday, November 3, 2004
1:00 p.m.
Council Chambers

RICHLAND COUNTY BOARD OF ZONING APPEALS PUBLIC HEARING NOVEMBER 3, 2004



CASE NO.	APPLICANT	TMS NO.	ADDRESS	DISTRICT
A. 05-14 SE	Tameika Whitfield	25710-01-05	411 North Donar Drive	Brill
B. 05-15 SE	Jeanette Johnson	23100-01-14	11 Newquay Court	Brill
C. 05-16 SE	Jeff Green	11205-03/03	1100 Bluff Road	Scott
D. 05-17 SE	Cheyenne Leitzsey	20114-04-10	135 Barney Lane	Brill

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
PUBLIC HEARING
NOVEMBER 3, 2004, 1:00 P.M.**

**2020 HAMPTON STREET
2nd FLOOR COUNTY COUNCIL CHAMBER**

AGENDA

- | | | |
|-------------|---------------------------------------|---|
| I. | CALL TO ORDER & RECOGNITION OF QUORUM | NAPOLEON TOLBERT,
CHAIRMAN |
| II. | RULES OF ORDER | BRAD FARRAR,
DEPUTY COUNTY
ATTORNEY |
| III. | PUBLIC HEARING | GEONARD PRICE,
ASSISTANT ZONING
ADMINISTRATOR |

OPEN PUBLIC HEARING

- | | | |
|-----------------|---|---|
| A
07 | 05-14 SE
Tameika Whitfield
411 North Donar Dr.
25710-01-05 | Requests special exception for the establishment of a family day care for a maximum of 12 children on property zoned single family residential (RS-1) |
| B
19 | 05-15 SE
Jeanette Johnson
11 Newquay Ct.
2310-01-14 | Requests special exception for the establishment of a family day care on property zoned single family residential (RS-3) |
| C
29 | 05-16 SE
Jeff Green
1100 Bluff Rd.
11205-03-01/03 | Requests special exception for multi-family dwellings on property zoned general commercial district (C-3) |
| D
41 | 05-17 SE
Cheyenne Leitzsey
135 Barney Ln.
20114-04-10 | Requests special exception for a temporary compassionate dwelling on property zoned single family residential (RS-1) |

IV. OTHER BUSINESS

V. APPROVAL OF MINUTES
October 6, 2004

VI. ADJOURNMENT



3 November 2004
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-14 Special Exception

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of family daycare on property zoned RS-1 (single family residential).

GENERAL INFORMATION

Applicant

Tameika Whitfield

Tax Map Number

25710-01-05

Location

411 North Donar Drive

Existing Zoning

RS-1 (Single Family Residential)

Parcel Size

.30 acre tract

Existing Land Use

Residential

Existing Status of the Property

The subject property has an existing two-story, single-family residential structure, with a double car driveway that leads to a garage. A fence encloses the rear of the property.

Proposed Status of the Property

The applicant proposes to establish a family daycare for a maximum of twelve (12) children. The ages of the children would range from newborn to three (3) years old. The proposed hours of operation are 5:00am to 6:00pm.

The applicant proposes to have 3-4 employees.

Immediate Adjacent Zoning and Land Use

North - RS-1; residential

South - RS-1; residential

East - RS-1; residential

West - RS-1; residential

Character of the Area

The subject property is located within a community of single-family residential structures.

ZONING ORDINANCE CITATION

Section 26-63.4(5) authorizes the Board to permit day nurseries and kindergartens as special exception subject to the provisions of Section 26-84. Section 26-84 requires that, before granting such a special exception, the Board will ensure that the Department of Special Services has approved the daycare facility. The applicant has submitted a letter from DSS.

CRITERIA FOR SPECIAL EXCEPTIONS

In addition to definitive standards in this chapter, the Board shall consider the following:

1. Traffic impact.

The establishment of a daycare for twelve (12) children should generate an estimated 24 additional trips per day. The average trips per day for a single-family residential structure is approximately 9.5 (based on the Addendum to the Long Range Major Street Plan for Richland County – adopted by the Richland County Planning Commission - Oct.1993).

The additional traffic impact should be minimal. North Donar Road serves as a connector for Valhalla Drive and Sparkleberry Lane. There is also access to Clemson Road. It provides ingress/egress for the residents of North Donar Drive, as well as providing an alternate route for vehicular traffic from Valhalla and Sparkleberry Lane.

2. Vehicle and pedestrian safety.

The curvature of North Donar Road poses a potential safety hazard for vehicles exiting the site.

3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.

There should be a minimal, if any, impact of fumes or obstruction of airflow by the establishment of a family daycare.

The impact of noise and lights on the adjoining property owners could be presented by the establishment of a circular driveway in the rear of the property.

4. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view.

The proposed use does not impose an adverse impact on the aesthetic character of the environs and does not require screening.

5. Orientation and spacing of improvements or buildings.

The size of the lot and the location of the existing structure precludes the need for changes in orientation and spacing of improvements or buildings.

DISCUSSION

Staff visited the site.

The applicant is proposing to operate a daycare for twelve (12) children.

Staff believes that the curvature of North Donar Drive adversely affects the ability of vehicular traffic from exiting the property. The visibility of the driver could possibly be

compromised. The storm water drainage found on the left of the driveway prevents the full utilization of the driveway for ingress/egress.

The applicant has provided provisions to prevent vehicular traffic from backing onto North Donar Road. These provisions also address the concerns of staff with the driveway and the storm water drainage.

There are still concerns by staff of the impact that a circular driveway in the rear of the property will have on the adjacent property owners. Staff is concerned that the lights and noise from cars that are dropping the children off, particularly during the early morning, could become an annoyance.

Staff believes that having the circular driveway in the front of the property is not a viable alternative because of the number of cars that could be associated with proposed daycare (request is to keep twelve (12) children).

Staff recommends denial.

However, if the Board feels that this request has merit, staff recommends that it be subjected to the following condition(s):

CONDITIONS

1. An alternative means (circular driveway, turnaround area, etc.) to enter and exit the property.
2. A buffer or screening be established that will alleviate the potential impact of lights and noise.
3. Vacancy, abandonment or discontinuance for any period of twelve (12) months (as verified by a business license) will void the special exception.

26-602.2(d)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

RECOMMENDATION

Recommend denial of this Special Exception for the following reasons:

- A. Based on the criteria for special exceptions, the project has demonstrated that it will have an adverse affect on the surrounding area..

OTHER RELEVANT SECTIONS

Sec. 26-84. Child day care facilities.

Child day care facilities are permitted as special exceptions in RS-1, RS-1A, RS-2, RS-1, RR, RG-1, RG-2, MH-1, MH-2 and MH-3 districts, and as permitted uses in C-1, C-2, C-3, D-1 and RU districts subject to the following provisions:

26-84.1 General requirements.

a. Permitted Uses--Before granting a zoning permit for the establishment of a child day-care center or a group day-care home, the zoning administrator will ensure that the applicant has applied to the South Carolina Department of Social Services (DSS) for a license to operate the facility and has received a letter from the regulatory agency (DSS) that the facility in question is suitable to accommodate the maximum number of children to be cared for. Prior to issuing a zoning permit for the establishment of a family day-care home, the zoning administrator will ensure that the applicant has applied to DSS for registration of the day-care home.

b. Special Exceptions--Before granting a special exception for the establishment of a child day-care facility, the board of adjustment will ensure that the action outlined in paragraph a. above has been accomplished.

26-84.2 Fencing.

Fencing shall be as prescribed by DSS, but in no case less than 4 feet in height, cyclone type or equivalent.

26-84.3 Play equipment.

No play equipment shall be closer than 20 feet to any residential lot line.

26-84.4 Loading and unloading.

An adequate area to accommodate the loading and unloading of children shall be provided and such area shall not be located within any public right-of-way.

26-84.5 Space.

Indoor and outdoor space shall be as prescribed by relation for child day-care facilities published by DSS.

26-84.6 Signs.

Signs are permitted in accordance with Article 8, "Regulation of Signs" as applied to the district in which the child day-care facility is located.

(Ord. No. 1027-83, § 1, 4-5-83; Ord. No. 1191-44, § IV, 9-4-84; Ord. No. 055-00HR, § XI, 10-3-00)

ATTACHMENTS

- DSS letter
- Plat
- Day nursery information sheet
- Pictures of subject property
- Letter from applicant

CASE HISTORY

No record of previous special exception or variance request.

Rcpt # 368165
Paid \$ 50.00

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
SPECIAL EXCEPTION APPEAL**

Application # _____
Filed 09-30-04

NOTICE TO APPLICANTS

No application for special exception will be processed unless the following conditions are met no later than the first (1st) day of the month prior to the date of the Board meeting, which is held the first Wednesday of each month:

- a. All questions on this application have been fully answered;
- b. The application has been signed by the owner or his agent with the written authorization of the owner;
- c. A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted on an 8 1/2" X 11" size pieces of paper.

1. Location: 11 Newquay Court, Columbia, SC 29229
TMS #: Page R2310 Block 01 Lot 14 Zoning District R53
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting : (nature of special exception) Home Day Care
3. The Board of Zoning Appeals is authorized to grant or deny special exception of this specific nature in Section _____ of the Zoning Ordinance.

PROPOSED NEW CONSTRUCTION

1. Free Standing Structure () Addition to an existing building ()
2. Use _____ Number of square footage _____
3. Answer only if a commercial or manufacturing use :
 - a. Total number of parking spaces on lot _____
 - b. Number of trucks _____ size _____
 - c. Number of proposed and existing signs _____
Size of proposed or existing signs _____
 - d. Number of employees working on premises _____

EXISTING USES AND STRUCTURES ON LOT

1. Number of existing uses / structures 1
2. Size and use:
 - a. Square footage 2988 Use home Residence
 - b. Square footage _____ Use _____
 - c. Square footage _____ Use _____

Jeanette Johnson
Appellant's Signature
Jeanette Johnson
Print Name

11 Newquay Court
Columbia, SC 29229
Address, City, State & Zip Code

803.699-0778
Telephone Number



**RICHLAND COUNTY, SOUTH CAROLINA
PLANNING & DEVELOPMENT SERVICES DEPARTMENT**

Zoning & Land Development Division

2020 Hampton Street

Columbia, SC 29202

Ph. 803-576-2178

Fax 803-576-2182

DAY NURSERIES

How many children? maximum of 12

What ages would the children be? 8wks - 3yrs old

What would the hours of operation be? 5:00am - 6:00pm

How many employees would there be? 3-4

Is the rear yard fenced? Yes No (If no, what provisions are being made?)

Are there provisions for the loading and unloading of children off of the public right-of-way?

Yes (if yes, please describe)

The driveway in front of the house. (at this point)

No (if no, what provisions are being made?)

September 29, 2004

Zoning Board Members,

My name is Tameika Whitfield. I would like to briefly explain why I am asking for this special exception. I worked at a daycare named Kids World from August 1999 until December 2003. My husband's mother was diagnosed with Multiple Myeloma Cancer (Cancer Of The Bone) in early December 2003. Her illness left her partially paralyzed from the waist up and totally paralyzed from the waist down. Therefore she needed twenty four hour care. My husband and I together made the decision to move her into our home in late December 2003. We also decided that I would stay at home and care for her. It was both an emotional as well as an financial strain on our family. Sadly my mother in law passed this July 23, 2003 a day before my birthday. We incurred several additional expenses while caring for my mother in law just off my husband's check. At this time we've been blessed to be able to move and make a fresh start.

However childcare for three children is extremely expensive. So my husband and I decided that I should pursue a career that I am well experienced in "childcare". With Gods help in the near future I can get a building for childcare. But for now I need to do childcare in my home because of our small children. We are a hard working, honest couple who are just trying to earn an honest living. I would appreciate if the board would allow me to do childcare in my home to help with our family expenses. I am targeting our dedicated Army families since so many of them need early morning childcare but there aren't many Childcare Providers that can accommodate military family needs.

Thank You ,

Mrs. Tameika D. Whitfield

DSS
Serving Children and Families
KIM S. AYDLETTE, STATE DIRECTOR

September 27, 2004

Mr. John Hicks
Richland County Zoning Division
Post Office Box 192
2020 Hampton Street
Columbia, SC. 29202

Re: Ms. Tameika D. Whitfield
411 North Donar Drive
Columbia, SC. 29229

Dear Mr. Hicks:

The Division of Child Day Care Licensing and Regulatory Services of the South Carolina Department of Social Services has received an application for the above-named individual to operate a Group Day Care Home, providing daycare for a maximum of 12 children. In order to complete the application process, we require verification from your office that zoning requirements have been met. If additional information is needed, please contact me at 929-2740. Thank you for your assistance in this matter.

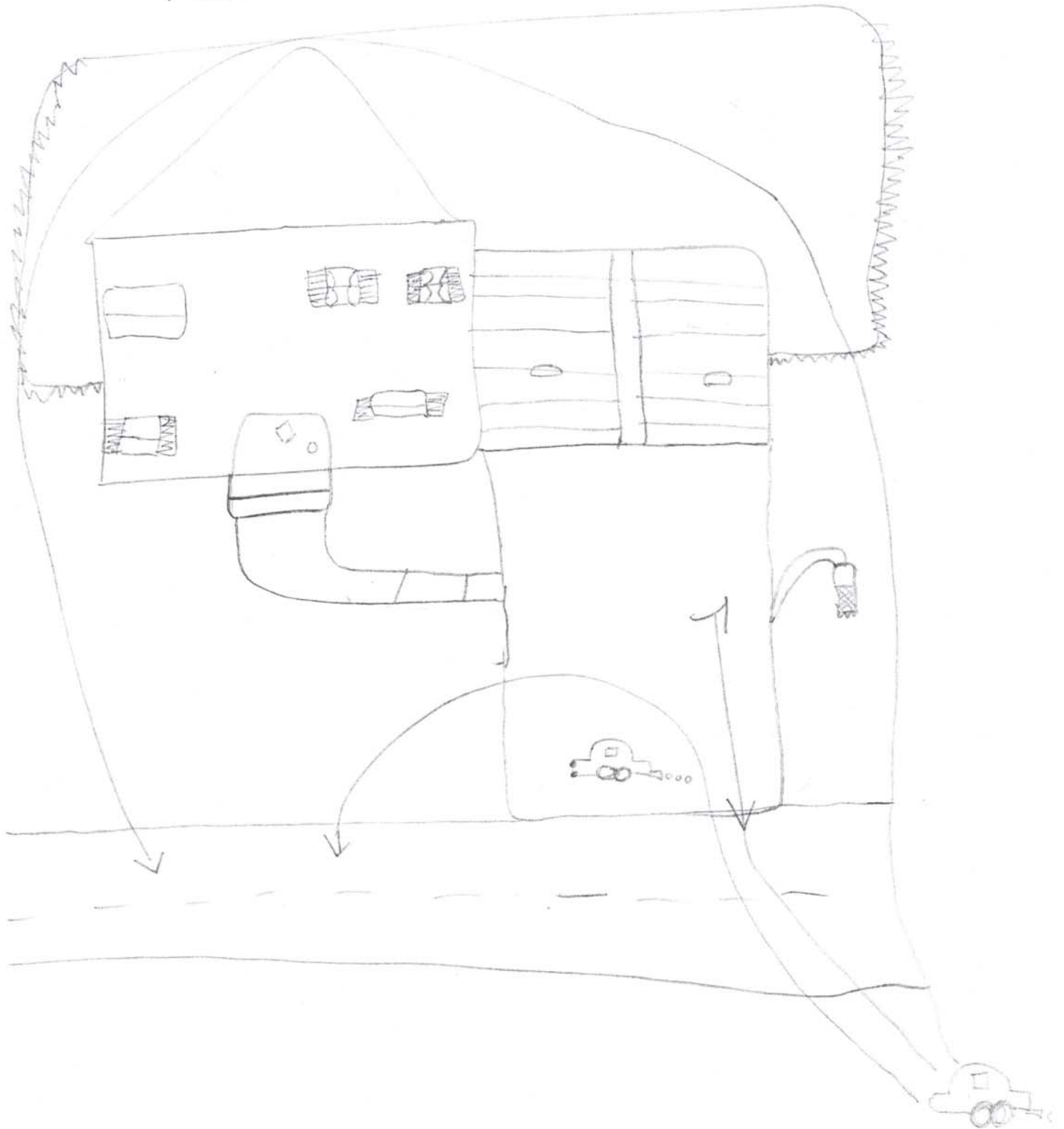
Sincerely,



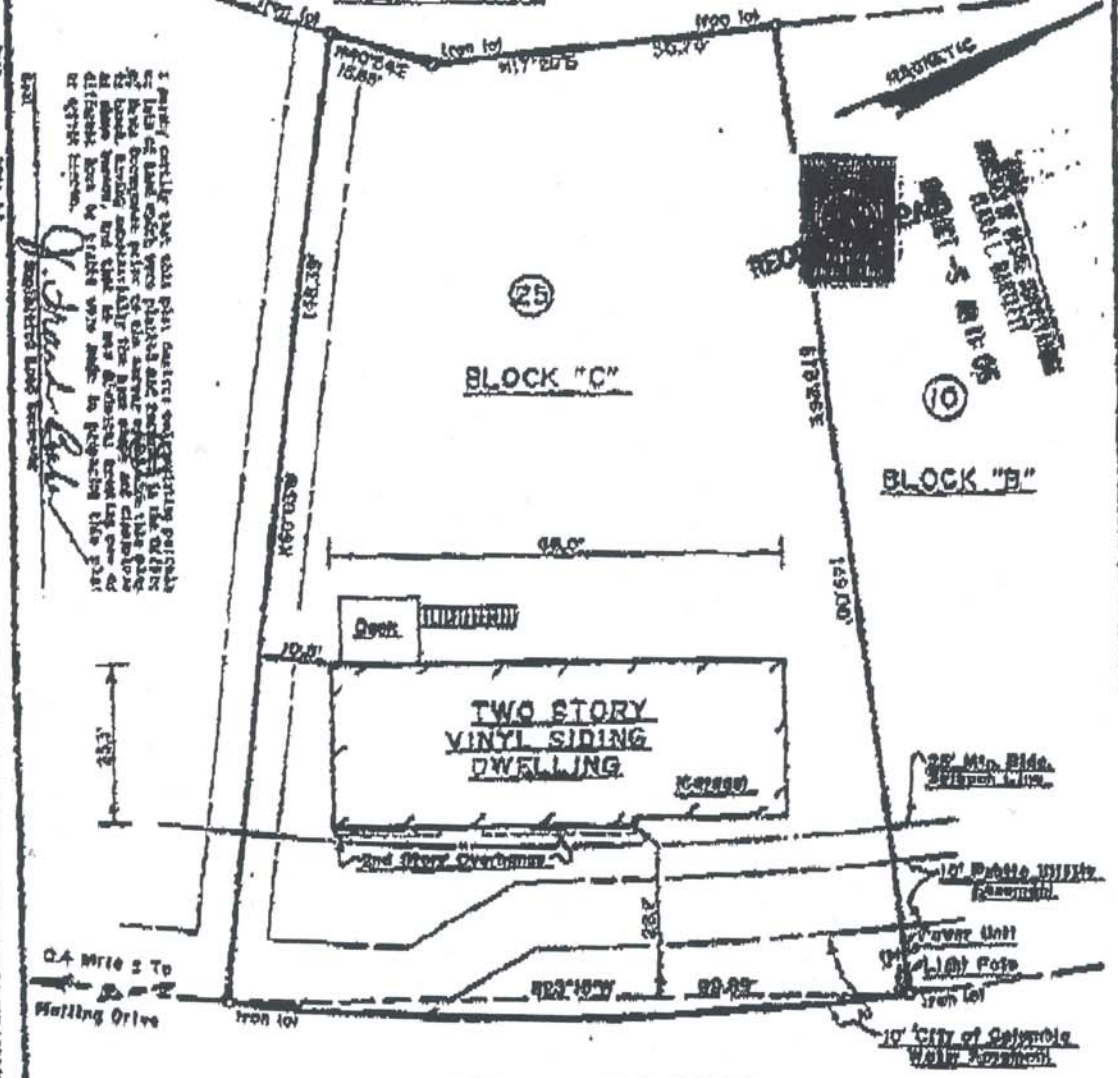
Michelle Jordan
Senior Day Care Regulatory Specialist, Region V

/mj

411 N. DONAR
Provisions for loading & unloading of children



NOW OR FORMERLY WOODLANDS COUNTRY CLUB GOLF COURSE



I hereby certify that said plat, correct and conforming to the laws of said state, was plotted and recorded in the office of said Surveyor prior to the above date, and that the same is a true and correct copy of the original as shown to me at the time of recording, and that I am not aware of any other plat of said land being recorded in the office of said Surveyor, and that I am not aware of any other plat of said land being recorded in the office of said Surveyor, and that I am not aware of any other plat of said land being recorded in the office of said Surveyor.

J. Frank Baker
REGISTERED LAND SURVEYOR

NORTH DONAR DRIVE
150' R/W

PLAT PREPARED FOR

I hereby certify that I have compared the Federal Insurance Administration Flood Insurance Rate Map and to the best of my knowledge and belief, the subject property is not located in Special Flood Hazard Area A, B or V.

JERRY A. CULLINAN & KIMMY CULLINAN

RICHLAND COUNTY, NEAR COLUMBIA, S. C.
THE SAME BEING DESIGNATED AS LOT NO. 22, BLOCK "C" ON PLAT OF PHASE II, FOREST GREENS SUBDIVISION, BY POWELL ENGINEERING COMPANY, INC., DATED JANUARY 9, 1987, REVISED JANUARY 12, 1987, AND RECORDED IN THE OFFICE OF REGISTER OF MIDDLE CONVEYANCE FOR RICHLAND COUNTY IN PLAT BOOK NO. 61, PAGE 451K.

SEPTEMBER 20th 1987 PAGE 8942

COX and DINKINS, INC.
ENGINEERS & SURVEYORS
614 HOLLY STREET, COLUMBIA, S. C. - 29209



I HEREBY CERTIFY THAT THE MEASUREMENTS AS SHOWN ON THE ABOVE PLAT ARE CORRECT AND THAT THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

J. Frank Baker
REG. LAND SURVEYOR
NO. 10790







3 November 2004
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-15 Special Exception

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of family daycare on property zoned RS-3 (single family residential).

GENERAL INFORMATION

Applicant

Jeanette Johnson

Tax Map Number

23101-02-38

Location

11 Newquay Court

Existing Zoning

RS-3 (Single Family Residential)

Parcel Size

.23 acre tract

Existing Land Use

Residential

Existing Status of the Property

The subject property has an existing two-story, single-family residential structure, which is located immediately before a cul-de-sac. A double car driveway leads to a garage.

Proposed Status of the Property

The applicant proposes to establish a family daycare for a maximum of six (6) children. The ages of the children would range from newborn to five (5) years old. The proposed hours of operation are 6:00am to 6:00pm.

Immediate Adjacent Zoning and Land Use

North - RS-3; residential

South - RS-3; residential

East - RS-3; residential

West - RS-3; residential

Character of the Area

The subject property is located within a subdivision of single-family residential structures (Winchester Subdivision – phase III).

ZONING ORDINANCE CITATION

Section 26-63.4(5) authorizes the Board to permit day nurseries and kindergartens as special exception subject to the provisions of Section 26-84. Section 26-84 requires that, before granting such a special exception, the Board will ensure that the Department of Special Services has approved the daycare facility. The applicant has submitted a letter from DSS.

CRITERIA FOR SPECIAL EXCEPTIONS

In addition to definitive standards in this chapter, the Board shall consider the following:

1. Traffic impact.

The average weekday trips per day for a single-family residential structure is approximately 9.5 (based on the Addendum to the Long Range Major Street Plan for Richland County – adopted by the Richland County Planning Commission - Oct.1993). The establishment of this daycare would generate approximately eight (8) additional trips per day.

This phase of Winchester Subdivision (Phase III – 53 lots) accounts for 504 trips per day.

2. Vehicle and pedestrian safety.

There were no obstacles or conditions present that seem to present vehicle or pedestrian safety.

3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.

There should be a minimal, if any, impact of noise, lights, fumes or obstruction of airflow by the establishment of a family daycare.

4. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view.

The proposed use does not impose an adverse impact on the aesthetic character of the environs and does not require screening.

5. Orientation and spacing of improvements or buildings.

The size of the lot and the location of the existing structure precludes the need for changes in orientation and spacing of improvements or buildings.

DISCUSSION

Staff visited the site.

The applicant is proposing to operate a daycare for six (6) children. Staff did not observe any conditions or factors that would negatively impact this community by the establishment of a family daycare.

The applicant is required to provide loading and unloading in an area other than the right-of-way. Staff believes that the double car driveway will sufficiently provide the means to meet this requirement.

The subject parcel is located at the end of Newquay Court, just outside of the cul-de-sac. Staff believes that because the site is located at the end of the road (a cul-de-sac), the traffic impact is minimized.

The applicant states that she is in the process of enclosing the rear of the property with a fence.

Staff recommends that this request be approved.

CONDITIONS

1. Vacancy, abandonment or discontinuance for any period of twelve (12) months (as verified by a business license) will void the special exception.

26-602.2(d)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

RECOMMENDATION

Recommend **approval** of this Special Exception for the following reasons:

- A. Based on the criteria for special exceptions, the project has demonstrated that it will not have an adverse affect on the surrounding area.

OTHER RELEVANT SECTIONS

Sec. 26-84. Child day care facilities.

Child day care facilities are permitted as special exceptions in RS-1, RS-1A, RS-2, RS-3, RR, RG-1, RG-2, MH-1, MH-2 and MH-3 districts, and as permitted uses in C-1, C-2, C-3, D-1 and RU districts subject to the following provisions:

26-84.1 General requirements.

- a. Permitted Uses--Before granting a zoning permit for the establishment of a child day-care center or a group day-care home, the zoning administrator will ensure that the applicant has applied to the South Carolina Department of Social Services (DSS) for a license to operate the facility and has received a letter from the regulatory agency (DSS) that the facility in question is suitable to accommodate the maximum number of children to be cared for. Prior to issuing a zoning permit for the establishment of a family day-care home, the zoning administrator will ensure that the applicant has applied to DSS for registration of the day-care home.

b. Special Exceptions--Before granting a special exception for the establishment of a child day-care facility, the board of adjustment will ensure that the action outlined in paragraph a. above has been accomplished.

26-84.2 Fencing.

Fencing shall be as prescribed by DSS, but in no case less than 4 feet in height, cyclone type or equivalent.

26-84.3 Play equipment.

No play equipment shall be closer than 20 feet to any residential lot line.

26-84.4 Loading and unloading.

An adequate area to accommodate the loading and unloading of children shall be provided and such area shall not be located within any public right-of-way.

26-84.5 Space.

Indoor and outdoor space shall be as prescribed by relation for child day-care facilities published by DSS.

26-84.6 Signs.

Signs are permitted in accordance with Article 8, "Regulation of Signs" as applied to the district in which the child day-care facility is located.

(Ord. No. 1027-83, § 1, 4-5-83; Ord. No. 1191-44, § IV, 9-4-84; Ord. No. 055-00HR, § XI, 10-3-00)

ATTACHMENTS

- DSS letter
- Plat
- Day nursery information sheet
- Pictures of subject property

CASE HISTORY

No record of previous special exception or variance request.

Rcpt # 368165
Paid \$ 50.00

Application # _____
Filed 09-30-04

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
SPECIAL EXCEPTION APPEAL**

NOTICE TO APPLICANTS

No application for special exception will be processed unless the following conditions are met no later than the first (1st) day of the month prior to the date of the Board meeting, which is held the first Wednesday of each month:

- a. All questions on this application have been fully answered;
- b. The application has been signed by the owner or his agent with the written authorization of the owner;
- c. A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted on an 8 1/2" X 11" size pieces of paper.

1. Location: 11 Newquay Court, Columbia, SC 29229
TMS #: Page R2310 Block 01 Lot 14 Zoning District R53
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting : (nature of special exception) Home Day Care
3. The Board of Zoning Appeals is authorized to grant or deny special exception of this specific nature in Section _____ of the Zoning Ordinance.

PROPOSED NEW CONSTRUCTION

1. Free Standing Structure () Addition to an existing building ()
2. Use _____ Number of square footage _____
3. Answer only if a commercial or manufacturing use :
 - a. Total number of parking spaces on lot _____
 - b. Number of trucks _____ size _____
 - c. Number of proposed and existing signs _____
Size of proposed or existing signs _____
 - d. Number of employees working on premises _____

EXISTING USES AND STRUCTURES ON LOT

1. Number of existing uses / structures 1
2. Size and use:
 - a. Square footage 2988 Use home Residence
 - b. Square footage _____ Use _____
 - c. Square footage _____ Use _____

Jeanette Johnson
Appellant's Signature
Jeanette Johnson
Print Name

11 Newquay Court
Columbia, SC 29229
Address, City, State & Zip Code

803 699-0718
Telephone Number



**RICHLAND COUNTY, SOUTH CAROLINA
PLANNING & DEVELOPMENT SERVICES DEPARTMENT**

Zoning & Land Development Division
2020 Hampton Street
Columbia, SC 29202
Ph. 803-576-2178 Fax 803-576-2182

DAY NURSERIES

How many children? 6

What ages would the children be? Loww. -> 5 yrs.

What would the hours of operation be? 0600 - 6:00 pm

How many employees would there be? 0

Is the rear yard fenced? Yes No (If no, what provisions are being made?)

I have requested permission from the Home
Owner Association for the fence.

Are there provisions for the loading and unloading of children off of the public right-of-way?

Yes (if yes, please describe)

Our driveway is off of the public right-of-way

No (if no, what provisions are being made?)



Serving Children and Families

KIM S. AYDLETTE, STATE DIRECTOR

August 30, 2004

Mr. John Hicks
Richland County Zoning Division
Post Office Box 192
2020 Hampton Street
Columbia, SC 29202

Re: Ms. Jeanette Johnson
11 Newquay Court
Columbia, SC 29229

Mr. Hicks:

The Division of Child Day Care Licensing and Regulatory Services of the South Carolina Department of Social Services has received an inquiry for the above-named individual to operate a Family Day Care Home, providing care for maximum of 6 children.

This information would appear to meet our requirements for approval; however, in order to complete the application process, we require verification from your office that zoning requirements have been met.

If additional information is needed, please contact me at 929-2740 ext. 130. Thank you for your assistance in this matter.

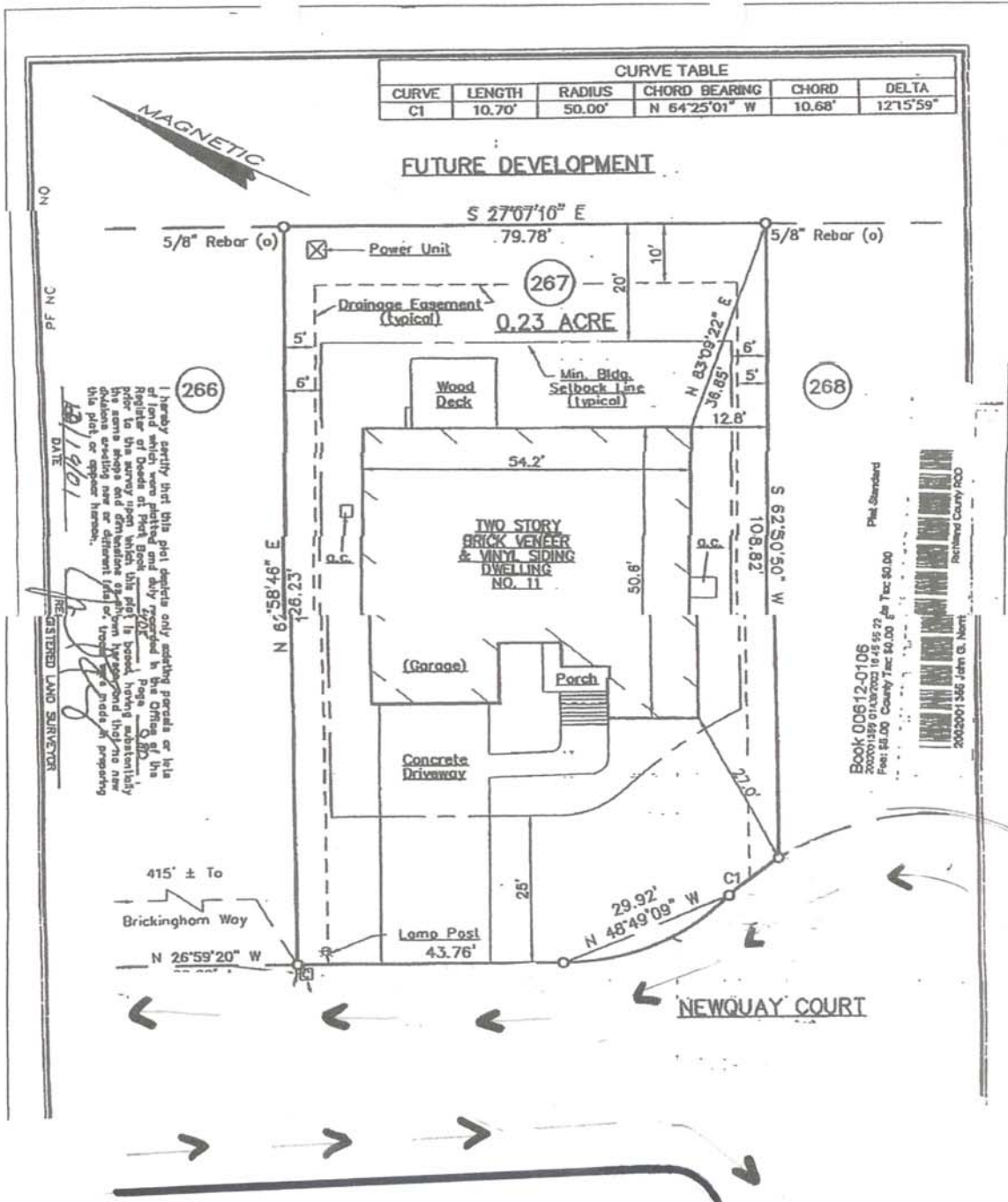
Sincerely,

A handwritten signature in blue ink that reads 'Barbara Stephenson'.

Barbara Stephenson
Senior Child Care Regulatory Specialist, Region V

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD BEARING	CHORD	DELTA
C1	10.70'	50.00'	N 64°25'01" W	10.68'	12°15'59"

FUTURE DEVELOPMENT



I hereby certify that this plat depicts only existing records or that I have been advised by the Register of Deeds of Putnam County, Georgia, that the same depicts only existing records. I am not responsible for the accuracy of the survey upon which this plat is based, having substantially the same shape and dimensions as shown by the record and that no new divisions existing now or different from those shown on the plat or opposite hereon.

DATE: 1/11/02

REGISTERED LAND SURVEYOR

Book 00612-0106
 2002001355
 Fee: \$1.00 County Tax \$0.00
 Plat Standard
 2002001355 John G. Hunt
 Putnam County ROD

Sketch of area

Home is located in a cul de sac where parents will drop off and pick up children.







3 November 2004
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-16 Special Exception

REQUEST

The applicant is requesting the Board of Appeals to grant a special exception to establish a high rise structure on property zoned C-3 (General Commercial) district

GENERAL INFORMATION

Applicant

Jeff Green

Tax Map Number

11205-03-01, 03

Location

1100 Bluff Road

Existing Zoning

C-3 (General Commercial)

Parcel Size

1.8 acre tract

Existing Land Use

Commercial

Existing Status of the Property

There is a 6064 square foot structure that was built in 1553. The structure was devoted f commercial use, but is no longer in operation.

Proposed Status of the Property

The applicant proposes to establish a six (6) six floor, 56 dwelling unit multi-family residential structure.

Immediate Adjacent Zoning and Land Use

North - M-2; industrial

South - M-1; Farmer's Market / USC practice field

East - M-1; industrial/commercial

West - M-1/C-3; Williams Brice Stadium

Character of the Area

The surrounding area is composed of industrial, commercial, multi-family and retail uses. The Farmer's Market and William's Brice Stadium are adjacent to the subject parcel.

ZONING ORDINANCE CITATION

26-67.4 *Permitted special exceptions.*

After public notice and hearing, and subject to appropriate conditions and safeguards, the board of adjustment may permit, as special exceptions:

- (1) High rise apartments, subject to the provisions of section 26-80.

CRITERIA FOR SPECIAL EXCEPTIONS

In addition to definitive standards in this chapter, the Board shall consider the following:

1. Traffic impact.

The average trips per day for a multi-family structure is approximately 3.5 (based on the Addendum to the Long Range Major Street Plan for Richland County – adopted by the Richland County Planning Commission - Oct.1993).

2. Vehicle and pedestrian safety.

There were no obstacles or conditions present that seem to present vehicle or pedestrian safety.

3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.

There should be a minimal, if any, impact of noise, lights, fumes or obstruction of airflow by the establishment of a family daycare.

4. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view.

The proposed use does not impose an adverse impact on the aesthetic character of the environs. The Richland County Code will require landscaping.

5. Orientation and spacing of improvements or buildings.

The site plan review by staff will determine the necessity for changes of the orientation and spacing of improvements or building.

DISCUSSION

Staff visited the site.

This project requires a special exception before the Board of Zoning Appeal because it is a high rise. A high rise is defined as a structure that exceeds thirty-five (35) feet or three (3) stories in height.

Before this request could be brought before the Board, it was required to appear before the Planning Commission for a review of the proposal. The PC is then required to submit its findings to the Board. Enclosed are the minutes from the PC meeting indicating the PC's findings.

The staff report for the 4 October 2004 Planning Commission Meeting recommended approval of the rezoning request and the proposed project. In its findings, the Planning

Commission recommended approval for the same. Also, County Council gave first reading approval to the rezoning request.

Staff recommends that this request be approved.

CONDITIONS

N/A

26-602.2(d)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;

- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

RECOMMENDATION

Recommend **approval** of this Special Exception for the following reasons:

- A. Based on the criteria for special exceptions, the project has demonstrated that it will not have an adverse impact.

- B. The project has been found to be in harmony with the intent of the ordinance.

OTHER RELEVANT SECTIONS

Section 26-80.7 (2) Permitted Special Exception High Rise Structure:

a. The planning commission reviews the proposal as in 26-80.7(1) but certifies its findings to the board of adjustments rather than the zoning administrator.

b. The recommendations of the planning commission shall be advisory only to the board of adjustment. Upon receipt of the recommendation, the board may act to grant such special exceptions as are provided for herein. Even though the board may impose such safeguards and conditions as deemed appropriate in the granting of a special exception, the specific design, use, and dimensional requirements of this ordinance as regards high rise apartments are binding upon the board, and the board may not vary such requirements by imposing lesser standards except by acting upon a specific request for a variance, and making those findings which it is required to make by section 26-602.3 herein prior to the granting of any variance. In accordance with the provisions of Article 11, the board of adjustment shall grant no special exception for the establishment of any use or structure which necessitates the concomitant granting of a variance.

ATTACHMENTS

- PC minutes
- Site plans
- Pictures of subject property

CASE HISTORY

No record of previous special exception or variance request.

Rcpt # 368218
Paid \$ 50.00

Application # _____
Filed 10-08-04

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
SPECIAL EXCEPTION APPEAL**

NOTICE TO APPLICANTS

No application for special exception will be processed unless the following conditions are met no later than the first (1st) day of the month prior to the date of the Board meeting, which is held the first Wednesday of each month:

- a. All questions on this application have been fully answered;
- b. The application has been signed by the owner or his agent with the written authorization of the owner;
- c. A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted on an 8 1/2" X 11" size pieces of paper.

1. Location: 1100 BLUFF ROAD
TMS #: Page 11205-03-01/03 Block _____ Lot _____ Zoning District C-3
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting : (nature of special exception) HIGH RISE
MULTI-FAMILY
3. The Board of Zoning Appeals is authorized to grant or deny special exception of this specific nature in Section _____ of the Zoning Ordinance.

PROPOSED NEW CONSTRUCTION

1. Free Standing Structure Addition to an existing building ()
2. Use MULTI-FAMILY RESIDENTIAL Number of square footage 23,610 S.F. / FLOOR
3. Answer only if a commercial or manufacturing use :
 - a. Total number of parking spaces on lot _____
 - b. Number of trucks _____ size _____
 - c. Number of proposed and existing signs _____
Size of proposed or existing signs _____
 - d. Number of employees working on premises _____

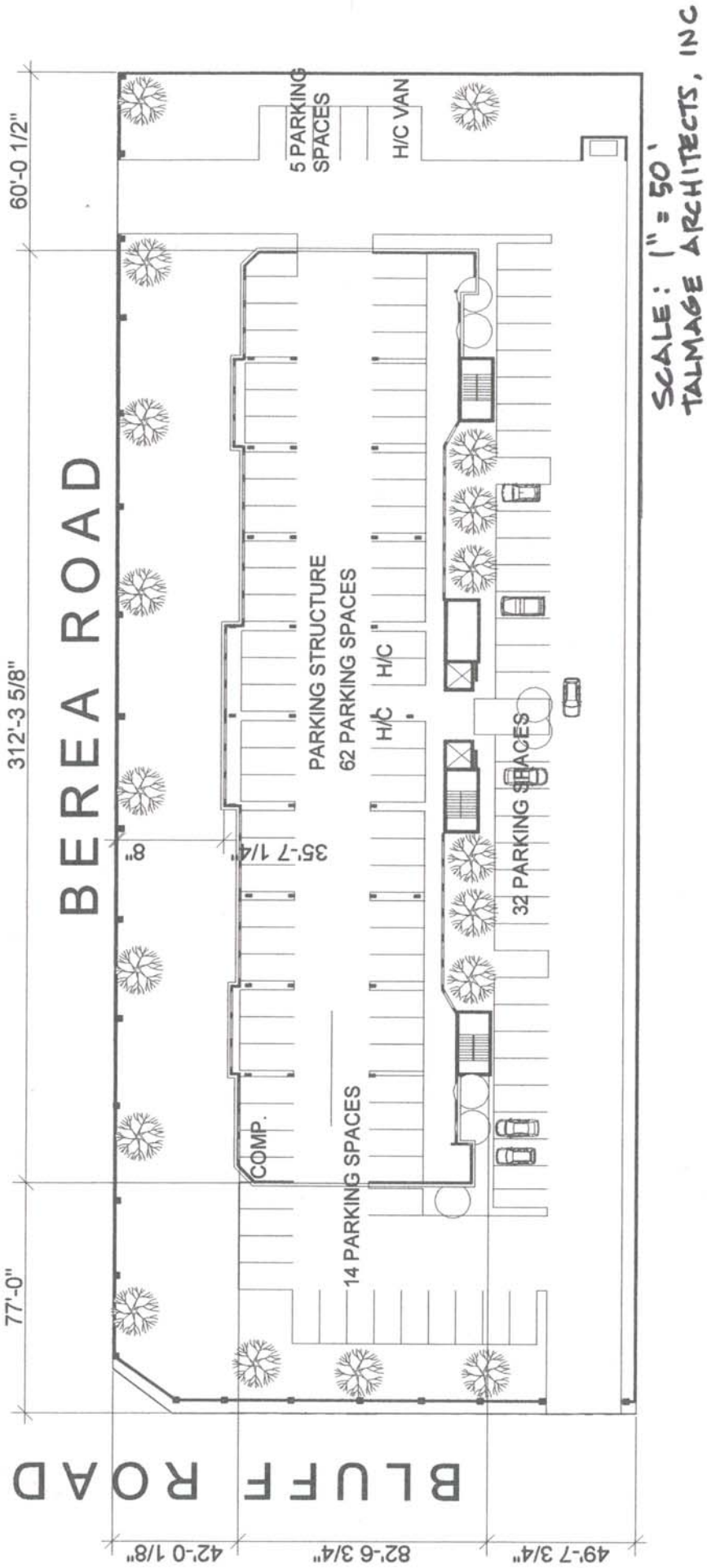
EXISTING USES AND STRUCTURES ON LOT

1. Number of existing uses / structures 2
2. Size and use:

a. Square footage _____	Use <u>RESTAURANT</u>
b. Square footage _____	Use <u>STORAGE</u>
c. Square footage _____	Use _____

[Signature]
Appellant's Signature
FRED M. TALMAGE
Print Name

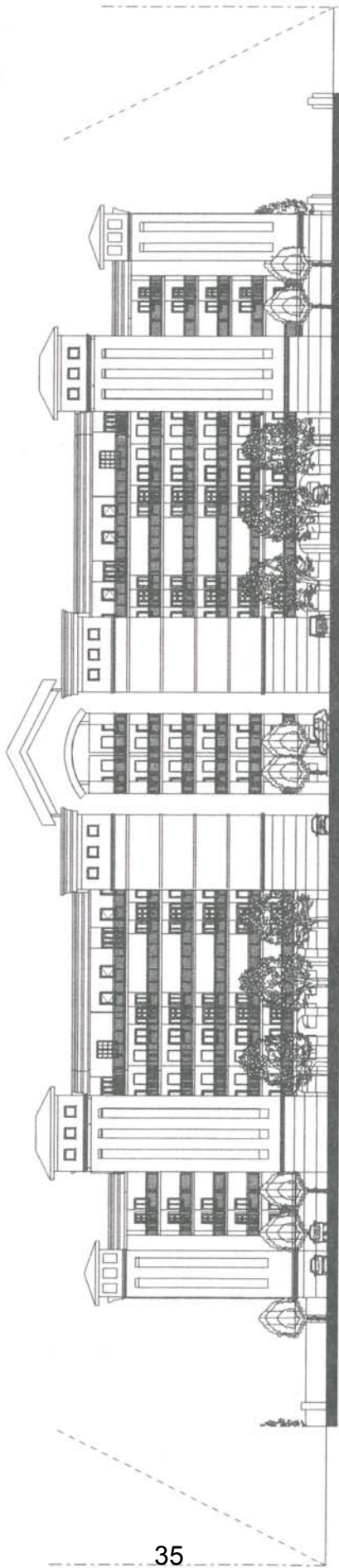
_____ Telephone Number 803-359-5588
103 EAST MAIN ST. LEXINGTON, SC
Address, City, State & Zip Code 29072



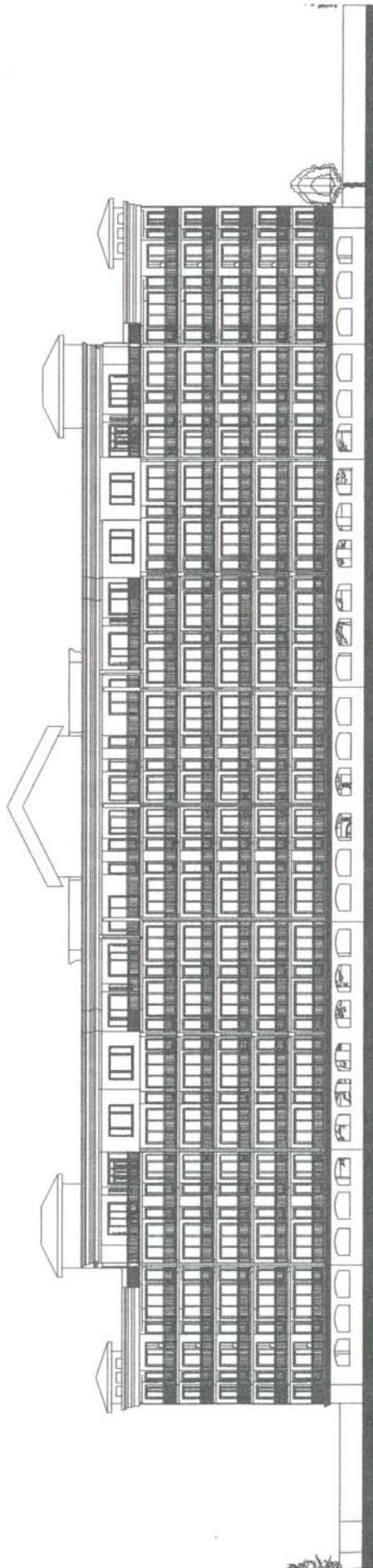
SITE SUMMARY

- 56 DWELLING UNITS ON 6 FLOORS OVER PARKING LEVEL
- 2 PARKING SPACES / UNIT = 112 SPACES REQUIRED
- 113 PARKING SPACES PROVIDED

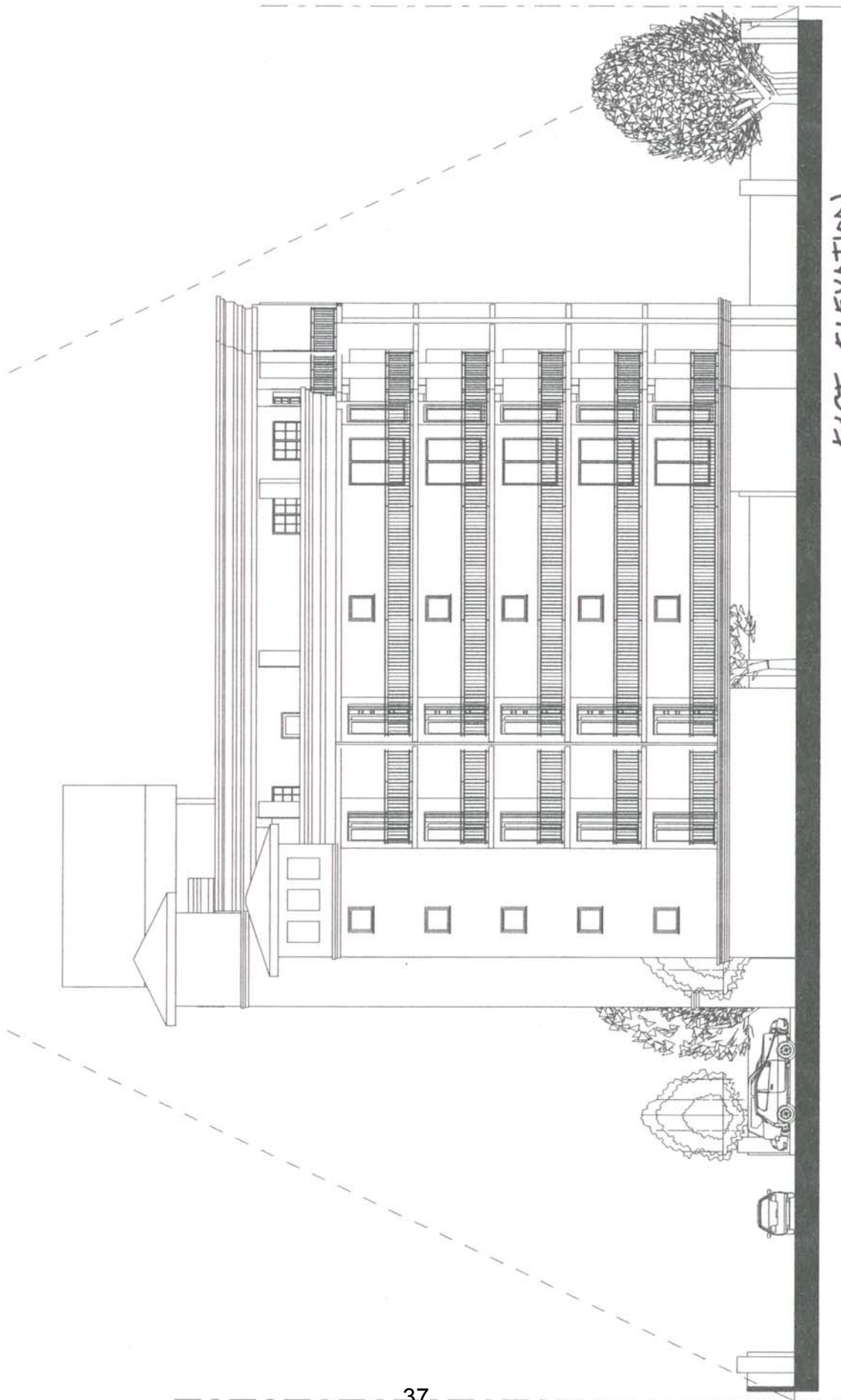
LOT AREA = 78,750 S.F.
 LOT COVERAGE ALLOWED = 35% (27,562 S.F.)
 ADD. COVERAGE ALLOWED FOR PARKING STRUCTURE = 30% (23,625)
 TOTAL LOT COVERAGE ALLOWED = 51,187 S.F.
 TOTAL LOT COVERAGE PROVIDED = 47,050 S.F.



FRONT ELEVATION
TALMAGE ARCHITECTS, INC



BEREA ROAD ELEVATION
TALMAGE ARCHITECTS, INC



EAST ELEVATION
TALMAGE ARCHITECTS, INC



C. CASE 05-16 SE
JEFF GREEN
TMS 11205-03-01/03



Site





3 November 2004
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

05-17 Special Exception

REQUEST

The applicant is requesting the Board of Appeals to grant a special exception to temporarily place a manufactured home for a relative in need of constant care in a RS-1 (Single Family Residential) district

GENERAL INFORMATION

Applicant

Cheyenne Leitzsey

Tax Map Number

20114-04-10

Location

135 Barney Lane

Existing Zoning

RS-1 (Single Family Residential)

Parcel Size

2.94 acre tract

Existing Land Use

Undeveloped

Existing Status of the Property

The subject property is undeveloped and heavily wooded.

Proposed Status of the Property

The applicant proposes to establish a 2000 square foot manufactured home on the property for the temporary care of a relative.

Immediate Adjacent Zoning and Land Use

- North - RS-2; residential
- South - RS-3; residential
- East - RS-1; residential
- West - RS-2; residential

Character of the Area

The subject property is located on a dirt/gravel road amongst manufactured homes and undeveloped, wooded parcels.

ZONING ORDINANCE CITATION

Section 26-63.4(15) of the Zoning Ordinance authorizes the Board of Zoning Appeals to permit a temporary dwelling unit for use by a relative in need of constant care as a special exception subject to the provisions of Section 26-95.

CRITERIA FOR SPECIAL EXCEPTIONS

In addition to definitive standards in this chapter, the Board shall consider the following:

1. Traffic impact.

The average trips per day for a single-family residential structure is approximately 9.5 (based on the Addendum to the Long Range Major Street Plan for Richland County – adopted by the Richland County Planning Commission - Oct.1993).

2. Vehicle and pedestrian safety.

There were no obstacles or conditions present that seem to present vehicle or pedestrian safety.

3. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.

There should be a minimal, if any, impact of noise, lights, fumes or obstruction of airflow by the establishment of a family daycare.

4. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view.

The proposed use does not impose an adverse impact on the aesthetic character of the environs and does not require screening.

5. Orientation and spacing of improvements or buildings.

The size of the lot and the zoning requirements for a proposed structure negates the need for changes in orientation and spacing of improvements or buildings.

DISCUSSION

Staff visited the site.

The applicant is proposing to establish a temporary manufactured home for a family member in need of care.

Staff has not observed any conditions that would adversely impact the surrounding area.

Staff recommends that this request be approved.

CONDITIONS

N/A

26-602.2(d)

- 1) Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under penalties established herein;
- 2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

RECOMMENDATION

Recommend **approval** of this Special Exception for the following reasons:

- A. Based on the criteria for special exceptions, the project has demonstrated that it will not have an adverse affect on pedestrian and vehicular safety.

OTHER RELEVANT SECTIONS

Sec. 26-95. Temporary compassionate dwelling units.

26-95.1 Establishment.

Temporary compassionate dwelling units are permitted as special exceptions in RU, D-1, RS-1, RS-2, RS-3, RR, RS-IA, RG-1, RG-2, MH-1, MH-2, and MH-3 districts.

26-95.2 Application.

An application for a temporary compassionate dwelling unit permit shall be submitted by the property owner of record to the Zoning Administrator. In addition, such fee as may be required in the county's annual budget ordinance for the current fiscal year must be paid at the time the application is filed. The Zoning Administrator may then submit such application to the Board of Zoning Appeals once the application meets the following requirements:

- (a) An application form, as specified by the Zoning Administrator, completed and signed by the property owner.
- (b) A recorded plat of the property showing the location of all existing buildings and the proposed location of the temporary dwelling unit, so that the required setbacks and lot coverage ratios of the zoning district are met.
- (c) Evidence that the intended resident of the temporary dwelling unit is a member of the applicant's family.
- (d) A letter from the proposed resident's physician certifying that the resident requires supervised care (and the length of time needed for this care), and that this need can be met through the constant care of a relative.
- (e) Written certification from the South Carolina Department of Health and Environmental Control (DHEC), or a public or private utility, that water and sewer service can be provided to the temporary dwelling unit.
- (f) Certification from the property owner that the temporary dwelling unit will be removed at the termination of the special exception.

For the purpose of this section, the word "family" shall mean two or more persons related by blood, marriage, adoption, or guardianship.

26-95.3 Required findings.

In addition to the requirements of article 12 of this chapter, the Board of Zoning Appeals may permit a special exception for a temporary compassionate dwelling unit upon finding that:

(a) The application for a temporary compassionate dwelling use permit submitted by the Zoning Administrator is complete and accurate.

(b) The permitting of a special exception for a temporary compassionate dwelling unit will be in the best interests of the surrounding community.

(c) The physical and/or mental condition certified by the proposed resident's physician justifies the need for a temporary dwelling unit.

(d) The temporary dwelling unit can be easily removed upon the expiration of the period of the special exception.

26-95.4 Time limit and special conditions.

In permitting a special exception for a temporary compassionate dwelling unit, the Board of Zoning Appeals shall specify a time period after which the special exception permit expires and the temporary dwelling unit must be removed.

Provided, however, the time period of the special exception permit will be automatically extended for a period not to exceed the original time period, if the property owner submits written certification from the resident's physician that there is still a need for the permit. The Board of Zoning Appeals may place such other conditions upon the special exception permit as it deems justified and appropriate.

(Ord. No. 054-01HR, § II, 9-4-01)

ATTACHMENTS

- Physicians letter
- Plat
- DHEC letter
- Pictures of subject property

CASE HISTORY

No record of previous special exception or variance request.

Rcpt # _____

Paid \$ _____

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
SPECIAL EXCEPTION APPEAL**

Application # 33629

Filed _____

NOTICE TO APPLICANTS

No application for special exception will be processed unless the following conditions are met no later than the first (1st) day of the month prior to the date of the Board meeting, which is held the first Wednesday of each month:

- a. All questions on this application have been fully answered;
- b. The application has been signed by the owner or his agent with the written authorization of the owner;
- c. A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted on an 8 1/2" X 11" size pieces of paper.

1. Location: 135 Barney Lane, Columbia, SC 29223
 TMS #: Page R20114 Block 04 Lot 10 Zoning District RS-1
2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting : (nature of special exception) Temporary Compassionate Use.
3. The Board of Zoning Appeals is authorized to grant or deny special exception of this specific nature in Section _____ of the Zoning Ordinance.

PROPOSED NEW CONSTRUCTION

1. Free Standing Structure Addition to an existing building ()
2. Use Dwelling (MH) Number of square footage 1000
3. Answer only if a commercial or manufacturing use :
 - a. Total number of parking spaces on lot _____
 - b. Number of trucks _____ size _____
 - c. Number of proposed and existing signs _____
 Size of proposed or existing signs _____
 - d. Number of employees working on premises _____

EXISTING USES AND STRUCTURES ON LOT

1. Number of existing uses / structures _____
2. Size and use:

a. Square footage _____	Use _____
b. Square footage _____	Use _____
c. Square footage _____	Use _____

Cheyenne Leitzsey
 Appellant's Signature
Cheyenne Leitzsey
 Print Name

135 Barney Lane
Columbia, SC 29223
 Address, City, State & Zip Code

788-0967
 Telephone Number

Rx

Date: 10/8/04

Name: David Williamson

SLEPMED
Science. Systems. Solutions.

Richard K. Egan, MD
DEA # AB8286555
SC License # 8796

Robert L. Galphin, MD
DEA # AG0351419
SC License # 5152

Wm. Campbell McLain, III, MD
DEA # AM8400049
SC License # 8060

Bhavani R. Yajnik, MD
DEA # AY8809622
SC License # 8262

JoAnne Turner, ANP
DEA # MT1057365
A 26222

Mr. Williamson is under my care for severe obstructive sleep apnea
& hypersomnia (excessive daytime sleepiness). He has lost his job
and is unable to work because of sleepiness.

Richard K. Egan

Wm. Campbell McLain, III

Substitution Permitted

Dispense As Written

SleepMed of South Carolina * An AASM Accredited Center * 1333 Taylor St., Suite 5-A, Columbia, SC 29201 * (803) 296-584
SleepMed * 3020 Sunset Boulevard * Suite 200 * West Columbia, SC 29169 * (803) 779-5454

Rx

Date: 5/14/03

Name: David Williamson

Richard K. Bogan, MD
DEA # AB8285555
SC License # 8796

Robert L. Galphin, MD
DEA # AG0351419
SC License # 5152

Wm. Campbell McLain, III, MD
DEA # AM8406349
SC License # 9060

Bhavana R. Yajnik, MD
DEA # AY8809622
SC License # 8282

JoAnne Turner, ANP
A 26222

SLEEP MED
Science. Systems. Solutions.

Mr. Williamson is under my care for
severe obstructive sleep apnea.
He has excessive sleepiness
because of his medical condition. He is
unable to work. Dr. Bogan [Signature]

Dispense As Written

Substitution Permitted

SleepMed of South Carolina * An AASM Accredited Center * 1333 Taylor St., Suite 5-A, Columbia, SC 29201 * (803) 296-5847
SleepMed * 3020 Sunset Boulevard * Suite 200 * West Columbia, SC 29169 * (803) 779-5454

You can call Dr. Bogan or Dr. Turner
for further information

Social Security Administration
Retirement, Survivors and Disability Insurance
Notice of Award

Office of Central Operations
1500 Woodlawn Drive
Baltimore, Maryland 21241-1500
Date: January 17, 2004
Claim Number: 251-59-8932HA

0113 MCS,PC7,I,BA,T158,058,153

000017771 03 MB 0.718

LEGARE D WILLIAMSON JR
1006 OLD FARM CIRCLE
ELGIN, SC 29045-9076



You are entitled to monthly disability benefits beginning November 2002.

The Date You Became Disabled

We found that you became disabled under our rules on May 30, 2002.

However, you have to be disabled for 5 full calendar months in a row before you can be entitled to benefits. For these reasons, your first month of entitlement to benefits is November 2002.

What We Will Pay And When

- You will receive \$1,129.00 for January 2004 around February 18, 2004.
- After that you will receive \$1,129.00 on or about the third Wednesday of each month.
- Later in this letter, we will show you how we figured these amounts.

The day we make payments on this record is based on your date of birth.

Enclosure(s):
Pub 05-10153
Pub 05-10058

CLAIMANT'S MEDICATIONS

A. To be completed by Hearing Office

(Claimant and Social Security Number)

Legare D. Williamson
251-59-8937

(Wage Earner and Social Security Number)
(Leave blank if same as claimant)

The last time we brought your case up-to-date was:

B. To be completed by the claimant

PLEASE PRINT

PLEASE LIST BELOW THE PRESCRIPTION MEDICATION WHICH YOU ARE PRESENTLY TAKING. IF THE NAME OF THE MEDICATION IS NOT SHOWN ON THE PRESCRIPTION CONTAINER, YOU MAY VERIFY THE NAME WITH YOUR PHARMACIST.

NAME OF MEDICATION & DOSAGE	DATE FIRST PRESCRIBED	DAILY AMOUNT TAKEN	REASON FOR MEDICATION	NAME OF PHYSICIAN
Allegra 60mg.	2000	1 x daily	Allergies	Dr. Norcross
Prevacid 30mg.	2000	1 x daily	acid reflux	" "
Lasix 20 mg.	2002	2x daily	fluid	" "
Augmentin	2003	2x daily	ear infections	Dr. Kang

PLEASE LIST BELOW THE NONPRESCRIPTION MEDICATION YOU ARE TAKING AND THE REASONS YOU TAKE THEM.

Klor. Con 750mg.	2003	ix daily	Potassium Supplement	Dr. Norcross
Zoloft 100mg.	2002	1x daily	Anxiety	" "
Albutrol Inhaler	2000	as needed	breathing	Dr. Rossigno
Oxygen machine at night			breathing	
Nasacort		as needed	breathing	Dr. Bogat

[Signature]
If more space is use additional

NOW OR FORMERLY
C.N. ENLOW

W/2 Fence
N/2 Fence
E/2 Fence
S/2 Fence

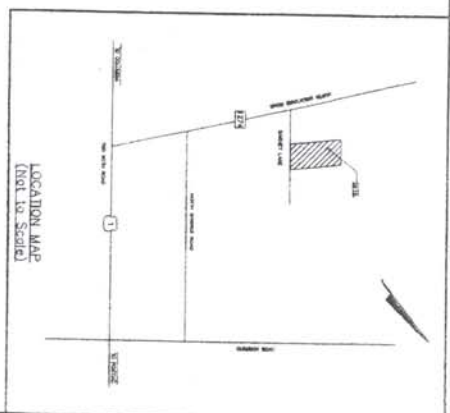
MAGNETIC

VACANT LOT
2.24 ACRES / 124,138 SQ. FT.

NOW OR FORMERLY
E. RABON RODGERS & LEONARD GARDNER, JR.

NOW OR FORMERLY
WILLIAM J. LEITZSEY

I put 1" Rebar
5' from Surveys
Rebar because it was
in path of N/2 & E/2



I HEREBY CERTIFY THAT I HAVE CONSULTED THE RECORDS OF THE REGISTER OF DEEDS FOR THE COUNTY OF RICHMOND, VIRGINIA, AND THE SUBJECT PROPERTY IS NOT LOCATED IN ANY OTHER RECORDS.

REFERENCES:

- 1) RICHMOND COUNTY DEED BOOK NO. 302, PAGE 95
- 2) PLAT PREPARED FOR WILLIAM J. LEITZSEY BY DONALD E. RATTLE, SR., DATED AUGUST 30, 1976, AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR RICHMOND COUNTY IN PLAT BOOK "X", PAGE 633V

I hereby advise that in the field of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the laws of the State of Virginia, and that the same is a true and correct survey of the land shown and the same is not located in any other records of the Register of Deeds for the County of Richmond, Virginia, and that the same is not located in any other records of the Register of Deeds for the County of Richmond, Virginia.

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREIN IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE RICHMOND COUNTY LAND SURVEYING ACT AND THE SURVEYORS SHOWN HAVE BEEN PLACED TO THE SPECIFICATION SET FORTH IN SAID RESOLUTIONS.

DATE: FEBRUARY 11, 1998
WILLIAM J. LEITZSEY
REG. LAND SURVEYOR
No. 5254

WILLIAM J. LEITZSEY
RICHMOND COUNTY, NEAR COLUMBIA, S.C.

DATE: FEBRUARY 11, 1998
Scale: 1" = 40'
0' 20' 40' 60'

COX and DINKINS, INC.
ENGINEERS • SURVEYORS

614 Holly Street, Courtois, South Carolina - 29205
(803) 254-0518

Project No. _____ Sheet No. _____ of _____



