

1 **Richland County Board of Zoning Appeals**
2 **December 7, 2011**

3
4 *[Present: Joshua McDuffie, Mike Spearman, T. Ralph Meetze, Torrey Rush, Susanne*
5 *H. Cecere, William Smith; Absent: Elaine Perrine, Sheldon Cooke]*
6

7 Called to order: 1:00 pm

8 CHAIRMAN MCDUFFIE: I'd like to go ahead and call this meeting of the
9 Richland County Board of Zoning Appeals to order. At this time the Chair recognizes a
10 quorum and will turn the meeting over to the attorney, Ms. Amelia Linder.

11 MS. LINDER: With all due respect, if you'll do the public notice announcement
12 first.

13 CHAIRMAN MCDUFFIE: Okay, absolutely. For the purposes of, let's see, in
14 accordance with the Freedom of Information Act, a copy of the Agenda was sent to
15 radio and television stations, newspapers, persons requesting notification, and posted
16 on the bulletin board located in the lobby of the County Administration building. Now at
17 this time I'll turn the meeting over to the attorney, Ms. Amelia Linder.

18 MS. LINDER: Thank you. My name is Amelia Linder and I'm the attorney for the
19 Board of Zoning Appeals and I'd like to welcome you this afternoon. We have just one
20 case on our Agenda. This Board, if you did not already know, is a *quasi* judicial body in
21 that it's not as formal as a regular court, but it will take your evidence, it will hear
22 testimony under oath. You may admit written documents if you so wish. The Board will
23 listen to any person that wants to speak to address this issue. The Applicant will go first
24 and will have up to 15minutes to present their case. If there are, if there is anyone in
25 opposition to it they would have up to three minutes and then you would have, again,
26 another five minutes to rebut the opposition. Please, when you are at the podium,

1 address your remarks to the Board and not to members of the audience. You will be
2 under oath, like I said, and the meeting today will be recorded and Minutes will be
3 taken. The decision that the Board makes, if they make a decision today, that will be a
4 final decision subject to the Minutes being approved at the next meeting and at that time
5 an Order will go out to every party of interest and then if you're unhappy with the
6 decision you would have thirty (30) days to appeal that decision to Circuit Court. I would
7 ask if you have a cell phone, if anyone has a cell phone with them if they either mute it
8 or turn it off. If you are planning to speak make sure your name is on our sign up sheet.
9 If you are done speaking you may leave if you do so quietly. And if there's any
10 questions I'll take those at this time. If there are no questions I would like to swear in all
11 the people that are planning to speak and come to the podium today, if you would stand
12 please. And raise your right hand. Do you swear or affirm that the testimony you shall
13 give shall be the truth, the whole truth and nothing but the truth so help you God?

14 AUDIENCE: I do.

15 MS. LINDER: Thank you.

16 CHAIRMAN MCDUFFIE: Alright, at this time, just one administrative item, we
17 will move the approval of Minutes from last month to the end of today's hearing. I'm
18 sorry, the October Minutes to the end of today's meeting. And so at this point we will
19 proceed with the public hearing and Mr. Price, when you're ready please call the case.

20 **CASE NO.: 11-12 SE:**

21 MR. PRICE: The first case is 11-12 SE. The Applicant is requesting the Board of
22 Zoning Appeals to grant a special exception to permit the construction of a
23 communication tower on property zoned RU, rural district. The Applicant is the City of

1 Columbia, the location is at 1020 Dutch Fork Road. The parcel size is a little over 120
2 acres and it's gonna be used as an institutional use; the school district is building a new
3 high school out there and I believe a middle school will be coming later on. And the
4 Applicant proposes to erect a 60' communications tower to go along with their water
5 booster system they will have on the property. Staff has reviewed the application as far
6 as the additional standards that are required for the granting of a special exception for
7 towers. The tower will meet all required setbacks within that district and for that use.
8 And Staff did not find any other, I guess negative impacts regarding the proposed use.
9 Staff recommends approval.

10 CHAIRMAN MCDUFFIE: Thank you, Mr. Price. At this time we have several
11 individuals signed up to speak. And the Applicant I believe is Mr. Jason Shaw. Mr.
12 Shaw, if you would please, you know, tell the Board about your application. Please
13 state your name and address for the Record.

14 **TESTIMONY OF JASON SHAW:**

15 MR. SHAW: Okay, my name is Jason Shaw. I am the Water Engineer for the
16 City of Columbia. Our address is 1136 Washington Street, Columbia, South Carolina.

17 **TESTIMONY OF BILL WARREN:**

18 MR. WARREN: I'm Bill Warren. I'm with Brown & Caldwell. Our office address is
19 3800 Fernandina Road, Columbia, South Carolina 29210.

20 MR. SHAW: Bill Warren is our consultant on this project and I'll let him do a little
21 brief description of what the project involves.

22 MR. WARREN: The project involves a multi-phase project. We are designing a
23 pump station that will convey water from the Lake Murray Water Treatment Plant to the

1 Town of Chapin and surrounding areas. Right now currently the existing pump station
2 that services the Town of Chapin is White Rock pump station; it's the only pump station
3 that services that area and it's, could be the weak point in the link. And so this pump
4 station is not only there to help supply the school but also to help supply the
5 surrounding areas and to provide redundancy in system reliability for that area's water
6 system. The pump station is proposed to be built and will have, require communication
7 back to the Water Plant to control and monitor, and hence this is the reason why we are
8 requesting approval for a communication tower for the purposes of communicating the
9 controls for the pumps and monitoring the status and the function of that, of those
10 pumps. That's essentially the request in a nutshell.

11 CHAIRMAN MCDUFFIE: Okay. I guess I have a couple of questions and then
12 I'll open it up and see if anyone else on the Board has any additional questions for you.
13 From the supporting documentation that we just received here, it says that the mast will
14 be 60' tower?

15 MR. WARREN: Sixty foot tower with a two foot lightening protection on the top of
16 it, so total overall height will be 62'.

17 CHAIRMAN MCDUFFIE: And this will be solely for the, this tower would be solely
18 for the purpose of communication between the pumping station and the, between the
19 utility and the pumping station?

20 MR. WARREN: Yes.

21 MR. SHAW: It's a data communication, it's not a voice or anything. It's just a
22 data communication tower.

23 CHAIRMAN MCDUFFIE: Any other questions from any of the Board Members?

1 MR. SMITH: I have a quick question. Are you guys looking at any future, in the
2 future to be able to use it for anything else or is it specifically gonna be for that
3 [inaudible]?

4 MR. WARREN: Right not it's specifically for this function. We are not planning to
5 use it for any future use other than to control the pump station and monitor the pump
6 station.

7 MS. CECERE: How is it, is there, I assume there's an existing pump station
8 there, or is this a new pump station?

9 MR. WARREN: This will be a new pump station.

10 MS. CECERE: Brand new?

11 MR. WARREN: Yes, ma'am.

12 MS. CECERE: Okay. And is there anything just like it anywhere else in the
13 county?

14 MR. WARREN: There's one similar, the Monticello Road Pump Station that was
15 completed about two years ago is a similar design and construction, but not in the area.
16 That's actually in the northeast part of the county.

17 MS. CECERE: Northeast? And it has a tower on it?

18 MR. WARREN: Yes.

19 MS. CECERE: It works the same way this will be working or?

20 MR. WARREN: Yes, ma'am. We use radio to control all, most of our facilities.

21 MS. CECERE: Thank you.

22 CHAIRMAN MCDUFFIE: Are there any other questions for –

1 MR. SPEARMAN: Will the compound be able to, since we have co-location on
2 towers and so forth, as our Code stipulates, will there be room in the compound for
3 other pieces of equipment, you know, for other antennas, whether it's data or whether
4 it's –

5 MR. WARREN: Provided that they meet the requirements, there could be room
6 for co-location.

7 MR. SPEARMAN: Okay. What, how many antennas will that tower hold, all total?

8 MR. WARREN: I can't tell you at this time, I don't know.

9 CHAIRMAN MCDUFFIE: Any other questions at this time? Alright, Mr. Rush,
10 would you care to go through the Findings of Fact?

11 MR. RUSH: The property is zoned rural. Was there notice of public hearing
12 posted on the property? Yes. Was notice published in the newspaper? Will the
13 proposed tower, will have a maximum height less than 300'? Assuming, it is from the
14 ground, it's not on top of a building or anything?

15 MR. WARREN: No, sir, it is detached from the building and it would be from the
16 ground up.

17 MR. RUSH: Okay, alright. The answer to that is yes. Is the base of the proposed
18 tower located at least 190' from a residential zoning district? It's on 138 acres, so yeah.

19 CHAIRMAN MCDUFFIE: [Inaudible] if the tower is at least 190' from a residential
20 district? Or more than 50' from a habitable dwelling?

21 MR. PRICE: Yes, in this particular case under 26-152(D)(22)(c), the special
22 standards that go along with a special exception is subsection 1 would apply.
23 Communication towers abutting a residentially parcel shall have a minimum setback of

1 one foot for each height of tower as measured from the base of the tower. In this case
2 the tower is 60' so it only needs to be 60' from the property line of an abutting residential
3 district. It's zoned rural, the parcel that is zoned rural have to interpreted as either being
4 residential, industrial or commercial, and that's left up to the discretion of the Zoning
5 Administrator, you look at, kind of look at the development of the area. So because this
6 is rural it just has be a one to one for the rural in the area has been designated as being
7 residential so it's a one to one, so that actual setbacks are 60'.

8 MS. LINDER: And he meets this.

9 MR. PRICE: Yes, he does.

10 CHAIRMAN MCDUFFIE: Okay, in this case it says the setbacks on rural district
11 were 40' front, 20' side and 50' rear. Oh, okay, then the tower setbacks are for the –

12 MS. CECERE: And the setback is 117 [inaudible] on the side and [inaudible].

13 CHAIRMAN MCDUFFIE: I'm looking at the supplementary documentation. It
14 says that the tower will have 117' front setback, 26' side setback and a 91' rear setback.

15 MR. PRICE: Right. He's shown what the actual setbacks will be, but as far as
16 from the county, the minimum of 60', so he was just giving you –

17 CHAIRMAN MCDUFFIE: Sixty feet from which setback?

18 MR. PRICE: From, abutting all –

19 CHAIRMAN MCDUFFIE: You know, this says it will have a 26' side setback.

20 MR. PRICE: Which page are you looking at?

21 CHAIRMAN MCDUFFIE: I'm looking at the second page of the letter that was
22 distributed to us today. That's why I'm asking that question.

23 [Inaudible discussion]

1 MR. PRICE: Okay, what happens the school is going to deed this parcel over to
2 the City so the 26', I mean, yeah the school's gonna deed it to the city so that 26' would
3 be from the property line of, next to the school. And in that particular case,
4 communication towers abutting, item 3 would apply, communication towers abutting a
5 non-residentially zoned parcel [inaudible] habitable residential dwelling shall observe
6 the setbacks of the district in which its located. And in this particular case that would be
7 20' so they would exceed it by at least six feet. Sorry about that.

8 MR. RUSH: Has the Applicant shown proof of an attempt to co-locate on an
9 existing communications tower? What's the pleasure of the Board? I know we had a
10 question about that.

11 CHAIRMAN MCDUFFIE: Well, the document says that there are no other towers
12 in the general area that would be suitable.

13 MR. RUSH: Alright. Will the proposed tower meet the illumination requirements
14 of regulatory agencies such as the FCC or the FAA? I don't think that's needed for that
15 tower. Will the communication tower and associated buildings be enclosed within a
16 fence 7' in height?

17 MR. WARREN: Yes. The pump station will have a fully enclosed 8' tall black
18 vinyl coated fence with three-strand barbed wire on the top. The fence will constructed
19 and coordinated with the fencing on the proposed school site as well.

20 CHAIRMAN MCDUFFIE: Will the site also be landscaped in accordance with the
21 requirements of the Code?

22 MR. WARREN: It will. It will also be landscaped in concert with the school, so it
23 will look similar to the school property, and the building architecture as well.

1 CHAIRMAN MCDUFFIE: And just to be clear this will not be a lighted tower,
2 given the height this will not?

3 MR. WARREN: Correct. It will not be a lighted tower.

4 CHAIRMAN MCDUFFIE: Okay.

5 MR. RUSH: Number 10, has the Applicant agreed to place no signage to any
6 portion of the communications tower unless the sign is for the purpose of identification,
7 warning, emergency, function or contact or other as required by applicable state or
8 federal rule? I guess you'll put all regulatory information up there.

9 MR. WARREN: Correct. Any kind of required signage at the base of the tower
10 will be located there, but there is, other than that there are no plans to put signage.

11 MR. RUSH: [Inaudible]?

12 MR. WARREN: No, absolutely not.

13 MR. RUSH: Has the Applicant agreed to dismantle and remove the
14 communications tower within a hundred and twenty (120) days of the date the tower is
15 taken out of service?

16 MR. WARREN: Yes.

17 MR. RUSH: Will traffic be impacted by this proposal? No traffic impact. Will this
18 proposal affect vehicle or pedestrian safety? Board? I don't see anything with that. Is
19 there a potential impact of noise, lights, fumes or obstruction of airflow? Don't see any.
20 Does the proposed communication tower have an adverse impact on the aesthetic
21 character of the environs? I mean -

22 [Inaudible discussion]

1 MR. RUSH: Is the orientation and spacing of the improvements or buildings
2 appropriate? I think it is based on the setbacks and whatnot, so.

3 CHAIRMAN MCDUFFIE: Based on the Findings of Facts would you care to make
4 a motion at this time?

5 MR. RUSH: I would like to make a motion to approve case 11-12 based on the
6 Findings of Facts and, based on the Findings of Facts.

7 MS. CECERE: I make a second.

8 CHAIRMAN MCDUFFIE: Alright, so we have a motion and it has been
9 seconded. Alright, all in favor?

10 MR. PRICE: Those in favor: Spearman, Meetze, Rush, McDuffie, Cecere, Smith.
11 *[Approved: Spearman, Meetze, Rush, McDuffie, Cecere, Smith; Absent: Perrine,*
12 *Cooke]*

13 CHAIRMAN MCDUFFIE: Alright, the motion has been approved, or I should say
14 motion 11-12 SE has been approved. Mr. Shaw, you have your special exception and
15 Mr. Price will be in touch. Thank you very much.

16 MR. SHAW: Thank you.

17 CHAIRMAN MCDUFFIE: At this time under Other Business we need to look at
18 adopting the calendar for 2012.

19 MS. HAYNES: Have y'all seen the calendar?

20 CHAIRMAN MCDUFFIE: Nope.

21 *[Inaudible discussion]*

22 CHAIRMAN MCDUFFIE: Mr. Smith, would it help if we moved it to 1:30?
23 *[laughter]*

1 MR. SMITH: I appreciate your concern.

2 CHAIRMAN MCDUFFIE: Alright, does anybody see any reason that we should
3 adjust the calendar?

4 MR. RUSH: No.

5 CHAIRMAN MCDUFFIE: Alright, if not then I'll move that we adopt the calendar
6 for 2012 as distributed here.

7 MR. SMITH: I second.

8 CHAIRMAN MCDUFFIE: Alright, all in favor?

9 *[Approved: Spearman, Meetze, Rush, McDuffie, Cecere, Smith; Absent: Perrine,*
10 *Cooke]*

11 CHAIRMAN MCDUFFIE: Alright, it's unanimous. The calendar for 2012 is
12 adopted. And at this time we will move to examine and approve the Minutes from
13 October 2011. Has anyone had an opportunity -

14 MR. PRICE: She's gonna grab the Minutes.

15 CHAIRMAN MCDUFFIE: I was gonna ask if anyone had had an opportunity to
16 look over them yet.

17 *[Inaudible discussion - RECESS]*

18 CHAIRMAN MCDUFFIE: Okay, at this time I'll bring the Board out of recess. I
19 can tell that everyone has had an opportunity to read the Minutes and if we can get a
20 motion on adopting the Minutes or?

21 MR. MEETZE: So moved.

22 MR. RUSH: Second.

1 CHAIRMAN MCDUFFIE: Alright, Mr. Meetze has made a motion and it's been
2 properly seconded. All in favor?

3 MR. PRICE: Those in favor: Meetze, Rush –

4 CHAIRMAN MCDUFFIE: I'm abstaining cause I wasn't here.

5 MR. PRICE: Okay. Cecere.

6 MR. SMITH: Abstaining.

7 *[Approved: Meetze, Rush, Cecere; Abstained: Spearman, McDuffie, Smith; Absent:*
8 *Perrine, Cooke]*

9 CHAIRMAN MCDUFFIE: The motion carries and the Minutes from October 2011
10 are adopted. And that concludes our business today. Merry Christmas, see everybody
11 next year and we're adjourned.

12

13

[Meeting Adjourned at 1:45pm]