
CITY OF COLUMBIA
BOARD OF ZONING APPEALS MINUTES
OCTOBER 8, 2013- 10:00 AM

City Hall Council Chambers
1737 Main Street • Columbia, SC

In attendance: Patricia Durkin, III, Dr. Pat Hubbard, Reggie McKnight, Calhoun McMeekin, Chuck Salley, Preston Young

Absent: Ernest Cromartie

Staff: Brian Cook, Andrew Livengood

I. CALL TO ORDER and DETERMINATION OF QUORUM

Pat Hubbard, vice-chairperson, called the meeting to order at 10:08AM, and introduced the members of the Board of Zoning Appeals (BOZA).

Motion by Dr. Hubbard to adjourn the meeting to go into Executive Session at 10:12 AM; **seconded by Mr. Hubbard. Meeting adjourned at this time.**

II. EXECUTIVE SESSION

Discussion of a matter covered by attorney-client privilege regarding assertion of claims against the board.

Motion by Dr. Hubbard to close the Executive Session and resume for the regular business meeting at 10:18 AM; **seconded by Mr. McMeekin. Motion carries 5-0.**

Dr. Hubbard explained the purpose and role of the Board of Zoning Appeals; reviewed general housekeeping rules; speakers sworn in.

Brian Cook, Zoning Administrator, Planning and Development Services Department, reviewed the items on the Consent Agenda.

III. CONSENT AGENDA

A. OLD BUSINESS

None.

B. NEW BUSINESS

1. [13-057-SE](#) Dist. 2 **2757 Laurel Street (TMS# 11412-02-09)** Special Exception to establish a beauty salon (Maranda Davis, Hairfanatic Boutique & Day Spa) (C-1)

Motion by Mr. Young to approve Consent Agenda items subject to any exhibits and conditions that may be found within the case summary for that application and to adopt as the findings of the Board, those findings
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in each case prepared by Staff, also found within each case summary; *seconded by Mr. McMeekin* . **Consent Agenda items approved 5-0.**

IV. REGULAR AGENDA

A. OLD BUSINESS

None.

B. NEW BUSINESS

2. [13-056-V](#) **Dist. 3** **300 South Ott Road (TMS# 13801-09-01)** Variance to fence height requirement in primary front yard (Nathan and Virginia Henson) (RS-2, -CC)

Nathan and Virginia Henson, homeowners, spoke on their request. Construction on the fence began without a permit being obtained and a stop work order was issued.

Ms. Henson felt their property required a variance for them to enjoy their home and yard. One of the Rosewood Elementary School driveways is directly across from their property which causes extra foot and vehicular traffic which disturbs their privacy in their backyard, and the school's driveway is in a higher elevation so they are subject to light pollution from cars in the early morning and evening hours. The entire school property is illuminated at night and puts out a tremendous amount of light, and the fence prevents a lot of the light from coming into their home and yard. They also have dogs that are friendly, but want to protect children from any harm and themselves from any liabilities, and feel a 4' fence is too easy for children to come in contact with the dogs. Will keep excess litter out of yard, and keep carpoolers off their property. The Hensons plan on putting a pool in later and this will prevent children from being aware the pool is there. The fence will prevent loitering, which currently occurs, on their property. She feels they are good neighbors to both the elementary school and the neighborhood.

They feel the fence is necessary for their own safety as there have been multiple break-ins in the neighborhood recently. The fence delineates their property and offers privacy. Plans are to continue allowing the natural ivy to grow on the fence for aesthetics.

Dr. Hubbard formally reviewed the criteria for variance with the applicant:

There are extraordinary and exceptional conditions based on the applicant's location and things surrounding the property; these conditions do not generally apply to other properties in the neighborhood, these are exceptional situations as opposed to other parts of the neighborhood; they do not feel there would be any substantial detriment to the public good or adjacent property owners; Ms. Henson stated, enclosed at the end of the packet materials, are signed documents from permanent homeowners who feel they have "bettered the neighborhood" with the fence and voiced support of the request, and the next door neighbor does not feel the fence inhibits her [vision] for exiting her driveway onto S. Ott; the additional height is the minimum necessary to address their concerns.

Mr. McMeekin stated the applicants had to have been aware there was an elementary school across from the property when they bought the house.

The Hensons assumed that a 6' fence would remedy their concerns and aforementioned situations. She feels a 4' height is not enough and puts them at possible liability issues.

Mr. Salley said this appears to be the backyard of the property and with a pool proposed, the only option for any privacy would be the 6' fence.

No one spoke in favor or opposition of the request.

Testimony closed for board discussion.

Motion by Mr. Salley to approve the request for **300 South Ott Road** variance to fence height requirement in primary front yard variance based on the criteria for variance as described in §17-112 (3) b. of the Zoning Ordinance. *The applicants have proven that all the criteria for a variance have been met; seconded by Ms. Durkin.*

Mr. Cook voiced concerns with visibility in backing out for the neighbors, and asked if the Board would entertain the idea of staff working with the applicant to ensure there will be impediment to visibility. Staff has not spoken with the neighbor and would like to have some latitude in the event there may be issues in the future.

Dr. Hubbard stated documentation was provided from the applicants' neighbor voicing no concern with backing out and she did not have any impediment for visibility.

Motion amended by Mr. Salley to approve the request with the condition that the fence must remain within the 20' right-of-way for South Ott Road which will allow for 10' of visibility; *seconded by Mr. Durkin.* **Motion approved 5-1 with Mr. McMeekin in opposition.**

3. 13-058-SE Dist. 1 5110 Fairfield Road (TMS# 11701-02-19) Special Exception to establish a drive-through ATM facility (Dennis Terry, Little Diversified Architectural Consulting) (C-3)

Deferred

Deferred to the November 12 Board of Zoning Appeals meeting at the request of the applicant.

IV. OTHER BUSINESS

Approve September 10, 2013 Minutes

Motion to approve the September 10, 2013 minutes by Mr. McMeekin, seconded by Mr. Sally. Minutes approved 6-0.

Mr. Cook gave an update on the ordinance amendment. City Council passed the amendment to the special exception criteria. The new criteria will be added at the November meeting. Mr. Cook will email this information to Board members prior to meeting. Criterion is more detailed, and allows for greater specificity to make decisions.

V. ADJOURNMENT

There being no further business, motion by Mr. Salley to adjourn the October 8th, 2013 meeting; seconded by Ms. Durkin. Meeting adjourned at 11:39 a.m.

Respectfully submitted by Andrea Wolfe
Sr. Admin. Secretary
Planning and Development Services Department
City of Columbia