
CITY OF COLUMBIA
BOARD OF ZONING APPEALS MINUTES
APRIL 9, 2013- 10:00 AM

Eau Claire Print Building
3907 Ensor Avenue • N. Main Street and Monticello Road • Columbia, SC

In attendance: Patricia Durkin, Reggie McKnight, Calhoun McMeekin, Chuck Salley, and Preston Young

Absent: Ernest Cromartie, III, and Pat Hubbard

Staff: Brian Cook, Andrew Livengood, Andrea Wolfe

I. CALL TO ORDER and DETERMINATION OF QUORUM

Preston Young, acting chairperson, called the meeting to order at 10:05 AM, and introduced the members of the Board of Zoning Appeals (BOZA). Mr. Young explained the purpose and role of the Board of Zoning Appeals.

Brian Cook, Zoning Administrator, Planning and Development Services Department, stated a flyer was presented by a member of the public regarding a case for a cell tower at 2101 Main Street. The potential applicants never applied to present to the Board of Zoning Appeals and therefore this case will not be heard.

Mr. Cook reviewed general housekeeping rules and proceeded with review of Consent Agenda items.

II. CONSENT AGENDA

A. OLD BUSINESS

None.

B. NEW BUSINESS

1. **13-021-V Dist. 3 1001 Bluff Rd (TMS# 11205-01-05, -06, -09A)** Variance to height requirements to construct a football practice facility (Thomas Savory, Watson Tate Savory)(C-3).
2. **13-022-SE Dist. 3 4456 Devine Street (TMS# 13810-03-20)** Special Exception for a drive-through facility (Christopher Price, Bluewater Civil Design, LLC)(C-3).

Motion by Mr. Salley 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 in each case prepared by Staff, also found within each case summary; *seconded by Mr. McMeekin*. **Consent Agenda items approved 5-0.**

III. REGULAR AGENDA

A. OLD BUSINESS

3. 13-007-SE Dist. 2 3922 W. Beltline Boulevard (TMS# 11609-08-02) Special Exception to establish a gasoline service station (Krunal Parmar, Jay Hanuman LLC)(C-3).

Jake Moore, attorney for Krunar Pamar, applicant, presented.

Residents in favor of request:

Curtis Sterns.
Wyman Brooks
Rachael Dobbs
Charlie Howell

Residents in opposition of request:

Sylvia Jenkins
Diane Wylie
?? Deshawn
Will Beesom
Arthur Butler
Willie Washington
Bill Schuler
Deputy Fisher (CAT)
Officer Bedlock (CPD)

Motion by Mr. Salley to approve the request for special exception for 3922 W. Beltline Boulevard to establish a gas service station based on applicant's testimony and written application regarding the criteria established by the City of Columbia Ordinance for special exception, and subject to the terms and conditions recommended by staff for the application submitted to this Board. Impact of proposal upon traffic, impact of proposal upon vehicular and pedestrian safety, impact of proposal in terms of noise/lights/fumes/or obstruction of air flow upon adjoining property, impact of proposal upon the aesthetic character of the environs, impact of proposal in terms of the orientation and spacing of improvement or buildings traffic are none; and it will not adversely affect the public interest; approval will be subject to the terms and conditions recommended by staff in the application; seconded by Mr. McMeekin. Request granted 4-1 with Mr. McKnight in opposition.

4. 13-011-SE Dist. 2 3922 W. Beltline Boulevard (TMS# 11609-08-02) Special Exception to establish a Liquor Store (Krunal Parmar, Jay Hanuman LLC)(C-3).

Jake Moore, attorney for Krunar Pamar, applicant, presented.

Residents in opposition of request:

? DeShawn
Will Beesom
Arthur Butler
Deputy Fisher (CAT)
Diane Wylie
Willie Washington

Motion by Ms. Durkin to approve the request for special exception for 3922 W. Beltline to establish a liquor store based on the criteria, there is no impact upon traffic, no impact upon vehicular and pedestrian safety, no impact upon noise/lights/fumes or obstruction of air flow, no impact upon the aesthetic character of the environs, no impact in terms of orientation and spacing of improvements or

buildings, and that it does not adversely affect public interest; seconded by Mr. Salley. Request granted 3-2 with Mr. McKnight and Mr. Young in opposition.

Short break taken at 11:54 AM; meeting resumed at 12:04 PM

- 5. 13-013-SE Dist. 2 2101 Academy Street (TMS# 11504-24-07) Special Exception to establish a Liquor Store (Sheryl Smith, Corner Party Shop)(C-2).**

Detrick Leitner ? attorney representing Sheryl Smith, applicant.

Residents in opposition of request:

Leon Corley
Willie Washington

Motion by Mr. Salley to approve the request for special exception for 2101 Academy Street to establish a liquor store based on the applicant's testimony and the written application for the five criteria: no impact on traffic, no impact on vehicular and pedestrian safety, no impact on noise/lights/fumes or obstruction of air flow upon adjoining property, no impact on the aesthetic character of the environs, no impact on the orientation and spacing of improvements or buildings, and that it would not adversely impact the public interest, subject to the applicant providing an engineered parking site plan to city staff indicating the slanted parking proposed by the applicant that would conform to city parking requirements and not require a vehicle to enter the public right-of-way in order to back out of that space.

Mr. McMeekin stated if the slanted parking does not work and meet with city approval, he wanted to ensure that something was engineered to meet city requirements.

Amendment accepted by Mr. Salley; motion seconded by Mr. McMeekin. Request granted 5-0.

Mr. McMeekin left meeting at 12:45PM. Mr. Young stated, for the record, as there were only four members of the Board of Zoning Appeals in attendance at this time, if a motion was a 2-2 tie, the motion would fail.

- 6. 13-018-SE Dist. 2 1116 House Street (TMS# 11410-06-27) Special Exception to establish a Residential Care Facility (Deborah Culler, Columbia Community Outreach)(C-1).**

Deborah Culler, applicant, requested deferral of her request to allow more time to meet with the community.

Motion by Mr. Salley to grant a deferral for the request for special exception for 1116 House Street; seconded by Mr. McKnight.

Mr. Young advised Ms. Culler as there had been one previous deferral to be prepared to present at the next meeting without another deferral.

Motion for deferral passes 4-0.

A. NEW BUSINESS

- 7. 13-019-SE Dist. 2 1511 Gregg Street (TMS# 11403-10-09) Special Exception to establish a Residential Care Facility (Mike Kelly, Suggs and Kelly Investments, LLC)(C-1).**

Mike Kelly of Suggs and Kelly Investments, property owner, presented. Property will be rented to Ms. Dwiyana Owens Hill, founder and CEO of the Pressley House, for use as residential care facility.

Motion by Mr. Salley to approve the request for special exception for 1511 Gregg Street to establish a residential care facility based on the applicant's testimony and application presented, and subject to staff comments with regard to fire and code requirements being met on the building; there will be no negative impact on traffic as traffic will be minimal; no impact on vehicular and pedestrian traffic; no impact in terms of noise/lights/fumes/ or obstruction of air flow upon adjoining property as people will be inside; no impact upon the aesthetic character of the environs, it will actually be an improvement to the property and neighborhood; no adverse impact to the neighborhood; and the number of residents limited as noted in the applicant's package; seconded by Ms. Durkin. Request granted 4-0.

- 8. 13-020-V Dist. 4 835 Kawana Road (TMS# 13808-07-02) Variance to side yard setback requirement to construct a carport (Mark Timbes)(RS-2).**

Mark Timbes, homeowner and applicant, presented.

Motion by Mr. Salley to grant the request for variance for 835 Kawana Road to the sideyard setback requirements to construct a carport as all criteria are met; there are extraordinary and exceptional conditions that pertain to the subject property due to the shared lot lien with Heathwood Park; conditions do not generally apply to other properties; because of these conditions, the requirements of the Zoning Ordinance effectively prohibit or unreasonably restrict the use of the property; the variance would not be of substantial detriment to adjacent property or to the public good, and the character of the district would not be harmed; it is the minimum necessary for use and land building of the structure; and it is not injurious to the neighborhood or detrimental to the public welfare; seconded by Mr. McKnight. Request granted 4-0.

- 9. 13-023-SE Dist. 1 2402 Main Street (TMS# 09113-13-20) Special Exception to establish a trolley, tour bus, and charter bus service (Norman Summers, Columbia Vista Transit System)(MX-1, -NC).**

Norman Summers, applicant, presented.

Residents in opposition of request:

Joshua McDuffie
Tom Levy
Ellen Cooper

Letter of opposition received from the Earlewood Community.

Residents in support of request:

Bobby Sellers

Motion by Mr. Salley to deny the request for special exception for 2402 Main Street to establish a trolley, tour bus, and charter bus service as it will have a significant impact specifically the criteria for special exception for impact of proposal upon traffic which will have a tremendous impact, specifically the hours from 7 PM to midnight/2AM; vehicular and pedestrian safety is not the main issue; however there will be a significant negative impact on noise/lights and fumes or obstruction of air flow to the adjacent neighborhood, especially to the five houses directly behind the property which will be affected to that on a daily basis; orientation and spacing of improvements or buildings would not; it would definitely have an adverse affect on the public interest; seconded by Mr. McKnight. Request for denial granted 4-0.

10. 13-024-SE Dist. 4 S/S Forest Drive (TMS# 16701-05-01 and -02) Special Exception to establish a multifamily development (Matt Mundy, Private Properties, LLC)(C-2).

Teresa Hodge represented the applicant.

Toby Ward, attorney, represented Gregg Park Homeowners Association who is in favor of the request.

Motion by Mr. Salley to approve the request for special exception for S/S Forest Drive to establish a multifamily development based on applicant testimony and written application that the criteria for a variance has been met. The application does not have an adverse impact on traffic; it does not have an adverse impact on vehicular and pedestrian safety; it does not have an adverse impact on noise/lights/fumes or obstruction of air flow upon adjoining property; it does not have an adverse impact on the aesthetic character of the environs, nor the orientation and spacing and improvements or buildings; and does not adversely affect the public interest; conditioned upon approval of the curbcut by SCDOT; seconded by Ms. Durkin. Request approved 4-.0

11. 13-025-V Dist. 4 S/S Forest Drive (TMS# 16701-05-01 and -02) Variance to the parking requirements for a multifamily development (Matt Mundy, Private Properties, LLC)(C-2).

Teresa Hodge represented the applicant.

Toby Ward, attorney, represented Gregg Park Homeowners Association who is in favor of the request.

Motion by Mr. Salley to approve the request for variance for S/S Forest Drive to the parking requirements for a multifamily development based on applicant testimony and written application that the criteria for a variance has been met. There are extraordinary and exceptional conditions that pertain to the subject property, and do not generally apply to other properties; because of these conditions, the Zoning Ordinance would prohibit or unreasonably restrict the use of the property; it would not be of substantial detriment to adjacent property or to the public good, and the character of the district would not be harmed; it is the minimum necessary to make possible use of the land, building or structure, and is in harmony with the purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood or detrimental to the public welfare; seconded by Mr. McKnight. Request granted 4-0.

12. 13-026-V Dist. 4 S/S Forest Drive (TMS# 16701-05-01 and -02) Variance to the buffer yard requirements for a multifamily development (Matt Mundy, Private Properties, LLC)(C-2).

Teresa Hodge represented the applicant.

Toby Ward, attorney, represented Gregg Park Homeowners Association who is in favor of the request.

Motion by Mr. Salley to approve the request for variance for S/S Forest Drive to the buffer yard requirements for a multifamily development based on applicant testimony and written application that the criteria for a variance has been met. There are extraordinary and exceptional conditions that pertain to the subject property, and do not generally apply to other properties; because of these conditions, the Zoning Ordinance would prohibit or unreasonably restrict the use of the property; it would not be of substantial detriment to adjacent property or to the public good, and the character of the district would not be harmed; it is the minimum necessary to make possible use of the land, building or structure, and is in harmony with the purpose and intent of the Zoning Ordinance, and

will not be injurious to the neighborhood or detrimental to the public welfare; seconded by Mr. McKnight. Request granted 4-0.

13. 13-027-V Dist. 4 S/S Forest Drive (TMS# 16701-05-01 and -02) Variance to the landscape requirements to install a living “green” fence instead of masonry or wood (Matt Mundy, Private Properties, LLC)(C-2).

Teresa Hodge represented the applicant.

Toby Ward, attorney, represented Gregg Park Homeowners Association who is in favor of the request.

Motion by Mr. Salley to approve the request for variance for S/S Forest Drive to the landscape requirements to install a living “green” fence instead of a masonry or wood fence based on applicant testimony and written application that the criteria for a variance has been met. There are extraordinary and exceptional conditions that pertain to the subject property, and do not generally apply to other properties; because of these conditions, the Zoning Ordinance would prohibit or unreasonably restrict the use of the property; it would not be of substantial detriment to adjacent property or to the public good, and the character of the district would not be harmed; it is the minimum necessary to make possible use of the land, building or structure, and is in harmony with the purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; in addition, to address staff concerns, staff has the ability to require that an alternate wall be erected if the “green” wall is not established within seven years from the date of the application; seconded by Mr. McKnight. Request granted 4-0.

IV. OTHER BUSINESS

Approval March 12, 2013 minutes.

Motion by Mr. Sally to approve the March 12, 2013 Board of Zoning Appeals Meeting minutes; seconded by Mr. McKnight. Minutes approved 4-0.

V. ADJOURNMENT

There being no further business, motion to adjourn at 2:24 p.m. by Mr. Young.

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