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**CITY OF COLUMBIA**  
**BOARD OF ZONING APPEALS MINUTES**  
**MAY 14, 2013- 10:00 AM**

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

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**In attendance:** Ernest Cromartie, III, Dr. Pat Hubbard, Reggie McKnight, Calhoun McMeekin, Chuck Salley, and Preston Young

**Absent:** Patricia Durkin

**Staff:** Brian Cook, Andrew Livengood, Andrea Wolfe

**I. CALL TO ORDER and DETERMINATION OF QUORUM**

Ernest Cromartie, III, chairperson, called the meeting to order at 10:02 AM, and introduced the members of the Board of Zoning Appeals (BOZA). Mr. Cromartie explained the purpose and role of the Board of Zoning Appeals; speakers sworn in.

Brian Cook, Zoning Administrator, Planning and Development Services Department, said three items have requested deferral. Item 6, **700 Woodrow** request for special exception; and item 7, 700 Woodrow Street request for variance have been administratively deferred; and item 8, **2053 Two Notch Road** special exception have requested to allow for multifamily use of existing building had a personal emergency. These items were administratively deferred by staff.

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. **13-030-SE Dist. 4** **5260 Forest Drive (TMS# 16706-04-11)** Special Exception to establish a drive-through facility (Michael Hicks, Commercial Site Design)(C-3)
2. **13-031-SE Dist. 3** **6070 Garners Ferry Road (TMS# 13716-01-42)** Special Exception to establish a drive-through facility (Will Sturtevant, Woodhill LLC)(C-3)
3. **13-033-SE Dist. 2** **4325 Pine Forest Drive (TMS# 14202-01-33)** Special Exception to establish a beauty shop in a residence (Rozell S. Lindsay, Rozell Beauty Salon)(RS-3)
4. **13-036-SE Dist. 2** **303 Gadsden Street (TMS# 08913-04-02 & -04)** Special Exception to establish an automotive repair shop (Nicholas Wehe, ProAuto, LLC) (M-2, -PD)

**Motion by Mr. Hubbard 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 6-0.**

### **III. REGULAR AGENDA**

#### **A. OLD BUSINESS**

- 5. 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, Columbia Community Outreach, presented on request. Ms. Culler reviewed criteria for special exception.

*Impact of proposal upon traffic* – none. There are five bedrooms and residential manager will reside in one, and each bedroom will house only one resident. Residents all take the bus; while residential manager is the only one with a car.

*Impact of proposal upon vehicular and pedestrian safety* – none

*Impact of proposal in terms of noise, lights, fumes, or obstruction of air flow upon adjoining property* – no affect

*Impact of proposal upon the aesthetic character of the environs, including the possible need for screening from view* – none

There will be rules each resident must follow: no drugs, no overnight company, they must sign out and in when they leave, wash days are Wednesday and Saturday. Ms. Culler testified she would agree to a limit of one person per room for occupancy. Applicant is also requesting a change in zoning to a boarding house as this is for Columbia Community Outreach, a 501 (c)(3) non-profit organization, which offers a variety of services: take care of homeless, create jobs, counseling, feed senior citizens, etc.; however special exception would be given for a residential care facility. This house and services has been in existence for about eight years, and was recently discovered. Applicant was unaware a special exception for use was required.

*Impact of proposal in terms of orientation and spacing of improvements or buildings* – none

*Will proposal adversely impact the public interest?* – homeless are given a place to live and this helps get them off the street.

A residential care manager is always on site, and only one individual would be in each bedroom for a total of four residents.

Willie King, vice-president of the Lion Street Community Association, was sworn in to speak. Mr. King stated the community is opposed to this request as it would not be in the betterment of the neighborhood.

Marvin Heller, president of the Lion Street Community Association, was sworn in to speak. Mr. Heller agreed with Mr. King's comments saying they are opposed to the request.

Josette McDaniel, neighborhood resident was sworn in to speak. Ms. McDaniel is not in favor of a residential care facility at this location and agreed with comments made by Mr. King and Mr. Heller.

Board Discussion was held.

**Motion by Mr. McMeekin to deny the request for special exception for 1116 House** to establish a Residential Care Facility **based on the criteria that it would adversely affect the public interest;** *seconded by Mr. Hubbard.* **Motion to deny granted 6-0.**

Staff will speak with Ms. Culler regarding the current residents and appropriate time period for relocation.

**Motion by Mr. McMeekin amended to deny the request for special exception for 1116 House as it would adversely affect the public interest as based on earlier testimony; seconded by Mr. Hubbard. Motion to deny granted 6-0.**

**A. NEW BUSINESS**

6. 13-028-SE Dist. 3 **Deferred** 700 Woodrow Street (TMS# 11390-01-01 through -09; 11390-02-01 through -11; 11390-03-01 through -11; 11390-04-01 through -11; 11390-05-01 through -11; 11390-06-01 through -11; 11390-07-01 through -11;) Special Exception to allow for multifamily use of existing building (Matt Mundy and Theresa Hodge, Estates Properties, LLC)(C-2 and RG-2, -DP)
7. 13-029-V Dist. 3 **Deferred** 700 Woodrow Street (TMS# 11390-01-01 through -09; 11390-02-01 through -11; 11390-03-01 through -11; 11390-04-01 through -11; 11390-05-01 through -11; 11390-06-01 through -11; 11390-07-01 through -11;) Variance to the parking requirements for a multifamily development (Matt Mundy and Theresa Hodge, Estates Properties, LLC)(C-2 and RG-2, -DP)
8. 13-032-SE Dist. 2 **Deferred** 2053 Two Notch Road (TMS# 11509-01-04) Special Exception to establish a gasoline service station (Rolland E Greenburg, III) (C-3)
9. 13-034-V Dist. 2 **3435 Truman Street (TMS# 11615-01-14)** Variance to the height requirements for a fence (Charles & Lisa Yon)(RS-2)

Charles and Lisa Yon, property owners, presented on the request.

*Extraordinary and exceptional conditions pertain to the subject property* – due to the landscape of the property, it is higher on one end than the other.

*Conditions noted above do not generally apply to other property in the area* – they have an above-ground pool with a deck which makes them visible because of the slope of the property.

*Because of the conditions noted above, the requirements of the Zoning Ordinance effectively prohibit or unreasonably restrict the use of the property* – no

*Approval of the variance would not be of substantial detriment to adjacent property or the public good, and the character of the district would not be harmed* – would not be a detriment to the neighbors or the community.

*Is the variance the minimum necessary* – yes, it is needed for more privacy at their home.

*Is the proposal 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* - yes

BoZA members suggested alternatives that could be used, ie. shrubbery, glass or pergola screening which is allowed without Board approval.

Diane Walley, neighborhood resident, was not opposed to the request.

**Motion by Mr. Hubbard to deny the request for variance for 3435 Truman Street to the height requirements for a fence. There may be extraordinary and exceptional conditions pertaining to the subject property, but there has not been sufficient evidence to have precise information about elevation. The conditions noted do not generally apply result partly from choice of the property owner to have a deck that has a higher grade, so that does not generally apply. There are other ways to**

provide privacy so it does not unreasonably prohibit or restrict use of the property, it would affect the character of the neighborhood, it is not the minimum necessary as there are other ways to provide privacy, and does not appear to be in harmony or intent with the area; *seconded by Mr. McMeekin.* Motion to deny granted 6-0.

Mr. Cromartie asked staff to work closely with the Yons regarding possible options that can be done to provide the privacy they seek.

***Break taken at 11:40 AM with meeting resuming at 11:45AM***

10. 13-035-SE Dist. 1 2115 Wallace Street (TMS# 09016-08-11) Special Exception to reestablish a duplex in a design preservation district (Brett A. Hardt)(RG-1, -DP)

Brett Hardt, property owner, presented. Mr. Hardt reviewed the criteria for special exception.

*Impact of proposal upon traffic* – zero impact on traffic

*Impact of proposal upon vehicular and pedestrian safety* – none

*Impact of proposal in terms of noise, lights, fumes, or obstruction of air flow upon adjoining property* – none, structure is already in place and no outside changes will be made.

*Impact of proposal upon the aesthetic character of the environs, including the possible need for screening from view* – structure blends into the historical neighborhood and matches the surrounding properties

*Impact of proposal in terms of orientation and spacing of improvements or buildings* – no exterior additions or changes

*Will proposal adversely impact the public interest?* – no, it will benefit the public interest and increase the value and quality of the historical neighborhood it reside in.

Ellen Cooper, president of the Cottontown/Bellevue Historic Neighborhood District, advised the applicant that because they are on the national registry, it is possible to receive a 25% state income tax credit when rehabilitating the duplex into a single family residence. Ms. Cooper voiced opposition to the request stating the property does not meet the requirements for a duplex.

**Motion by Mr. Hubbard to deny the request for special exception for 2115 Wallace Street to reestablish a duplex in a design preservation district as it appears there is no question that the period of discontinuance exceeds twelve months; in addition, it is questionable as to whether it also exceeds the 36 months. Even if it did not exceed the 36 month limit, there is the problem of a failure to show how it is more in character than the prior existing use; *seconded by Mr. McKnight.* Motion to deny approved 6-1 with Mr. Salley in opposition.**

***Mr. McKnight left the meeting after this case.***

11. 13-037-SE Dist. 3 744 Greenlawn Drive (TMS# 16409-04-05) Special Exception to establish an automotive repair shop (Cohn & Cohn Investments, LLC)(C-3)

Rick Cohn, Cohn & Cohn Investment, LLC, presented. Mr. Cohn reviewed the criteria for special exception.

*Impact of proposal upon traffic* – none, existing business across the street

*Impact of proposal upon vehicular and pedestrian safety* – none, existing business across the street

*Impact of proposal in terms of noise, lights, fumes, or obstruction of air flow upon adjoining property* – none, existing business across the street; all work will be done on the inside.

*Impact of proposal upon the aesthetic character of the environs, including the possible need for screening from view* – it will improve the area. The site will be landscaped to meet the Zoning Ordinance.

*Impact of proposal in terms of orientation and spacing of improvements or buildings* – existing lot is vacant and building will be constructed to meet all zoning requirements.

*Will proposal adversely impact the public interest?* – no

**Motion by Mr. Hubbard to approve the request for special exception as evidence shows there is no negative impact upon traffic; no impact on vehicular and pedestrian safety; no negative impact in terms of noise/lights/fumes/or obstruction of airflow upon adjoining property; the aesthetic character of the environs will not be negatively impacted, it will be a positive impact; there will be no impact in terms of orientation and spacing of improvements or buildings; and it will not adversely affect the public interest; seconded by Mr. McMeekin. Request for approval granted 5-0.**

#### **IV. OTHER BUSINESS**

**Approve April 9, 2013 Minutes**

**Motion by Mr. Young to approve the April 9, 2013 Board of Zoning Appeals Meeting minutes; seconded by Mr. Salley. Minutes approved 5-0.**

#### **V. ADJOURNMENT**

**There being no further business, motion to adjourn the May 14, 2013 meeting at 12:45 p.m. by Mr. Cromartie.**

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