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**CITY OF COLUMBIA**  
**BOARD OF ZONING APPEALS MINUTES**  
**SEPTEMBER 10, 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, Calhoun McMeekin, Chuck Salley, Preston Young  
**Absent:** Patricia Durkin, Reggie McKnight,  
**Staff:** Brian Cook

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

Ernest Cromartie, chairperson, called the meeting to order at 10:00 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; reviewed general housekeeping rules; speakers sworn in.

**Motion by Mr. Cromartie to adjourn** the meeting to go into Executive Session at 10:02 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 Mr. Cromartie to close the Executive Session and resume** for the regular business meeting at 10:40 AM; **seconded by Mr. McMeekin. Motion carries 5-0.**

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

**II. CONSENT AGENDA**

**A. OLD BUSINESS**

None.

**B. NEW BUSINESS**

1. **13-053-V Dist. 4 1001 Rickenbaker Road (TMS# 13816-02-09)**  
Variance to the secondary front yard requirements to expand a carport (Richard Smith) (RS-1, -FP)

**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 5-0.**

### **III. REGULAR AGENDA**

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

None.

#### **B. NEW BUSINESS**

2. **13-052-V Dist. 3 725 Saluda Avenue (TMS# 11308-06-06)** Variance to the parking requirements to expand a restaurant (Track Four dba Drip) (MX-1, -5P)

Applicant requesting to expand into the space next door which requires a variance to the parking requirement. Eight parking spaces per 1,000 square feet are required for a restaurant, and are reduced by 20% because of the Five Points Overlay.

Sean Mccrossin of Track Four dba Drip presented on the proposed plans for expansion due to increased sales and employee base. The proposed expansion will include a handcrafted gelato store which will attract more families to the Five Points area and offer a family-oriented area. The hours of operation for the coffee shop, Drip, are 7 am to 10 pm Monday through Saturday, and 8 am to 6pm on Sunday. The gelato shop will be open from 11 am to 9 pm. Mr. Mccrossin reviewed the criteria required for a variance.

No one spoke in favor or opposition of the request.

Testimony closed for Board discussion.

**Motion by Mr Hubbard to approve the request for variance for 725 Saluda Avenue. *There are extraordinary and exceptional conditions that pertain to the subject property; the conditions noted above do not generally apply to other property in the area as each store in the area is unique; because of the conditions noted above, the requirements of the Zoning Ordinance would effectively prohibit or unreasonably restrict the use of the property; 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. From the description, it appears it would add to the district and improve it; it is the minimum necessary; the proposal is in harmony with the purpose and intent of the Zoning Ordinance, and it will not be injurious to the neighborhood or otherwise detrimental to the public welfare; it will actually add to it.***

***Motion seconded by Mr. McMeekin. Request for a variance is granted 5-0.***

3. **13-054-V Dist. 1 3121 Park Street (TMS# 09106-16-04)** Variance to the side yard requirements to construct a carport (Greta Pierson) (RS-3, -DP)

Greta Pierson, property owner, presented on her request for a variance to construct an 11'x18' carport to the side of her home. A 2.8 foot setback is needed to construct the garage which will provide protection for her vehicle and enhance the property. The garage will be a wooden structure of a pagoda style with a roof that will have a slight slope to the left for drainage.

Mr. Livengood stated if the BoZA granted approval of the request for variance, approval would still be required by the D/DRC for the design and location of the carport. In conversations held with the city planner regarding how to present this application, it was decided best to present for the variance first as the D/DRC may decide on a design that may not fit into BoZA criteria.

Mr. Cook stated the BoZA is only tasked with the request for a variance for a sideyard setback; the D/DRC will review design.

Mr. Hubbard said he hoped if the request is approved by the Board, that the D/DRC will take caution with the design, and asked if major changes were made, if the request would return to the Board. He voiced concerns that the design may be a detriment to the character of the district. If this particular design is approved and a major change is made in the design, it is a concern.

Ms. Pierson said the look of the structure will not change; this design is what will be presented to the D/DRC. Materials have been approved by staff to use, and she does not want to have anything different. She is not sure of the outcome at D/DRC, but hopes there will be no major changes.

Mr. Cook stated if the Board is inclined to grant the request, specific conditions can be attached to the approval.

No one spoke in favor or opposition of the request.

Testimony closed for Board discussion.

Mr. Salley felt the criteria for special exception were met because of the type of structure being built, and that there was an unusual condition for this request. He felt that building this architectural structure would enhance the neighborhood.

Mr. Hubbard said it met the minimum needed to be considered a workable carport; though Mr. Cromartie was not sure if there would be enough room to open doors on both sides because of the posts on the structure.

Mr. McMeekin stated the applicant did not specify ease in getting in and out of the vehicle. She stated the sun is damaging her vehicle, and the carport was for protecting her vehicle.

Mr. Hubbard did not want the area to be used for storage, and questioned approval being conditioned upon the space not being used for any storage area. Even if it is not used for a car, it cannot be made into a storage area.

Mr. Cromartie opened the request for discussion to ask applicant if she would be agreeable that approval is conditioned based upon no use of storage of any kind. Ms. Pierson agreed to the condition.

**Motion by Mr. Salley to approve the request for a variance for to the side yard requirements for 3121 Park Street to construct a carport. *The applicant has shown that extraordinary and exceptional conditions pertain to the subject property; she has proven that they do not generally apply to other properties in the area; denying the variance would prohibit and unreasonably restrict the use of the property; as she must construct the carport to meet the design guidelines of the neighborhood requiring more than what would normally be required for a carport overhang; it is felt it would not be of substantial detriment to the adjacent property; it will be in the public good and the public character of the district, it is felt it will be an improvement to that property that will carry forward to other properties in the area; she has proven that she will meet the necessary guidelines for the reasonable use of the property; it will not be injurious to neighborhood or otherwise detrimental to the public good. Approval of the variance is conditioned on comments contained in this application by staff and that no storage will be allowed inside the carport.***

***Motion seconded by Mr. Hubbard. Request for variance granted 4-1 with Mr. McMeekin in opposition.***

4. **13-055- SE Dist. 1 3629 River Drive aka 3623 River Drive (TMS# 09107-19-02)** Special Exception to establish an automotive repair shop (Edwin Jones, Jones Collision Repair) (C-3)

Aka address is noted because of differences in the city and the county GIS system with regard to the address as shown on the building. The request is to add an automotive body work component to his existing automotive repair business.

Edward Jones, owner of Jones Detail Services, has been in business since 1997, and stated the structure will be for body work services only with no painting done. Services are done by appointment only because of his other job as a Public Safety Officer at the Department of Mental Health. Hours of operation will be from 9am until 6pm on his off days from his other job. He reviewed the criteria for special exception.

No one spoke in favor or opposition of the request.

Testimony closed for Board discussion.

**Motion by Mr. Hubbard to approve the request for special exception for 3629 River Drive aka 3623 River Drive. *The impact of the proposal upon traffic will be minimal as there will be no change from past years, and work will be done by appointment only. There will be no impact upon vehicular and pedestrian safety; no impact for lights, noise, fumes, or obstruction of air flow. There is only one additional business, a barbershop, in the area on the same side as his automotive shop; there will be no impact on the aesthetic character of environs as the business will be conducted inside and maintained in a professional manner; there will be no impact in terms of orientation and spacing of improvement or buildings as any improvements and remodeling done will be interior; and there will be no adverse impact on the public.***

***Motion seconded by Mr. Salley. Request for special exception granted 5-0.***

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

##### **Approve August 13, 2013 Minutes**

**Motion to approve the August 13, 2013 minutes by Mr. McMeekin, seconded by Mr. Hubbard. Minutes approved 5-0.**

**Motion Mr. Cromartie to move into a brief executive session to address legal matters at 11:41 am.**

**Motion by Mr. Hubbard to close the Executive Session and resume for the regular business meeting at 10:40 AM; *seconded by Mr. McMeekin. Motion carries 5-0.***

#### **V. ADJOURNMENT**

**There being no further business, the September 10th, 2013 meeting was adjourned at 11:39 a.m.**

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