
CITY OF COLUMBIA
BOARD OF ZONING APPEALS MINUTES
JANUARY 14, 2014- 10:00 AM

City Hall Council Chambers
1737 Main Street • Columbia, SC

In attendance: Ernest Cromartie, III, Patricia Durkin, Reggie McKnight, Calhoun McMeekin, Preston Young

Absent: Dr. Pat Hubbard, Chuck Salley

Staff: Brian Cook, Andrew Livengood, Andrea Wolfe

I. CALL TO ORDER and DETERMINATION OF QUORUM

Ernest Cromartie, chairperson, called the meeting to order at 10:03AM, and introduced the members of the Board of Zoning Appeals (BOZA).

II. APPROVAL OF MINUTES

Approve December 10, 2013 Minutes

Motion by Mr. McMeekin to approve the December 10, 2013 Minutes; seconded by Mr. McKnight. Motion approved 5-0.

III. CONSENT AGENDA

A. OLD BUSINESS

None.

B. NEW BUSINESS

1. **13-070-SE Dist. 2 710 Pulaski Street (TMS# 08915-13-06 and -07)**
Special Exception to establish a drive-through banking facility (Steve Simonetti, Edwards Communities Development Company) (MX-2, -ID)

Motion by Ms. Durkin to approve Consent Agenda item 1, 710 Pulaski Street, 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. Young* . **Consent Agenda item approved 5-0.**

IV. REGULAR AGENDA

A. OLD BUSINESS

2. 13-067- Dist. 4901 Monticello Road (TMS# 09212-04-09) Special SE **Withdrawn** Exception to expand a day care facility (Donna Jackson, Nay's Early Learning Academy) (C-1)

B. NEW BUSINESS

Mr. Livengood presented the request for variance for the three individual cases in the same neighborhood on Deer Lake Drive.

Ken Ormond, Columbia attorney, represented the applicant Deer Lake Development Company LLC. Managing member of Deer Lake Development Company, Bill Caymans, represented the company.

Mr. Ormond presented an overview of each case saying the only difference with each case is the depth of the front yard setback to the pond in the backyard. The design and square footage of each home was discussed.

Ellen Davidson, Deer Lake resident, voiced concerns regarding erosion and loss of wildlife with the building of these large homes, and voiced opposition to the requests.

Raymond McSwain, homeowner, voiced opposition to the requests.

Testimony closed for Board discussion.

Mr. Young stated he knew the area and of the issues there. He is aware of developers purchasing property and then selling because of erosion issues, and that is why they are building toward the front of the development. He does not feel the variance requests are necessary.

Mr. McMeekin felt the lots were uniquely shaped, that the proposal would be in harmony with the neighborhood, and that building closer to the street will help with erosion and would not be injurious to the neighborhood.

Testimony opened to allow public to speak.

Vince Catalano, president of the Deer Lake HOA board, was sworn in and voiced support for the requests, and felt the proposed homes would be an improvement to the community.

Testimony closed.

3. 13-071-V Dist. 4 119 Deer Lake Drive (TMS# 22713-01-04) Variance to the front yard setback requirements to construct a single family residence (Deer Lake Development Company, Ltd.) (RG-2)

Motion by Mr. McMeekin to approve the request for variance to the front yard setback requirements to construct a single family residence at 119 Deer Lake Drive as the applicant has demonstrated there are extraordinary and exceptional conditions which pertain to these three pieces of property based on the lot size and layout from other lots in the neighborhood; these conditions don't generally apply to other properties in the vicinity; because of these conditions it would effectively prohibit or unreasonably restrict the utilization of the property; authorization of the variance would not be a detriment to the adjacent property or to the public good, and moving

the houses closer to the street and away from the pond is of benefit to the character of the district; and it is the minimum necessary, and is not injurious to the neighborhood or otherwise to the detriment of the public welfare. He stated he would make this motion for all three properties which can be discussed by the Board.

Motion seconded by Mr. McKnight.

Mr. Cromartie asked Mr. McMeekin to base his motion upon the testimony written affidavit provided.

Mr. McMeekin based the motion upon the information found not only in the application, but also in the testimony offered by the applicant and his counsel.

Mr. Cromartie voiced concerns that the sizes of the houses not exceed what was stated in the application and needed to be limited to that. Discussion ensued regarding this concern and how it should be handled in the motion.

Motion clarified by Mr. McMeekin that the variance is conditioned upon the application and testimony of the applicant that the structure is a single family, two-story 1,910 sq. ft. structure; motion seconded by Mr. McKnight.

Request for variance granted 4-1, with Mr. Young in opposition.

4. **13-072-V Dist. 4 131 Deer Lake Drive (TMS# 22713-01-05)** Variance to the front yard setback requirements to construct a single family residence (Deer Lake Development Company, Ltd.) (RG-2)

Motion by Mr. McMeekin to approve the request for variance to the front yard setback requirements to construct a single family residence at 131 Deer Lake Drive conditioned on the testimony heard by the applicant and his council, and is also limited to what they applied for in the application for a two-story 1,910 sq. ft. structure, criteria is set out to what is to be built in the staff comments. The applicant has demonstrated there are extraordinary and exceptional conditions which pertain to these three pieces of property based on the lot size and layout from other lots in the neighborhood; these conditions don't generally apply to other properties in the vicinity; because of these conditions it would effectively prohibit or unreasonably restrict the utilization of the property; authorization of the variance would not be a detriment to the adjacent property or to the public good, and moving the houses closer to the street and away from the pond is of benefit to the character of the district; and it is the minimum necessary, and is not injurious to the neighborhood or otherwise to the detriment of the public welfare.

Motion seconded by Mr. McKnight.

Request for variance granted 4-1, with Mr. Young in opposition.

5. **13-073-V Dist. 4 143 Deer Lake Drive (TMS# 22713-01-06)** Variance to the front yard setback requirements to construct a single family residence (Deer Lake Development Company, Ltd.) (RG-2)

Motion by Mr. McMeekin to approve the request for variance to the front yard setback requirements to construct a single family residence at 143 Deer Lake Drive conditioned on the testimony heard by the applicant and his council, and is also limited to what they applied for in the application for a two-story 1,910 sq. ft. structure, criteria is set out to what is to be built in the staff comments. The applicant has demonstrated there are extraordinary and exceptional conditions which pertain to these three pieces of property based on the lot size and layout from other lots in the neighborhood; these conditions don't generally apply to other properties in the vicinity; because of these conditions it would effectively prohibit or unreasonably restrict the utilization of the property; authorization of the variance would not be a detriment to the adjacent property or to the public good, and moving the houses closer to the street and away from the pond is of benefit to the character of the district; and it is the minimum necessary, and is not injurious to the neighborhood or otherwise to the detriment of the public welfare.

Motion seconded by Mr. McKnight.

Request for variance granted 4-1, with Mr. Young in opposition.

- 6. 13-074- SE Dist. 2 2739 Covenant Road (TMS# 11515-02-02) Special Exception to expand an elementary school (Deirdre L. Niblock, Center for Learning, Inc.) (RS-1)**

Deirdre Niblock, owner of the Center for Learning, Inc., presented on the request, and reviewed the criteria for special exception.

No one spoke in favor or opposition of the request.

Testimony closed for Board discussion.

Motion by Mr. Cromartie to approve the request for special exception for 2739 Covenant Road to expand an elementary school based upon the testimony given. It does not have an adverse impact upon vehicular and pedestrian safety; it does not have an adverse impact upon the environmental factors; it is neither injurious on the aesthetics, public safety or create a nuisance. Based on the testimony and application, there are not a great concentration of businesses of this nature; that it is consistent with the character of this neighborhood, and is compatible and in the public interest of the surrounding community; seconded by Mr. McMeekin. Request for special exception granted 5-0.

V. OTHER BUSINESS

VI. ADJOURNMENT

There being no further business, motion by Mr. Cromartie to adjourn the December 10th, 2013 meeting; seconded by Mr. Hubbard. Meeting adjourned at 10:45 a.m.

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