
CITY OF COLUMBIA
BOARD OF ZONING APPEALS MINUTES
FEBRUARY 11, 2014- 10:00 AM

City Hall Council Chambers
1737 Main Street • Columbia, SC

In attendance: Ernest Cromartie, III, Dr. Pat Hubbard, Calhoun McMeekin, Chuck Salley

Absent: Reggie McKnight, Patricia Durkin, Preston Young

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 January 14, 2014 Minutes

Motion by Mr. McMeekin to approve the January 14, 2014 Minutes; seconded by Mr. Cromartie. Motion approved 4-0.

Mr. Cook noted changes to the Agenda since publication. Item 7, 1717 West Buchanan Drive, Administrative Appeal of the Zoning Administrator's determination regarding a dwelling unit, was withdrawn at the request of the applicant.

III. CONSENT AGENDA

A. OLD BUSINESS

None.

B. NEW BUSINESS

1. **14-003-SE Dist. 1 1112 Price Ave (TMS# 09012-06-07)** Special Exception to establish a day care facility (Pamela Denise Patterson, Wonderful Minds Child Care Academy) (C-1)

Motion by Mr. Hubbard to approve Consent Agenda item 1, 1112 Price Avenue, 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. Salley. Consent Agenda item approved 4-0.

IV. REGULAR AGENDA

A. OLD BUSINESS

None.

B. NEW BUSINESS

2. **14-001- SE Dist. 3 2910 Rosewood Drive (TMS# 11313-06-02)** Special Exception to establish a liquor store (Scott Mechling, Mechling Properties LLC) (C-3)

Scott Mechling, property owner, presented on the request, and addressed each criterion required for a 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 2910 Rosewood Drive to establish a liquor store as testimony and exhibits have indicated there is no negative impact upon vehicular or pedestrian safety; nor is there negative impact on environmental factors or aesthetics; no problem with public safety and it will not create a nuisance. At this point, there is no problem with concentration of this particular type of use along Rosewood; it definitely fits in with the character of the area and is compatible, and it is in the public interest;

seconded by Mr. McMeekin. Request for special exception granted 4-0.

3. **14-002-V Dist. 2 2530 Harrison Road (TMS# 11514-01-12)** Variance to the rear yard setback requirements to construct a garage (Carlene Clayton) (RS-2)

Carlene Clayton, applicant, presented on the request, and addressed 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 to the rear yard setback requirements to construct a garage at 2530 Harrison Road as there are extraordinary and exceptional conditions which do not generally apply to other properties, one of which as discussed is the topographical aspects of the lot; these conditions don't generally apply to other properties in the vicinity; because of these conditions it would effectively prohibit or unreasonably restrict as they could build a garage that is closer to the property line if it was separate as an accessory use which would not be a good use of the property in terms of density and feel of the neighbors; it will not be of substantial detriment to the adjacent property or to the public good because of the placement of the building; it

is the minimum necessary because of the topography; and will not be injurious to the intent of the area or the neighbors.

Motion seconded by Mr. Salley. Request for variance granted 4-0.

4. **14-004-V Dist. 3 3000 Rosewood Drive (TMS# 11313-06-24)**
Variance to the front yard setback requirements to construct a commercial building (Scott Mechling) (C-2)

Scott Mechling, property owner, presented on the request, and addressed each criterion required for a variance.

Dan Sherer, architect for the project, spoke in favor of the project.

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 to the front yard setback requirements to construct a garage at 3000 Rosewood Drive as there are extraordinary and exceptional conditions as testimony has shown, those include both the slope of the lot, the widening of the road, the effect and the character of the streetscape of the adjacent buildings which do not apply to other properties; it would be a very negative impact upon the use of the property to require them to meet what is required in terms of distance, thus it would unreasonably restrict the use of the property; it will not be of substantial detriment to the adjacent property as the architect has indicated this will help maintain the streetscape; it is the minimum necessary and will satisfy the purpose and intent of the Zoning Ordinance; and will not be injurious to the intent of the neighborhood or the public interest.

Motion seconded by Mr. McMeekin. Request for variance granted 4-0.

5. **14-005-V Dist. 2 907 Senate Street (TMS# 08916-02-02)** Variance to the parking requirements to establish a restaurant (Tim Sittema, C4 Gervais, LLC) (M-1, -DD, -DP)

The Ordinance requires 29 parking spaces and the applicant is proposing a variance of 21 spaces and the remaining eight spaces will be requested by special exception to lease off-site parking in the parking garage across Senate Street.

6. **14-006-SE Dist. 2 907 Senate Street and 1007 Park Street (TMS# 08916-02-02 and 08916-10-02, -10, -11, -12, -15, -16)** Special Exception to permit leased remote parking for a restaurant (Tim Sittema, C4 Gervais, LLC) (M-1, -DD, -DP)

Mr. Salley recused himself from item 5, 907 Senate Street, variance to the parking requirements to establish a restaurant, and item 6, 907 Senate Street, special exception to permit leased remote parking for a restaurant as his place of employment, Colliers International is representing the leasing of the property and does not want any appearance of conflict of interest.

Mr. Cromartie consulted with staff regarding the situation of quorum for these two cases. Mr. Cook stated with only three members of the Board present, both cases cannot be heard because there will not a quorum, and would need to be deferred to the March meeting.

Mr. Cromartie stated to the applicant as there were only four members of the Board present, and only three members who would be able to vote, both cases, by rule, would need to be deferred to the next meeting. Staff will place the requests as the first items on the March Agenda.

JP Scurry, applicant, voiced his concern and displeasure with this situation.

Mr. Cook stated, for the record, that several attempts were made to contact additional members to attempt quorum.

Mr. Cromartie said that he had acknowledged that staff check and confirm that quorum would be ensured. For reflection in the record, staff did contact two other members prior to meeting to attempt quorum.

7. 14-007- Dist. 4 1717 West Buchanan Drive (TMS# 013907-03-18)
AA **Withdrawn** Administrative Appeal of the Zoning Administrator's
determination regarding a dwelling unit (Pete Von Ahn)
(RS-1)

V. **OTHER BUSINESS**

VI. **ADJOURNMENT**

There being no further business, motion by Mr. Cromartie to adjourn the December 10th, 2013 meeting; seconded by Mr. McMeekin and 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