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**CITY OF COLUMBIA**  
**BOARD OF ZONING APPEALS MINUTES**  
November 10, 2015- 10:00 AM

City Council Chambers  
1737 Main Street, 3<sup>rd</sup> Floor • Columbia, SC

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

**Out:** Ernest Cromartie, III, vacancy

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

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

Brian Cook, Zoning Administrator, noted changes to the agenda since publication.

Dr. Pat Hubbard, vice-chairperson, called the meeting to order at 10:02 AM, and introduced the members of the Board of Zoning Appeals (BOZA) and staff.

**II. CONSENT AGENDA**

**A. APPROVAL OF MINUTES**

1. **Approve September 8, 2015 Minutes**

**B. OLD BUSINESS**

2. **15-068-SE Dist. 3 160 and 161 Atlas Court (TMS# 16309-01-77 and -78)**  
Special Exception for a reduction in required parking for an industrial use (Patrick Hudson, ASW Land Partnership) (M-2 and M-2, -FP)

No one spoke in favor or opposition of the requests, or requested any items be removed for discussion.

**Motion by Mr. Young to approve the September 8, 2015 Minutes and to approve the 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; and include the August 11, 2015 Minutes.**

***Motion seconded by Mr. McKnight and Mr. McMeekin simultaneously. Motion approved 5-0.***

**III. REGULAR AGENDA**

**A. OLD BUSINESS**

3. **15-063-SE Dist. 3 3000 Devine Street (TMS# 13804-16-01A and -01B) Special Exception to establish a drive through facility for a restaurant (Will Gillespie, UC HQ-Devine Street) (C-2)**

This application for a special exception to establish a drive-through facility was deferred from the September 8, 2015 meeting of the Board of Zoning Appeals. The request for a parking variance was withdrawn as the size of the restaurant was reduced from +/- 3,225 sq. ft. to +/- 2,875 sq. ft., and in doing so, the parking requirement was met as required by the site plan.

What is being presented today is a request for special exception for a drive-through facility for a restaurant. The applicant has made several revisions to the plan since the September meeting; most notably the patio area has moved across the drive aisle, and the pickup window was shifted to the other side of the building away from Sims Avenue upon suggestion from the City' Traffic Engineer.

As with the original application, staff respectfully suggests that should the board be inclined to approve this request, the following conditions be considered as part of your approval:

- Drive-through window to be used for pickup of orders only, and
- No exterior menu board or call box permitted.

Will Gillespie, UC HQ-Devine Street, proceeded with review of the criteria required for a special exception in terms of the request for a drive through.

- *Proposed special exception will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety. This will not be a traditional drive restaurant; there will be a pick up window for pre-placed orders only which will alleviate the need for parking onsite which will greatly alleviate pedestrian and vehicular traffic.*
- *Proposed special exception will not have a substantial adverse impact on adjoining properties in terms of environmental factors such as noise, lights, glare, vibration, fumes, and odors, obstruction of air or light, and litter. The surrounding area has many existing restaurant facilities already in place, and every precaution will be taken to ensure environmental issues will never be an issue.*
- *Proposed special exception will not have a substantial adverse impact on the aesthetic character in the surrounding area, to include a review of the orientation and spacing of buildings. The intent is to build a first class building that will be an improvement to the area, as this is currently a vacant lot. The drive through window will not be visible due to the layout of the building. There will be little change to the existing tree coverage, where only two of the existing seventeen trees will be removed due to disease. Ongoing preservation will be taken to ensure the health of the trees in the future.*
- *Proposed special exception will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public interest. This will be a well-lit and maintained restaurant as opposed to a vacant lot.*
- *The establishment of the proposed special exception does not create a concentration or proliferation of the same or similar types of use. It will enhance and improve the area at this location, and not be detrimental to the development or redevelopment of the area. This is not a traditional drive-through restaurant.*
- *Proposed special exception is consistent with the character and intent of the underlying district. The proposed special exception is in line with the underlying district and corridor.*
- *Proposed special exception is appropriate for its location and compatible with the permitted uses adjacent to and in the vicinity of the property as the property is already zoned C-2 for restaurants.*
- *Proposed special exception will not adversely affect the public interest. Patrons will be able to dine comfortably in a clean facility.*

The corporate office is located on Devine Street, with expanding businesses in the southeast, and will be around for a long time.

Mr. Gillespie is aware of the large number of letters in support and opposition of the request, stating each organization or association in the area voted and sent a letter of support for the request.

Mr. Salley commended the applicant saying this is a much better plan and better for parking.

Helen Foley, Shandon area resident, spoke in support of the concept of the project but voiced concerns with entry and exit on Sims Avenue because of existing restaurants.

Walter Nash, neighborhood resident, voiced concerns with traffic and pedestrian issues.

Heather Hahn, resident, echoed comments made.

Jennifer Gardner, resident, felt in order to maintain the character of the neighborhood, a more permeable surface is needed instead of concrete and signage should be toned down. She also would like to see some type of compost method because of garbage and refuse.

Mr. Gillespie referred to the revised site plan saying cars will not be able to turn on Sims Avenue but forced to turn and exit on Devine Street. Parking issues have been alleviated because of the drive through window which will allow cars to stack without problems. Underground retention can be installed to assist with stormwater runoff. The drive through window is an essential component and is very important for the business.

Travis Basnett, Alliance Consulting Engineers, Inc., designed the amended site plan. Mr. Basnett said currently there is room for eight cars to stack up with a maximum of twelve cars before issues may occur on Devine Street.

The stormwater and pervious pavement will be handled through the permitting process. The applicants are working to alleviate those concerns. Pervious pavement will be used on part of the site to protect trees, and many of the issue discussed will be handled through the permitting process. The drive through approvals will be handled by permitting through the City of Columbia and SC DOT. The applicants are willing to consider compost methods.

Mark James, resident and business property owner, spoke in favor of the request. Mr. James stated he was not in attendance for this case, however after listening to the discussion and proposal, feels the restaurant will be an amenity and to have a pick up window will an added feature.

As no one else spoke in favor or approval of the request, testimony was closed for Board discussion.

Mr. Young echoed Mr. Salley's comments commending Mr. Gillespie saying it is not often that property owners are willing to reduce the size of the building, and do so many other things upfront.

**Motion by Mr. Salley to approve the request for special exception for 3000 Devine Street to establish a drive through facility for a restaurant based on testimony of the applicant who went through all eight criteria required for a special exception. It is felt he has met all of the standards required. The recommendation is subject to the stipulations of staff contained in the application.**

***Motion seconded by Mr. McMeekin.***

**Mr. Salley stated for clarification that the two stipulations are that the drive through window will be used for pick up only and not have an order at the window type operation; and there will be no exterior board menu or call box on the property.**

**Motion seconded by Mr. McMeekin.**

Mr. Hubbard stated he has been a long time resident in the area and involved in many issues concerning the zoning in the area, including the debate over the Devine Street corridor. The C-2 zoning allowed in the area for commercial and services should accommodate the needs of those close to the area. Though Mr. Gillespie is a good person who presented a good proposal, Mr. Hubbard does not feel this request is good for the area.

Mr. McMeekin said even though he lives a little further out, he feels this area as well as other areas of Columbia belong to him as much as those who live closer in.

Mr. Salley added that he is glad that a young business man who grew up in Columbia is bringing this restaurant concept to Columbia, and is willing to work with everyone.

**Motion to approve the request 4-1 with Mr. Hubbard in opposition of approval.**

<b>4.</b>	<b>15-067- SE</b>	<b>Dist. 2</b>	<b>1819 Hampton Street (TMS# 11403-10-13)</b> Special Exception to establish a residential care facility (Julie Ann Avin, MIRCI) (C-1)
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This request for special exception is to allow the establishment of a residential care facility on the property, which consists of a +/- 2,742 sq. ft. residential building and detached 2-story garage. The property was most recently utilized as a commercial office. According to the applicant, the proposed facility is a "transitional housing program for unaccompanied youth aged 17-24" with 8 to 12 residents in the facility and it would be staffed by professional social workers/counselors 24 hours a day.

Julie Ann Avin, president and executive director of MIRCI, introduced some of the members on the board of MIRCI and presented on the request. Ms. Avin stated that MIRCI is a CARF accredited behavioral health provider by the Commission for Accreditation of Rehabilitation Facilities, and has been around since 1960. Support housing is provided to more than 300 individuals and families in the Midlands. The project proposed today is in partnership with the United Way and the Nord Family Foundation to seek to provide transitional housing for young men ages 17-24 aging out of foster care; who are homeless or at risk of homelessness referred by Richland County School District 1 and District 2; and males who are above the age to stay in the limited number of family shelters in the area which do not allow young men over age 14 to stay with their mother in a family shelter situation.

MIRCI met with City zoning staff to determine the type of property most in line for the proposed use. Staff suggested C-1 with the application for special exception for the residential facility. The term residential care facility in the zoning law is very different from what a licensed residential treatment facility is. This will not be a treatment facility; it will be a support housing program for young men.

The applicants offered to meet with neighborhood associations numerous times, and the immediate neighbors on Hampton Street offered no opposition to the request. Letters of support were provided by the SC Coalition for Young Men, the Fatherhood Coalition, and from Pat Littlejohn.

Michael Wenzinger of LS3P Associates, architects for the project, prepared the application for the program. Mr. Wenzinger stated multiple attempts were made to meet with the neighborhood association. Tentative plans were made to share the project and listen to concerns of the neighborhood. Meetings never occurred as their efforts were declined.

Mr. Wenzinger proceeded with review of the criteria required for a special exception.

- *Proposed special exception will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety. The project will require at most, two or three parking spaces, depending on the number of residents and beds. An existing single curb cut will be maintained with limited traffic.*
- *Proposed special exception will not have a substantial adverse impact on adjoining properties in terms of environmental factors such as noise, lights, glare, vibration, fumes, and odors, obstruction of air or light, and litter. Counseling services and supportive housing will be offered during business hours with very strict and thorough house rules in place. There will be 24-hour professional staff in 12-hour shifts on-site.*
- *Proposed special exception will not have a substantial adverse impact on the aesthetic character in the surrounding area, to include a review of the orientation and spacing of buildings. The existing property is dilapidated. The building will be repaired and portions replaced, it will improve the aesthetic character of the neighborhood and be a positive.*
- *Proposed special exception will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public interest or conditions likely to result in increased law enforcement response. This is not a treatment facility. MIRCI's history can testify to the type of facility this will be. A staff person will be on site at all times, and this will be a very much controlled environment.*
- *The establishment of the proposed special exception does not create a concentration or proliferation of the same or similar types of use, which concentration may be detrimental to the development or redevelopment of the area. The establishment of this project will not create a concentration of or proliferation of the same or similar type of use. There are some other facilities in the adjacent area that are of a different type use.*
- *Proposed special exception is consistent with the character and intent of the underlying district as indicated in the zoning district description, with any applicable zoning overlay district goals and requirements.*

Mr. Cook stated a non-profit residential care facility on the 1600 block of Hampton Street was approved for young pregnant mothers a while back, however this never developed. A fraternity house was also approved on the 1600 block.

Mr. Wenzinger said this is not a fraternity house. It is a smaller concentration of men in a controlled environment. House rules will require the men be productive 40 hours a week, whether by a job or education; and they are monitored 24-hours a day by trained, professional social workers. It is a unique use catering to a different demographic.

- *The proposed special exception is consistent with the character and intent of the underlying district as indicated in the zoning district description. C-1 allows for office, institutional and certain types of residential uses. This is an institution with an office within the building, and is residential in use. This use aligns very well with C-1 zoning.*
- *Proposed special exception is appropriate for its location and compatible with the permitted uses adjacent to and in the vicinity of the property. The City recommended C-1 zoning. The property is in close proximity to the operational facility for MIRCI. The applicants spoke to all immediate neighbors. Though the neighborhood association was not willing to meet, they did want to take the next step to meet with others individually, and those contacted did not oppose the project. This is an optimum location as it offers commercial and educational opportunities for the residents.*
- *Proposed special exception will not adversely affect the public interest. The proposed project will improve the aesthetic character of the neighborhood, and improve the site safety by being monitored and open, and inherently the services offered fill a very important need in Columbia by taking a different approach.*

There will be eight to twelve maximum individuals in the house. Once the home is designed and needs reviewed and assessed, the exact number will be determined. Residents will live there 24-hours a day for four to six months; research determines the length of the program. One staff will be on-site at all times in a 12-hour rotation.

Mr. McKnight spoke highly of the program being CARF accredited and feels it will be a good program.

Ms. Avin stated the maximum accreditation that can be received is three-years. MIRCI just received their newest three-year accreditation this May; all programs that MIRCI operates are accredited - community integration, supportive housing programs, and community housing program. Even though MIRCI is accredited, annual reporting must be done. As new standards and changes come about, MIRCI must implement those changes in their policies and procedures, and send proof of that to the accrediting body.

Deborah Boone, Richland School District 1, spoke on issues and concerns of youth in transition, and the increase in number of unaccompanied youth who have limited to no housing options. She is a member of MIRCI's Human Rights Committee and has firsthand knowledge about the capacity of MIRCI to operate a transitional housing program for young men, and wholeheartedly supports the efforts of MIRCI to develop and manage a supportive housing program for youth in transition.

Jeffery Williams, director of outpatient behavioral care at Palmetto Health Organization Health Care Systems, presented as a 20-year tenured member of Palmetto Health and 20-year tenured licensed counselor and licensed counselor supervisor, and as of January 1 a board member of MIRCI. Mr. Williams voiced support of the development in the context of their relationship at Palmetto Health with MIRCI who they partner with every year to place 12, if not more, individuals who are in transition from behavioral care units. Success with MIRCI has been phenomenal as they consistently successfully place, and maintain those placements, which speaks volumes to the health care systems' ability to transition people out of an acute level of care into a successful community placement. There is an emerging need within this population for this type of program.

Elizabeth Marks, resident and president of the Robert Mills Neighborhood Association and resident, said the neighborhood was unaware of this facility until it had already been planned and presented to zoning for their request and felt it should have been discussed at the conceptual stage. Ms. Marks referenced criterion 4 saying she felt the proposal will result in increased police attention during and after traditional business hours, as well as on weekends. The existing building is not an eyesore and does not have any current active building code violations. The buildings are in close proximity of each other and anything occurring in the building will impact the neighborhood adjacent to the building. She does not feel the proposed special exception is consistent with the character and intent of the underlying district as indicated in the zoning district description, with any applicable zoning overlay district goals and requirements, and does not feel it is appropriate.

Frances Everingham, Clinical Director at MIRCI, spoke on various research statistics for the program. Ms. Everingham spoke in support of the program request.

Jennifer Moore, senior director with United Way of the Midlands, presented on behalf of United Way to speak in favor and support of the project. Ms. Moore feels the program is appropriate for the area. She referenced criterion 7 saying the existing building will be the beneficiary of renovations to bring area standards up. United Way welcomes the project as a neighbor.

John Artz, housing coordinator at MIRCI, together with the operations director, provides oversight to community housing in different apartment complexes owned and operated by MIRCI. He will be involved in the direct oversight/operational side of the housing project. Mr. Artz referenced criterion 2 and 4

regarding concerns of adverse impact to the neighbors and adverse impact on public safety, stating MIRCI has a long track record going back more than 50 years of operating programs in communities with positive relationships in the communities where they are located, as well as positive relationships with law enforcement. He spoke on the daily routine of the program, services provided, and operations that will be used to engage the youth. Currently there are four apartment complexes in the area: one in Zimalcrest-Meadow Lane Court, one on St. Andrews Road, one on Lake Murray by the Dam, and one off of Frink Street in Cayce.

Pauline Cormier, business owner, voiced concerns with concentration of use in the area stating opposition to the project.

Luevenia Bluefort, longtime resident of Cherokee Street, said her neighborhood is in opposition of the project.

Naomi Gilyard, neighborhood resident, agreed with comments made and spoke in opposition of the request.

Stacey Meyer, managing shareholder at McWharther, Bellinger and Associates, spoke in opposition of the project as she does not feel this is the proper location for this project.

Kristen Horner, chair of the board at MIRCI and attorney at Nelson Mullins, said it was important to focus on the eight criteria required for special exception and that it was clear that all eight have been met. MIRCI consistently has been an outstanding neighbor the entire time by providing services to vulnerable members of the community for more than 50 years.

Ms. Horner stated that the concerns voiced today have been heard however this is the first time many of these specific concerns have been heard. Though MIRCI has reached out many times to meet and discuss the program, no one has called back or agreed to have a meeting or returned emails. The unpleasant things heard occurring in the neighborhood are totally unrelated to MIRCI, and neighbors may not even be aware they may be living next to existing houses that MIRCI has because the clients are so well behaved and good neighbors, and the properties well maintained. MIRCI has best practices for providing care and services that meet international standards and that demonstrate a consistent approach to providing care.

Ms. Horne added that historic problems and police reports of things that occurred before MIRCI even considered developing this project should not and do not reflect poorly on MIRCI. This is a wonderful project and all points of the eight criteria have been addressed, and she hopes the Board will find in favor of MIRCI.

Mr. Hubbard said the fifth criterion focuses on concentration and several opponents have focused on concentration of things that are similar to the residential care facility. He asked if the applicants would address why they feel all eight criteria are clearly satisfied.

A specific analysis has been done on this, and Mr. Wenzinger said in looking at criteria five which is subjective, and heard the concerns of density of this kind. It may be easy to perceive that this facility is similar however Transitions and Christ Central are a very different facility than what is proposed.

The second portion of the criterion is very important and density is detrimental to the community as well. It is felt the other facilities are too far away to count in the analysis, and the ones close by are too different in uses to the proposed project, and are in size, use and demographic, this facility is far different than "adjacent uses are". Discussion has been held and it has been stated clearly what MIRCI's

role will be as a neighbor and how the community will be impacted. This will not be a negative contribution to the community in any way.

Ms. Horne stated from the businesses and neighbors who are in close proximity to the project no opposition has been received from Nathans directly across the street, a letter of endorsement has been received from the Fatherhood Initiative, and some of the neighboring law firms have voiced opposition to the project. Clearly in that vicinity there is a not a concentration of that kind of use.

Thomas Ketchen, representing Dr. Dorothy Park and Associates, felt this is not the right location for this project.

Toby Ward, resident and Columbia attorney represented Mike Kelly, who could not be in attendance. Mr. Kelly owns this property as well as numerous other properties in the area, and is aware of issues in the area. He believes in the mission of MIRCI and feels this is the proper area for the project. There will be minimal parking in the area with minimal traffic issues, the residents are young men in a voluntary program trying to do the right thing. Mr. Kelly asks for a favorable vote for the request for special exception and that this use is brought to the area.

Wanda Gail Breedlove, resident, voiced opposition to the request.

Ms. Avin stated this is not a halfway house or a shelter, it is based on best practice models visited by staff, it is known the staffing patterns work in an existence elsewhere and have, it has not just been invented, it has been well-researched, house rules will be enforced for noise, educational schools of higher learning, Boys and Girls Clubs mentoring and apprenticeship will be used, funds earned will be placed in a savings account to be provided upon exist from the program to help with future expenses as permanent residents in the community. Safety issues are an issue in the area for MIRCI as well, so it is not the residents of the project. There will be 24/7 awake staff on-site at all times. Participants will be on-site from 9AM until 2PM; no one will there after 5PM. Police enforcement is done.

Mr. Wenzinger said this is the first time they have been able to interact with neighborhood members and appreciate the interaction. He said the "door is always open" and they welcome any comments and concerns continuously, and want to work with the neighborhood to be a good neighbor and partner to combat the crime in the area. MIRCI's goal in the community is to be a good neighbor and contribute.

Ms. Avin stated the center on Devine Street operates as a day program, it is not residential. Friendship Center is a psycho-social rehab program that serves 16 people a day from 9AM to 2PM. staff are on-site from 8:30AM to 5:00PM, as well as operational staff. Any afterhours issues that have been responded to are not by participants in the program.

Ms. Marks added that Mr. Kelly did not discuss his intentions to allow this use on the property with any of the neighbors. They feel it is not appropriate for their neighborhood.

Testimony closed at this time for Board discussion.

Mr. McMeekin feels positive things have been happening in the area and this is a positive thing.

**Motion by Mr. Salley to approve the request for special exception based on the applicants' testimony of the eight criteria that were recorded in this meeting. It is believed the applicants have demonstrated that they have met the criteria required for special exception and subject to the comments of staff in this application:**

• **The approval shall be for a facility providing transitional housing and related services for unaccompanied youth up to the age of 24 years and shall operate in substantial conformance with the application, submitted materials, and testimony before the board regarding its operation.**

- **The facility shall comply with all state and local requirements, including but not limited to the building code.**
- **Following vacancy, abandonment, or discontinuance of this use for a period of 12 consecutive months, the special exception shall be considered completed and shall expire.**

**Motion seconded by Mr. McKnight. Request for special exception granted 3-2 with Mr. Hubbard and Mr. Young in opposition.**

A brief recess was taken from 12:48PM with meeting resuming at 1:00PM.

- 5. 15-070-SE Dist. 3 6033 Garners Ferry Road (TMS# 16404-01-02) Special Exception to establish an automotive repair shop (Don Thraikill, Discount Tire Company, Inc.) (C-3)**

This application for Special Exception is to allow the establishment of a +/- 7,373 sq. ft., 3-bay automotive repair shop upon the property. Specifically, the applicant proposes to sell and service tires and wheels and has stated that no additional work to vehicles will be performed.

Don Thraikill, applicant, said the retail area facing Garners Ferry will have glass on three sides, and the service area housing the 3-bays will face northwest toward a row of trees. A retaining wall will be relocated but 25 feet of the property line will remain in a heavily vegetative state. Mr. Thraikill spoke on the history of the Discount Tire Company.

No automotive repair will be done at all; the company is a retailer of tires and wheels. Tires and wheels are serviced, such as rotation and air check or tire repair. No automotive services are done – no breaks, no alignment, no undercarriage, or under hood work at all.

Mr. Thraikill agreed to approval conditional upon only Sales and installation of tires and wheels and related services. Cars will not be left in the parking lot. If a vehicle is not picked up it will be driven into the building to be locked up as the shop is responsible for the vehicle. Parts are not ordered, stock tires are on-board. If something does need to be ordered, it will take at a two-three day minimum, so the customer is given a loaner tire.

One criterion speaks about giving back to the community, Discount tire believes anyone who drives a car is a customer. Free services are offered to anyone who drives a car, such as removing a nail in a tire, tires rotated, air pressure check, or resetting the tire pressure sensor monitor.

Responding to Mr. Hubbard, Mr. Thraikill stated his testimony would be the same as the written responses in the packet for the criteria required for a special exception. He was satisfied to making this as part of the record.

Mr. Salley verified with Mr. Thraikill that approval would be conditional upon no storage of new/used tires outside.

Testimony closed for Board discussion.

**Motion by Mr. Salley to approve the special exception. The applicant, in testimony and written documentation, has demonstrated that the proposed use will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety; the proposed special exception will not have a substantial adverse impact on adjoining properties in terms of environmental factors such as noise, lights, glare, vibration, fumes, odors, obstruction of air**

or light, and litter; the proposed special exception will not have a substantial adverse impact on the aesthetic character in the area; the proposed special exception will not have an adverse impact on public safety or create nuisance conditions detrimental to the public interest or conditions likely to result in increased law enforcement response; the establishment of the proposed special exception does not create a concentration or proliferation of the same or similar types of use, which concentration may be detrimental to the development or redevelopment of the area in which the special exception is occurring; the proposed special exception is consistent with the character and intent of the underlying district as indicated in the zoning district description; the proposed special exception is appropriate for its location and compatible with the uses adjacent to the vicinity; the proposed special exception will not adversely affect the public interest; and granting of the special exception shall be contingent upon the applicant agreeing to limit the automotive use of the property to sales and servicing of tires, and that it will not be used for other automotive mechanical uses, and agree not to store new or used tires outside on the premises; and also recommendation by staff that in the event the property remain vacant for twelve months, it will revert back to the previous use and the special exception will no longer be in effect.

**Motion seconded by Mr. Young. Motion approved 5-0.**

**B. NEW BUSINESS**

6. **15-072-SE Dist. 3 1314 Leesburg Road (TMS# 16414-02-02)** Special Exception to Establish a liquor store (Justine Mwadime) (C-3)  
**Deferred to 12/8/2015**

7. **15-073-V Dist. 3 NX 228 Wateree Street (TMS# 11306-05-05)** Variance to the lot coverage requirements to construct a new single family residence (Richard W. Molten, Molten/Lamar Architects) (RS-3,-DP)

The applicant is requesting a variance to the lot coverage requirements of the RS-3 district in order to construct a proposed single family residence with a 2-car garage. Normally, roofed structures are allowed to cover up to 30% of a lot in single family residential districts; the applicant is requesting to cover up to 39% of the lot instead.

This property is within the Wales Garden Neighborhood and its corresponding Design Preservation overlay, and is surrounded by single family zoned residences. This new home construction will require a Certificate of Design Approval after review by the Design/Development Review Commission (D/DRC).

Richard Molten, applicant, personally met with, discussed, and reviewed the plans with all neighbors on the adjoining five properties, and received their approval and support. Mr. Molten spoke with Jerre Threath, city preservation planner, who has recommended approval for a Certificate of Design Approval. The major request is for coverage of the detached 2-car garage.

Dick Lamar, architect for the project, was in attendance.

Mr. Molten reviewed the criteria required for a variance.

This property is one of the last undeveloped lots in the Wales Garden neighborhood. The request for

variance is reasonable to allow for the full value for a house in the neighborhood. The request is unique from neighboring areas as neighboring lots are non-conforming. There would be extreme hardships because of this unique condition. It will not be a public detriment to adjacent properties. The variance is the minimum necessary. The request satisfies the intent of the Zoning Ordinance and is not a detriment to the public welfare.

Kit Smith, not sworn in for testimony, stated one item of non-truth was that they were unable to talk to one gentleman in the neighborhood as he was unavailable due to illness.

**Motion by Mr. Salley to approve the request for variance based on testimony of the applicant. He has met the criteria, as testified, for the request subject to any stipulations found in the applicant by staff.**

**Motion seconded by Mr. McMeekin and Mr. McKnight. Motion approved 5-0.**

8. 15-074-SE Dist. 2 1311 through 1501 Whaley Street, 226 Bull Street, 101  
**Deferred to 12/8/2015** Pickens Street, 324 Sumter Street, and former Marion Street  
right-of way north of Whaley Street (TMS# 11302-07-02,  
11302-08-02(portion), 11302-09-02, 11306-01-17(portion),  
11306-10-01, 11306-12-01 and -02, 11306-13-01(portion))  
Special Exception for public dormitories (Derek Gruner, University  
of South Carolina) (C-1 and C-1, -PD)

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

#### **V. ADJOURNMENT**

**There being no further business, motion to adjourn the meeting by Mr. McKnight, seconded by Mr. Salley. Mr. Hubbard adjourned the November 10, 2015 Board of Zoning Appeals meeting at 1:02PM.**

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