
CITY OF COLUMBIA
BOARD OF ZONING APPEALS MINUTES
April 11, 2017 - 10:00 AM

City Council Chambers
1737 Main Street, 3rd Floor • Columbia, SC

In attendance: Gene Dinkins, Jr., Tyler Gregg, April Jones, Reggie McKnight, Calhoun McMeekin, Chuck Salley

Absent: Regina Williams

Staff: Brian Cook, Tabitha Proffitt, Rachel Bailey, Andrea Wolfe

I. CALL TO ORDER and DETERMINATION OF QUORUM

Chuck Salley, chairperson, called the meeting to order at 10:05AM. Members of the Board of Zoning Appeals (BOZA) were introduced along with Staff. Quorum was confirmed.

II. CONSENT AGENDA

A. APPROVAL OF MINUTES

1. Approve March 14, 2017 Minutes_

B. OLD BUSINESS

None

C. NEW BUSINESS

None

There were no comments made regarding the approval of the minutes.

Motion by Mr. McMeekin to approve the minutes as presented.

Motion seconded by Mr. McKnight. Motion approved 6-0.

III. REGULAR AGENDA

A. OLD BUSINESS

None

A. NEW BUSINESS

2. 2017-0030-SE Dist. 1 528 Summit Avenue (TMS# 09212-04-05) Special Exception to establish a single-family residence. (Charlene Trapp) (C-2)

Mr. Cook introduced the request for special exception to allow the establishment of a single-family residence.

The parcel contains two structures, both of which have been previously used for commercial uses. The structure oriented toward Summit Ave was originally built as a residential structure, however has more recently been utilized as a Hair Salon. For this request, the applicant is proposing to

convert this existing structure back to its intended use as a single-family residence. Because of the length of time that it has not been used as a single-family residence in a C-2 district, a request for special exception is required.

Charlene Trapp with son Lewis Trapp, applicants, presented the request to reestablish the property into a single-family residence.

Mr. Salley commended Ms. Trapp on the exceptional job in explanation for each of the eight criterion required for a special exception. He felt this could be read into the record as each response was clear and understandable, and it was evident the Board could make a recommendation by reading the comments.

As no one else spoke in favor or opposition of the requests, testimony closed for board discussion.

Motion by Mr. Salley to approve the request based on the written testimony of the applicant subject to any conditions recommended by staff.

Motion seconded by Ms. Jones. Motion carries 6-0.

Mr. Cook stated the next two items at 325 Veterans Road would be heard together. The first request is for a variance to the parking requirements and the second is a request for variance to the buffer transition yard requirements. For purpose of testimony, the applicant will present both requests, however each item will require a separate motion.

3. 2017-0031-V Dist. 4 325 Veterans Road (TMS#16406-06-07) Variance to the parking requirements. (Veterans Road Holdings, LLC) (C-2)

David Brandes of Genesis Consulting Group represented the applicant. The property will be used for a data center/logistics area and a combination of working with the local construction company and a mobile pod user. The main office for the data center is located at Fort Jackson Boulevard, and the mobile pod home office is located Bluff Road; this is more of a secondary office and will house zero full time employees. Staff will come for support only.

Mr. Brandes reviewed the criteria for a request for variance:

- *Extraordinary and exceptional conditions pertain to the subject property* – this particular piece of property is a very unusual, thin triangular piece created when I-77 was constructed. There will be a very limited public access use. There will be some landscaping in the rear but it will not be a consistent twenty feet, however the street yard will be maintained.
- *Conditions noted above do not generally apply to other property in the area* – This is the only triangular piece of property in this area, most other properties have deeper areas.
- *Because of the conditions noted above, the requirements of the Zoning Ordinance effectively prohibit or unreasonably restrict the use of the property* – This property has been vacant since the construction of I-77. It has been hard to find a commercial use for the property due to the narrow depth of the property.
- *Approval of the variance would not be of a substantial detriment to adjacent property or to the public good, and the character of the district would not be harmed* – The variance request would make this parcel similar, thought slightly larger, to adjacent parcels in size and shape. The amount of parking would be similar and the amount of buffer and landscaping would actually be more.
- *Is the variance the minimum necessary?* – Yes. The parking provides more than is needed and allows for delivery space at the rear access of the building. It is felt the landscaping provided will still provide a buffer, and a privacy fence will also be installed. This is a maximization of all requirements and the minimum variance required.
- *Is the proposal in harmony with the purpose and intent of the Zoning Ordinance, and will it not be injurious to the neighborhood or otherwise detrimental to the public welfare?* – Yes. This minimum amount of parking is designed to fit this particular use which is a very low impact use with minimal traffic. There won't be noise or fumes at the location as it will strictly be an office use with internet access and minimal storage.

As no one else spoke in favor or opposition of the requests, testimony closed for board discussion.

Motion by Mr. Dinkins, Jr. to approve the variance to the parking requirements for the proposed computer/data processing business subject to staff comments.

Motion seconded by Mr. McMeekin. Motion carries 6-0.

- 4. 2017-0032-V Dist. 4 325 Veterans Road (TMS# 16406-06-07)** Variance to the buffer transition yard requirements. (Veterans Road Holdings, LLC)(C-2)

Motion by Mr. Dinkins, Jr. to approve the variance to the buffer transition yard requirements subject to staff comments.

Motion seconded by Mr. McMeekin. Motion approved 6-0.

Mr. Cook stated the next two items located at 2244 Sumter Street (aka 2246 and 2248 Sumter Street) Road would be heard together as well. The first request is for a variance to the buffer transition yard requirements and the second request is for a special exception to permit an alternative parking surface. For purpose of testimony, the applicant will present both requests, however each item will require a separate motion.

- 5. 2017-0033-V Dist. 1 2244 Sumter Street (aka 2246 and 2248 Sumter Street) (TMS# 09016-03-01)** Variance to the buffer transition yard requirements. (Frank Cason, CDG Sumter 1) (MX-1, -NC)

Frank Cason of CDG Sumter 1, LLC, applicant, presented the request for variance. Mr. Cason felt it was not feasible to have landscaping or a buffer yard for this property as it would not help the neighbors given the buffer requirement as intended, to remove the concrete and replace with shrubbery. Both neighbors at the rear of the property had been approached and in favor of the proposed variance request. Plans are to remove an existing chain link fence and add an eight-foot wooden privacy fence on the property.

Mr. Cason was unaware of a letter of opposition which had been received from Stacy Shepanek, adjoining property owners at 2203 Marion Street, saying he had not met with them as he felt the request did not impact them.

To provide the buffer would remove a driveway, access the small parking area and remove three to four parking spaces in that area.

Mr. Cason proceeded with review of the criteria required for a variance:
Describe the proposal in detail. They are seeking relief from the buffer yard requirements at the rear of the property. The existing driveway and parking lot would need to be removed to accommodate the buffer yard. Recommend and propose an eight-foot wood fence in lieu of masonry wall so as not to disturb neighboring property, and in lieu of the required landscaping on the applicant's side. There are no other uses located on the subject property.

Staff provided the applicant with the proper criteria to review:

- *Extraordinary and exceptional conditions pertain to the subject property* – trying to preserve the limited parking at the rear of the property. The required buffer would remove parking at the rear, requiring people to park on the streets and in the neighborhood.
- *Conditions noted above do not generally apply to other property in the area* – Few other commercial areas have a residential buffer cutting into necessary parking.
- *Because of the conditions noted above, the requirements of the Zoning Ordinance effectively prohibit or unreasonably restrict the use of the property* – The buffer would cut into the entire

driveway, thus removing access to the rear parking spaces and cutting parking spaces.

- *Approval of the variance would not be of a substantial detriment to adjacent property or to the public good, and the character of the district would not be harmed* – this building and concrete driveway have been in existence for a very long time, and it has not been a very good use. The prior use of the building was an automotive repair shop. The church will be much more advantageous and remove parking spaces.
- *Is the variance the minimum necessary?* – Yes. It will make reasonable use of the small amount of land available.
- *Is the proposal in harmony with the purpose and intent of the Zoning Ordinance, and will it not be injurious to the neighborhood or otherwise detrimental to the public welfare?* – It is, and will benefit the neighborhood by allowing people to park behind the building opposed to somewhere other than the streets.

Currently there are fourteen parking spaces with the gravel lot.

At this time, members of the public were invited to speak in favor or opposition of the request.

Patti Marinelli, resident and homeowner in Cottontown and past president of the neighborhood association, spoke in opposition of the request citing the criteria and her responses:

- losing two parking spaces to allow for the buffer yard requirement would not have much more of an impact than the 200 member congregation will have on the impact of parking in the neighborhood.
- there are three types of developments on that side of the street that do not have a buffer yard because they are undeveloped and do not require one; are on-going businesses that have been grandfathered in and don't require one, or are new developments such as the applicants that receive a variance.
- providing an alternative plan by suggesting the placing of aligned spaces against the wall which would allow individuals to enter the parking area, turn and have parking spaces which would again result in the loss of two parking spaces.
- The buffer zones themselves are established for a good reason. It is not just the adjacent property owners who are affected. Over time, when there is commercial right next to single-family residential, the noise/light/activity is a detriment when there is no buffer zone; those turn into single-family rental and eventually deteriorate.

Ms. Marinelli asked that the Board consider the re-establishment of buffer zones in the area.

Ellen Cooper, immediate past president of the Cottontown/Belleview Historic Neighborhood, spoke on behalf of the entire neighborhood. Ms. Cooper said their board met last night to discuss this property and voiced concerns regarding parking though they knew that could not be addressed as it was under a different set of rules. The neighborhood has, in the past, voiced opposition against not having a buffer for past requests. They want to retain the integrity of a historic neighborhood. Several letters of opposition have been received from residents as well as emails of opposition from the neighborhood association. The neighborhood would like to have the buffer there to create a distinction between the business community and residential community; they would like to keep single-family residences in the area instead of rental property.

David Gentino, pastor of the church proposed as the future tenant at this property, the Columbia Presbyterian Church. They currently meet downtown renting space in the Tapps Building and hope to relocate to Cottontown. Mr. Gentino voiced support of the variance to the buffer zone. This will allow them to have parking during the week while they meet for certain church activities. They are very concerned about being good neighbors wanting to be a church that is in the neighborhood and for the neighborhood. They have spoken with the neighborhood regarding the relocation.

Mr. Cason said that parking arrangements have been made to allow parking in nearby lots for services.

Motion by Mr. Salley to approve the application for the buffer with the stipulation that an eight-foot wooden privacy fence is installed on the property. It is believed the applicant has proven in the application and his testimony that the criteria apply to this specific piece of property to meet this request. Approval to be subject to any other staff comments in the application.

Motion seconded by Mr. Tyler. Motion approved 5-1 with Ms. Jones in opposition.

6. 2017-0034-SE Dist. 1 2244 Sumter Street (aka 2246 and 2248 Sumter Street) (TMS# 09016-03-01) Special Exception to permit an alternative parking surface. (Frank Cason, CDG Sumter 1) (MX-1, -NC)

Mr. Cason spoke on the request for special exception to permit an alternative parking surface. The concrete area is to remain and the existing gravel with weeds and grass will be converted to pea gravel as used in other nearby businesses.

The reason for using the pea gravel is for aesthetics as it is felt no additional asphalt or paved surfaces are needed in the area. In addition this area, primarily this corner of Franklin and Sumter, are prone to flooding and it is felt that adding more paved surface will only add to that.

Mr. Cason then reviewed the criteria required for a special exception.

- *Will not have a substantial adverse impact on traffic or pedestrian safety and adequate provisions are made in the proposed special exception for parking and for loading/unloading.* The request will impact vehicular parking positively by providing a gravel parking lot so that cars will not have to park on the street in the neighborhood. Provisions have been made for a paved handicapped space, as well as paved parking spaces at the rear.
- *There will not be any substantial adverse impact on adjoining properties in terms of noise, lights, glare, vibration, fumes, odors, obstruction of air or light and litter.* There will be no adverse impact on adjacent properties in terms of any of these environmental factors.
- *There will be no substantial adverse impact on the aesthetic character of the area, to include a review of the orientation and spacing of buildings* – It is felt this will be more aesthetically pleasing than an asphalt parking lot.
- *There will be no 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 will provide a safe place for people to park and the building will be improved, to include two ancillary buildings.
- *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 use is proposed to be developed* – the special exception has been used elsewhere in the area, but the alternative surface is better for the area than more asphalt.
- *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* – yes, it does not stray from the character and intent of the district, it is felt this will be complementary to the area.
- *The proposed special exception is appropriate for its location and compatible with the permitted uses* – yes, it provides a much needed gravel parking area to allow people to park on-site and be more attractive in the area.
- *The proposed special exception will not adversely affect the public interest* – will benefit the public by reducing the amount of parking in the area and potential flooding in the area.

As no one else spoke in favor or opposition of the requests, testimony closed for board discussion.

Motion by Mr. McMeekin to approve case 2017-0034-SE as the applicant stated his case and has gone through the criteria. Approval is contingent on testimony given and information in the application, and subject staff comments.

Motion seconded by Mr. Salley. Motion carries 6-0.

IV. OTHER BUSINESS

V. ADJOURNMENT

There being no further business, motion to adjourn by Mr. Salley. Meeting adjourned at 11:30AM.

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