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**CITY OF COLUMBIA**  
**BOARD OF ZONING APPEALS MINUTES**  
**December 11 2018 - 10:00 AM**

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

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**In attendance:** Chuck Salley, Gene Dinkins, Jr., Reggie McKnight, Marcellous Primus, Jenna Stephens

**Absent:** George Schafer, Josh Speed

**Staff:** Rachel Bailey, Hope Hasty, Erica Jaen, Andrea Wolfe

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

Chuck Salley, chair, called the meeting to order at 10:05AM. Members of the Board of Zoning Appeals (BOZA) were introduced along with Staff. Quorum was confirmed. Applicants and others who wished to speak were sworn in.

Rachel Bailey, zoning administrator, noted changes to the agenda since publication. She proceeded with review of the meeting format and consent agenda.

**II. CONSENT AGENDA**

**A. APPROVAL OF MINUTES**

**1. Approve November 13, 2018 Minutes**

**B. OLD BUSINESS**

**NONE**

**C. NEW BUSINESS**

- 2. 2018-0099-SE 3401 Farrow Road (TMS# 11508-01-06)** Special exception to permit a day care (Marion Y. Okere) (C-3)
- 3. 2018-0104-SE 2238 Sumter Street (TMS# 09016-03-12)** Special exception to permit a print shop (CDG Sumter3, LLC) (MX-1, -NC)
- 4. 2018-0105-SE 2323 Harrison Road (TMS# 11511-09-05)** Special exception to establish a general farm, primarily crop use (The Ezekial Center, Inc.) (RG-1)
- 5. 2018-0108-V 4121 Palmetto Ave (TMS# 09210-02-18)** Variance to fence height requirement (Shannon Staley) (RS-3)
- 6. 2018-0109-V 315 South Maple Street (TMS# 11313-04-02)** Variance to fence height requirement (Michael Pate) (RS-3, -CC)
- 7. 2018-0112-V 121 Shop Road Ext. (TMS# 16200-04-18)** Variance to the parking requirement for warehousing use (Hoyt C. Burnett, The Landplan Group South) (M-1)
- 8. 2018-0116-SE 1101, 1105 Pine Street and 2123, 2125 Senate Street (TMS#s 11406-09-12, 13, 14, 15)** Special exception to expand a religious organization (Chappelle Memorial AME Church) (RG-1, -DP)
- 9. 2018-0118-V Labruce Lane (TMS# 13807-03-14)** Variance to setback requirements to construct single-family residence (Thomas & Rebecca Collins) (RS-2, -CC)

No one requested that any item be removed from the Consent Agenda.

**Motion by Mr. Dinkins, Jr. to approve the Consent Agenda subject to any staff comments.**

Motion seconded by Mr. Knight and Mr. Salley simultaneously. Motion approved 5-0.

**III. REGULAR AGENDA**

- 10. 2018-0110-SE 1112 Harden Street (TMS# 11406-09-25)** Special exception to establish a drinking place (William Graham) (MX-1, -5PU)
- 11. 2018-0111-SE 3038 Bronx Road (TMS# 11614-09-07)** Special exception to a towing service (Daryl Elgin, Elgin's of Columbia, Inc.) (C-3)
- 12. 2018-0113-V 1700 Wayne Street (TMS # 09010-10-18)** Variance to setback requirement for an accessory structure (Laddie T. Howard) (RG-3, -DD)

Rachel Bailey, zoning administrator, introduced the request.

Laddie T. Howard, applicant, presented the request for variance to the side yard requirement. The request is due to the construction of a gazebo that sits on the northwestern property line. Mr. Howard provided background on his request. He then reviewed the criteria required for a special exception.

Members of the public were invited to speak in favor or opposition of the request. Cliff Spann, neighborhood resident, spoke in opposition of the request

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

**Motion by Mr. Dinkins, Jr. to deny the variance request to the side yard requirement for an accessory structure.**

**Motion seconded by Mr. Salley. Motion for denial approved 3-2 with Mr. Primus, Mr. Salley and Mr. Dinkins in favor of denial; and Ms. Stephens and Mr. McKnight in opposition.**

- 13. 2018-0114-V 746/748 Harden Street (TMS# 11312-01-01)** Variance to off-street parking requirement for mixed use building (Joseph Azar) (MX-1, -5PL)

Rachel Bailey, zoning administrator, introduced the request.

Joseph Azar, applicant, presented the request. Mr. Azar provided additional documents which consisted of a letter from asst. chief Melron Kelly, a letter from Red Webber (SuperCuts), and pictures from the area to be included as part of the record. He then reviewed the criteria required for a special exception.

Members of the public were invited to speak in favor or opposition of the request.

Amy Beth Franks, executive director of the Five Points Association, did not support or oppose the request but voiced concerns with potential situations and requested approval with conditions.

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

**Motion by Mr. Salley to approve the variance request for the parking request between the hours of 6PM and 3AM to begin on Thursday at 6PM and ending on Sunday morning at 3AM subject to any comments in the application or suggestions by the zoning administrator.**

**Motion seconded by Mr. Dinkins, Jr. Motion approved 5-0.**

**14. 2018-0115-V 746/748 Harden Street (TMS# 11312-01-01)** Variance to the operating hours of a temporary vendor (Joseph Azar) (MX-1, -5PL)

Rachel Bailey, zoning administrator, introduced the request. No temporary vendor shall operate between the hours of 9:00 PM and 9:00AM if the parcel upon which the vendor is located is within 400 feet of a parcel zoned residentially. The closest residentially zoned parcel is +/- 350 feet east of the subject property. The applicant is requesting the temporary vendor operating hours of 6 PM until 3 AM.

Joseph Azar, applicant, presented the request. Much of the information for this request was covered in the discussion of the previous variance request.

**Motion by Mr. Salley to approve this request subject to limitations of 6PM to 3AM beginning on Thursdays at 6PM and ending on Sundays at 3AM. As City permits will continue to apply to this, no further restrictions are necessary.**

Motion tabled to allow members of the public to speak in favor or opposition of this request.

As no one requested to speak, the chair returned to his motion, adding **"approval is subject to any criteria stated in the application and as recommended by staff"**.

**Motion seconded by Mr. Dinkins, Jr. Motion approved 5-0.**

**15. 2018-0117-V 2013 Greene Street (TMS # 11405-09-13)** Variance to the off-street parking requirement for a restaurant (Mike Duganier & Bob McCarthy; All-In Restaurant Group, SC, LLC DBA Publico Kitchen & Tap) (MX-1, -5PL)

Rachel Bailey, zoning administrator, introduced the request. The restaurant currently requires 18 parking spaces; the applicant is proposing zero parking spaces instead to allow expansion of the restaurant.

Mike Duganier, applicant, presented the request. Mr. Duganier met with Amy Beth and the Five Points Association prior to the meeting to inform them of their intent, and received their support of the request.

Members of the public were invited to speak in favor or opposition of the request.

Joseph Azar, business owner, spoke in support of the request

Amy Beth Franks, Five Points Association, confirmed support of the request. Ms. Franks asked that approval of this request be conditional and that, should Publico decide to move out of the space and a new business come in, the Five Points Association would like for the new business to have to make a variance request as well and not necessarily carry this same parking variance.

Ms. Bailey clarified that the variance runs with the property, it cannot be made specific to a specific property owner. However, it would have to be the same use coming in, it would not be a blanket variance, it would have to be another restaurant for the parking variance to apply.

As no one requested to speak, testimony closed for board discussion.

The chair felt the applicant addressed all of the questions asked in the written application and verbally in testimony.

**Motion by Ms. Stephens to approve the application.**

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

**IV. OTHER BUSINESS**

**None**

**V. ADJOURNMENT**

***There being no further business, motion to adjourn by Mr. Salley.***

***Motion seconded by Mr. McKnight Motion approved 5-0. Meeting adjourned at 11:52AM.***

Respectfully submitted by Andrea Wolfe  
Land Use Board Coordinator  
Planning and Development Services Department  
City of Columbia