
CITY OF COLUMBIA
BOARD OF ZONING APPEALS MINUTES
SEPTEMBER 9, 2014- 10:00 AM

City Hall Council Chambers
1737 Main Street • Columbia, SC

In attendance: Ernest Cromartie, III, Patricia Durkin, Dr. Pat Hubbard, Reggie McKnight, Chuck Salley, Preston Young

Absent: Calhoun McMeekin

Staff: Brian Cook, Andrew Livengood, Andrea Wolfe

I. CALL TO ORDER and DETERMINATION OF QUORUM

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

II. APPROVAL OF MINUTES

Approve August 12, 2014 Minutes

III. CONSENT AGENDA

A. OLD BUSINESS

None.

B. NEW BUSINESS

1. [14-039-V](#) **Dist. 2 1231 Lincoln Street (TMS# 08916-01-06)** Variance to the parking requirements for multifamily residences (Eva Sandler, Arial Properties LLC) (M-1, -DD, -DP)
2. [14-040-SE](#) **Dist. 2 204 Huger Street (TMS# 08913-17-01)** Special exception to establish a residence in the Planned Development (-PD) overlay (Philip Moradjian) (RD-2, -DP, -PD)
3. [14-041-V](#) **Dist. 2 204 Huger Street (TMS# 08913-17-01)** Variance to the side yard setback requirements to construct a new single family residence (Philip Moradjian) (RD-2, -DP, -PD)
4. [14-042-V](#) **Dist. 3 116 Marion Street and S/S Heyward Street (TMS# 11306-11-01 and -02)** Variance to the secondary front yard setback requirements to construct an addition (Ann Derrick, University of South Carolina) (RG-2)
5. [14-044-SE](#) **Dist. 2 300 Candi Lane (TMS# 07211-01-03)** Special Exception to establish a mid-rise residential use (Hartley Barber, IZ Holdings, LLC) (C-3 pending)
6. [14-045-SE](#) **Dist. 4 6420 Garners Ferry Road, Suite S (TMS# 16404-08-02)** Special Exception to establish a day care facility (Ciera Nicholas, Smiling Faces Aftercare) (C-3)

Mr. Hubbard recused himself from voting on case #4,116 Marion Street and S/S Heyward Street due to his employment at the University of South Carolina.

Motion by Mr. McKnight to approve the August 12, 2014 Minutes and the Consent Agenda 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 items approved as presented 5-0, with Hubbard recused.**

IV. REGULAR AGENDA

A. OLD BUSINESS

7. [14-036-V](#) Dist. 1 **2500-2510 Main Street (TMS# 09109-09-06 and 09113-01-04)** Variance to the parking requirements for multifamily residences (Ray Design Development) (MX-1, -NC)
Withdrawn by applicant

Mr. Cook stated that item 6, **2500-2510 Main Street (TMS# 09109-09-06 and 09113-01-04)** Variance to the buffer yard requirements for a multifamily development, was withdrawn at the request of the applicant.

B. NEW BUSINESS

8. [14-038-V](#) Dist. 2 **1404 Oak Street (TMS# 11407-15-09)** Variance to the height requirements for a fence within six feet of a residential structure on an adjoining lot (Ray Lynne Borders Gray) (RG-2, -DP)

Ray Borders Gray, property owner, presented on her request and stated a Certificate of Design Approval (CDA) has been issued by planning staff for the design/style of the fence. Ms. Borders Gray reviewed the criteria required for a variance.

Catherine Bruce, Waverly resident and area historian, voiced her support of the request.

Johnny Pressley, neighborhood resident, voiced opposition to any type of fence at the location.

Testimony closed for Board discussion.

Motion by Mr. Hubbard to grant the request for variance at 1404 Oak Street as there are extraordinary and exceptional conditions as discussed. The historic nature and lot layout are part of the problem, and houses were built pre-zoning; as well as the non-conformity of the surrounding houses. These are extraordinary and exceptional conditions that do not generally apply elsewhere. It would prohibit or unreasonably restrict the use of the property to deny granting the variance of an extra foot. It is definitely not a substantial detriment to the adjacent property, or to the public good. It is the minimum necessary, and is in harmony with the purpose and intent of the Zoning Ordinance.

Motion seconded by Ms. Durkin.

Motion approved 6-0, request for variance granted.

It was decided by the Board that case #11 would be heard next as the request and situation were very similar to the case previously heard, and only one house away.

11. [14-047-V](#) Dist. 2 **1408 Oak Street (TMS# 11407-15-07)** Variance to the height requirements for a fence within six feet of a residential structure on an adjoining lot (Whitney Chisholm) (RG-2, -DP)

Whitney Chisholm, property owner, presented on her request and stated a Certificate of Design Approval (CDA) has been issued by planning staff for the design/style of the fence. The same issues pertain to this request as with 1404 Oak Street.

Catherine Bruce, Waverly resident and area historian, voiced her support of the request.

Testimony closed for Board discussion.

Mr. Hubbard stated underlying this motion is an explicit reference to and inclusive of all the facts from the prior case as they are so similar as pointed out by staff.

Motion by Mr. Hubbard, to grant the request for variance at 1408 Oak Street as there are extraordinary and exceptional conditions that do not generally apply with this combination of non-conformities. It would prohibit or unreasonably restrict the use of the property; particularly with the concern to get more people into the neighborhood that are willing to deal with some of the difficulties of the neighborhood [to deny the request]. It would not be a substantial detriment to the adjacent property, nor would it be a detriment to the public good or the character of the district. It would conform and be in harmony with the purpose and intent of the Zoning Ordinance.

Motion seconded by Mr. McKnight.

Motion approved 6-0, request for variance granted.

9. [14-043-V](#) Dist. 3 **1900 Heyward Street (TMS# 11310-15-01)** Variance to the side yard setback requirements to construct a carport (Jeff Alpert, The Crosthwaite Company) (RS-2, -CC1)

Should be the Board be inclined to approve the request for variance, staff requested various conditions and criteria be placed on the approval.

Perry Crosthwaite, builder for the project, presented on behalf of the new property owner, Jeff Alpert. He agreed that all conditions and criteria would be met if approval for the variance is granted. William Dufford, neighbor on the side of the carport, provided a letter in support of the project. Mr. Crosthwaite reviewed the criteria required for a variance.

No one in attendance spoke in favor or opposition of the request.

Testimony closed for Board discussion.

Motion by Mr. Hubbard to grant the request for variance at 1900 Heyward Street as there are extraordinary and exceptional conditions that do not apply generally. All things considered in terms of the nature of that neighborhood in terms of what one has to do in terms of keeping the character consistent. It would unreasonably restrict the use of the property to deny the request. It is definitely not a substantial detriment to the adjacent property, given the paralleling of the two driveways and the minimal way it has been done. It is not harmful to the adjacent property, or the public good. It is the minimum necessary, and is consistent with the purpose and intent of the Zoning Ordinance. Two conditions for the variance are: that there will be no additional concrete, the ribbons will continue to be used to provide a sense of green

there, rather than a mass field; it will be used for parking of cars only, and not for storage of goods. Based on the testimony provided, a third condition that the property line regarding setbacks and the guttering, as in the staff notes, be complied with.

Motion seconded by Mr. Salley.

Mr. Salley asked for clarification on the motion that variance is conditioned upon staff recommendations as he did not hear the full motion.

Mr. Hubbard stated that approval is conditional upon the applicant conforming with the plan and the additional conditions added today.

Motion approved 6-0, request for variance granted.

- 10. [14-046-V](#) Dist. 4 821 Albion Road (TMS# 13905-15-08)** Variance to the side yard setback requirements to construct a new carport and playroom (J. Timothy Hance, Architect, P.A.) (RS-1, -CC1)

Tim Hance, architect for the project, presented on the request on behalf of Billy and Nicole Cantey, property owners.

Mr. Cantey was also in attendance, and provided letters of support from neighbors in adjacent properties. The adjacent property owner who will be encroached upon into the setback area provided a letter of support as well.

Mr. Hance added that they are still within their lot coverage.

He reviewed the criteria required for a variance. The variance being requested is the minimum width necessary for a two-car garage. The shape of the property is an extraordinary and exceptional condition as the property is a tapered along the right side of the property line. The conditions noted above do not generally apply to other properties in the area. Because of these conditions, the requirements of the Zoning Ordinance effectively prohibit or unreasonably restrict the use of the property. The authorization of the variance would not be of substantial detriment to adjacent property or to the public good, and the character of the district would not be harmed. Granting the variance would be in general harmony with the purpose and intent of the Zoning Ordinance, and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.

No one in attendance spoke in favor or opposition of the request for variance.

Testimony closed for Board discussion.

Motion by Mr. Hubbard to grant the request for variance for 821 Albion Road because of the extraordinary and exceptional conditions that do not generally apply to other property. To do deny it would unreasonably prohibit or restrict the use of the property. It would not be of substantial detriment to adjacent property or to the public good, or the character of the district. It is the minimum necessary. It is in harmony with the purpose and intent of the Zoning Ordinance, and would not be injurious to the neighborhood or otherwise to the public good.

Motion seconded by Mr. Salley.

Motion approved 6-0; request for variance granted.

11. [14-047-V](#) Dist. 2 **1408 Oak Street (TMS# 11407-15-07)** Variance to the height requirements for a fence within six feet of a residential structure on an adjoining lot (Whitney Ghisholm) (RG-2, -DP)
Moved to be heard after case #8 because it is a similar request and in the same area.
12. [14-048-V](#) Dist. 3 **2761 Rosewood Drive (TMS# 11313-04-08)** Variance to the parking requirements to establish a physical fitness facility (Wesley L. Adams, Columbia Tai Chi Center) (C-3)

Wesley Adams, applicant, presented on the request. He contacted all surrounding tenants who will be impacted by the request, and no one voiced any issues with the parking.

Mr. Adams reviewed the criteria required for a variance. There are extraordinary and exceptional conditions that pertain to the property due to the widening of the roads by SCDOT in the 1970's which resulted in loss of parking for the building. The conditions do generally apply to other properties, and because of the conditions noted above, it does restrict the use of the property. Approval of the variance would not be a detriment to the character of the district. The variance is the minimum necessary. The requirements of the Zoning Ordinance do restrict the use of the property. The request is in harmony with the Zoning Ordinance.

Mr. Adams teaches three one-hour classes during the week at 10:30 am on Monday and Wednesday, and at 12:15 pm on Tuesday. Those are the only times any daytime parking is required. Staff have been asked to use street parking on South Maple Street, and conversations held with property owners at Rockaways who will allow use of parking as needed in the overflow parking lot next to the business. He also spoke with neighbors to advise that staff will not use their parking, and has monitored the parking situation during classes to ensure there are no problems with parking.

Other classes are held after 6pm and on the weekend where none of the other businesses are open as they are 9am – 5pm businesses. The most parking Mr. Adams needs is for the classes after 6pm or on weekends, when the other businesses are closed. Therefore parking has been a very good situation.

There are no plans to increase the number of classes. Most people attending the classes are professionals who attend after work or on the weekend. The weekday daytime classes are offered for retired persons and some stay-at-home moms who prefer to attend day classes; so there is no need to expand those classes. Mr. Adams originally held one additional class at the other location, and said he would like to have the ability to consider adding one additional class at this location if it becomes necessary. Classes are not held on Fridays as he is the only instructor, and that is his day off, which he prefers to remain as such.

Mr. Hubbard said a condition of approval for the request would be to limit classes to a maximum of six classes during the day from 9 am to 5 pm, with no limit for the evening because parking is not an issue at that time.

No one spoke in favor or opposition of the request.

Testimony closed for Board discussion.

Motion by Mr. Hubbard to grant the request for variance subject to the condition that there will be no more than six classes during the day, Monday through Friday, between the hours of 9 am to 5 pm; and the other hours are not affected. Due to the commercial corridor, there are problems with development and different things happening over the years. Therefore there are extraordinary and exceptional conditions that do not generally apply to other property. It would prohibit or unreasonably restrict the use of the property given the problem with parking to deny the request. It will not be a substantial detriment to adjacent property or to the public good, nor to the character of the district. It is the minimum necessary. It will be in harmony

with the general purpose and intent of the Zoning Ordinance. It will not be injurious to the neighborhood or otherwise to the public welfare.

Motion seconded by Mr. McKnight. Motion approved 6-0, request for variance granted.

13. 14-049-V Dist. 3 919 Airport Boulevard (TMS# 11215-06-15) Variance to the Board requirements for food crops (Robbie McClam, City Roots) (M-1)

Withdrawn by applicant

V. OTHER BUSINESS

Ms. Durkin said because of the situation in Waverly, it would be beneficial to have a way where everyone is in communication with each other. In any instance, if something is turned over to a contractor, the owner is still responsible and needs to know what is going on.

Mr. Cromartie stated he felt the property owner is ultimately responsible for hiring a professional to get things done; however people have a right to rely on their professionals.

Therefore the Board made a recommendation to staff that the professionals take more responsibility for the work and the process. The property owner should not have to represent themselves to fix what the professional has or has not done. Staff should acknowledge what must be done, and ensure the contractors know upfront what to do and acknowledge what they have done.

From an administrative standpoint, certain issues can be resolved before being presented to the Board.

VI. ADJOURNMENT

There being no further business, motion by Mr. Cromartie to adjourn the August 12th, 2014 meeting. Meeting adjourned at 11:49 a.m.

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