
CITY OF COLUMBIA
BOARD OF ZONING APPEALS MINUTES
OCTOBER 14, 2014- 10:00 AM

City Hall Council Chambers
1737 Main Street • Columbia, SC

In attendance: Ernest Cromartie, III, Patricia Durkin, Reggie McKnight, Calhoun McMeekin, Preston Young

Absent: Dr. Pat Hubbard, Chuck Salley

Staff: Brian Cook, Andrew Livengood, Andrea Wolfe

I. CALL TO ORDER and DETERMINATION OF QUORUM

Ernest Cromartie, chairperson, called the meeting to order at 10:00 AM, and introduced the members of the Board of Zoning Appeals (BOZA).

II. APPROVAL OF MINUTES

Approve September 9, 2014 Minutes

III. CONSENT AGENDA

A. OLD BUSINESS

None.

B. NEW BUSINESS

1. [14-050-SE](#) Dist. 2 **1904 Academy Street, Suite C (TMS# 11504-28-06)** Special Exception to establish a beauty salon (Jill Powell Reid, Biltmore Salon & Spa) (C-1)
Withdrawn at request of applicant.
2. [14-052-V](#) Dist. 2 **2411 Two Notch Road (TMS# 11511-11-03)** Variance to the parking requirements for individual and family social services (The Family Shelter, Inc.) (C-3 and RG-1; C-2 pending)

Motion by Mr. Young to approve the September 9, 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. McMeekin. Consent Agenda items approved as presented 5-0.

IV. REGULAR AGENDA

A. NEW BUSINESS

3. [14-051-SE](#) Dist. 2 **1128 Devine Street, Suite B (TMS# 11303-13-04)** Special Exception to establish a tattoo establishment (Willis B. Thompson III, Magnetizm Tattoo 2) (C-3, -DD)

Willis B. Thompson, III, applicant, presented on the request to establish a tattoo establishment in a vacant suite in an existing building.

Mr. Thompson reviewed the criteria required for approval of a special exception:

The proposed special exception will not have a substantial adverse impact on vehicular traffic or pedestrian safety – [the establishment] might add some additional traffic to the area.

The proposed special exception will not have an adverse impact on adjoining properties – there is a Firehouse Subs on the adjacent corner. There will be no noise, lights, fumes, vibrations, and glare.

The request will not have a substantial adverse impact on the aesthetic character of the area – the applicant will comply with everything issued by the Planning and Development Services. Any signage put forth will be presented to the Zoning Board to ensure it will meet the criteria required.

The request will not have a substantial adverse impact on public safety or create nuisance conditions – everything goes on inside the location, there will be no safety issues or any nuisance conditions that will be detrimental to the public interest.

The establishment of the proposed special exception will not create a concentration or proliferation of the same or similar types of special exception use – there are none in the immediate vicinity. The nearest tattoo facility is in the Five Points area; they will be the only tattoo establishment in that close proximity.

Mr. Thompson stated he has a location on 7345 Parklane, and has been a good standing businessman for 6 years. They are close to Ft. Jackson and cater a lot to the military base; as well as numerous clients from Benedict College, UCS and the Midlands Tech area. The new location would be closer in proximity for the students. There will be a manager on location; however Mr. Thompson stated he would be at the new location most of the time because it is a family business. Plans are to have five chairs at this location.

Mr. Cromartie stated, for the benefit of the Board and for the benefit of the applicant, that this request was just one of many steps in the tattoo parlor process. They must have SC DHEC approval and DHEC, based upon the square footage of the facility, will determine how many artists are allowed. If the Board grants the special exception; DHEC requirements must still be followed as DHEC is a separate entity with their own regulations.

No one spoke in favor or opposition of the request.

Testimony closed for Board discussion.

Motion by Ms. Durkin to approve the request for special exception for 1128 Devine Street, Suite B to establish a tattoo establishment based on the findings of the Board. There will be no issues concerning vehicular and pedestrian safety; environmental factors; aesthetics, public safety, nuisance conditions; there is not a concentration of this type of establishment in that area; it will be in keeping with the character of the location; it is compatible; and it will not affect the public interest.

Motion seconded by Mr. Young. Request for special exception granted 5-0.

4. [14-054-V](#) Dist. 3 **1014 Leesburg Road (TMS# 16411-08-01)** Variance to the height requirements for a fence in the primary and secondary front yards (Ryan O'Toole) (RS-1)

Staff reminded that should the Board be included to approve this request, all other requirements of the zoning ordinance must be met, including the requirement that gates not swing into the right-of-way, and the fence no impede site vision clearance for driveways or streets. The Zoning Administrator, along with a zoning inspector, will inspect the site to find the appropriate location of the fence to ensure safety and vision clearance.

Ryan O'Toole, applicant, presented on the request for variance to the height requirements to allow a 6' high privacy fence in the front yard. He feels the slope in the yard necessitates 6' fence and plans to add shrubbery to the front of the fence to allow a small greenway for pedestrians. The request for a 7' variance on the side yard has been removed. Mr. O'Toole agreed to comply with the decision made by staff regarding the ideal location of the fence, and accepting that location.

No one spoke in favor or opposition of the request.

Testimony closed for Board discussion.

A letter of opposition to the request was received from a neighborhood resident, and provided to the BoZA for review.

Mr. Young said he did not see anything in the request that met the criteria for a variance.

Testimony reopened to all Mr. Cromartie to ask the applicant if he would be willing to comply with the following conditions if the variance were to be granted:

- 1) compliance with city visibility requirements;
- 2) some type of shrubbery or landscaping will be provided in front of the fence and maintained; and
- 3) the gate, if installed, will not swing into the right-of-way.

Mr. O'Toole agreed to all three conditions, adding a gate would not be put on the front side of the property; it will be on the side of the property.

Testimony closed for Board discussion.

Testimony reopened for applicant to clarify fence materials. Mr. O'Toole stated the portions of the fence that are currently chain-link will be removed and replaced with wood fencing at a height of 6' to be consistent with the front of the fence. There will be a swinging gate on the Asbury side of the property to allow entry by a vehicle, and the gate will swing into the property.

Motion by Mr. McMeekin to approve the request for variance for 1014 Leesburg Road to the height requirements for a fence in the primary and secondary front yards as there are extraordinary and exceptional conditions that pertain to the property that do not generally apply to other properties. By not granting the variance it would prohibit or unreasonable restrict the utilization of the property. By granting the variance, it will not be a substantial detriment to adjacent property. Approval of the 6' fence along the front of the property is conditioned upon the applicant working with City Staff who will determine the placement or the location of the fence; and will also comply with §17-280 of the Ordinance. Any gates or doors to the fences will open inward. It will be up the applicant to either accept the location of the fence at the front or not.

Motion seconded by Mr. Cromartie to allow discussion. Added to the motion, as stated by the applicant, shrubbery will be provided to soften the fence, and the word "visibility" will be added to the reference of the Ordinance, as it is a key factor.

Motion by Mr. McMeekin amended to include the comments made by Chairperson Cromartie.

Motion by Mr. McMeekin, seconded by Mr. Cromartie with amendments.

Motion approved 5-1 with Mr. Young in opposition of the request. Request for variance granted with conditions.

5. 14-055-V Dist. 3 **203 South Walker Street (TMS# 13801-01-13)** Variance to the front yard setback requirements to construct an addition to a single family residence (McGregor Reid Wallace) (RG-2)

Holly Wallace, property owner, presented on the request to construct a 612 sq. ft. addition to an existing 1937 built single family home. Reid Wallace, contractor for the project, was available as well.

H. Wallace stated there are extraordinary and exceptional conditions that pertain to the subject property due to the age of the home, and the fact it was built prior to the new setback restrictions. If the house was built in line with other homes, there would be no need for a request for a variance. He provided a letter of support from the Rosewood Community Council president, saying they met with the neighborhood and provided them with a copy of the proposed project.

The conditions of this property, i.e., the location of this structure, do apply to other properties in the area as they are very similar in setbacks.

Because of the conditions noted above, the requirements of the Zoning Ordinance effectively prohibit or unreasonably restrict the use of the property. The house is currently very small; with the addition, it will 1) bring the structure up to code, and 2) the renovations will consistently match other houses that are in the neighborhood.

Approval of the variance would not be of substantial detriment to adjacent properties as it will significantly increase the value of each home and the aesthetics of the neighborhood.

The requested variance is the minimum necessary to accomplish the goal.

No one spoke in favor or opposition of the request.

Testimony closed for Board discussion.

Mr. Young asked if the property still met the allowable lot coverage with the inclusion of the additional square footage from the addition. Mr. Cook stated it did.

Motion by Mr. Young to grant the request for variance at 203 South Walker Street as there are extraordinary and exceptional conditions that pertain to the property. These conditions do not generally apply to other properties. Approval of the variance will not unreasonably restrict or prohibit use of the property. It will not be a substantial detriment to the adjacent properties.

Motion seconded by Ms. Durkin.

Motion approved 6-0, request for variance granted.

V. OTHER BUSINESS

VI. ADJOURNMENT

There being no further business, motion by Mr. Cromartie to adjourn the October 14th, 2014 meeting. Meeting adjourned at 10:50 a.m.

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