
CITY OF COLUMBIA
BOARD OF ZONING APPEALS MINUTES
APRIL 14, 2015- 10:00 AM

City Council Chambers
1737 Main Street, 3rd Floor • 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

I. CALL TO ORDER and DETERMINATION OF QUORUM

Ernest Cromartie, chairperson, called the meeting to order at 10:04 AM, and introduced the members of the Board of Zoning Appeals (BOZA).

Brian Cook, Zoning Administrator, noted changes to the agenda since publication. Item 4, **1200 Whaley Street**, and item 6, **1219 Wayne Street and City of Columbia Wayne Street Parking Lot** were withdrawn at request of the applicant. He proceeded with review of the Consent Agenda.

II. CONSENT AGENDA

A. APPROVAL OF MINUTES

Approve March 10, 2015

B. OLD BUSINESS

None.

C. NEW BUSINESS

1. **15-025-SE Dist. 1 825 North Campanella Extension (TMS# 14302-01-08)** Special Exception to establish a beauty salon in a residential district (Evelyn Thompson, Evelyn's Beauty Salon) (RS-3)

2. **15-032-V Dist. 2 707-709 Gervais Street (TMS# 08912-07-09)** Variance to the parking requirements for a restaurant and coffee shop (Scott Garvin, Garvin Design Group) (M-1, -DD, -DP)

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 Consent Agenda, to include the March 10th minutes, 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.

Motion seconded by Mr. McMeekin. Motion approved 5-0.

III. REGULAR AGENDA
A. OLD BUSINESS

- 3. 15-021-AA Dist. 2 2024 Main Street (TMS# 09016-11-06)** Appeal of the Zoning Administrator's determination regarding a changeable copy advertising (billboard) sign (Jay Bender, attorney, Christ Central Ministries) (C-4, -DD)

Brian Cook, Zoning Administrator, provided a summation of the case for 2024 Main Street, Appeal of the Zoning Administrator's determination regarding a changeable copy advertising sign.

Jay Bender, attorney, spoke on behalf of his client Christ Central Ministries.

Hal Stevenson of Grace Outdoor spoke on his request.

Attorney Toby Ward spoke on behalf of his client, Lamar Signs.

Motion by Mr. Cromartie to move into Executive Session.

Motion seconded by Ms. Durkin. Motion to move into Executive Session approved 5-0.

Board entered into Executive Session at 10:33 a.m.

Motion by Mr. Cromartie to leave Executive Session and return to regular meeting proceedings.

Motion seconded by Mr. McMeekin. Motion to resume regular meeting approved 5-0.

Regular Board of Zoning Appeals Meeting resumed at 11:05 a.m.

Mr. Bender presented on the case asking that the zoning administrator's decision be reversed and a permit be issued to Christ Central through Hall Stevenson to replace the sign.

Discussion ensued between the Board, the applicants, staff and Mr. Ward for review and clarification of issues with regard to the Appeal.

Testimony closed for Board discussion.

Motion by Ms. Durkin that the Zoning Administrator's decision for 2024 Main Street is affirmed. It is the decision of the Zoning Board of Adjustment that the proper interpretation of the Ordinance concerning the point is correct. The Zoning Administrator is therefore directed to take action consistent with the decision made previously by the Administrator.

Motion seconded by Mr. Young.

Motion amended by Mr. Cromartie to add the following to Ms. Durkin's motion to state that this decision is based upon the testimony that was given by the Zoning Administrator; based upon the testimony given by the applicant; and based upon testimony and evidence received by the Board, of which there were multiple exhibits, as well as those speaking in favor or opposition of the Zoning Administrator's decision; and the Administrator is directed to take whatever action is consistent with the original decision made on set date.

Motion seconded by Mr. McKnight. Motion accepted as amended approved 5-0.

NEW BUSINESS

- 4 15-024-V Dist. 2 1200 Whaley Street (TMS# 11301-06-01)** Variance to the front yard setback requirement to construct a gasoline station canopy (David Whittington, The Pantry, Inc.) (M-2, -PD, -FP)
- 5. 15-026-SE Dist. 1 4901 Monticello Road (TMS# 09212-04-09)** Special Exception to expand a day care facility (Donna Jackson, Nay's Early Learning Academy) (C-1)

Donna Jackson, applicant, spoke on the request for special exception to permit the expansion of an existing day care facility to allow up to 20 children at the facility.

Ms. Jackson reviewed the criteria for special exception:

- *The proposed increase from 12 children to 20 children will not have an adverse impact on vehicular traffic or vehicular and pedestrian safety.*
- *There will be no change in the hours of operation at the facility.*
- *No aesthetic changes will be made to the property.*
- *The eight additional children will not have an adverse impact on adjoining property in terms of noise. The age range of the children will be six weeks to twelve years of age.*
- *The increased number of children will not have an adverse impact on public safety or create any nuisance conditions, or be detrimental to the public interest.*
- *There is not a proliferation or concentration of the same or similar types of uses in the area.*
- *The proposed use is consistent with the area.*
- *The proposed special exception is appropriate for its location and is compatible with the permitted uses adjacent to and in the vicinity of the property.*
- *If the Board is inclined to grant the special exception, staff has asked that additional conditions be met. The applicant agreed to the five conditions which are: 1) construction, operation, and/or use shall be in substantial compliance with the documents placed on file in conjunction with this case; 2) Operator must be licensed by the SC Department of Social Services or its successor for state licensing (DSS). Number of children permitted in this Day Care Facility shall be as determined by DSS, subject to meeting the parking requirements of the City of Columbia Zoning Ordinance; 3) Play Area. A fenced play area of not less than 3,000 square feet shall be provided. The number of children in the fenced play area at any time shall not exceed the ratio of one child for every 150 square feet of fenced-in play area. No fence shall be less than four feet in height; 4) Loading and unloading. An area adequate for loading and unloading of children to be accommodated shall be provided, and that area shall not be located within any public right-of-way; and 5) Play equipment. No play equipment shall be closer than 20 feet to any residential lot line.*
- *According to DSS, the increase in students will require additional staff which will be provided.*

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

Motion by Mr. Cromartie to approve the request for special exception for 4901 Monticello Road subject to conditions provided in the packet; and subject to the condition that if DSS permits in excess of 20 children, and if the applicant meets the parking regulation that will be required for the permitted children on-site, any future recommendation be deferred to staff and more than likely will be placed on the Consent Agenda.

Motion seconded by Mr. McKnight. Request for Special Exception granted 5-0.

6. 15-027-SE Dist. 2 1219 Wayne Street and City of Columbia Wayne Street Parking Lot (TMS# 08912-06-12 and west of 09009-08-01) **Withdrawn** Special Exception to establish leased offsite parking for a drinking establishment (Garry Dollahite, The Capital Corporation) (M-1, -DD, -DP and M-1, -DD)

7. 15-028-SE Dist. 4 120 Newland Road (TMS# 25600-03-26) Special Exception to establish an auto body repair shop (Matt McCauley, Permit Expeditors of South Carolina, LLC) (C-3)

Should the Board be inclined to approve this request, staff asks that the board consider that, as a condition of approval, the business install and maintain screening around any vehicles which may be temporarily stored upon the site.

Julius Brazell, property owner and owner of Carolina Paint and Body Shop, spoke on the request at this new proposed location which will function as an expansion to an existing auto body shop nearby. Mr. Brazell reviewed the criteria for special exception:

- *There will be no adverse impact on vehicular traffic or vehicular and pedestrian safety.*
- *There will be no adverse impact on adjoining properties in terms of environmental factors such as noise, lights, glare, vibration, fumes, obstruction of air or light, and litter.*
- *There will be no adverse impact on the aesthetic character of the area.*
- *Mr. Brazell agreed to provide and maintain screening around any area where vehicles may be temporarily stored.*
- *There will be no adverse impact on public safety or nuisance conditions created that will be detrimental to the public interest.*
- *The proposed special exception will create a concentration or proliferation of the same use in the area as there are three shops in the area, but the use is in keeping with the area.*
- *The proposed special exception is consistent with the character and intent of the underlying district.*
- *It is appropriate for its location and compatible with the permitted uses in the vicinity of the area.*
- *There will be no adverse impact on the public interest.*

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

Motion by Mr. Cromartie to allow the special exception for 120 Newland Road by granting use for an auto body repair shop. Based upon criteria and testimony given and the application submitted by the applicant, it is noted that the special exception is conditioned upon the applicant providing a screen consistent with compliance with the zoning ordinance and the recommendation of zoning staff in such a way that the screening is around any temporarily stored vehicles on site.

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

8. 15-029-V Dist. 3 3014 Prentice Avenue (TMS# 11313-08-07) Variance to the allowable fence height in required front yard (Roger K. Hyrne) (RS-3)

Roger Hyrne, applicant, spoke on his request for variance to the allowable fence height to contain his German Shepherd.

Mr. Hyrne reviewed the criteria for a variance:

- *Extraordinary and exceptional conditions that pertain to the property – it is felt a 4' high fence will*

- *not provide the privacy desired and will not contain his pet German Shepherd.*
- *The conditions noted above do not generally apply to other properties/pet owners in the area- they do apply to other pet owners in the area, however they keep their pets inside their homes.*

Mr. Hyrne stated he would keep the area maintained. A 4' fence will not allow him the adequate security he desires. Both of his neighbors do not feel the fence height would be of concern and would block their line of sight. He feels the request is the minimum necessary.

A letter of opposition was received from Stanley Dubinsky, neighbor and property owner.

Letter of support received from Lindsey and Jeffrey Kremlick.

Letter of support received from Tina and Richard Robertson.

No one spoke in favor or opposition of the request, testimony closed for Board discussion.

Motion by Ms. Durkin to deny the application for 3014 Prentice Avenue. The applicant did not show that there are extraordinary and exceptional conditions that pertain to this piece of property, and did not show these conditions do not generally apply to other properties in the vicinity. It was not shown that because of these conditions, the application of this division to this particular piece of property prohibit or unreasonably restrict the utilization of this property. The authorization of this variance will not be of substantial detriment to adjacent property. It would not be in the best of interest of the public good or the character of that district.

Motion seconded by Mr. Young. Motion to deny the request approved 5-0.

9. **15-030-SE Dist. 4 4321 Wildcat Road aka 4400 Fort Jackson Boulevard (TMS# 13814-02-06) Special Exception to establish a liquor store (George McLaughlin, Bottles LLC) (C-3, -FP)**

George McLaughlin, applicant, spoke on his request for special exception to establish Bottles, a specialty wine, spirits and liquor store.

Mr. McLaughlin reviewed the criteria for special exception:

- *The proposed use will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety as the area is equipped to handle with five ingress/egress, and ample parking.*
- *There will be no adverse impact on adjoining properties in terms of noise, lights, glare, vibration, or fumes.*
- *There will be no adverse impact on the aesthetic character of the area. This will actually be an improvement and bring positive feedback to the area.*
- *There will be no adverse impact on public safety or create any nuisance conditions that will be detrimental to the public interest.*
- *The proposed use will not create any type of concentration or proliferation of the same or similar type use in this area.*
- *The proposed use is consistent with the character and intent of the underlying district.*
- *The proposed use is appropriate for the location and is compatible with the permitted uses adjacent to and in the vicinity of the property.*
- *The proposed use will not adversely affect the public interest.*

The spirits portion of the establishment will be separated from the beer and wine portion, abide by hours of operation, and shut down on Sundays as regulated by South Carolina law.

Mr. McLaughlin testified that everything submitted in the application would be taken as testimony.

No one spoke in favor or opposition of the request; testimony closed for Board discussion.

Motion by Mr. Cromartie to approve the request for special exception for 4321 Wildcat Road aka 4400 Fort Jackson Boulevard based upon the criteria that has been submitted in writing and the testimony given by the applicant.

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

IV. OTHER BUSINESS

V. ADJOURNMENT

There being no further business, motion by Mr. Cromartie to adjourn the April 12th, 2015 meeting. Meeting adjourned at 1:15 p.m.

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