
CITY OF COLUMBIA
BOARD OF ZONING APPEALS MINUTES
March 14, 2017 - 10:00 AM

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

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

Absent: Tyler Gregg

Staff: Brian Cook, Tabitha Proffitt, Andrea Wolfe

I. CALL TO ORDER and DETERMINATION OF QUORUM

Chuck Salley, chairperson, called the meeting to order at 10:08AM. Members of the Board of Zoning Appeals (BOZA) were. Staff introduced. Quorum was confirmed.

II. CONSENT AGENDA

A. APPROVAL OF MINUTES

1. Approve February 14, 2017 Minutes_

B. OLD BUSINESS

None

C. NEW BUSINESS

- 2. 2017-0022-V Dist. 3 504-506 Sims Avenue (TMS# 13803-01-16)** Variance to the side yard setback requirement to construct an addition for a single-family residence. (Marc Murray and Laura Grooms) (RG-1, -CC1)
- 3. 2017-0023-SE Dist. 4 1155 Clemson Frontage Road (TMS# 25700-02-10 and 25700-02-04)** Special Exception to allow additional units to an existing multifamily apartment complex. (Austin Thornton, Companion at the Palms)(C-3)
- 4. 2017-0024-V Dist. 4 1155 Clemson Frontage Road TMS# 25700-02-10 and 25700-02-04)** Variance to parking requirements for additional units proposed for an existing multifamily use. (Austin Thornton, Companion at the Palms)(C-3)
- 5. 2017-0026-V Dist. 4 4869 Kilbourne Road (TMS# 13816-01-20)** Variance to the side yard setback requirement to construct an addition for a single-family residence. (Rita Bragg Caughman and Marvin J. Caughman)(RS-1, -FP)

Mr. Cook stated that Mr. Dinkins, Jr. had recused himself from item 5 on the Consent Agenda and will therefore refrain from vote on Consent Agenda items.

No one spoke in favor or opposition of the requests, or requested removal for discussion.

Motion by Mr. McMeekin to approve the Consent Agenda based on all the information as found in the applications.

Motion seconded by Ms. Williams. Motion approved 5-0.

III. REGULAR AGENDA

A. OLD BUSINESS

- 6. 2016-0113-V Dist. 3 Lot 9, Block L, Canterbury Road (TMS# 11415-04-08)**
Withdrawn Variance to the front yard setback requirements to construct a single-family residence. (Morris Lyles) (RS-1)

A. NEW BUSINESS

- 7. 2017-0021-V Dist. 2 2521-2523 Richland Street (TMS# 11505-10-06)** Variance to the sign height and size requirements for a religious organization. (Trinity Baptist Church) (RG-2)
Moved to the end of the Regular Agenda.

Mr. Cook introduced the request for a variance to the sign height and size requirements for a religious organization. Within the RG-2 zoning district, a freestanding sign shall not exceed a height of four feet unless it is out of the front yard setback, which in that case it can be six feet. In this particular instance, the sign is within the front yard setback so a maximum height of four feet is allowed.

Additionally the square footage of the sign will be voted on. A regular sign in RG-2 zoning district for religious organizations allows 20 square feet of display surface area per street frontage which is needed for the static display. What is not needed is the additional 20 square feet of changeable copy signage related to activities and services conducted often on the premises. The static square footage of the sign meets the Ordinance. The variance request is to add the additional area for the changeable copy as the applicant is requesting to exceed the allowable 20 square feet of changeable copy.

The applicant was notified of the meeting, however was not yet in attendance. Mr. Cook suggested that the Board make a motion to defer this item to the end of the agenda to allow the applicant time to arrive.

Motion by Mr. McMeekin to defer this item to the end of the agenda.

Motion seconded by Mr. Dinkins, Jr. Motion carries 6-0.

- 8. 2017-0025-SE Dist. 4 821 Leesburg Road (TMS# 16407-08-04)** Special Exception to establish an automotive repair facility. (Bill Goodwin and Brian Smith, RDS Associates) (*Pending C-3*)

Mr. Cook introduced the request for special exception.

Bill Goodwin, applicant, said there were no objections regarding staff comments.

Mr. Goodwin reviewed the criteria required for a special exception.

- *The request will not have a substantial adverse impact on traffic or public safety.*
- *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 as there are no other houses on Alley way.*
- *There will be no change on the aesthetic character of the area, to include a review of the orientation and spacing of buildings.*
- *There will be no negative impact on public safety or create nuisance conditions detrimental to the public interest or conditions likely to result in increased law enforcement response.*
- *The establishment of the proposed special exception does not create a concentration or proliferation of the same or similar types of special exception 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 proposed special exception is consistent with the character and intent of the underlying district as indicated in the zoning district description.*
- *The proposed special exception is appropriate for its location and compatible with the permitted uses adjacent to and in the vicinity of the property.*
- *The proposed special exception will not adversely affect the public interest.*

No one spoke in favor or opposition of the requests, or requested removal for discussion.

Motion by Mr. Dinkins to approve the request for special exception to establish an automotive repair facility subject to staff comments and conditions.

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

- 9. 2017-0027-SE Dist. 2 3409 Farrow Road (TMS# 11508-01-04 and 11508-01-05)**
Special Exception to re-establish a gasoline service station and convenience store. (Harsiddhi Maa, LLC) (C-3)

Brian Cook, Zoning Administrator, introduced the request for a special exception. The request is for two separate special exceptions on the subject property. The first is to re-establish a gasoline service station, and the second is to re-establish an associated convenience store.

The existing buildings on the property were previously a gasoline service station and convenience store with gasoline pumps on the property; however they have been out of operation for over a year. The request to re-establish a gasoline service station requires standard criteria for a special exception must be met.

The request to re-establish a convenience store requires that in addition to the standard criteria, the applicant has committed to a "Good Neighbor Plan". The ordinance further requires that these conditions be made a part of any approved Special Exception. Included in this packet is a copy of a Good Neighbor Plan submitted by and signed by the applicant.

Jake Moore, West Columbia attorney, represented the applicant, Krunal Parmar, who has numerous gasoline service station/convenience stores in other locations. Mr. Moore presented the request to upfit the location with an expanded, nicer canopy; attractive lighting that will be installed under the canopy; brand new gasoline pumps, and double walled underground storage capacity with all automatic LEED protection as defined by DHEC. Appropriate curb cuts are already in place at the location.

A Good Neighbor Plan has been submitted. Mr. Parmar has a good relationship with law enforcement through other locations of operation, and has met with the neighborhood association.

Scott Green, contractor for the project, said plans are to remove the old tanks and install one large double-wall lined tank that will operate four new pumps. The tank and product lines will be underground. The existing canopy will have new soft LED lighting installed and the fascia will be either painted or replaced. SCDHEC has already been approached.

Mr. Moore said the Good Neighbor Plan had been sent to Zoning Officials and it is felt that it meets the criteria. He then reviewed the criteria required for a special exception.

- **The request will not have a substantial adverse impact on traffic or public safety-** *the property is located on Farrow Road which is a main commercial artery. The property was previously used as a service station, there are existing curb cuts and adequate parking at the facility, there is a traffic light in the area, the proposed location of the pumps is consistent with the original traffic flow which existed and has been approved, and there is significant ingress/egress. There should be zero adverse impact on any form of traffic.*

The impact on the community should actually be improved. The color scheme of the property will be brighter and prettier, there will be additional landscaping in the area which is designed to be attractive and maintained, inside painting will be done and new counters added, there will be state-of-the-art computerized cash registers, and there will be a state-of-the-art identification method to identify individuals purchasing cigarettes or alcohol. The appropriate turning lanes are all consistent with good traffic flow.

- **There will not be any substantial adverse impact on adjoining properties with regard to environment;** *it should actually be a betterment. The applicant is aware that there are community concerns regarding the sale of alcohol, but that should be left to the Department of Revenue. There will be no onsite consumption. No adjoining property will be affected by light. There is no vibration. There is only one underground tank that is double walled equipped with automatic leak detection and regulated/approved by DHEC. It is believed there will be no air quality or light quality problems coming from a convenience store. The noises produced, as this is a commercial zone, should have no significant impact.*
- **There will be no change on the aesthetic character of the area, to include a review of the orientation and spacing of buildings.** *The green colored canopy will be changed to a new modern look, the fascia of the canopy will be changed to have an attractive appearance, and the lighting will be significantly improved and turned on. It will be better to have an up fitted modern convenience store than to have a property that sits vacant and allows congregation of individuals who are up to no good. From an aesthetic standpoint, all of these updates will be an improvement. As far as loitering goes, the applicant already knows how to manage and maintain convenience stores and has in place an anti-loitering policy.*
- **There will be no negative impact on public safety or create nuisance conditions detrimental to the public interest or conditions likely to result in increased law enforcement response.** *The property is under the jurisdiction of the City of Columbia police department.*
- **The establishment of the proposed special exception does not create a concentration or proliferation of the same or similar types of special exception 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.** *To the applicant's knowledge, this proposal does not create a concentration of the same or similar type uses. A gas station seems to be the best use for a commercial corridor.*
- **The proposed special exception is consistent with the character and intent of the underlying district as indicated in the zoning district description.** *Yes, this is a commercial area with commercial facilities all around.*
- **The proposed special exception is appropriate for its location and compatible with the permitted uses adjacent to and in the vicinity of the property.** *Yes, in addition, the proposed seller believes it is better to have the location once again activated and modernized.*
- **The proposed special exception will not adversely affect the public interest.**

Krunal Parmar, applicant, said the preferred business hours would be 6AM – 12PM, however he would agree to hours of 7AM – 11PM.

Mr. Moore said the Department of Agriculture regulates gasoline consumption and requires an on-site individual to provide assistance for automatic gasoline consumption.

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

Aaron Wallace, attorney at Gist Law Firm, represented the Belvedere Neighborhood Association, St. John Baptist Church, and other members of the neighborhood behind the proposed request who were in opposition. They felt the request violated some of the criteria required for a special exception.

Diane Wiley, president of the Belvedere Neighborhood Association, voiced opposition to the request saying there was a concentration of similar types of uses in the area.

Pastor James Mack of the Bibleway Church voiced opposition to the request.

Cora Odom, spoke on behalf of her mother who resides in the Ligon Community, voiced opposition because she felt the proposal would bring additional trash to the area.

Mr. Moore and Mr. Parmar addressed comments made by members of the public.

Co-worker Howard Albert assists with community outreach and sports sponsorship for the applicant with schools in the nearby area. Mr. Albert coaches football and they provide food to those in need.

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

Mr. Cook stated staff would review the site plan if the request were granted as far as any renovations, traffic, landscaping, and vehicular/pedestrian flow.

Mr. Cook reminded the Board that two requests were being looked at and two separate votes would be required: the first, a request for special exception for the standalone gasoline/service station; and the second, a request for special exception for the convenience store. He suggested the Board look at the convenience store in totality and not just the sale of beer and wine, as that is the under the purview of the Department of Revenue.

Motion by Mr. Salley, based on the testimony heard today, to approve the request for the gasoline station deny the request for the convenience store. Approval of the gasoline station is based on the criteria heard today and also comply with staff recommendations for the construction, landscaping, curb cuts, etc. as required to meet City regulations. The applicant failed to prove there was not a proliferation of like stores/convenience stores, that it would not be a public nuisance, and that it would not cause any traffic issues.

Motion seconded by Mr. McKnight.

Ms. Jones and Ms. Williams agreed with Mr. Salley's justification however felt two separate motions were required for the requests.

Motion withdrawn by Mr. Salley. New motion made by Mr. Salley to approve the request for the gasoline station.

Motion seconded by Mr. McKnight. Motion approved 4-2 with Ms. Jones and Ms. Williams in opposition.

Motion by Ms. Jones to deny the convenience store based on criterion 2, 3, 4, and 5.

Motion seconded by Ms. Williams. Motion approved 4-2 with Mr. Dinkins, Jr. and Mr. McMeekin in opposition.

Mr. McKnight left the meeting at 12:04PM, quorum was still retained.

10. 2017-0028-V Dist. 4 825 Cross Hill Road (TMS# 13812-07-02) Variance to the fence height requirements. (Matthew Kneece)(RS-1)

Brian Cook, Zoning Administrator, introduced the request for a variance to the height requirements for a fence within the required front yard. A fence up to four feet (48 inches) is normally allowed; the applicant is requesting a five foot tall fence instead.

This property is unique in that it is a through lot, in which it fronts two streets. Should the Board be inclined to approve this application, staff requests as conditions of approval that the proposed fence shall not be located within the right-of-way, and is prohibited from including gates which swing outward into a sidewalk or public right-of-way; the proposed fence shall not impede site vision clearance for driveways; and prior to the issuance of any permits, the applicant shall work with Zoning staff to ensure that the proposed configuration of the fence does not block visibility at intersections per §17-280 of the City of Columbia Code of Ordinances.

There is currently an existing four foot tall wooden fence along Beltline Boulevard and the applicant is proposing to replace this fence with a five foot wooden fence as it is outdated and in need of repair.

Matthew Kneece, applicant, presented the request. Mr. Kneece provided a brief background on the existing fence and reviewed the criteria required for a variance request.

- The one foot variance request to the existing fence height is being requested for noise abatement, headlight abatement as the house is built on a slight hill, and to contain the dog they are in the process of adopting. Beltline Boulevard is directly behind the house, therefore there is not a lot of buffer area in the back.
- The existing fence is not in any public right-of-way, it will impede the sidewalk in any way.
- The driveway is a non-functional driveway and will not be used for any type of vehicular access. The terrain is not conducive for automobiles and will be strictly pedestrian access.

Mr. Kneece provided a pack of letters of support received from neighbors on contiguous and adjacent properties who were advised of the request who felt it would not have any adverse impact on the neighborhood or surrounding properties at all.

Motion by Mr. Salley to approve the request as the applicant has demonstrated that extraordinary and exceptional conditions pertain to his property as it fronts on two roads, one being a major thoroughfare in his backyard.

These conditions do not generally apply to other properties in the neighborhood as only a few properties are between Cross Hill and Beltline Boulevard.

It would prohibit or unreasonably restrict the use of the property if not allowed. From the standpoint of car lights and noise, it would be in the best interest to raise the fence that high.

It would not be any detriment to any adjacent property.

It is the minimum necessary, and the applicant has stated it will be no taller than five feet.

Approval is based on staff comments and recommendations.

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

- 11. 2017-0029-SE Dist. 1 3506 and 3504 Main Street (TMS# 09112-06-08 and 09112-06-05)** Special Exception to permit shared parking for a tattoo shop. (Joseph Jakubs, Salty Dog Tattoo, LLC) (MX-1, -NC)

Brian Cook, Zoning Administrator, introduced the request for special exception to permit shared parking for a proposed tattoo shop. This request presented previously and after meeting with staff, the applicant is presenting a different proposal.

The larger lot has a residential home on it which requires two parking spaces. As this is a through lot, access to the two parking spaces will be from Philips Street. A smaller portion of the commercial warehouse will be used for the tattoo shop. Between the two buildings is a property line with shared parking for the properties which is needed for maneuverability to cross property lines. The two lots share six parking spaces with three on each lot. The applicant is requesting shared parking between

the two uses to give him access to the larger lot in the front and paved area to park three vehicles in conjunction with his business.

Joseph Jakubs, applicant, 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.* This is a lower traffic volume type of business that does a lot of appointments.
- *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 impact on adjacent properties.
- *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 a current building that will be occupied.
- *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 is not a late night type of business and will operate mostly by appointment.
- *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* – there are none in the immediate area.
- *The facility 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, will be occupying a formerly vacant warehouse.
- *The proposed special exception is appropriate for its location and compatible with the permitted uses* – yes, the use is permitted in the MX-1 zoning district.
- *The proposed special exception will not adversely affect the public interest* – this is an art studio.

As no one spoke in favor or opposition of the request, testimony closed for Board discussion and/or a motion.

Motion by Mr. Salley to approve the request for special exception based on the testimony of the applicant and subject to any recommendations of staff.

Motion seconded by Mr. Dinkins, Jr. Motion carries 5-0.

- 7. 2017-0021-V Dist. 2 2521-2523 Richland Street (TMS# 11505-10-06)** Variance to the sign height and size requirements for a religious organization. (Trinity Baptist Church) (RG-2)

Mr. Cook stated this is the previously introduced case that was moved to the end of the agenda. The applicant is proposing to replace the existing free-standing sign and relocate a new free-standing, changeable copy (electronic) sign to a more central location along Richland Street. The proposed sign is larger than what is normally allowed in the district. The portion of the sign with the static display meets the Ordinance.

Within this request, there are two variances that require review: the first is the display surface area for the static display sign, and the second is the height. A free standing sign located in the front yard setback shall not exceed a height of 4 feet; it can go to 6 feet if located outside of the front yard setback. This proposal is in the front yard setback and the applicant is requesting 6 feet.

Oscar Walker III of Trinity Baptist Church, applicant, presented the request. The church is planning to construct a new building next to the church and with the new addition, plans are to move signage to the center of the two buildings. The proposed sign on Richland Street will be a digital sign that

requires larger dimensions than the current one.

the criteria for request for variance was then reviewed:

- *Extraordinary and exceptional conditions pertain to the subject property* – the church owns the entire block so it is all contiguous to the property. There is an existing sign on the property that will be moved to center between the church and new addition.
- *Conditions noted above do not generally apply to other property in the area* – There is an existing sign on the property that will be moved to center between the church and new addition.
- *Because of the conditions noted above, the requirements of the Zoning Ordinance effectively prohibit or unreasonably restrict the use of the property* – it would be unreasonable to restrict the use as there is no adverse impact or detriment to any other property. Signage needs to be visible from the sidestreet and parking lot.
- *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* – has been demonstrated as the Church owns the entire block and there will be no adverse impact. Signage would not block traffic visibility from the left hand land, so it would not be a safety hazard.
- *Is the variance the minimum necessary?* – Yes. The box is on a pedestal and free standing sign.
- *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, it will direct people to the church and not be injurious to the neighborhood.

As no one spoke in favor or opposition of the request, testimony closed for Board discussion and/or a motion.

Motion by Mr. Salley to approve the request for special exception based on the testimony of the applicant and subject to any conditions in the application requested by staff.

Motion seconded by Ms. Jones. Motion carries 5-0.

IV. OTHER BUSINESS

V. ADJOURNMENT

There being no further business, motion to adjourn by Mr. Salley. Meeting adjourned at 12:30PM.

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