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**CITY OF COLUMBIA**  
**BOARD OF ZONING APPEALS MINUTES**  
**FEBRUARY 10, 2015- 10:00 AM**

City Hall Council Chambers  
1737 Main Street • Columbia, SC

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

**Absent:** Chuck Salley, Preston Young

**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).

Brian Cook, Zoning Administrator, reviewed the Consent Agenda as presented.

**II. CONSENT AGENDA**

**A. APPROVAL OF MINUTES**

**Approve January 13, 2015**

**Motion by Mr. Hubbard to approve the January 13, 2015 Minutes.**

***Motion seconded by Mr. Cromartie. Minutes approved 5-0***

**B. OLD BUSINESS**

**None.**

**C. NEW BUSINESS**

- 1. 15-007-SE Dist. 3 1130 Bluff Road (TMS# 11205-03-02)** Special Exception to establish a drive-through for a proposed restaurant (Brian T. Upton, P.E., The Issacs Group, P.C.) (C-3 pending)
- 2. 15-009-SE Dist. 3 +/- 4 acres of parcel on NW side of 7300 Block Patterson Road (TMS# 16316-01-01(portion))** Special Exception to establish multifamily residential in a commercial zone (Mark Richardson, Greenway Residential Development LLC) (C-3)

No one spoke in favor or opposition of the requests, or requested any items be removed for discussion.

**Motion by Mr. Hibbard to approve 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.**

***Motion seconded by Ms. Durkin. Motion approved 5-0.***

**III. REGULAR AGENDA**

**A. OLD BUSINESS**

**None.**

**B. NEW BUSINESS**

- 3. 15-006-SE Dist. 2 3407 Farrow Road (TMS# 11508-01-06)** Special Exception to establish a liquor store (Amit Gohel) (C-3)

Amit Gohel, applicant, was not present at the beginning of the case. As there were numerous members of the public in attendance to speak, staff recommended the case proceed. Conversations were held with the applicant and he was aware of the meeting.

Because proper notice had been given to the applicant, and at the advice of staff, the Chairperson made the decision to proceed with the case.

Mary Harts, Colonial Heights Neighborhood and St. John Baptist Church, spoke in opposition of the request voicing concerns regarding traffic issues and concentration of liquor stores in the area.

Milton Kimpson, St. John Baptist Church, spoke in opposition of the request on behalf of the church. A statement had been provided by Pastor Jamie Graham late yesterday as well. With regard to the criteria for a request for special exception, this is a very heavily traveled area with high traffic volume. Additional traffic will have a great impact on the community. The request will also have a substantial impact on adjoining properties. Responding to the last criteria, he feels retail liquor stores have an adverse impact on communities, and there is a concentration of such in the area.

Ms. Harts provided petitions to Mr. Livengood from neighbors and church members who could not be in attendance at the meeting. For the record, Mr. Cromartie stated these consisted of a beer, wine and liquor store protest sheet with 34 signatures, and another protest sheet with six signatures.

The applicant arrived at this time. Mr. Cromartie, chairperson, followed normal process to allow the applicant to present his application. Anyone else wishing to speak in favor or opposition could do so after the presentation.

Applicants, Amit Gohel and Vishal Gohel were sworn in.

Mr. Vishal Gohel presented on the request. They currently own a store that sells snack items and patrons of that store suggested adding a liquor store. Because the store is too close in proximity to a school, the Gohels found a location a couple of miles away to locate the liquor store.

Mr. Gohel felt all the criteria required for special exception was addressed.

***There is adequate parking, and high volume of traffic is not anticipated. There is also an area for loading and unloading.***

***There will be no additional lighting or noise because liquor will be sold for off-site consumption only.***

***The area will be maintained and there will be no adverse impacts on the character of the area.***

***As the store sells liquor for off-site consumption, it is felt there will be adverse impact on the public.***

***This will not be a detriment to the development or redevelopment of the area.***

***This is consistent with the zoning district character.***

***This is a suggestion from the patrons, and as such, was taken on as a business venture to help those patrons get what they wanted. As such, it is felt it is in the public interest. Many of the patrons are in the immediate area walk there and some will drive.***

The scheduled hours of the store will be from 10 am to 7 pm, but are subject to change depending on staffing and business; however will be in compliance with state liquor laws.

Donald Gist, attorney for St. John Baptist Church, spoke in opposition of the request. Mr. Gist referenced the comment made by Mr. Gohel with regard to moving the location of the liquor store because of the proximity to the school. He noted St. John Church also operates a school – a preschool – on site; as well as family commercial businesses. The liquor store would have an adverse impact on the community, and the applicants would not be able to control the patrons. Mr. Gist felt the applicants fail to meet special exception criteria 2, 3, 4, 5, and 8.

Reverend Willie Simon of Belvedere Community strongly voiced opposition to the request saying they decrease the value of the community and there are too many existing liquor stores in the area.

Mary Harts stated she was more concerned with foot traffic than vehicular traffic. The foot traffic will have a severe impact on the community; litter from empty bottles, loitering in the neighborhoods, and patrons hanging around the school area.

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

Ms. Durkin questioned the number of liquor stores in the area and what defined concentration.

Mr. Cromartie said he knew of three liquor stores in the area and a convenience store that sold beer and wine. The concentration requirement provided by City Council never provided a definitive number, therefore concentration and density is reviewed on a case-by-case basis and determined on a case-by-case basis. The community is looked at; the number is looked at; as well as the proximity before a determination is made. The text to the Ordinance also questions whether it will be detrimental, particularly to a problem area.

Mr. Hubbard felt it would have a substantial adverse impact on the neighborhood by all the comments made, especially the comment made regarding pedestrian traffic. Someone on foot can travel anywhere around the neighborhood more easily and less noticeable than in a vehicle.

Mr. McMeekin felt more clarification was needed for the definition of concentration, saying the business is trying to better the community, and if people did not support the business, it would fail.

Mr. McKnight voiced opposition to the request as he felt it would be very detrimental to the community.

Ms. Durkin questioned if any business owners in close proximity from the liquor store were in attendance.

Mr. Cromartie responded that he was unaware of any business owners in attendance besides church personnel.

Testimony reopened to specifically answer a question raised by a member of the public.

Alice Holt, business owner in the area, felt the kind of traffic created by liquor stores in the area is not in the best interest of the community in which she operates.

Testimony reclosed.

**Motion by Mr. Hubbard to deny the request for special exception for 3407 Farrow Road to establish a liquor store.**

***Motion seconded by Mr. Cromartie.***

**Request denied 3-2 with Ms. Durkin and Mr. McMeekin in opposition of denial.**

- 4. 15-008-V Dist. 1 2208 Marion Street (TMS# 09016-04-13)** Variance to the lot coverage requirements for an addition to a single family residence (Geoffrey Williams) (RS-3, -DP)

Geoffrey Williams, applicant, presented on the request to add an accessible bathroom to the house for a resident with mobility issues. The application responds to the criteria and architect with an architect familiar with historic design was secured for the project. Setback guidelines to adjacent properties have been met, and the design meets the Design District guidelines. Mr. Williams agreed to comply with design requirements for the Cottontown/Bellevue overlay district, including obtaining a Certificate of Design Approval if required. Lot coverage is already over 30% lot coverage as many older homes are which were built prior zoning. Mr. Williams testified that everything contained in the application is correct.

No one spoke in favor or opposition of the request.

Testimony closed for Board discussion.

**Motion by Mr. Hubbard to approve the request for variance for 2208 Marion Street to the lot coverage requirements for an addition to a single family residence. There are extraordinary and exceptional conditions pertaining to this property that do not generally apply to other properties. Approval will not prohibit or unreasonably restrict the use of the property, or be of substantial detriment to adjacent property or to the public good. The character of the district will not be harmed as evidenced by support of the neighborhood association, and the adjacent neighbors on either side of the house. It fits within an L-shaped space within the house, so it does not extend the footprint of the home, which is unusual**

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

**5. 15-010-V Dist. 1 2203 Gadsden Street (TMS# 09011-02-16)** Variance to the lot coverage requirements for an addition to a single family residence (Brenda Ferguson) (RS-3, -DP)

Brenda Ferguson, homeowner, presented on the request for an addition.

John Wolfe, property builder, said the addition is to correct a drainage problem with an existing concrete slab which slopes back toward the house and has caused significant damage to the property. A sloped roof is proposed which will prevent the water from draining back on the house. Diversions will be added on the right and left side to divert the water to the sides, rain barrels will be placed on the sides to catch the water which will be used to water plants on her property and the neighbors. This will keep water off the neighbor's property as well.

Mr. Cromartie as Ms. Ferguson if the Board is inclined to approve the request, would the applicant be open with applying for a Certificate of Design Approval (CDA) as this is in the Elmwood Park District.

Mr. Wolfe said a CDA had already been obtained and staff had approved of the designs presented. The same siding and same type of windows will be used to meet the historical requirements. Plans were discussed with staff, however the use of rain barrels was not discussed at that time. The room will be 96 square feet, 6 feet by 16 feet.

It is the testimony of the applicant that the information provided in the application can be taken as testimony today. Ms. Ferguson provided letters of support from neighbors on either side of her property, and a text message of support from the president of the neighborhood. She also provided a photo of the addition showing minimum visibility from the street.

No one spoke in favor or opposition to the request.

Testimony closed for Board discussion.

**Motion by Mr. Hubbard to grant the request for variance for 2203 Gadsden Street to the lot coverage requirements for an addition to a single family residence.**

***Motion seconded by Mr. McMeekin. Request for variance granted 5-0.***

**6. 15-011-V Dist. 1 4400 Fair Street (TMS# 09211-05-13)** Variance to the height requirements for a fence (Ron Scott, Eau Claire Cooperative Health Center) (RS-3)

The applicant is requesting a variance to the height requirements to allow for a 6-foot high cyclone fence within a required front yard. A 4-foot high fence would be normally allowed.

Ron Scott of Eau Claire Cooperative Health Centers presented on the request. The property is currently a vacant lot that will be developed for additional medical offices. Mr. Scott feels a 6-foot high fence would help prevent dumping debris on the site and help prevent future property maintenance code violations on the site. The fence will be placed at the front of the property only. The back of the property has a wooden privacy fence that belongs to the Eau Claire Cooperative Health Centers, and there is cyclone fencing on either side of the property that belongs to neighbors.

Mr. Scott agreed as part of his testimony that once the property is developed, the cyclone fence will be removed as it is felt there will be less need of a fence because of staff members present and activity at

the center. An extraordinary and exceptional condition is that the lot currently sits vacant and unsecured. The uniqueness of this will disappear once the property is developed. Documentation submitted is one and the same as the testimony provided today. The fence will adjoin existing fencing which will secure the property.

No one spoke in favor or opposition of the request.

Testimony closed for Board discussion.

**Motion by Mr. Hubbard to approve the request for variance for 4400 Fair Street to the height requirements for a fence as there are extraordinary and exceptional conditions that apply to the property that do not generally apply to other properties in the area. It would prohibit or unreasonably restrict the use of the land. This will not be of substantial detriment to the adjacent property, the public good, or the character of the district. Clarifying precisely that with development, the fence will come down. It is the minimum necessary to achieve these goals. It is in harmony with the general purpose and intent of the Zoning Ordinance, and not injurious to the neighborhood or otherwise detrimental to the public welfare.**

***Motion seconded by Mr. McMeekin. Request for variance granted 5-0.***

#### **IV. OTHER BUSINESS**

##### **Election of Board officers**

**Motion by Mr. Cromartie to defer the election of Board officers to the March meeting to allow for a full Board with the knowledge that Ms. Durkin will not be in attendance, however agreed to elections being held in her absence.**

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

#### **V. ADJOURNMENT**

**There being no further business, motion by Mr. Cromartie to adjourn the February 10th, 2015 meeting. Meeting adjourned at 11:15 a.m.**

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