
CITY OF COLUMBIA
BOARD OF ZONING APPEALS MINUTES
June 9, 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, Chuck Salley, Preston Young

Out: Dr. Pat Hubbard

Staff: Brian Cook, Andrew Livengood, Andrea Wolfe

I. CALL TO ORDER and DETERMINATION OF QUORUM

Ernest Cromartie, chairperson, called the meeting to order at 10:15 AM, and introduced the members of the Board of Zoning Appeals (BOZA) and staff.

II. CONSENT AGENDA

A. APPROVAL OF MINUTES

Approve May 12, 2015 minutes

A. OLD BUSINESS

None.

B. NEW BUSINESS

1. **15-039-SE Dist. 1 5130 Fairfield Road (TMS# 11701-02-05)** Special Exception to establish a single family residence in a commercial zone (Barbara Jones) (C-3)
2. **15-045-SE Dist. 2 3432 Farrow Road, Suite B (TMS# 11508-03-13)** Special Exception to establish a barbershop (Justin L. Williams) (C-1)
3. **15-047-SE Dist. 3 1313 Veterans Road (TMS# 16301-02-02)** Special Exception to allow an alternate parking surface for truck parking (George McCutchen, I-77 Veterans, LLC) (M-1)

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

Motion by Ms. Durkin to approve the Minutes and Consent Agenda items 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. McKnight. Motion approved 6-0.

III. REGULAR AGENDA

A. OLD BUSINESS

4. 15-037-SE Dist. 2 **817 through 825 Main Street and 1120 College Street (TMS# 11304-07-05 and -06)** Special Exception to exceed maximum density per acre for a student housing development (Rodney J. King, EdR) (C-4, -DD)

This request for special exception presented at the May 12, 2015 and was deferred at the request of the applicant who has since amended the operations and management plan, and provided a separate security plan. The applicant also wished to conduct some meetings with the surrounding neighborhood area. The request is to establish a 15-story private student dormitory to permit 704 beds, and parking for automobiles, motor scooters, and bicycles contained within a parking garage.

Rodney King, applicant and vice-president for Development EdR, introduced members of the project team. Issues to be addressed consisted of: height of the project; traffic and safety; impact of the project in the area to allow the Board to distinguish what is already permissible and is being requested.

Mr. King provided a brief introduction of EdR, and proceeded with review of the criteria required for a special exception.

- *Proposed special exception will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety. A traffic study was commissioned and the results concluded this project will not have an adverse impact on traffic. City of Columbia traffic engineer provided an email stating agreement with the study's findings. It is believed this project will actually reduce traffic as most of the traffic will be pedestrian traffic because of its close proximity to the University, the majority of the cars will remain parked in the garage.*
- *Proposed special exception will not have a substantial adverse impact on surrounding properties, but will have a positive impact to adjacent property owners. Emails from surrounding business owners were sent in, and in the spirit of being a good neighbor, the applicants reached out to adjoining properties and received letters of support which were submitted to the Board, as well as many individuals in support of the project were in attendance at this meeting.*
- *Proposed special exception will not have an adverse impact on the aesthetic character in the surrounding area. The design of the building will require D/DRC approval. It is felt this project will be a catalyst for new growth and have a positive impact on the aesthetic character of the neighborhood.*
- *Proposed special exception will not have a substantial adverse impact on public. A security plan and operations plan was provided that outlines the intentions of the development. The safety of all tenants is the number 1 priority. The Board approved Park 7, a very similar development. The applicant stated that in the spirit of reasonableness, they would accept all conditions placed on the Park 7 Group as conditions to their approval.*
- *Establishment of the proposed special exception will not create a proliferation or concentration of the same or similar types of development. With the constantly increasing numbers in student enrollment, there is a need for additional student housing in Columbia. To have housing that is close to the campus with parking adjacent to the campus is better than having students well away from campus and having to drive in which creates an additional traffic burden for the City. City and County Councils have approved this decision unanimously on three readings; and up until now, USC has not been opposed to any of these projects.*
- *Proposed special exception is consistent with the character and intent of the underlying district. The parcels are currently zoned C-4 which has no height restriction. The project is allowed in C-4 zoning as unlimited high-rise.*
- *Proposed special exception is appropriate for its location. This development is appropriate for its location with its proximity to the University of South Carolina. As stated previously, this development*

will reduce vehicular traffic as the majority of tenants will be pedestrian. It is better to have housing closer to the University.

- *Proposed special exception will not adversely affect the public interest. This development will have a positive impact on public interest. It will generate an increase in taxes and revenue for the City.*

Mr. King said in their review, the Park 7 project is extremely similar to this request, and stated they will comply with all conditions/stipulations for approval of this request for special exception as agreed to by Park 7. There will be management on-site 24/7, seven days a week; a residential on-site law enforcement officer; and /or security service. The security layout plan has also been provided. Mr. King stated they will plan to implement the mitigations and other project considerations (pages 6, 7 and 8) of the Traffic Impact and Access Study (TIAS) and agreed to have them placed as conditions for approval of the request.

Ronald Butler of Humphries Partners, architects for the project, presented on the project which meets all density requirements of C-4, -DD overlay. Required parking is being met for residential and retail. Mr. Butler reviewed the plans for the project, and designated use for each floor.

Ted Blackwell, civil engineer with Cox and Dinkins, engineers for the project, spoke on utilities and infrastructure for the project; as well as parking.

For private dormitories, there are two sets of criteria that need to be reviewed: the criteria required for special exception and additional criteria in §17-312(a)(3) which govern a private dormitory. Items that need to be addressed are:

- a. Use and activity that will occur in conjunction with the dormitory use;*
- b. Hours and operation of non-residential services;*
- c. Security plan including provisions for common and parking areas;*
- d. Noise control;*
- e. Provisions for transportation including location for loading/unloading of shuttles or buses, if applicable;*
- f. Location of entrances and exits;*
- g. Location and management of parking for residents and visitors;*
- h. Location of amenities and their relationship and compatibility with adjacent uses.*

Mr. King said those criteria could be addressed by the security consultant. He then reviewed the operations and management plan. Normal facility business hours would be 8AM until 8PM with extended seasonal hours. Property will be staffed by fulltime professional staff are degreed professionals with a special focus on student services. Entry and exit for the parking garage will be off of College Street.

Scott Casey, chief technology officer with EDR, addressed safety and security in the parking garage and stairwells. All access into the building is secured via electronic locks and the parking garage has a security gate. All elevators and stair wells on the first floor require card access. All entrances, exits, lobby, parking garage, stairwell, lab areas, and amenity areas are monitored via security camera.

Eighteen individuals, comprised of ten fulltime and eight community staff, will be on staff at all times; as well as law enforcement personnel and security service. Someone will be in the lobby during the public hours of 8AM to 5PM, and security personnel will be on-site after hours form 5:01PM until 7:59AM. Mr. King reviewed the Traffic Impact and Access Study (TIAS). There will be little, if any, impact on traffic with this project. Due to the close proximity of the project to the University, shuttle service will not be provided. The property may be majority USC students however the applicants said they cannot restrict or limit use by other Universities' students.

The applicants are planning to implement all mitigation recommendations implemented by David Brewer, City Traffic Engineer, as conditions for approval. These consist of:

- *One lane entering the parking garage and one lane exiting the parking garage to service all turning movements from the garage onto College Street.* -- There will be two dedicated entries and exits to the parking garage.
- *STOP sign control where vehicles exiting the parking garage must stop prior to accessing College Street.* -- There will be a STOP sign at the exit entrance of the parking garage.
- *College Street to provide a single, shared-movement approach lane for both the eastbound (toward Main Street) and westbound (toward Assembly Street) -- There will be a single shared approach lane.*

Mr. King stated, per the recommendation of the Board from the last meeting, meetings were held with the appropriate parties at the University to educate them regarding the project, and in hopes of being good neighbors in the future.

Mr. Cromartie asked those wishing to speak in favor or opposition of the request to stand respectively. It is very important that the Board be provided as much information as possible to make a fully informed decision. He asked that individuals speak to the criteria and that testimony given, while addressing the criteria, be different from the testimony of the previous individual as it is the uniqueness of the testimony that is of great value; reducing redundancy would be very helpful. Everyone was thanked for their attendance and willingness to speak.

First to speak were individuals in opposition of the request.

Robert Fuller, attorney for and representing the University of South Carolina (USC), read a letter from President Harris Pastides of the University of South Carolina voicing opposition to the project based on the number of individuals who would occupy the property and on the height of the project. The letter was then submitted to the Board as an Exhibit for testimony.

Derek Gruner, USC architect, voiced opposition to the height and materials of the project.

Jerry Brewer, Associate Director of Student Affairs, spoke in opposition to the height of the project, and voiced concerns regarding traffic issues.

Derrick Huggins, vice-president for facilities and transportation at USC, voiced opposition to the project with regard to parking and traffic issues that would result from the additional students.

Cathy Novinger, Columbia resident, spoke on behalf of the Waterfront Steering Committee voicing opposition to the request.

Lee Bussell, long-term member of the Waterfront Steering Committee, spoke in opposition to the request.

Boyd Jones voiced opposition to the project based on the density of the project.

Mr. Cromartie called for a brief recess at 12:01 PM – meeting resumed at 12:15PM

As one or two members of the Board would be leaving shortly, Mr. Cromartie planned to expedite things. The numerous individuals in attendance wishing to speak in favor of the request would voice their support. The applicant would then be allowed to speak to the issues presented by those in opposition; and the Board would then take a vote to maximize the number of Board members in attendance.

Aaron Bishop, Richland One School Board member, spoke in support of the project as he feels it could help the education level and the quality of education in classrooms.

Jeremy Wilson, resident, does not feel density or safety is an issue with this project. The proximity of the project to the University is a plus as well as a tax benefit.

Tom Pioreschi, Columbia developer, spoke in favor of the request as he feels it is a perfect location for the project, it fits within the zoning district, and will increase tax revenue and property values in the area.

Ken Owens, Director of Collegiate Ministry of the South Carolina Baptist Convention, represented Baptist churches across the state and voiced support of the request.

Bucky Drake, landowner, spoke in favor of the project as he feels it is in close proximity to the University, the building is very attractive, and because of the Baptist Convention having an area for ministry.

Eric Freeman, recent graduate of USC, spoke in favor of the project. He lived on the 15th floor at Cornell Arms for his school years and feels the height is not an issue; and he walked/biked and took the shuttle to the University even though he had a car which stayed parked in the garage. Enrollment is increasing and there will be a greater need for campus housing, and housing closer to the campus is in big demand.

Martha Studstill, business owner, spoke in favor of the project as she feels it is a good use for the area and that it is a nice looking building.

Matt Kennell of the City Center Partnership spoke in support of the project. He feels density is good and supports walkability in the area.

George McCutchen of Newmark Grubb Wilson and Kibler, voiced support of the project as he feels the project does fit in with other buildings in the area, density is needed in that area, it would be a great improvement for the area, and all criteria required for special exception are met.

Andy Weems, Director of the Baptist Collegiate Ministry, supported the project as it allows for more ministry work to be done. Numerous alumni ministry were in attendance to show support of the project as well.

Raj Aluri, University Hill neighborhood resident, initially came in support of the project. After all the discussion, he hoped the University and the applicant would come to a compromise.

Caleb Pinckney, recent USC graduate, spoke in support of the project as all students love to walk, and the proximity of the project to the University allows for walkability.

Russell Cann, property owner and business owner, feel density is positive.

Rick Arkell, resident, questioned if the architect would consider possible removal of two stories of the building.

Mr. Cromartie closed testimony to allow the applicant to provide rebuttal of concerns and issues heard.

John McArthur, lawyer for EdR, spoke to the issues presented. He said that the University has not spoken in opposition of the number of beds or parking associated with the project; their main issue is concern with height of the building. He gave examples of buildings in the area or adjacent to the campus that are very tall. This parcel is zoned C-4 which allows for height. Development, density and revitalization are needed in the area. City Council envisions more development for this area. All the criteria required for special exception and the additional criteria have been met.

Testimony closed for Board discussion.

Ms. Durkin said more business people who will bring in revenue to support downtown are needed, and there is a need for good urban development rather than student housing in that area. She feels the project is a detriment to that area.

Mr. Salley had conflicted concerns about the project though felt it is better to have student housing within walking distance of the University. EdR has shown that this development does meet the criteria for special exception. He feels EdR is the right developer for this project as they are developers, managers, and owners of student housing.

Mr. Cromartie also had conflicted concerns regarding the project. The University's concerns are taken into great consideration. However, decisions have been on similar projects in the past where both greater density and lesser density further away from the University have been approved. In this instance, the ultimate user is closer compared to some things that have been approved in the past, and the density is less. Based upon the conditions given and the testimony given; based upon the fact that the applicants will comply with the mitigation of the TIAS; the applicants stated they will comply with the Park 7 requirements; taking as fact the Board's conditions and approval, testimony has been given and documents submitted that this Board, based upon decisions in the past, should approve this request for special exception.

Mr. McMeekin also voiced conflicting concerns. He believes he is the only Board member who voted against The HUB and that has been successful. The Board can only go by what is required in the criteria and how it is interpreted.

There being no further discussion or questions by the Board, Mr. Cromartie called for a vote either in favor or opposition of the request. He asked staff if there were any comments or issues that needed to be noted prior to a motion being made.

Mr. Cook said if a motion was to be made, to include that the operational and security plan for the Park 7 project be submitted as part of the record; that the operation and security plan submitted by EdR also be considered for submission; and that any other relevant materials be submitted by the applicant as part of the file for the record.

Mr. Cromartie stated if a motion to approve was to be made, the following should be listed:

- The operation and security plan of Park 7 are to be submitted as conditions of approval;
- The operation and security plan of the applicant are submitted as conditions for approval;
- Conditions for approval and incorporation of all mitigation based on the traffic recommendations and TIAS;
- Pages 6 and 7, and 7 and 8 of the TIAS
- That all TIAS assumptions are fact and conditions of approval.
- All documents submitted and testimony considered as conditions for approval.

Mr. Salley recommended that Mr. Cromartie craft any motion made to ensure correct language and protocol be used.

Motion by Mr. Cromartie to approve the request for special exception to exceed the maximum density for student housing. As a condition of the approval: all conditions of the Park 7 operation and security plan are included as a part of the application and condition of approval; the operation and security plan presented by the applicant are conditions of the approval; incorporation of all mitigation of the traffic study recommended in the TIAS, pages 6, 7, 7 and 8; all TIAS assumptions are considered to be fact and consistent with testimony of the applicant and conditions of approval; and all documents submitted and testimony given are also considered as conditions of the approval.

Mr. Cromartie stated for clarification and not as part of the motion, any or all of those things listed constitute things that City staff can then come in and investigate to verify that the applicants are doing those things they have stated will be done in such a way as to enhance the public interest, or in such a way to mitigate the impact of the density of the project. If those things are not being done, the special exception that is granted is otherwise in jeopardy or subject to fine or penalty of that nature. As this is a very dense proposal, these things do impact the criteria both for special exception and a dormitory; and they are here in such a way to mitigate that impact and are factors considered by this Board when considering for approval the special exception requested.

Motion seconded by Mr. Salley. Request for special exception granted 5-1 with Ms. Durkin in opposition.

Brief recess taken at 1:10 PM with meeting resumed at 1:20 PM by Mr. Cromartie.

Mr. Young and Mr. Salley left meeting for prior business at 1:10PM; quorum still established.

Remaining applicants were given the opportunity to have their case deferred to the next month if they desired to be heard by a full body quorum instead of the four member Board in attendance. Agenda stands.

B. NEW BUSINESS

5. **15-041-V Dist. 1 1410 Geiger Avenue (TMS# 09114-05-03)** Variance to the lot coverage allowance to construct an addition (Anita M. Recchio) (RS-2, -DP)

Request Anita Recchio, property owner, presented on the request to construct an addition to the rear of the home which will include a master suite, a new kitchen, a great room, a covered porch, and a covered carport/porch for a total footprint of +/-4,074 sq. ft. Purchase of a 6' strip from the neighbor on the east is contingent upon approval of the request, and can be a condition for approval.

Ms. Recchio worked with D/DRC staff on the design and a Certificate of Design Approval was received on January 9, 2015. Three letters of support for the request were provided in packets. The addition is consistent with the Cottontown guidelines, and addition to the back of the home will minimize visibility.

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 variance. The proposal complies with the historic requirements of the Cottontown Historic Neighborhood Guidelines, and has received D/DRC approval. There are extraordinary and exceptional conditions that apply to the property that do not generally apply to other properties in the area. To deny the request for this variance would unreasonably restrict the utilization of the property. The authorization of this variance is not a substantial detriment to the adjacent property or to the public good; and it is in harmony with the character and intent of the district, and will not be of harm. Having met this criteria; the request for variance should be approved.

Motion seconded by Mr. McMeekin. Motion approved 4-0.

6. **15-042-V Dist. 4 1800 Shady Lane (TMS# 16606-03-04)** Variance to the setback requirements for an accessory structure (Thomas C. Clamp, Jr.) (RS-1, -FP)

Susan Clamp, property owner, spoke on the request to construct a carport in the backyard to allow parking of a RV. The proposal is for a full garage to cover the RV and will be located behind a gated brick wall. The next door neighbor provided a letter of support for the project. There is a fence between properties and trees buffer on the neighbor's side. The top of the carport will be viewable. The request is the minimum necessary to keep the vehicle on the pavement.

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

Motion by Mr. McMeekin to approve the request for variance at 1800 Shady Lane. There are extraordinary and exceptional conditions that apply to the property that do not generally apply to other properties in the area. The authorization of this variance will not be a detriment to the adjacent property owners, the most affected property provided a statement saying there is no opposition to the request; it is the minimum necessary to allow reasonable use of the land; if granted, it is in harmony with the character and intent of the area; and it will not be injurious to the neighborhood or otherwise detrimental to the public good.

Motion seconded by Ms. Durkin. Motion approved 4-0.

7. 15-043-V Dist. 4 706 Buckingham Road (TMS# 13815-09-21) Variance to the fence height allowance in a required side yard (Robert H. Baker III) (RS-2)

Request for variance to replace a 6' high privacy fence with an 8 ½' privacy fence due to a new home being build adjacent to the property, and the applicant expressed concerns with visibility into his home.

Rob Baker, property owner, spoke on his request. Mr. Baker had a letter of support from Richard Smith, property owner of 708 Buckingham; as well as a memo of support from Jennifer Suber, president of the Cross Hill Neighborhood Association.

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

Motion by Mr. McMeekin to approve the request for variance at 706 Buckingham. There are extraordinary and exceptional conditions that apply to the property that do not generally apply to other properties in the area which restricts utilization the property in some ways. The authorization of this variance will not be a substantial detriment to the other properties in the area; it is the minimum necessary; it is in harmony with the general purpose and intent of the Zoning Ordinance; and it will not affect the public welfare.

Motion seconded by Mr. McKnight. Request for variance approved 4-0.

8. 15-044-SE Dist. 1 6820 Main Street, Unit H (TMS# 11813-05-01) Special Exception to operate a tattoo establishment (Oscar Level Jr., Royal Ink) (C-3)

Oscar Level, Jr., applicant, presented on his request. Mr. Level reviewed the criteria for special exception:

- *Proposed special exception will not have an adverse impact on vehicular traffic or vehicular and pedestrian.*
- *Proposed special exception will not have a substantial adverse impact on adjoining properties in terms of noise, lights, or environment.*
- *Proposed hours of operation will be 11:00AM until 12:00AM midnight. There will be no effect on adjacent businesses as there is a nightclub on the adjacent property.*

Deloris Richardson, property owner of the plaza, said there is a lounge on the one side of the applicant which has late night hours, at times until 12 midnight and 1AM. On the other side of the applicant property is a business that closes earlier around 6PM to 8PM. Ms. Richardson spoke in support of the applicant having his business in her plaza.

- *Proposed special exception will not have a substantial adverse impact on the aesthetic character of the area. They will be working with the community and assisting them as needed and with donations.*
- *The proposed special exception will not have an adverse impact on public safety or create nuisance conditions.*

Mr. Level said there will be at least two individuals in the shop at all times, and usually will be three: a tattoo manager, another artist, as well as himself. There will be four stations.

- *Establishment of the proposed special exception will not create a proliferation or concentration of the same or similar types. The closet tattoo parlor is about six miles away.*

Approval of the special exception must be obtained prior to obtaining DHEC approval. Mr. Level said they have also reached out to local churches, and will be participating in an upcoming church festival in July providing face painting for children.

Ms. Richardson again voiced support of the applicant stating the area is growing and many various businesses are coming to the area, adding that there are no extreme problems with crime in the area.

- *Proposed special exception is consistent with the character and intent of the underlying district.*
- *Proposed special exception is compatible for the area.*
- *Proposed special exception will not adversely affect the public interest.*

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

Mr. Cromartie stated that having worked with tattoo and body piercing facilities for several years in the City and the County, tattoo facilities are highly regulated and governed by DHEC with respect to age of those who can get tattoos and with respect to sobriety of those who can get tattoos. This serves as a mitigating factor, another factor is that there isn't a concentration. The applicant agreed that approval of the request would be conditional upon hours of operation from 11:00AM until 12:00 Midnight.

Motion by Mr. Cromartie to approve the request for special exception to operate a tattoo facility with the condition that the hours would be as given in testimony, and with the understanding that all tattoo establishments are subject to regulation and licensing by the SC Department of Health and Environmental Control.

Motion seconded by Mr. McMeekin. Request for special exception granted 3-1 with Mr. McKnight in opposition.

9. 15-046-SE Dist. 2 2501 Millwood Avenue (TMS# 11410-13-01) Special Exception to operate a drinking establishment (Regan Smith, Black Box One Stop Bar and Grill) (C-3)
Deferred until 7/14/2015

10. 15-048-SE Dist. 2 3215 through 3301 Two Notch Road (TMS# 11614-06-16, -17, and -18) Special Exception to establish automotive services (tow service) (Daryl Elgin, Elgins of Columbia, Inc.) (C-3)

This application for Special Exception is to permit the establishment of a tow service on a portion of the subject property, without storage or processing of inoperable, unused, dismantled or wrecked vehicles. The applicant has indicated that his operation would not process vehicles into scrap, nor would vehicles remain on-site for an extended time.

The proposed location is within a C-3 (General Commercial) stretch of Two Notch Road, with an assortment of retail, hospitality, services and offices.

Staff requests that, should the board be inclined to approve this request, that the following conditions be made a part of your approval:

- Consideration be given to the screening of areas that will have cars;
- No processing of automobiles into scrap upon the property; and
- No inoperable vehicles shall remain on the property more than 48 hours, as this would constitute storage.

Daryl Elgin, applicant, presented on his request, and reviewed the criteria for a special exception:

- *There will be no impact on vehicular traffic or vehicular and pedestrian safety as there will be no change in traffic. There will be no entry of residential property. Ingress and egress will be on Bloom Court.*
- *There will not be a substantial adverse impact on surrounding properties or environmental factors in terms of noise, lights, or environment. There are no disabled vehicles on the lot, they are towed to appropriate repair shops. Vehicles are not stored on the property. Typical vehicles on the lot are cars that are in violation or have been ticketed, which are picked up by the appropriate agencies.*
- *There will be no adverse impact on the aesthetic character of the area. A white fence with screening will be installed to blend in with an existing fence on the property. Landscaping will be added at the front of the property to blend with existing landscaping. Mr. Elgin agreed to landscaping and additional screening as a condition for approval of the request, and will work with City staff on the landscaping on the front part of the lot as there is fencing in the back and sides.*

Testimony that ingress and egress will be on Bloom Court only; that there will not be automobile or scrap on the property; no inoperable vehicles will remain on the property longer than 48 hours; conditioned if a vehicle is delivered on the weekend and the county/city is closed, they will delivered on the following Monday; and the applicant will meet with City landscaping staff regarding landscaping and additional screening.

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

Motion by Ms. Durkin to approve the request for special exception for this towing service with these considerations: No processing of automobiles into scrap upon the property; and no inoperable vehicles shall remain on the property more than 48 hours, as this would constitute storage; and that this company will work with the City to coordinate landscaping.

Motion seconded by Mr. McKnight. Motion to approve the request approved 4-0.

- 11. 15-049-V Dist. 3 125 King Street (TMS# 11310-06-08)** Variance to the secondary front yard setback and location requirements to construct an accessory structure (Shawn B. Deery) (RG-1,-CC1)

Shawn Deery, applicant, presented on his request for a variance to the secondary front yard setback requirement in order to construct a +/- 216 sq. ft. picnic shelter located to the rear of his house, behind a privacy fence.

Mr. Deery reviewed the criteria for special exception.

- *There are extraordinary and exceptional conditions that pertain to the subject property as his house is on a corner lot, and set up to be used primarily from the secondary side. Approximately 8' of the structure will be visible over the fence.*
- *He provided drawings and material samples of the structure to the Shandon Neighborhood Council who voiced support of the request, however stated they would support a 5' setback rather than a 3' setback. Mr. Cook stated as this is an accessory structure and a corner lot, a 3' setback is generally allowed.*

There may be electrical power added to allow use of a ceiling fan. As a condition for approval, Mr. Deery agreed that the picture structure would resemble the photos submitted to the Board. He would like a standing metal seam added for the roof

- *These conditions do not generally apply to other properties in the area as his lot is on the corner and all entry to the property is done on the secondary side /Monroe Street side where the driveway is located and accessed, and the other properties are not corner lots.*
- *Because of these conditions, the Zoning Ordinance prohibits or unreasonably restricts the use of the property.*
- *The approval would not be a detriment to adjacent properties or to the public good, and the character of the district would not be harmed. There are numerous similar looking structures in the Shandon area.*
- *He feels the request for variance is the minimum necessary, however is agreeable to the 5' suggested by the Shandon Neighborhood if required.*
- *The proposal is in harmony with the purpose and intent of the Zoning Ordinance. It will add to the curb appeal of the house as it is a good-looking structure.*

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

Ms. Durkin voiced concerns with the aesthetic character criterion as she felt the roof design of the structure was not in keeping with the area.

Mr. McMeekin voiced no opposition to the design of the structure or the addition of electrical power for use of a fan or radio; however felt the structure should not have lights, or if there was any lighting it should be limited to being no higher than the fence height.

Staff reminded as this is not a –DD area; no restrictions or D/DRC design approval are required.

Motion by Mr. Cromartie to approve the request for variance based upon the testimony given in the applicant's submission with the condition that there will be no illumination greater than the height of the 6' privacy fence based upon the testimony by the applicant.

Motion seconded by Mr. McMeekin. Request for variance granted 4-0.

IV. OTHER BUSINESS

V. ADJOURNMENT

There being no further business, motion by Mr. Cromartie to adjourn the June 9th, 2015 Board of Zoning Appeals meeting at 2:38 p.m.

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