
CITY OF COLUMBIA
BOARD OF ZONING APPEALS MINUTES
December 08, 2015- 10:00 AM

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

In attendance: Ernest Cromartie, III, Dr. Pat Hubbard, Reggie McKnight, Calhoun McMeekin

Out: Chuck Salley, Preston Young, vacancy

Staff: Brian Cook, Andrew Livengood, Andrea Wolfe

I. CALL TO ORDER and DETERMINATION OF QUORUM

Ernest Cromartie, III, chairperson, called the meeting to order at 10:05 AM, and introduced the members of the Board of Zoning Appeals (BOZA) and staff.

II. EXECUTIVE SESSION

Discussion of a matter covered by attorney-client privilege regarding assertion of claims against the board.

Motion made by Mr. Cromartie at 10:09AM to move into Executive Session to discuss an item for attorney/client privilege and the receipt of legal advice regarding assertion of claims pending against the Board in the matter of Frieda Dorcht vs. City of Columbia.

Motion seconded by Mr. Hubbard. Motion to move into Executive Session approved 4-0.

Motion by Mr. Cromartie to exit Executive Session and resume the December 8, 2015 meeting of the Board of Zoning Appeals at 10:32AM. No action has been taken by the Board.

Motion seconded by Mr. Hubbard. Motion to resume the regular session of the meeting approved 4-0.

Brian Cook, Zoning Administrator, proceeded with review of the Consent Agenda.

III. CONSENT AGENDA

B. APPROVAL OF MINUTES

1. Approve November 10, 2015 Minutes

C. OLD BUSINESS

None.

D. NEW BUSINESS

None.

Motion by Mr. Hubbard to approve the minutes of the November 10, 2015 meeting. Motion seconded by Mr. McKnight. Minutes approved 4-0.

IV. REGULAR AGENDA

A. OLD BUSINESS

- 2. 15-072-SE Dist. 3 1314 Leesburg Road (TMS# 16414-02-02)** Special Exception to establish a liquor store (Justine Mwadime) (C-3)

Liquor stores are allowed within the C-3 districts by special exception. This application is to allow a liquor store in an existing Leesburg Road shopping center.

The applicant was not in attendance, however was made aware of the meeting. It is up to the Board's discretion to proceed or move the case to the end of the agenda. There were many individuals in attendance to speak regarding the case. When the applicant showed up, the case could be heard in its entirety.

Mr. Cromartie felt those individuals in attendance should be allowed to speak and noted that if the applicant appeared during the session, they would have a chance to speak before the end of the meeting. For the record, it was noted that the property was properly posted and the applicant was contacted regarding time and date of the meeting

Waylon Gibson, pastor and administrator of Full Benefits Harvest International Church in the neighboring suite, spoke in opposition of the request. Mr. Gibson had copies of documents in opposition from other occupants in the plaza. He felt it would adversely affect the public interest to grant this, and it is not compatible with the other uses in the area.

Franklin Dubose, Columbia resident, voiced opposition of the request. Mr. Dubose stated there is a concentration of this type of use in the area, and requested the Board deny the request.

Mr. Cromartie suggested as the applicant is not in attendance that the members of the public may want to stay until the end of the meeting to see if he or she arrives.

Michelle Gibson, co-pastor at Full Benefits Harvest International Church, said there are currently three other churches in the plaza, as well as a boutique ministry. Ms. Gibson stated there is a concentration of the use in the area, and the churches existed in the plaza before the liquor store request.

As Mr. Cook said that the applicant had been contacted and was on his way to the meeting, Mr. Cromartie stated the remainder of the case would be heard at the end of the meeting. He then moved forward to the next item on the agenda.

A. NEW BUSINESS

- 3. 15-075-SE Dist. 3 724 Harden Street and 2115 Santee Avenue (TMS# 11312-01-17, -18, and -11)** Special Exception to allow leased remote parking for a restaurant (Marcel Melo and Max Minnillo, The Horseshoe) (MX-1, -5P)

This request for Special Exception is to allow for leased "remote" parking for a restaurant. This is an existing Horseshoe business located at 724 Harden Street which would like to expand the business with a 700 sq. ft. deck. The required parking spaces cannot be located on the lot, therefore the request for remote parking.

Peter Protopapas, attorney representing the business owners, introduced the business owners and spoke on the request.

Mr. Protopapas proceeded with review of the eight criteria required for a special exception:

- **Proposed special exception will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety.** This will provide a safer and more appropriate place for people who already congregate in the area.
- **Proposed special exception will not have a substantial adverse impact on adjoining properties in terms of environmental factors such as noise, lights, glare, vibration, fumes, and odors, obstruction of air or light, and litter.** There will be no negative impact.
- **Proposed special exception will not have a substantial adverse impact on the aesthetic character in the surrounding area, to include a review of the orientation and spacing of buildings.** It will fit with character of the area to assist with City parking.
- **Proposed special exception will not have a 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 will assist the public by providing a safer environment.
- **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.** This is an existing business and will be a benefit to the area.
- **Proposed special exception 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.** The leased parking will be consistent with the character and intent of this district.
- **Proposed special exception is appropriate for its location and compatible with the permitted uses adjacent to and in the vicinity of the property.** The leased parking is appropriate for the area and completely compatible with the uses adjacent to the property as most all establishments in the surrounding areas have leased parking.
- **Proposed special exception will not adversely affect the public interest.** This will in fact greatly help the general public.

Per staff request should the Board be inclined to grant approval of the request, Mr. Protopapas stated the applicants will agree to three additional conditions as approval of the special exception:

1. Tax parcels 11312-01-17 and 11312-01-18 shall be combined prior to issuance of a zoning permit for the proposed deck.
2. Parking spaces at 724 Harden Street and the leased parking spaces at 2115 Santee Avenue shall be available to customers and/or employees of 724 Harden Street during operating hours and access shall be unimpeded.
3. Approval of this special exception for leased parking does not constitute approval of any expansion to the drinking establishment upon the property.

Mr. Protopapas said there will be no sale of alcohol on the deck, or any expansion of the establishment, and stated this could be made as a fourth condition for approval of the request for special exception. Parking spaces will state "Horseshoe Parking" to distinguish the parking from other businesses, and towing will be enforced.

Marcel Melo, business owner, said the Horseshoe currently has 23 employees, and use of the parking spaces will be a combination of both employees and customers.

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

Motion by Mr. Hubbard to grant the request for special exception as all requirements are satisfied. The parking spaces will be leased because the deck will be covered and the applicants will be required to have additional parking. Approval is subject to the conditions as agreed to by the applicant. Conditions are a combination of the two tax parcels; the parking spaces; and the parking spaces shall be available to the applicants during operating hours with no access impeded; and that there is no approval of any expansion of the drinking establishment.

Motion seconded by Mr. McMeekin. Request for special exception as presented granted 4-0.

- 4. 15-076-SE Dist. 4 3678 and 3684 Leesburg Road (TMS# 22109-01-05) Special Exception to establish an automotive repair facility (Jose D. Diaz) (C-3)**

This application for Special Exception is to allow the relocation of an existing automotive repair facility of one building at 3684 Leesburg Road to another building at 3678 Leesburg on the same parcel. The need for relocation is due in part to roadwork and also to damage sustained due to the recent.

Should the Board be inclined to approve this request, staff asked that five additional criteria as conditions for approval be included in the motion.

Jose Diaz, applicant and property owner, presented on his request to relocate an existing automotive repair building at 3684 Leesburg, which is in the county, to 3678 Leesburg within City of Columbia limits.

Mr. Cromartie stated there are five additional conditions recommended by staff for approval of the request. He reviewed each criterion asking if the applicant agreed to each as a condition for approval.

1. The approved automotive repair facility shall operate in substantial conformance with the application, submitted materials, and testimony before the board regarding its operation, and shall conform with all relevant city development regulations including but not limited to landscaping requirements. **Mr. Diaz agreed**
2. This approval is not for the operation of a junk/scrap yard. **Mr. Diaz agreed**
3. Any abandoned derelict or inoperable vehicles shall be removed from the property within 6 months of his approval. **Mr. Diaz agreed**
4. It is understood that the automotive repair facility is moving out of 3684 Leesburg Road and that building shall not be utilized for automotive repair. **Mr. Diaz said that building will still be used for light bodywork and painting, however customers will not enter that building at all. This will allow for continued business and additional parking for vehicles as they are serviced.**
5. Following vacancy, abandonment, or discontinuance of this use for a period of 12 consecutive months, the special exception shall be considered completed and shall expire. **Mr. Diaz agreed**

Mr. Cromartie asked staff if they could distinguish between light body work and paint as opposed to automotive repair.

Mr. Cook said a paint or body shop, as well as transmission work fall under the category of automotive repair and are permitted uses for this request. Therefore the use can be established in the new building, as well as retained use in the old building, should be the Board be inclined to grant that. Doing this will rid the area of an existing building that was used as a drinking establishment / social club.

Staff is comfortable with the commercial zoning of automobile repair; paint, body or otherwise. It is an existing special exception and can all be incorporated on the same piece of property. There should be

no storage of vehicles outside as well as no storage of inoperable vehicles on-site, and should not be permitted with the future expansion.

This will be an expanded use. Staff will work with the applicant to ensure there is adequate parking for the expansion of the building, as well as proper and adequate landscaping for the property.

Mr. Cromartie reviewed the five conditions, minus one, recommended by staff for approval of the request due to the expansion asking the applicant if he agreed to each; and requesting additional comments

- no storage, no inoperable vehicles at either address that supports it should not be used as a junk yard – **Mr. Diaz agreed with the exception that a vehicle is wrecked and is waiting on parts, it may be stored for a week or so.** There will be no sale of parts or vehicles stored indefinitely.
- Comply with city landscaping and work with staff to comply with parking requirements – **Mr. Diaz agreed.**

Mr. Cook referenced the aerial and requested that the vehicles show on the property be removed, and to avoid the collection of automobiles in the future. Staff will work with the applicant to create an enclosed /fenced in area for any cars that will be stored on the property for repair. **Mr. Diaz agreed to provide a fenced-in area if required.**

Frank Dubose, resident, asked if it can be stipulated that the fence be a privacy fence in the event cars are stored longer than a week to be in keeping with the aesthetic character of the neighborhood.

Mr. Diaz said the bar area has an existing fence that is a privacy fence, and we would be willing to install a similar privacy fence around the area where cars will be stored as well.

Cutee Binion, owner of Custom Concepts, said he would abide by any standards and ordinances that will be required to allow him to operate his business. He testified that there will be no storage; no inoperable vehicles on the property; and any wrecked vehicles, as mentioned by Mr. Diaz, will only be on-site for a temporary basis; and no vehicles will be stored for parts or auto scrap.

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

Motion by Mr. Hubbard to grant the special exception. The requirements for the special exception have been satisfied in terms of vehicular and pedestrian safety; environmental factors; aesthetics; public safety and possible nuisances; there does not appear to be any concentration; it is consistent with the character of the area; and is compatible; the proposed special exception will not adversely affect the public interest; and granting of the special exception shall be subject to the materials submitted to staff – items 1, 2, 3, 4, and 5 – with the understanding that item 4 is no longer applicable as this is dealing with as this is dealing with an expansion and not a moving. Items 1, 2, 3 and 5 are subject to the language in the materials and also to the testimony today.

Motion seconded by Mr. Cromartie. Request for special exception as presented granted 4-0.

- 5. 15-077-V Dist. 3 405 Ravenel Street (TMS# 13803-09-08)** Variance to the side yard setback requirement to construct an addition (Marla J. Morris) (RG-1, -CC1)

The applicant is requesting a variance to the side yard setback requirements in order to accommodate a

proposed addition to the rear of an existing single family residence. A side yard setback of 5 feet is normally required in the RG-1 district; the applicant is proposing approximately 3.3 feet instead. The subject property is located in the Shandon neighborhood.

Marla Morris, applicant, presented on her request saying the addition is not visible from the street.

Mr. Livengood stated that no one has voiced opposition or written notice of opposition to the request.

Mr. Cromartie asked the applicant to review the criteria required for a variance, specifically:

- extraordinary and exceptional conditions;
- these conditions generally do not apply to other property in the area;
- because of these conditions, the use of the property is unreasonably restricted or prohibited; and
- approval would not be of any detriment to the adjacent property or to the public good.

Ms. Morris said there will be no detrimental impact with aesthetic issues as the addition will not be visible from the front of the lot, it will be at the rear which backs up to two rental properties.

Mr. Cook said the request is the minimum necessary to do the addition as requested by the applicant.

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

Motion by Mr. Hubbard to approve the request for variance as there are the common problems with older neighborhoods that were established prior to the rather rigid set of zoning requirements placed on them. When trying to expand or change a house in the area, each owner acquires extraordinary and exceptional conditions resulting from this kind of a problem. Each owner is unique and does not apply generally to other properties. It would unreasonably prohibit or restrict the use of the property not to allow this sort of addition. It would be of substantial detriment not to allow expansion of downtown neighborhood properties. it would be in the public good and satisfy the character of the district. It is important to know that the property has been properly noticed, and no one has come forward to indicate any opposition whatsoever.

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

- 6. 15-078-SE Dist. 1 1112 Price Avenue (TMS# 09012-06-07) Special Exception to establish a residential care facility (Earl Moorer and Judy Glover) (C-1)**

This application for Special Exception is to allow the establishment of a residential care facility within a +/- 3,000 sq. ft. residential building which has been converted to office use for some time.

Staff asks that the applicant expound on how they will operate and the number of persons that will be residents of this facility. Should the Board be inclined to grant the request for special exception, staff asks the Board place a maximum limit on the number of residents for this facility, and also the following items as conditions of your approval:

- The approval shall be for a Community Residential Care Facility for the elderly and persons with disabilities and shall operate in substantial conformance with the application, submitted materials, and testimony before the board regarding its operation.
- The facility shall comply with all state and local requirements, including but not limited to the building code, landscaping code, and any required state licensing.
- Following vacancy, abandonment, or discontinuance of this use for a period of 12 consecutive months, the special exception shall be considered completed and shall expire.

Judy Glover, applicant, spoke on the request for a proposed residential care facility which will provide residential care for the elderly and persons with disabilities. Plans are to provide room, meals, housekeeping, supervision, storage and distribution of medication and personal care assistance, with basic activities like hygiene, dressing, eating and bathing. The facility will be staffed by an administrator, staff nutritionist, nurses, and CNA's (Certified Nursing Assistants); and a physician will visit bi-weekly.

Ms. Glover 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.** *The only traffic will be from employees entering and leaving the facility, and when clients are taken to jobs and appointments by the employees. There is a large parking area in the back where clients will be loaded and unloaded.*
- **Proposed special exception will not have a substantial adverse impact on adjoining properties in terms of environmental factors such as noise, lights, glare, vibration, fumes, and odors, obstruction of air or light, and litter.** *There may be a little noise when clients are outside in the seating area, but property should remain quiet at all times.*
- **Proposed special exception will not have a substantial adverse impact on the aesthetic character in the surrounding area, to include a review of the orientation and spacing of buildings.** *Property will be well maintained.*
- **Proposed special exception will not have a 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.** *Clients will be screened accordingly to ensure any clients with behavioral issues are not accepted.*

Staff will be on duty 24 hours a day. The number of staff on duty will depend on the number of clients in the facility. At the beginning there will be at least five staff members; with at least three staff members available at all times.

Ms. Glover agreed to comply with the additional conditions staff requested as conditions for approval.

At this time, the chairperson asked individuals to speak in favor or opposition of the request.

In opposition of request because of concentration of use, adverse impact on public safety and felt to be an inappropriate use for the area:

Jim Daniel, commercial real estate broker
John Gibson, president of the Elmwood Park Association
Ellen Blundy, Elmwood Park resident
Ellen Cooper, Cottontown resident
Sylvia Mickens, Christ Central
Peter Corper, vice-president of the Elmwood Park Association
Tom Amick, neighborhood resident
Paul Baumgardner, neighborhood resident

Earl Moorer, co-owner of the facility, spoke with regard to concerns raised by community members. As a resident of Elmwood Park resident, he is concerned with the integrity of the neighborhood as well. Staff will work vigorously to ensure no clients having any type of criminal, mental or emotional issue will be accepted. This is the first time they will have such a facility; however all medical team staff will have extensive with minimal of twenty year experience in health care.

Mr. Moorer's background is building maintenance, plumbing and electrical. Renovations will be needed at the facility, to include a kitchen and shower facility. There are eight rooms in the house, with two rooms upstairs and six on the main floor; with two half baths on the main floor. He added that the back and side areas of the property are fenced in, but there is no fencing on the front of the property.

Ms. Glover stated she has 30 years of medical experience; worked in the emergency room, brain injury unit, is CPR certified, is a radiologist, and is currently studying to take the exam for the administrator's license for the facility.

Plans are to have certified CNAs who have worked for a number of years, as well as two staff nurses. One of the main team workers is currently employed with the VA Hospital, who has been a CNA as well as having worked in a residential care facility for 25 to 30 years.

The facility will be comprised of veterans, disabled veterans and elderly, and allow them to receive specialized quality care on a smaller scale than in a large residential facility. The facility will be regulated and licensed under SC Department of Health and Environmental Control with certain guidelines that must be met, as well as fire sprinkler systems. Rooms will be semi-private with two clients per room; five bedrooms, two baths, a kitchen and a common / day room.

Testimony cannot be taken from the floor, however it was noted that individuals in the audience stated there are deficiencies regarding the fence / wall.

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

Motion by Mr. McMeekin to deny the request for special exception for 1112 Price Avenue to establish a residential care facility as he feels the application failed criteria numbers 1, 4, 5, 7, and 8.

Motion seconded by Mr. McKnight.

Mr. Hubbard spoke in favor of the motion agreeing with everything including the flaws. He found difficulty with criterion 5, 7 and 8. Criterion 5 deals with concentration; number 7 with appropriateness, and number 8 with public interest. Land development is a dynamic thing as one looks at what it was yesterday, what it is today, and what it will be tomorrow. It is questionable where this will fit into the neighborhood in the future, and he feels it will not add anything but will detract from where the city is going. This request is not appropriate for these kinds of uses in this area and it is not in the public interest. Therefore he wholeheartedly supports the motion, but commends the applicants for wanting to do a very good service for the City of Columbia as a whole.

Motion to deny the request for special exception 4-0.

A brief recess was taken at 12:45PM. Meeting resumed at 12:56PM

7. 15-079-SE Dist. 2 5400 Farrow Road (TMS# 11612-07-02) Special Exception to establish a liquor store (Zaher Mohammed, Stop N Save, Inc.) (C-3)

This application for Special Exception is to allow the construction of a +/- 720 sq. ft. freestanding liquor store upon the same property as an existing gas station/convenience store currently called Cheap Way.

Roland Greenburg, Columbia attorney representing the client Zaher Mohammed and Stop and Save, presented on the request. Mr. Mohammed currently owns eleven stores; has a clear no tolerance policy for loitering, vagrancy or on-premise drinking; and works closely with law enforcement officials.

Mr. Greenburg reviewed criteria required for a request for special exception:

- There is an existing liquor store .5 miles to the east and another .7 miles to the west of this location. Both stores are smaller than the client's proposed request.

- All location and setback requirements have been met.
- The applicant proposes to build a six foot privacy fence to house off the entire location so it will not be a problem with the local community at the rear of the property.
- Staff will be hired from the local community.
- The building will be complimentary in style and shape.
- There will be security lighting on the facility, and all lights will inward on the property. if there is a glare, glare shields will be attached to prevent glare into the community.
- As this is an existing convenience store, there is ingress/egress and sidewalks on the property.
- There is more than sufficient parking on the property with planned parking for handicapped and a handicapped accessibility area.
- The property as proposed does not adversely affect any public interests in the area. The Farrow Road corridor is expanding and could use more community activity and business along that corridor.
- Hours of operation are limited to what is allowed by the state
- There is zero tolerance for loitering and prosecution will be enforced.
- The area in its current commercial nature would benefit from a new structure and additional business in the Farrow Road corridor.

Other stores owned by the applicant area located in Charleston, one on Leesburg Road, North Main Street, on the Monetta exit on the way to Augusta, and the other locations can be obtained. These are all convenience stores with some having gasoline sales, this will be the first liquor store combination.

It appears the existing chain link fence between the residential housing and the store has been cut numerous times to allow foot traffic to the store. The installation of a six foot solid privacy fence along the chain link fence will deter that, and it is anticipated the bulk of the customer base will be by vehicle.

At this time, the chairperson asked individuals to speak in favor or opposition of the request.

In opposition of request because of concentration of use, inappropriate use for area, not enough parking, and too close to schools and churches:

- Frederick Stokes, neighborhood resident
- James E. Jackson, neighborhood resident
- Vernis Livingston, neighborhood resident
- Frank Dubose, Columbia resident

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

Motion by Mr. McKnight to deny the request for special exception for 5400 Farrow Road to establish a liquor store.

Motion seconded by Mr. Hubbard.

For clarification of the motion, Mr. Cromartie asked Mr. McKnight if his motion was based specifically on concentration of use in the area or compatibility, or public interest.

Motion amended by Mr. McKnight to deny the request based on criteria 4 though 6.

As seconder of the motion, Mr. Hubbard included the addition of criteria 7 and 8.

For clarification, Mr. Cromartie stated a motion had been made by Mr. McKnight, seconded by Mr. Hubbard identifying public safety and nuisance conditions, concentration, character,

compatibility, and public interest all as reasons supporting the motion for denial.

Motion to deny the request for special exception 4-0.

Mr. Hubbard expanded as a member of the BoZA for several years, people in nicer neighborhoods may wonder about the reason for denial of a liquor store in the area when it has been approved in nicer areas. People come up in a car and make their purchase and then go home. People of lesser economic means must walk and have fewer private spaces to consume, which creates a problem. This has to do with the impact in particular neighborhoods when a store of this nature is installed. This area is not underserved, but varies where one is and what is appropriate, because of the nature of this request, it does matter.

The Board then resumed hearing of item 2 on the agenda, **15-072-SE Dist. 3 1314 Leesburg Road (TMS# 16414-02-02) Special Exception to establish a liquor store.**

2. 15-072-SE Dist. 3 1314 Leesburg Road (TMS# 16414-02-02) Special Exception to establish a liquor store (Justine Mwadime) (C-3)

Liquor stores are allowed within the C-3 districts by special exception. This application is to allow a liquor store in an existing Leesburg Road shopping center.

Justine Mwadime, applicant, was sworn in, apologized for his tardiness, and proceeded to present on his request. Mr. Mwadime said his goal is to supply a source of employment and convenient access for neighbors and the area to purchase a wide selection of alcohol in a timely and convenient manner. This is a large area that can accommodate parking, and the unloading/loading of large trucks.

When he applied for the special exception, all required criteria was met and there were no churches in the area.

Mr. Hubbard stated that prior to Mr. Mwadime's arrival to the meeting there was testimony to the fact that the proposal was not appropriate for the location; was not compatible with the other things in the area, those include residences and the types of uses in the shopping center which include some charitable and religious activities; it will not be in the public interest for there to be a liquor store in this location, asking Mr. Mwadime to focus on those issues.

Mr. Mwadime stated when he first applied for the request for special exception there were no churches in the area or anything that stood against the request, and he met all requirements of the City. At the time of request, there was only one church over 300 feet away from his establishment. After he met the requirements, there was a church next door. He does not know how he will meet requirements of the state, but will answer all their questions.

Mr. Livengood verified the application was submitted on 10/12/15.

Mr. Cromartie asked if anyone in attendance who was at the meeting earlier, would like to speak in favor or opposition of the request.

Waylon Gibson, pastor and administrator of Full Benefits Harvest International Church, next door to the proposed liquor store said he has been leased since the first of September. Signage was posted in the window once services began, as well as a church banner displayed. Mr. Gibson said there are two other churches in the plaza. One has been in existence for at least a year.

Mr. Mwadime said he took pictures of the area and did not see any signage in the window for the church.

Mr. Gibson said there while there were no business signs for the church displayed, they did have signage in the window displaying hours of operation.

Mr. Cromartie stated that the Board cannot make a decision based upon state statute based upon the distance of the applicant from the church.

Testimony closed to move into Board discussion and /or receive a motion.

Mr. Cromartie felt there is an issue of clear character and incompatibility to the request. At the time the application presented to the Board, three religious or monastery organizations moved into the plaza. Testimony was given regarding those uses. He feels this use would not be consistent with the character or compatible with the neighborhood or consistent with the public interest.

Mr. Hubbard agreed saying he would explicitly like to add residential uses such as single-family in the same area as well.

Motion by Mr. Cromartie to deny the request for special exception as it fails to be consistent with the character; it is not compatible; nor is it consistent with the public interest for the neighboring businesses, organizations, and / or residential areas.

Motion seconded by Mr. Hubbard. Request for special exception denied 4-0.

IV. OTHER BUSINESS

V. ADJOURNMENT

There being no further business, Mr. Cromartie adjourned the December 8, 2015 Board of Zoning Appeals meeting at 1:32PM.

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