
CITY OF COLUMBIA
BOARD OF ZONING APPEALS MINUTES
July 12, 2016 - 10:00 AM

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

In attendance: Chuck Salley, Pat Hubbard, Reggie McKnight, Tyler Gregg, Regina Williams, Preston Young

Absent: Calhoun McMeekin

Staff: Brian Cook, Andrew Livengood, Andrea Wolfe

I. CALL TO ORDER and DETERMINATION OF QUORUM

Chuck Salley, chairperson, called the meeting to order at 10:05 AM, introduced the members of the Board of Zoning Appeals (BOZA), and introduced staff. Quorum was confirmed.

Brian Cook, Zoning Administrator, briefed the conduct and order of the meeting. Mr. Cook noted changes to the agenda since publication and proceeded with review of the Consent Agenda

II. CONSENT AGENDA

A. APPROVAL OF MINUTES

1. **Approve June 14, 2016 Minutes**

B. OLD BUSINESS

None.

C. NEW BUSINESS

2. **16-027-SE Dist. 1 517 Winmet Drive (TMS# 11702-02-32) Special Exception to expand a religious organization (Chaudhry Sadiq, Minhaj Ul-Quran) (RG-1)**
3. **16-029-V Dist. 4 1940 Old Neck Road (TMS# 16603-03-17) Variance to the height requirements to construct a single family residence (Harris Cohn, Cohn Construction Services, LLC) (RS-1, -FP)**
4. **16-030-V Dist. 3 1714 Enoree Avenue (TMS# 11306-07-12) Variance to the maximum lot coverage requirements to construct an addition to a single family residence (1x1 Design, Inc.) (RS-3, -DP)**

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

Motion by Mr. Hubbard to approve the Minutes of the June 14th meeting and 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 Mr. McKnight. Motion approved 6-0.

III. REGULAR AGENDA

A. OLD BUSINESS

- 5. 16-006-SE Dist. 3 120 Atlas Court (TMS# 16306-07-06)** Rehearing of Special Exception to establish a recycling center (Kevin Bailey, Pratt Recycling, Inc.) (M-2)

Mr. Salley recused himself from this case and turned the chairperson position over to vice-chair, Pat Hubbard.

The matter before the Board today is a rehearing of the Special Exception to establish a recycling center at 120 Atlas Court that was denied by the Board at its March 8, 2016 hearing. At the March 8th hearing, representatives of a manufacturer constructing an addition on the adjacent parcel at 110 Atlas Court (Sensor Electronic Technology, Inc., or SETi) appeared and objected to the proposed special exception based upon the compatibility of the recycling center with SETi and its operations.

After the March 8th hearing, the applicant requested the opportunity for a rehearing and submitted additional materials, including a traffic study and a dust, noise, and vibration study. At the May 10th meeting of the Board of Zoning Appeals, the Board granted the applicant the opportunity for this rehearing. Prior to the June 14th meeting, the representatives of both Pratt Recycling and SETi requested deferral in order for the two parties to have further discussions regarding this request.

The applicant's request for rehearing and supporting documentation are included in Board packets.

John McArthur, attorney with Haynesworth Sinkler Boyd, represented the applicant Pratt Recycling.

Also in attendance: Shawn State of Pratt Recycling, Inc.; Vince McLeod of EFI Global; and Todd Salvagin of SRS Engineering.

The applicants worked with SETi for approximately two months and have come to an agreement with sixteen conditions it is hoped the Board will adopt for approval.

Staff voiced concerns with the additional conditions, specifically objecting to item #14 – "The special exception is limited to Pratt and any successor/user", as it is felt this should follow the land and not the particular entity.

If it is made a condition of the special exception, staff would be responsible for enforcement of dust/airborne particulates and monitoring of the number of trucks, which staff would not be able to monitor or enforce. This should be discussed to ensure conditions agreed to are something that staff is skilled enough to enforce. Staff has no issues with the other criteria and would have no issues enforcing.

Mr. McArthur stated that SETi would be the ones to monitor these conditions and if any issues were found would work with Pratt on a resolution, as this would be limited to Pratt.

Mr. Hubbard said zoning is about the use of land, not about the individual or business; it would not be limited to one specific individual or entity. If the request is approved subject to the conditions, anyone wishing to do recycling on this site would need to meet all of these conditions.

Robert Fuller, Columbia attorney, represented on behalf of SETi. Mr. Fuller stated his client, SETi, would agree as a condition for approval of the request, the deletion of item #14.

Mr. McArthur stated no other opposition was received for the request. He proceeded with review of the criteria required for a special exception.

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

Motion by Mr. Hubbard to approve the request for special exception subject to general conditions:

- 1) Everything will be done in accordance with the various documents submitted in this case and the testimony relating to this case;
- 2) The general rule about vacancy and abandonment will apply as it would to any use; and
- 3) In the items "Special Conditions Applicable to 120 Atlas Court" presented today, item 14 is deleted and item 15 then becomes number 14. These conditions will also apply to the special exception.

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

Mr. Salley resumed the chairperson position.

Mr. Hubbard left the meeting at 10:35AM. Quorum was still retained.

6. 16-024-V Dist. 3 1210 Atlas Road (TMS# 16306-07-02) Variance to the vehicular surface area interior landscaping requirements (The Underbrush Company d/b/a Advantage Self Storage) (M-1)
 Deferred until 8/9/16

7. 16-025-V Dist. 3 1210 Atlas Road (TMS# 16306-07-02) Variance to the required density factor for the site (DFS) for tree coverage (The Underbrush Company d/b/a Advantage Self Storage) (M-1)
 Deferred until 8/9/16

A. NEW BUSINESS

8. 16-028-V Dist. 2 715 Gervais Street (TMS# 08912-07-07) Variance to the parking requirements to expand a restaurant (Tim Hance, AIA) (M-1, -DD, -DP)

The applicant is requesting a variance to the parking requirements in order to expand an existing restaurant, Jimmy John's. As part of the expansion and renovation of the restaurant, the 3 parking spaces that currently back out onto Gervais Street will be removed and replaced by a courtyard and a 488 sq. ft. covered porch, with some landscaping to soften the streetscape.

While this is a reduction from the existing number of parking spaces on site, staff believes the maneuvering involved to access these 3 parking spaces creates a safety hazard for both pedestrians and traffic along Gervais Street.

Tim Hance, architect for the project, presented.

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

Motion by Mr. Young to approve the request for Variance for case 16-028-V as there are extraordinary and exceptional conditions that exist, mainly concerns with the parking and backing out on Gervais Street.

Motion seconded by Mr. Tyler. Motion to approve carries 5-0.

9. 16-031-SE Dist. 3 1829 Senate Street (TMS# 11482-01-01 through 11482-19-04) Special Exception to establish a rooftop wireless communications facility (Scott Brantley, Tower Engineering Professionals) (RG-3)

If adding less than 10' to an existing structure over 40' high, a Wireless Communications Facility (WCF / cell tower) is permitted by Special Exception within the RG-3 districts with Board of Zoning Appeals approval.

In addition to the standard criteria required for a special exception (§17-112), the Board must find that any WCF requiring Special Exception Approval complies with additional standards from §17-283(h)(1).

Scott Brantley, Tower Engineering Professionals, presented. Mr. Brantley reviewed the criteria required for a special exception. A structural analysis report dated May 6, 2016 was included in Board packets as well.

T-Mobile and the homeowners' association president were also in attendance.

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

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

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

10. 16-032-SE Dist. 2 1110 Washington Street (TMS# 09013-05-18) Special Exception to establish a liquor store (Julie Ann Narang, Low Spirit Solutions, LLC) (C-5, -DD)

This application for Special Exception is to permit the establishment of a +/- 991 sq. ft. liquor store on the ground floor of a parking garage near the corner of Assembly and Main Streets.

Julie Ann Narang and Sonny Narang, owners of Low Spirit Solutions, LLC, presented on the request.

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

Members of the audience in favor or opposition of the request spoke, or voiced concerns:

- Scott Corey Dunbar, new owner of Franklin's Printing, felt the liquor store would assist in the development of the area, though he said he was neither in favor or opposition of the request.
- Robert Cox, previous owner of Franklin's Printing, voiced concerns with loitering/nuisance control, traffic/parking issues, and congestion issues.
- Bob Wynn, Citizens Advisory Council member, current chairperson for the D/DRC, longstanding resident and past president of the Arsenal Hill Neighborhood Association spoke in opposition to the request.
- Matt Kennell, president and CEO of the City Center Partnership (CCP), spoke in opposition to the request.
- Martha Studstill, Main Street merchant and chair of the CCP marketing committee, spoke in opposition to the request.

The applicants spoke in response and rebuttal of comments made by the public.

Mr. Dunbar felt the liquor store would be positive in attracting others to move to the downtown area and was close to voicing supporting of the request.

Mr. Wynn stated for the record that he was aware of written opposition from Captain Auld of the Metro North Regions of Columbia Police Department.

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

Testimony reopened to allow the applicant to discuss their other stores and locations.

Testimony reclosed for Board discussion or to allow for a motion.

Motion by Mr. McKnight to deny the request for Special Exception as he feels mainly vehicular and pedestrian traffic will be affected as well as having public safety concerns and nuisance conditions. A substantial adverse impact on public safety will create nuisance conditions. The request is detrimental to something that the City is attempting to build up, and it is felt that a "Pandora's box should not be opened to release a havoc of destruction" to the wonderful City of Columbia.

Motion seconded by Mr. Tyler. Motion to deny passes 4-1 with Mr. Salley in opposition.

Mr. Tyler left the meeting after this case at 11:25AM.

A short break was taken, with the meeting resuming at 11:40 AM.

Quorum was still retained with four members.

- 11. 16-033-V Dist. 2 1401 through 1413 Assembly Street and 1011 through 1019 Washington Street (TMS# 09013-03-06 through -13 and 09013-03-01(p))** Variance to the parking requirements for a multifamily building (CRG Acquisitions LLC) (C-4, -DD)

The request for variance to the parking requirements is in order to construct a 15-story, 305-unit apartment building on a site totaling 1.02 acres. Five hundred and ninety-three (593) parking spaces are required for the unit count per the City Ordinance. The spaces have been reduced to 410 parking spaces due to provisions of the -DD overlay (§17-311(c)(2)) which allows for a reduction of the required parking spaces which may be provided on-street or leased within 400 feet of this property. The applicant is proposing to provide 151 parking spaces instead, a variance of 259 parking spaces. In addition to the automotive parking spaces, 90 motorized scooter and 160 bicycle spaces will be provided in a covered and secured structure onsite.

Robert Neeley, architect for the project, presented on the request.

Mr. Neeley provided supplemental materials showing the proposed architecture to Board members.

Jay Case, principal with CRG Realty, spoke on the project and parking.

Members of the audience in favor or opposition of the request spoke:

- William Bailey, owner of the parking lot at Park and Lady Streets, spoke in support of the request.
- Matt Kennell, City Center Partnership, spoke in support of the request for variance.

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

Motion by Mr. Salley to approve the request based on the written application and testimony of the applicant and their consultants.

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

- 12. 16-034-V Dist. 3 3200 Duncan Street (TMS# 13802-03-18)** Variance to the front yard setback requirements to construct a single family residence (Celtic Works Inc.) (RG-1, -CC1)

The applicant is requesting a variance to the front yard setback requirements in order to construct a two story single family residence with attached garage upon the lot. A minimum front yard setback of 25' is normally required (per §17-275), but may be administratively reduced to 24'2" based on the average setback of buildings on the same block face (§17-276). The applicant is proposing a front yard setback of 22' instead, a variance of 2'2".

Aaron Pazarena, Celtic Works, presented on the request and reviewed the criteria required for a variance.

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

Motion by Mr. Young to approve the request for variance for case 16-034-V. In reference to the criteria, there are extraordinary and exceptional conditions as the lot is a corner lot and because of the size of the lot; and it does not generally apply to other properties. The zoning ordinance unreasonably restricts the use of the property due to the size of it. Allowing the variance would not be detrimental to adjacent properties; it is the minimum necessary, and it would not be detrimental to the public welfare if approved.

Motion seconded by Mr. Salley. Motion carries 4-0.

IV. OTHER BUSINESS

V. ADJOURNMENT

There being no further business, Mr. Salley adjourned the July 12, 2016 Board of Zoning Appeals meeting at 12:12 PM.

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