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**CITY OF COLUMBIA**  
**BOARD OF ZONING APPEALS MINUTES**  
**October 11, 2016 - 10:00 AM**

**City Council Chambers**  
**1737 Main Street, 3<sup>rd</sup> Floor • Columbia, SC**

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**In attendance:** Pat Hubbard, Reggie McKnight, Calhoun McMeekin (arrived prior to the motion being made for item 6), Chuck Salley, Tyler Gregg, Regina Williams, Preston Young

**Absent:** None

**Staff:** Brian Cook, Andrew Livengood, Tabitha Proffitt, Andrea Wolfe

**I. CALL TO ORDER and DETERMINATION OF QUORUM**

Chuck Salley, chairperson, called the meeting to order at 10:03AM, 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 September 13, 2016 Minutes

**B. OLD BUSINESS**

None.

**C. NEW BUSINESS**

2. 16-051-V Dist. 3 121 Humane Lane (TMS# 13609-01-01) Variance to the parking requirements for veterinary services (Bob Probst, AIA, City of Columbia) (M-1, -FP)

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

**Motion by Mr. Hubbard to approve the items on the Consent Agenda subject to any conditions that may be found within the case file 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 number, and also subject to any exhibits within the file; *motion seconded by Mr. Young.* Motion approved 6-0.**

**III. REGULAR AGENDA**

**A. OLD BUSINESS**

3. 16-047-V Dist. 2 933 Main Street (TMS# 08916-06-03) Variance to the parking requirements to construct apartments (933 Main Street Partners LLC)(C-4, -DD)  
**Deferred to 11/8/16**

## **B. NEW BUSINESS**

4. 16-052-V Dist. 4 801 and NX821 True Street, (TMS# 16404-08-07 and -08) Variance to the parking, buffer yard, and street protective yard requirements to expand a dental office (Harris Cohn, Cohn Construction) (C-1)

Prior to the BoZA meeting, staff met with the applicant who requested withdrawal of buffer yard and street protective yard variance request; therefore all that would present was a variance request to the parking.

The applicant is proposing 2,500 sq. ft. expansion of an existing 2,730 sq. ft. dental office which requires parking for the expansion. An existing non-conforming gravel lot adjacent to the building is currently being used for parking. Thirteen improved parking spaces are required whereas the applicant is requesting a variance for zero spaces instead.

Harris Cohn, Cohn Construction, presented on the request. Mr. Cohn said there are currently fourteen parking spaces on the property that will be used for patients only. He then reviewed the criteria required for a variance request.

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

**Motion by Mr. Hubbard to approve the request for variance. The evidence shows that the criteria has been met. There are two conditions on the variance: 1) so as there is space in the overflow lot, employees will park in the overflow lot; and 2) there will be a conforming parking lot within seven years from the vote to grant to variance from the date of the grant for variance.**

**Motion seconded by Mr. Young. Motion carries 6-0.**

5. 16-053-SE Dist. 3 2020 Gervais Street (TMS# 11406-12-04) Special exception to expand a convenience store (Dan Sherer, Sherer & Associates LLC) (MX-1, 5P)

This application for Special Exception is a request to expand an existing +/- 1,400 sq. ft. gas station convenience store to approximately 2,880 sq. ft. No additional gasoline pumps are proposed.

This is a vacant commercial retail space. An additional condition for approval is the Good Neighbor Plan which is basically a loitering, litter control, sign pledge permit, crime prevention and awareness program, and a neighborhood communication program.

Jake Moore, Columbia attorney representing the client, presented on the request. Mr. Moore said a Good Neighbor Plan has been submitted, there will be no additional pumps, and he is not aware of any opposition to the request.

Dan Sherer, architect for the project, spoke on the design for the expansion of the existing convenience store and the additional retail expansion.

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

**Motion by Mr. Hubbard to grant the request for special exception. The criteria have all been satisfied as testimony today has indicated.**

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

6. 16-054-SE Dist. 2 790 Huger Street aka 520 Greene Street (TMS# 08911-05-01) Special Exception to establish a drinking place (Dan Sherer, Sherer & Associates LLC) (MX-2, -ID)

The applicant is requesting a special exception to establish a proposed 3,500 sq. ft. microbrewery which is a permitted use in the district, and an 18,000 sq. ft. accessory drinking place in association with the microbrewery.

Parking will be met on site; there are no other drinking establishments within 400 feet and no school or place of worship within 600 feet; and adequate ingress and egress will be provided.

Dan Sherer, architect for the project, spoke on the design for the project which will consist of demolition of an existing brick building and renovation of a metal building which will microbrewery.

Richard Strauss, potential property owner (under contract), making licensure for a microbrewery. No wine or liquor drinks will be sold, only their draft beer. There will be a tasting or tap room, and Mr. Strauss said they are working with DHEC to have a small area that will allow for the sale of foods such as hotdogs, pretzels, beer nut, and things that are eaten with beer. This will allow beer from other microbreweries in town to be sold at this location. This will not be a late night establishment. The hours of operation will depend on the days of the week.

The production facility will run every day. The tasting room or tap room may open some days at 3PM and close at 8PM; other days may open at noon and close at 8-9PM. Typically on Fridays, they will close at 9-10PM.

Mr. Strauss reviewed the criteria required for a request for special exception as well as the additional criteria as defined within §17-269 of the Zoning Ordinance.

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

**Motion by Mr. Hubbard to grant the request for special exception. The testimony and the materials in the file indicate that the eight standard criteria are satisfied, and that the special criteria are satisfied as well.**

***Motion seconded by Mr. Young. Motion carries 6-0.***

7. 16-059-SE Dist. 3 Parcel adjacent to 7504 Garners Ferry Road (TMS# 16316-01-06(portion)) Special Exception to allow a drive-through for a proposed restaurant (Cook Out c/o Dan Creed, Heritage Engineering, Inc.) (C-3)

The applicant is requesting a special exception to establish a drive through facility for a proposed 3,100 sq. ft. restaurant (Cook Out) on a 1.33 acre parcel that has been subdivided from the parent parcel.

Dan Creed of Heritage Engineering presented on behalf of Cook Out. Mr. Creed spoke on the request and reviewed the criteria required for a special exception.

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

**Motion by Mr. Hubbard to grant the request for special exception. The testimony and materials in the file for this case indicate that the requirements for special exception have been satisfied.**

***Motion seconded by Mr. McKnight. Motion carries 7-0.***

8. 16-061-SE Dist. 2 875 Catawba Street and NE/S Lincoln Street (TMS#  
**Deferred to 11/8/16** 08913-05-03 and -05) Special Exception to establish a  
multifamily use (Brad Brown, BET Investments) (M-2, -PD)

9. 16-062-V Dist. 2 875 Catawba Street and NE/S Lincoln Street (TMS#  
**Deferred to 11/8/16** 08913-05-03 and -05) Variance to the parking and setback  
requirements for multifamily and commercial uses (Brad  
Brown, BET Investments) (M-2, -PD)

**IV. OTHER BUSINESS**

**V. ADJOURNMENT**

**There being no further business, meeting adjourned by Mr. Salley at 11:36AM.**

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