
CITY OF COLUMBIA
BOARD OF ZONING APPEALS MINUTES
November 8, 2016 - 10:00 AM

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

In attendance: Pat Hubbard, Reggie McKnight, Calhoun McMeekin, III, Chuck Salley, Regina Williams, Preston Young

Absent: Tyler Gregg

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 10:05AM, 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 October 11, 2016 Minutes

B. OLD BUSINESS

None.

C. NEW BUSINESS

2. [16-065-V](#) Dist. 2 707 Catawba Street (TMS# 08913-04-01, 08913-03-06, and -07) Variance to the parking requirements for an office and research building (Chad Hardaway, USC Incubator) (M-2, -PD)

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)

Brian Cook, Zoning Administrator, introduced the request. The applicant is requesting a variance to the parking requirements to construct a new 12-unit, 3-story apartment building constructed on a podium over an existing parking lot. The parking lot currently serves an existing mid-rise commercial building with 4 apartments above. After the reductions allowed due to the –DD overlay, 35 parking spaces are required (23 for the existing uses and 12 spaces for the new apartments). The applicant is proposing to provide 16 parking spaces instead.

Wes Bolin, civil engineer for the project, presented on the proposed request. Originally 21 parking spaces on-site were proposed, however a preliminary review by the D/DRC recommended changes to the building and site plan that reduced the amount of proposed spaces on-site to 16. Sixty-seven community parking spaces are available within 400 feet of the proposed building.

Mr. Bolin reviewed the criteria required for a variance.

Ford Elliott, 933 Main Street Partners LLC, spoke on the request. Mr. Elliott said that USC is supportive of the project.

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

Dr. Hubbard felt the request was a bad idea because of the loss of parking spaces, and spoke on the rationale for his decision.

Mr. Salley felt all the criteria for a variance was met, that the subject property is unique in nature, the request is not detrimental to the neighborhood, and it is the minimum necessary.

Motion by Mr. Salley to approve the request for variance based on the testimony of the applicants subject to any of the comments and recommendations of staff.

Motion seconded by Ms. Williams.

Motion fails 3-3 vote with Ms. Williams, Mr. Salley and Mr. McKnight in favor; and Mr. Young, Mr. Hubbard, and Mr. McMeekin in opposition.

Discussion ensued among the Board and applicants regarding the request, and solutions for parking. The applicant requested deferral of the request to the December meeting.

Motion by Mr. Salley to defer the request to the December meeting.

Motion seconded by Mr. McMeekin. Motion to defer approved 6-0.

4. **16-061-SE Dist. 2 875 Catawba Street and NE/S Lincoln Street (TMS# 08913-05-03 and -05)** Special Exception to establish a multifamily use (Brad Brown, BET Investments) (M-2, -PD)

5. **16-062-V Dist. 2 875 Catawba Street and NE/S Lincoln Street (TMS# 08913-05-03 and -05)** Variance to the parking and setback requirements for multifamily and commercial uses (Brad Brown, BET Investments) (M-2, -PD)

Brad Brown with BET Investments, applicant, requested a deferral of item 4 and 5 to the December.

Motion by Mr. Salley to defer these cases. Motion seconded by Mr. McKnight. Motion carries 6-0.

Mr. Cook restated, for the record, the cases are 16-061-SE and 16-062-V which will be placed on the agenda for the December meeting.

B. NEW BUSINESS

- 6. 16-064-SE Dist. 1 3100 Main Street (TMS# 09111-06-01)** Special Exception to allow local trucking without storage for a moving company (Fred L. Price, FLP3, LLC) (C-3, -NC)

Chairperson Chuck Salley recused himself from discussion and vote on this case as Colliers International is the broker for this request. Chair was turned over to vice-chair, Dr. Hubbard.

Fred and Trey Price, applicants, presented on the request to allow for a moving company without storage. Meetings were held with the neighborhood associations and surrounding neighborhood associations, and no objections were received to the request. Commercial screening and landscaping will be provided on the property to screen the trucks and low lying property after hours.

There will be no on-site storage; part of the building will be used for office space. This will be a service provider only with three or four trucks parking overnight.

Trey Price 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. McMeekin to approve 16-064-SE, 3100 Main Street, contingent upon the applicant fulfilling any staff comments required. It is felt that all criteria have been met. There is not an adverse impact on vehicular or pedestrian safety, and there are no environmental factors that give concern on aesthetics, issues regarding public safety, nuisance, concentration, character, compatibility, or public interest.

Dr. Hubbard added the following conditions as part of the approval:

- **There will be no interior/exterior storage of goods by third parties on-site.**
- **Parking of trucks will be in the low lying location consistent with testimony.**
- **Screening of the delivery trucks on the property shall be implemented and maintained in a proper manner. Details of screening to be agreed upon between the applicant and staff.**

Motion for approval amended by Mr. McMeekin to include the conditions noted by Dr. Hubbard.

Motion seconded by Mr. Young. Motion carries 5-0.

Chair position resumed by Mr. Salley.

- 7. [16-066-SE](#) Dist. 2 2529 Millwood Avenue (TMS# 11414-17-08)** Special Exception to allow a convenience store (Chris Blakely) (C-3)

Brian Cook, Zoning Administrator, introduced the request for Special Exception to permit the establishment of a convenience store within an existing +/- 1,000 sq. ft. building.

In December of 2014, City Council passed an ordinance (§17-297), the "Good Neighbor Plan" requiring special exception approval to establish or expand a convenience store. This ordinance requires the following conditions: Loitering control program; Litter control program; Sign pledge program; Crime prevention and awareness program; and Neighborhood Communication Program be part of approval for special exception.

Should the Board be inclined to approve this request, staff asked that three additional conditions be added: No alcohol or tobacco sales; Construction and operation to be in substantial conformance with the application and supporting materials submitted by the applicant, including the submitted Good Neighbor Plan; and Conformance with all applicable city codes, including, building, fire, and landscaping requirements.

Chris Blakely, applicant, presented on the request to open a convenience store with a grill to provide breakfast and lunch from the hours of 7AM to 7PM. Mr. Blakeley reviewed the criteria required for a special exception, and stated he will adhere to the "Good Neighbor Plan" and the three additional conditions required by staff for approval of the request. Letters regarding the proposed request were mailed to surrounding neighborhood association contacts and the Columbia Police Department, and no objections were received.

Marvin Heller, President of the Lyon Street Community Association, was pleased to hear no alcohol would be sold but voiced concerns with litter and public safety. Mr. Heller said he did not receive a letter.

Fred Easley, President of the Melrose Neighborhood Association, voiced concerns with the public safety. Mr. Easley said he did not receive a letter.

Ms. Williams voiced concern regarding the late mailing date of the letters from the applicant to the surrounding neighborhood leaders, and the comments made that letters were not received. Letters were mailed to addresses the applicant received from City staff. Mr. Easley felt the neighborhoods should be able to meet with the applicant prior to approval to discuss the request.

Keith Summerville, in partnership with Mr. Blakely, said their main goal is to improve the community and bring some fellowship to the area.

Mr. Blakely said he has no objection conditioning approval to meeting with the Melrose Heights and Lyon Street Community associations in the area and attending their monthly meetings. He will enforce the conditions of the "Good Neighbor Plan" and additional three conditions required by staff.

Mr. Cook reiterated the "Good Neighbor Plan" saying if the conditions are not adhered to, the applicants will be in violation, and they must remain in open communication with the surrounding neighborhoods as well as a condition of approval of the "Good Neighbor Plan" and special exception, as well as the three additional conditions.

Motion by Dr. Hubbard to approve the request subject to the following conditions:

- **No alcohol or tobacco sales;**
- **Construction and operation to be in substantial conformance with the application and supporting materials submitted by the applicant, including the Good Neighbor Plan which has been submitted;**
- **All Conformance with applicable city codes, including, building, fire, and landscaping requirements; and**
- **By January 31st, 2017, the applicant will have visited with the neighborhood associations if they are having meetings at that time. If meetings are not held within that time frame, at the soonest next meeting after that time frame;**

identifying specifically the Lyon Street Community, Melrose Heights and Martin Luther King.

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

IV. OTHER BUSINESS

Mr. Cook recognized this as the last meeting for Dr. Hubbard, Mr. Young and Andrew Livengood.

Mr. Livengood will remain with the City of Columbia as the Annexation Coordinator.

Dr. Hubbard and Mr. Young were thanked for their service and participation on the Board.

Mr. Salley added he had learned quite a bit from both Dr. Hubbard and Mr. Young, thanked them for their service, and said he will miss them both very much.

V. ADJOURNMENT

There being no further business, meeting to adjourn by Mr. Young, seconded by Ms. Williams. Meeting adjourned at 12:00PM.

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