
CITY OF COLUMBIA
BOARD OF ZONING APPEALS MINUTES
October 10, 2017 - 10:00 AM

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

In attendance: April Brown, Gene Dinkins, Jr., Reggie McKnight, Calhoun McMeekin, Marcellous Primus, Chuck Salley, Josh Speed

Absent: None

Staff: Brian Cook, Rachel Bailey, Hannah Slyce, Michael Lizewski, Andrea Wolfe

I. CALL TO ORDER and DETERMINATION OF QUORUM

Chuck Salley, chair, called the meeting to order at 10:00AM. Members of the Board of Zoning Appeals (BOZA) were introduced along with Staff. Quorum was confirmed. Applicants and others who wished to speak were sworn in.

Brian Cook, zoning administrator, proceeded with review of the Consent Agenda.

II. CONSENT AGENDA

A. APPROVAL OF MINUTES

1. **Approve September 12, 2017 Minutes_**

B. OLD BUSINESS

2. **2017-0062-V Dist. 2 1500/1505 Garden Plaza (Formerly Gonzalez Gardens) (TMS# 11411-04-01, 11411-05-01, et al) Variance to parking requirements for a multifamily development (Columbia Housing Authority Development, Inc.) (RG-2, AP-AVZ)**

C. NEW BUSINESS

3. **2017-0089-V Dist. 4 325 Veterans Road (TMS#16406-06-07) Variance to setback requirements for a proposed business and data center (Veterans Road Holdings, LLC) (C-2, AP-AVZ)**

Mr. McMeekin requested 2017-0062-V, 1500/1505 Garden Plaza (Formerly Gonzalez Gardens) moved to the Regular Agenda for discussion.

Consent Agenda then consisted of September minutes and 2017-0089-V, 325 Veterans Road.

Motion by Mr. Dinkins, Jr. to approve the Consent Agenda subject to any staff comments. Motion seconded by Mr. McKnight. Motion approved 7-0.

III. REGULAR AGENDA

A. OLD BUSINESS

None

2. 2017-0062-V Dist. 2 1500/1505 Garden Plaza (Formerly Gonzalez Gardens) (TMS# 11411-04-01, 11411-05-01, et al) Variance to parking requirements for a multifamily development (Columbia Housing Authority Development, Inc.) (RG-2, AP-AVZ)

Recusal of discussion and vote by Mr. Dinkins, Jr. as Cox and Dinkins, Inc. is the surveyor of record for the project.

Mr. Cook introduced the request for variance to the parking requirements for a proposed multifamily development. Two spaces per unit are required and the applicant is proposing 1.75 spaces per unit instead.

Julia Prater of the Columbia Housing Authority; Darren Holcombe of Cox and Dinkins, and Thom Chumney of Mungo Construction were available to present the request.

As the criteria for a variance request had already been addressed the previous month, the applicants addressed the Board's concern with regard to the runoff rate of water onsite from previous conditions.

A document was submitted by Cox and Dinkins showing the difference between current conditions on the property and the future development. New calculations were done and the applicants committed to a 25% reduction and rate of flow (volume over a period of time) off the site, as well as a 10% reduction in volume flow (volume as it passes a particular point or area) by conventional storm water methods as well as low impact development methods.

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

Motion by Mr. Salley to approve the request for variance subject to staff comments and subject to the study provided by Cox and Dinkins which states that the rate of flow reductions will exceed 25% for the regulatory events and volume reductions will exceed 7.5% over a 24-hour period for the regulatory storm events.

Motion seconded by Mr. McKnight. Motion approved 4-2 with Mr. McMeekin and Ms. Brown in opposition.

NEW BUSINESS

4. 2017-0071-V Dist. 3 1130 S. Kilbourne Rd. (aka 3807 Timberlane Dr.) (TMS#13707-19-08) Variance to side yard setback requirements for a single-family residence (Chris Pinelli) (RG-1, AP-AVZ)

Mr. Cook introduced the request for variance to the side yard setback for a proposed single-family residence. The requirement is 5 feet in the RG-1 district; the applicant is proposing a side yard setback of approximately 3.87 feet on the eastern side of the property.

Currently, there is a single-family home on the property as well as a garage structure the applicant would like to turn into a single-family residence. Based on the area of the property and the zoning district, this is allowed as long as two off-street parking spaces are provided and setbacks are met.

Joel Mercado, property owner, presented on the request as his contractor, Chris Pinelli, was unavailable. Mr. Mercado reviewed the criteria required for a variance request.

- *Extraordinary and exceptional conditions pertain to the subject property as the proposed use of the structure on the property does not meet the current setback criteria.*
- *The conditions noted above do not generally apply to other property in the area.*
- *Because of the conditions noted above, the requirements of the Zoning Ordinance effectively*

prohibit or unreasonably restrict the use of the property.

- *Approval of the variance would not be of a substantial detriment to adjacent property or to the public good, and the character of the district would not be harmed – support and approval has already been received from neighbors in the area as nothing will be changed.*
- *The variance is the minimum necessary.*
- *The proposal is in harmony with the purpose and intent of the Zoning Ordinance, and will it not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

Plans are to use the proposed converted garage structure as rental property.

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

Motion by Mr. Salley to approve the request for variance subject to staff comments and based on the criteria presented today by the applicant.

Motion seconded by Mr. Dinkins, Jr. Motion approved 7-0.

- 5. 2017-0072-SE Dist. 3 621/623 Saluda Ave. (TMS# 11308-11-08) Special exception to establish a parking lot in a residential district (Scott Lambert, Lambert Architecture and Construction Services) (RG-2, -DP, AP-AVZ)**
- DEFERRED
BY
APPLICANT**

- 6. 2017-0073-V Dist. 2 1603/1605 Bull Street (TMS# 11402-01-04) Variance to parking requirements for a proposed commercial use (Sam Fiorini, Metro Realty Group) (C-4, -DD)**

Mr. Cook introduced the request for variance to the parking requirements for a proposed real estate office. The parking requirements for would normally be 8 parking spaces. The applicant is proposing zero on-site instead.

The proposed 2,840 square foot real estate office will be built on a 2,649 square feet lot located within the the -DD Overlay which allows for a 50% reduction in parking. There are two parking on-street with the possibility of four. The applicant is request a variance of four parking spaces and requesting zero.

Sam Fiorini, applicant, presented the request. Mr. Fiorini proposes to use four on-street parking on Bull and Taylor Streets, and there are sixteen potential spaces within ½ block of the property.

Ms. Brown and Mr. McMeekin voiced concerns regarding the lack of parking.

The criteria required for a variance request was reviewed.

- *Extraordinary and exceptional conditions pertain to the subject property due to the size of the lot.*
- *The conditions noted above do not generally apply to other property in the area as there are not many other small undeveloped lots in the market.*
- *Because of the conditions noted above, the requirements of the Zoning Ordinance effectively prohibit or unreasonably restrict the use of the property because of the size of the lot which does not meet the criteria to allow for additional parking on the lot.*
- *Approval of the variance would not be of a substantial detriment to adjacent property or to the public good, and the character of the district would not be harmed as it is more of the norm in this area allowing for on-street parking rather than on-site parking.*
- *The variance is the minimum necessary.*

- *The proposal is in harmony with the purpose and intent of the Zoning Ordinance, and will it not be injurious to the neighborhood or otherwise detrimental to the public welfare as parking on Bull and Taylors Streets would allow for this to be a useful parcel of commercial land.*

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

Motion by Mr. Salley to defer case 2017-0073-V to the next month’s meeting to allow for a site plan.

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

7. 2017-0074-SE Dist. 1 3611 Marsteller Street (TMS# 09213-05-04) Special exception to establish a residential care facility (Julian Swygert, Accu-Care Health Services) (RG-2)

ADMINISTRATIVE

DEFERRAL

8. 2017-0088-SE Dist. 1 2400 Marion Street (TMS#09113-06-17) Special exception to change a nonconforming use (Donna Green) (RG-1, -DP)

Mr. Cook introduced the request for special exception to change a nonconforming use. A design preservation district may be established after vacancy, abandonment or discontinuance of a prior nonconforming use for a period of up to 36 consecutive months. The Board shall not grant a special exception except upon a finding that the nonconforming use proposed is more in character with the uses permitted in the district than the prior nonconforming use. In addition, the Board may require appropriate conditions and safeguards in accord with the purpose of this article

The property contains a duplex and a garage with an apartment. The applicant proposes to reduce the amount of units by converting the duplex into a single-family residence and replacing/rebuilding the garage apartment into a studio apartment. In an RG-1 district, two units would normally require a lot of 10,000 sq. ft. or larger, but the Richland County Tax Assessor shows the lot as being approximately 9,918 sq. ft.

The request is to reduce the number of units on the lot from three non-conforming units that were in disarray to two less intensive non-confirming units that are compatible with the neighborhood.

Donna Green, applicant, presented the request. The proposal has been discussed with preservation staff and upon approval of the special exception by the board, will present to the Design Development Review Commission for request for Certificate of Design Approval for new construction and design.

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

Motion by Mr. Salley to approve the request based on the applicant’s response in her application and other testimony given today.

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

IV. OTHER BUSINESS

NONE

V. ADJOURNMENT

There being no further business, motion to adjourn by Mr. Salley. Meeting adjourned at

11:28AM.

Respectfully submitted by Andrea Wolfe
Land Use Board Coordinator
Planning and Development Services Department
City of Columbia