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**CITY OF COLUMBIA**  
**BOARD OF ZONING APPEALS MINUTES**  
**December 12, 2017 - 10:00 AM**

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

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**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, Stephen Green, Willie Wilson, Michael Lizewski, Andrea Wolfe

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

Chuck Salley, chair, called the meeting to order at 10:08AM. 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 November 14, 2017 Minutes\_

**B. OLD BUSINESS**

NONE

**C. NEW BUSINESS**

2. **2017-0100-V**      **2617 Devine Street (TMS# 11316-14-16)** Variance to the off street parking requirement in order to expand the kitchen (Jody Kreush, The Devine Cinnamon Roll Deli) (C-2)
3. **2017-0101-SE**    **502 Beckman Road (TMS# 14400-01-01A)** Special exception to construct a 150' Wireless Communication Facility (Cell Tower) (Baker, Donelson, Bearman, Caldwell, & Berkowitz, PC) (C-1)
4. **2017-0102-V**      **310 South Edisto Avenue (TMS# 11309-08-25)** Variance to the side yard setbacks in order to build an addition (Rebecca and Richard Soderquist) (RG-1, -CC)
5. **2017-0104-V**      **1231 Bluefield Drive (TMS# 07307-01-02)** Variance to the sign height requirement (Masstar Signs) (RS-2)
6. **2017-0105-SE**    **4007 Farrow Road (TMS# 11606-08-10)** Special exception to continue use as an automotive repair shop (Chanelle Gordon, MMM Automotive) (C-3)
7. **2017-0107-V**      **7450 Richard Street (TMS# 16305-02-07)** Variance to the street protective yard requirement (Tim Ashmen, Gray Construction Inc.) (M-2)

8. **2017-0108-V** **7450 Richard Street (TMS# 16305-02-07)** Variance to the vehicular surface area interior landscaping requirement (Tim Ashmen, Gray Construction Inc.) (M-2)

No one requested that any item be removed from the Consent Agenda.

**Motion by Mr. Salley to approve the Consent Agenda pursuant to the comments of staff in the applications and subject to those comments.**

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

### **III. REGULAR AGENDA**

#### **A. OLD BUSINESS**

9. **2017-0072-SE** **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)

**DEFERRED**

Recusal from discussion and vote by Mr. Salley on item #10, 700 Harden Street, as Colliers International, whom he is affiliated with, is involved in this transaction. Chair turned over to Mr. McMeekin, vice-chair.

Mr. Cook read that into the record for the recusal statement and stated quorum was still retained with this recusal.

#### **B. NEW BUSINESS**

10. **2017-0103-SE** **700 Harden Street (TMS# 11312-01-15)** Special exception to have a drive-through facility as part of a fast food restaurant (Back Forty Holdings, Jim Poston) (MX-1, -5PL)

Mr. Cook introduced the request for special exception to establish a drive-through facility for a fast food restaurant (Zaxby's). The subject property consists of a +/- 7,650 square foot building on a +/- 38,111 square foot lot. The existing building was formally a restaurant (Harpers). Applicant plans to add a drive-through window and associated structures. A conceptual site plan is included for informational purposes only.

Mr. Cook provided a brief history on the background of Five Points, reviewed the criteria required for a request for special exception, as well as three additional conditions should the Board approve the request.

Bob Fuller, Columbia attorney, represented the applicant. Mr. Fuller presented a history of the site and area, and reviewed the criteria required for a special exception.

Also in attendance was Jim Poston of Back Forty Holdings, principal and developer of Zaxby's and Dan Creed of Heritage Engineering, project engineer.

Members of the public were invited to speak in favor or opposition of the request for a drive through.

*In favor:*

John Scarborough, property owner  
Kirkman Finley, Five-Points business owner  
Duncan McRae, Five-Points business owner  
Craig Waites, Colliers International Real Estate Company

*In opposition:*

Toby Ward, resident and Columbia attorney

Dick Harpootlian, resident and Columbia  
John O'Brien, resident and area business owner  
Kyle Lacio, taxi driver  
Hance Oliver, University Hill Neighborhood resident  
Ella Weinkle, resident  
Seth Rose, Richland County Councilmember – District 5  
Anne Sinclair, former City Council member  
Amy Beth Franks, Executive Director of the Five Points Association and resident  
John Sears, Five-Points business owner  
Tim Smith, resident  
Rachel Vail, Shandon resident  
Richard Burts, resident  
Charles Thompson, Five-Points properties owner  
Fred Delk, Executive Director for Columbia Development Corporation  
Tazima Brown, business owner  
Bob Wynn, Citizens Advisory Council member and City of Columbia Board member  
Guy Jones, resident

Mr. Fuller offered rebuttal on comments made.

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

**Motion by Ms. Brown to deny the request for special exception due to vehicular and pedestrian safety issues; environmental factors; the aesthetics of the neighborhood; public safety; nuisance conditions; concentration; character; compatibility; and public interest.**

*Motion seconded by Mr. McKnight.*

**Motion fails 2-4 with Mr. Primus, Mr. Dinkins, Jr., Mr. McMeekin, and Mr. Speed in opposition.**

**Motion by Mr. McMeekin to approve the special exception for 700 Harden Street, case number 2017-0103-SE, subject to the three conditions noted in staff comments. In addition as part of the approval, based on the testimony of the applicant, hours of operation will not exceed 11:00PM on any day, and that security will present from 5:00PM until closing. In his opinion, there is not substantial adverse impact on vehicular traffic, or vehicular and pedestrian safety; there are no environmental factors; there will be no impact on adjoining properties in terms of noise, lights, glare, vibration, fumes, odors, obstruction of air or light, or litter; there will be no impact on aesthetics; the applicant must confirm with any signage requirements or restraints the City has. It is his opinion that this will not create any public safety or nuisance issue; it will not have any substantial or adverse impact; there is not a concentration even though there are drive through facilities in Five Points; there is no problem with character compatibility; and it is felt the proposal will not have an adverse impact on public interest.**

**Motion seconded by Mr. Dinkins, Jr. Motion passes 4-2 with Ms. Brown and Mr. McKnight in opposition.**

11. 2017-0106-SE

**DEFERRED**

621 Whaley Street (TMS# 08913-13-05) Special exception in order to expand existing convenience store (N. Kim, KG Contracting) (M-1, -PD)

Mr. McMeekin called for a short recess was taken at 12:35PM. Chair returned to Mr. Salley. Meeting resumed at 12:50PM.

Mr. McKnight and Mr. Primus left the meeting at 12:45PM, quorum was retained.

**12. 2017-0112-SE 2150, 2146, & 2144 Sumter Street (TMS# 09016-09-01)**  
Special exception to have an alternative parking surface (Frank Cason, Cason Development Group) (MX-1, -NC)

Mr. Cook introduced the request for a special exception to permit an alternative parking surface. The lot contains three existing buildings and will be an adaptive reuse. The current parking surface is a mix of gravel, asphalt and grass area; the proposed new parking surface is grave with elements used to contain the gravel.

Frank Cason, Cason Development Group, presented the request and reviewed the criteria required for a special exception.

Members of the public voiced concerns regarding storm water issues.  
Patti Marinelli, Cottontown resident  
Julie Seal, resident

The applicant testified he would meet all City land development codes with the redevelopment.

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

**Motion by Mr. Dinkins, Jr. to approve the special exception to have an alternative parking surface on this parcel subject to all staff comments and that it must meet all the City's land development regulations.**

***Motion seconded by Mr. McMeekin. Motion approved 5-0.***

**13. 2017-0113-V 2150, 2146, & 2144 Sumter Street (TMS# 09016-09-01)**  
Variance to the buffer transition yard requirement (Frank Cason, Cason Development Group) (MX-1, -NC)

Mr. Cook introduced the request for a variance to the buffer transition yard requirements for a proposed redevelopment. The applicant is proposing a zero foot buffer with an 8 foot wooden privacy fence and a row of screening consisting of 15 Evergreen Giant Arborvitae that will be irrigated and maintained.

Frank Cason, Cason Development Group, presented the request. Mr. Cason reviewed the proposed site plan.

Members of the public voiced concerns regarding storm water issues.  
Patti Marinelli, resident  
Julie Seal, resident

Scott Holder, land development planner, administers the landscape ordinance and spoke on the minimum requirements for the landscape plan and buffer yard.

Mr. Cason then reviewed the criteria required for a variance request.

Members of the public were invited to speak in favor or opposition of the request.  
Harriet Fowler, resident, spoke in favor of request  
Julie Seal, resident, spoke in favor of request  
Stacy Shepanek, resident, voiced concerns regarding parking issues  
Patti Marinelli, Cottontown resident, buffer yard concerns  
Denise Wellman, Cottontown board member, voiced concerns with parking

Mr. Cason addressed concerns voiced.

**Motion by Mr. Salley to approve the request for a variance with an amendment to the request that the variance be approximately twelve feet, or exactly the distance from the proposed buffer screen in the site plan presented by Mr. Cason in his application to the property line of the adjoining neighbor. The buffer restriction will be that exact measurement. Approval of the proposal is based on all requirements of staff, and Mr. Cason must comply with all City of Columbia Zoning Ordinances in the development of the proposed easements presented today.**

**Motion seconded by Mr. McMeekin. Motion approved 5-0.**

- 14. 2017-0115-V      510 Heyward Street (08816-09-12, 08816-09-13A, 08816-09-14A) Variance to parking requirements for proposed multifamily development (Daniel Rothschild, Granby Building Tenant, LLC) (RG-2, -DP)

**WITHDRAWN**

**IV. EXECUTIVE SESSION**

- 15. The receipt of legal advice related to matters covered by attorney-client privilege pursuant to §30-4-70(a)(2).  
\*Dortch v. Board of Zoning Appeals

**Motion by Mr. Salley to go into Executive Session.  
Motion seconded by Mr. McMeekin. Motion approved 5-0.**

Executive Session entered at 1:36PM.

Executive Session ended at 1:50PM.

**Motion by Mr. Salley to resume meeting.  
Motion seconded by Mr. McMeekin. Motion approved 5-0.**

**V. OTHER BUSINESS**

NONE

**V. ADJOURNMENT**

**There being no further business, motion to adjourn by Mr. Salley.  
Motion seconded by Mr. Speed. Meeting adjourned at 1:51PM.**

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