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**CITY OF COLUMBIA**  
**BOARD OF ZONING APPEALS MINUTES**  
**March 13, 2018 - 10:00 AM**

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

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

**Absent:** April Brown

**Staff:** Rachel Bailey, Hannah Slyce, Andrea Wolfe, Michael Lizewski, Stephen Green, Willie Wilson

**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.

Rachel Bailey, interim zoning administrator, noted changes to the agenda since publication. In addition, item 2, 2018-0013-V 3006 Devine Street was deferred as of that morning at the request of the applicant to allow for discussion with the surrounding area, and therefore was not discussed. Ms. Bailey reviewed the meeting format, use of timers and consent agenda.

**II. CONSENT AGENDA**

**A. APPROVAL OF MINUTES**

1. **Approve February 13, 2018 Minutes**

**B. OLD BUSINESS**

**NONE**

**C. NEW BUSINESS**

2. **2018-0013-V 3006 Devine Street (TMS# 13804-16-02)** Variance to the off-street parking requirement for Urban Use (C-2) **DEFERRED BY THE APPLICANT AS OF 3/12/18**
3. **2018-0015-V 918 Sims Avenue (TMS# 13901-15-11)** Variance to the side yard setback (Crosthwaite Co.) (RS-2, -DP)
4. **2018-0017-V 121 Shop Road Ext. (TMS# 16200-04-18)** Variance to the parking requirement for warehousing use (Hoyt C. Burnett, The Landplan Group South) (M-1)

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

**Motion by Mr. Dinkins, Jr. to approve the Consent Agenda subject to any staff comments.**

**Motion seconded by Mr. McMeekin. Motion passes 6-0.**

### III. REGULAR AGENDA

Ms. Bailey noted a shift in the order of items to be heard. Item 7, 2018-0014, 1323 Claremont requested their case be heard first due to a time restraint. Ms. Bailey introduced the request.

7. **2018-0014-V 1323 Claremont Drive (TMS# 13909-02-08)** Variance to the fence height requirement (Barri Thompson) (RS-1)

Beth Bernstein, Columbia attorney, represented the applicant.

Barri Thompson, applicant, presented a PowerPoint presentation of the request for a variance to the fence height requirement. Ms. Thompson reviewed the criteria required for a variance.

John Cattano, resident, voiced opposition to the request  
Kathleen Cattano, resident, voiced opposition to the request

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

Board members felt all criteria required for a variance was met.

**Motion by Mr. McMeekin to approve 2018-0014-V, 1323 Claremont Drive, request for a height variance. The maximum fence height is to be 12 feet off the ground as per the application, and anything higher than that will be removed. The motion is contingent upon staff comments. Approval of this variance shall be granted as the applicant has proven that there are extraordinary and exceptional conditions that pertain to this property that do not generally apply to other properties in the vicinity; it does restrict or prohibit the use of their property; granting of this variance will not be a substantial detriment to adjacent properties or the public good of the neighborhood; it is the minimum necessary; and granting the variance is in harmony with the purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public good.**

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

#### A. OLD BUSINESS

5. **2017-0072-SE** 621/623 Saluda Ave. (TMS# 11308-11-08) Special exception to establish a parking lot for a business (Dell'Arcio Landscaping Architecture and Construction Services) (RG-2, -DP) **DEFERRED BY THE APPLICANT**
6. **2018-0003-SE** **6104 N. Main Street (TMS# 11711-10-01, & -02)** Special exception to establish a coin operated laundromat (Umeshbhai Patel) (C-3A)

Ms. Bailey introduced the request for special exception.

Deborah Stratton, realtor involved in this transaction, presented the request on behalf of the applicant. Ms. Stratton and the applicant were able to attend a neighborhood meeting, where the consensus was that a laundromat was not desired by the residents.

Umeshbhai Patel, applicant, and Ms. Stratton reviewed the criteria required for a special exception.

Barbara Greene, represented several homeowners and area neighborhood associations, all in opposition of the request.

Patricia Gist Coleman, property owner, voiced opposition

Diane Wiley, president of the Belvedere Neighborhood, voiced opposition

President of the Fairwold Acres/Harlem Heights Neighborhood, Audrey Quarles Reed, voiced opposition of the request

Two younger residents of the Fairwold Acres/Harlem Heights Neighborhood, voiced opposition to the proposal for a laundromat desiring another type of business.

Ms. Stratton voiced rebuttal to comments made.

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

Board members felt the criteria required for a special exception was not met.

**Motion by Mr. McMeekin to deny the request for special exception for 2018-0003-SE, 6104 N. Main Street. It is felt there are issues with vehicular and pedestrian safety; #4) public safety and nuisance conditions; #5) concentration; #7) compatibility; and #8) public interest.**

**Motion seconded by Mr. Salley. Motion approved 6-0.**

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

7. **2018-0014-V 1323 Claremont Drive (TMS# 13909-02-08)** Variance to the fence height requirement (Barri Thomason) (RS-1)

**Case moved to be heard first on Regular Agenda**

8. **2018-0016-V 108 River Ridge Road (TMS# 07382-01-82)** Variance to the side yard setback (Edward Tennent, Broad River Bluff II, LLC) (RG-2)

Ms. Bailey introduced the request.

Edward Tennant, property owner, presented the request for a variance to the side yard setback requirement of 5 feet in order to construct a single-family home proposing 3 feet instead.

If approved, he intends to seek variances to the side yard setback requirement for approximately 5 other lots on the same street. Mr. Tennant said the plat he was given was never recorded.

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

Mr. Dinkins, Jr. stated there may be issues in granting relief of the City Ordinance if there is a recorded document set up by the original developer mandating particular setbacks. Approval of the variance could be granted however if there is a recorded plat, the applicant would be legally bound by the existing covenant.

**Motion by Mr. Salley to approve the variance request based on the testimony of the applicant and the written application subject to comments from staff. Approval is**

**conditioned upon there not being an existing recorded deeded plat that would be contrary to this request.**

***Motion seconded by Mr. Speed. Motion passes 6-0.***

**V. OTHER BUSINESS**

**None**

**V. ADJOURNMENT**

***There being no further business, motion to adjourn by Mr. Salley.  
Motion seconded by Mr. McKnight. Meeting adjourned at 11:31PM.***

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