
CITY OF COLUMBIA BOARD OF ZONING APPEALS MINUTES

September 3, 2020 – 4:00 PM

Virtual Meeting

In attendance: Chuck Salley, Gene Dinkins, Jr., John Gregory, Marcellous Primus, George Schafer, Jenna Stephens

Absent: Josh Speed

Staff: Rachel Bailey

I. CALL TO ORDER and DETERMINATION OF QUORUM

Rachel Bailey, Zoning Administrator, explained the format of the meeting. She stated that the public had the ability to call in and be placed in the queue to speak, leave a message to be read into the record, or send an email which would be read into the record.

Chuck Salley, chair, called the meeting to order at 4:00 PM.

Members of the Board of Zoning Appeals (BOZA) were introduced along with Staff. Quorum was confirmed.

Rachel Bailey, zoning administrator, proceeded with review of the Consent Agenda.

II. CONSENT AGENDA

A. APPROVAL OF MINUTES

1. Approve August 6, 2020 Minutes

B. OLD BUSINESS

NONE

C. NEW BUSINESS

2. 2020-0043-SE 5701 Seabury Street (TMS# 11715-14-07) Special exception to permit a barbershop as an accessory use to a single family residence (James K. Reese) (RS-3)

3. 2020-0045-SE 6 Hamptonwood Court (TMS# 16412-01-44) Special exception to permit a beauty shop as an accessory use to a single family residence (Blair Wessinger, Studio B) (RS-1B, -FTJAX)

Motion by Mr. Salley to approve the Consent Agenda subject to staff comments.

Motion seconded by Mr. Schafer. Motion passes 5-0.

Ms. Stephens absent for the vote.

III. REGULAR AGENDA

A. OLD BUSINESS

NONE

B. NEW BUSINESS

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4. **2020-0040-SE** **2022, 2034, 2040 Marion Street & 1408, 1414, 1420 Elmwood Avenue & 2019 Bull Street (TMS# 09016-07-01, 02, -03, -04, -06, -17, -18)** Special exception to establish a gasoline service station and a convenience store (Florence Abrenica, GeenbergFarrow) (C-3, -DD)

Ms. Bailey reiterated the outline of the meeting including the public input aspect and then introduced the request for the variance.

Ms. Stephens joined the meeting after technical difficulties.

Drew English, attorney representing Murphy USA, provided a summary of the project.

Tyler Brandt, Director of Real Estate, described the history of Murphy USA and the company's philosophies and philanthropy. Mr. Brandt then reviewed the ability to comply with the 'Good Neighbor Plan'.

William Stroud, property owner attorney, spoke to the current property owners desire to engage with Murphy USA, a responsible business that will enhance the area.

Bob Fuller, attorney for owners of the No Name Deli, Glen & Laura Kubilus, stated that the owners are retiring but looking to relocate the No Name Deli. He then stated his support for the development of Murphy USA.

Members of the community were invited to speak in favor of or opposition of the requests.

In opposition/deferral:

Elizabeth Marks, Vice-Chairman of the Coalition of Downtown Neighborhoods
Vince McCarron, President of the Downtown Neighborhood Association
Will Thrift, President of the Cottontown Neighborhood Association

In favor:

None

As no one else spoke in favor or opposition of the requests, the applicant was given time for rebuttal.

Mr. English addressed the concerns regarding loitering.

Mr. Brandt spoke to the environmental concerns.

Testimony closed for Board discussion.

- **Motion by Mr. Salley to approve the special exception to establish a gasoline service station subject to all comments of staff and pursuant to all terms of the application and presentation of applicant.**

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- **Motion seconded by Mr. Dinkins. Motion fails 3-3, with Mr. Primus, Ms. Stephens and Mr. Schafer in opposition.**
- **Motion by Mr. Schafer to deny the special exception to establish a convenience store.**
 - **Motion seconded by Ms. Stephens. Motion fails 3-3, with Mr. Salley, Mr. Dinkins, and Mr. Gregory in opposition.**
- **Motion by Mr. Schafer to deny the special exception to establish a gasoline service station.**
 - **Motion seconded by Ms. Stephens. Motion fails 3-3, with Mr. Salley, Mr. Dinkins, and Mr. Gregory in opposition.**

5. 2020-0044-SE 6335 N Main Street (TMS# 11712-04-03) Special exception to permit drive-through establishment (Dyanna Brown, Alpine of SC, Inc.) (C-3)

Ms. Bailey introduced the request for the special exception.

Dan Creed, applicant's engineer, provided a summary of the project.

Members of the community were invited to speak in favor of or opposition of the request.

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

Motion by Mr. Salley to approve the special exception request subject to all staff comments and pursuant to all terms of the application and presentation of applicant.

Motion seconded by Mr. Dinkins. Motion passes 6-0.

6. 2020-0046-V 2809 Rosewood Drive (TMS# 11314-09-09) Variance to the buffer transition yard for a mixed-use development (Frank Cason, Cason Development Group)(C-3)

Ms. Bailey introduced the request for variance.

Frank Cason, applicant, introduced the project.

Hoyt Burnette, applicant's engineer, provided a summary of the request. He explained that the buffer variance is needed due to the placement of the existing building.

Members of the community were invited to speak in favor of or opposition of the request.

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

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discussion.

Motion by Mr. Salley to approve the variance request subject to all staff comments and pursuant to all terms of the application and presentation of the applicant.

Motion seconded by Mr. Dinkins. Motion passes 6-0.

- 7. 2020-0047-SE 2809 Rosewood Drive (TMS# 11314-09-09)** Special exception to permit a drive-through establishment (Frank Cason, Cason Development Group)(C-3)

Ms. Bailey introduced the request for special exception.

Frank Cason, applicant, provided a summary of the request and the agreement he and area resident Adam Shore have in reference to the 'type' of tenant they find amenable to the neighborhood.

Ms. Bailey clarified that the Board cannot consider private agreements in making approvals or denials and that they are provided solely for the purpose of public comment.

Hoyt Burnette, applicant's engineer, explained that Tyler Clark with SCDOT stated that the driveway needs to be in the location on site plan whether Sloan Street is closed or remains a through street.

Members of the community were invited to speak in favor of or opposition of the request.

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

Motion by Mr. Gregory to approve the special exception request subject to all staff conditions and contingent on site plan provided.

Motion seconded by Mr. Schafer. Motion passes 6-0.

- 8. 2020-0048-SE 919 Catawba Street, 312 and 318 Lincoln Street (TMS# 08914-08-02, -07, -09)** Special exception to permit a multifamily use within a Planned Development District (Adam Beck, Din/Cal 4, Inc.) (M-2, -PD)

Ms. Bailey stated that Mr. Dinkins recused himself from the votes on #8 & #9. Mr. Gregory then advised that his firm is representing property owners however he is not involved with that matter. He has not recused himself. Ms. Bailey continued the introduction of the request for special exception.

Bob Fuller, applicant's attorney, made introductions of available parties that can be questioned during the meeting.

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Adam Beck, project manager, Dinerstein Companies, provided summary of the multifamily development. He then spoke of the variance to setbacks in order to accommodate the existing wetlands buffer.

Joe Robertson, Kimley-Horn, spoke to the Board's question of how the development will be affected by train traffic along with road traffic. He stated that another study will be completed that includes train traffic.

Ms. Bailey then advised the Board that the development will need to go to Planning Commission for site plan review and a more detailed traffic study will be necessary.

Members of the community were invited to speak in favor of or opposition of the requests.

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

Motion by Mr. Salley to approve the special exception to permit a multifamily use in the -PD subject to all comments of staff and pursuant to all terms of the application and presentation of applicant.

Motion seconded by Mr. Primus. Motion passes 5-0

9. 2020-0049-V **919 Catawba Street, 312 and 318 Lincoln Street (TMS# 08914-08-02, -07, -09)** Variance to the required front and secondary front yard setbacks for a multifamily use (Adam Beck, Din/Cal 4, Inc.) (M-2, -PD)

The case was discussed as part of #8.

Motion by Mr. Salley to approve the variance to the front and secondary front yard setback requirements subject to all comments of staff and pursuant to all terms of the application and presentation of applicant.

Motion seconded by Mr. Primus. Motion passes 5-0

IV. OTHER BUSINESS

Mr. Salley's term on Board ending in September of 2020 so he said a few words and received appreciation from staff and board members.

V. ADJOURNMENT

**Motion to adjourn the meeting by Mr. Schafer.
Motion seconded by Mr. Salley. Motion passes 6-0.
Meeting adjourned at 6:10 PM.**