



**BOARD OF ZONING APPEALS
CASE SUMMARY FOR
SPECIAL EXCEPTION REQUEST**

805 Gervais Street Unit A

May 4, 2023 at 4:00 P.M.
City Council Chambers, 1737 Main Street, 3rd Floor
Columbia, South Carolina

Case Number: 2023-0012-SE
Subject Property: 805 Gervais Street Unit A (TMS# 08916-01-14)
Zoning District: RAC (Regional Activity Center/Corridor District), OV-HP (Historic Preservation Overlay District), OV-CC (City Center Overlay District), OV-HSV (Height and Setback View Corridor Protection Overlay District)
Applicant: Kristian Niemi, Off Menu Vista, LLC
Property Owner: Goodyear, LLC

Requested Action: Special exception to permit a Type 2 eating and drinking establishment
Applicable Sections of Zoning Ordinance:

- §17-4.2(b)(4) Type 2 eating and drinking establishments are permitted in RAC districts by special exception
- §17-4.2(c)(3) Additional conditions for Type 2 eating and drinking establishments (see case summary)
- §17-2.5(e)(4) Standard criteria for special exceptions

Case History: N/A

Staff Comments: The applicant is requesting a special exception to permit a Type 2 eating and drinking establishment in the RAC district. The business will occupy a space that was previously occupied by a Type 2 eating and drinking establishment.

Applicant states that the business is currently operating as a Type 1 eating and drinking establishment. They serve dinner from 4 pm to midnight. The request is to continue operation until 2 AM Monday – Saturday, closed on Sundays.

In addition to the requirements for the special exception, Type 2 eating and drinking establishments are subject to additional criteria defined in §17-4.2(c)(3) of the UDO and the Board shall make it a part of the conditions of approval of the special exception:

- (a) *Days and hours of operation*
- (b) *Staffing schedule*
- (c) *Menu and hours of food service*
- (d) *Parking for customers and employees*
- (e) *Type of entertainment and duration*
- (f) *Seating Plan, drawn to scale that demonstrates proposed occupancy and seating layout.*

The applicant has provided the required supplemental information and it is included in the packet.

Should the Board approve this request, the following items shall be conditions of approval:

- The Type 2 eating and drinking establishment must be in conformance with all supplemental information provided and required by §17-4.2(c)(3).

The above recommendation is based upon the following findings as required within §17-2.5(e)(4) of the Zoning Ordinance:

The proposed Type 2 eating and drinking establishment use, when operated in conformance with the application and submitted documents presented to the Board prior to the public hearing:

1. The proposed special exception complies with all applicable zoning district-specific standards in Article 3: Zoning Districts;
2. The proposed special exception complies with all applicable use-specific standard in Article 4: Use Regulations;
3. The proposed special exception will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety;
4. Adequate provisions are made for parking and for loading and unloading;
5. The proposed special exception will not have a substantial adverse impact on adjoining properties in terms of environmental factors such as noise, lights, glare, vibration, fumes, odors, obstruction of air or light, and litter;
6. The proposed special exception will not have a substantial adverse impact on the aesthetic character of the area, to include a review of the orientation and spacing of buildings;
7. The proposed special exception will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public interest or conditions likely to result in increased law enforcement response;
8. The establishment of the proposed special exception does not create a concentration or proliferation of the same or similar types of special exception use, which concentration may be detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed;
9. The proposed special exception is consistent with the character and intent of the underlying zoning district as indicated in the zoning district purpose statement, and with any applicable overlay zoning district or adopted plan goals and requirements;
10. The proposed special exception is appropriate for its location and compatible with the permitted uses adjacent to and in the vicinity of the property;
11. The proposed special exception is compatible with the general character of the RAC district in which it is proposed; and
12. The proposed special exception will not adversely affect the public interest.

Any documents submitted by persons expressing support or concern about this application are attached hereto and made part of the record of the public hearing.

Zoning Map

Special Exception 2023-0012-SE

805 Gervais Street Unit A
TMS# 08916-01-14



Department of Planning & Development Services

- Legend**
- RAILROADS
 - CITY LIMITS
 - FEMA FP

Zoning Districts

- | | |
|--|---|
| ■ CAC | ■ MC |
| ■ DAC | ■ NAC |
| ■ EC | ■ O-I |
| ■ GC | ■ PD |
| ■ HI | ■ RAC |
| ■ INS-FJ | ■ RM-1 |
| ■ INS-GEN | ■ RM-2 |
| ■ INS-ZOO | ■ RSF-3 |
| ■ INS-T/U | ■ RSF-1 |
| ■ INS-U/M | ■ RSF-2 |
| ■ LL-R | ■ RD-MV |
| ■ LI | ■ RD |
| ■ MU-1 | ■ T/C |
| ■ MU-2 | ★ City Landmark |

1 inch = 75 feet

ORIGINAL PREPARATION/DATE:

This map was prepared by:

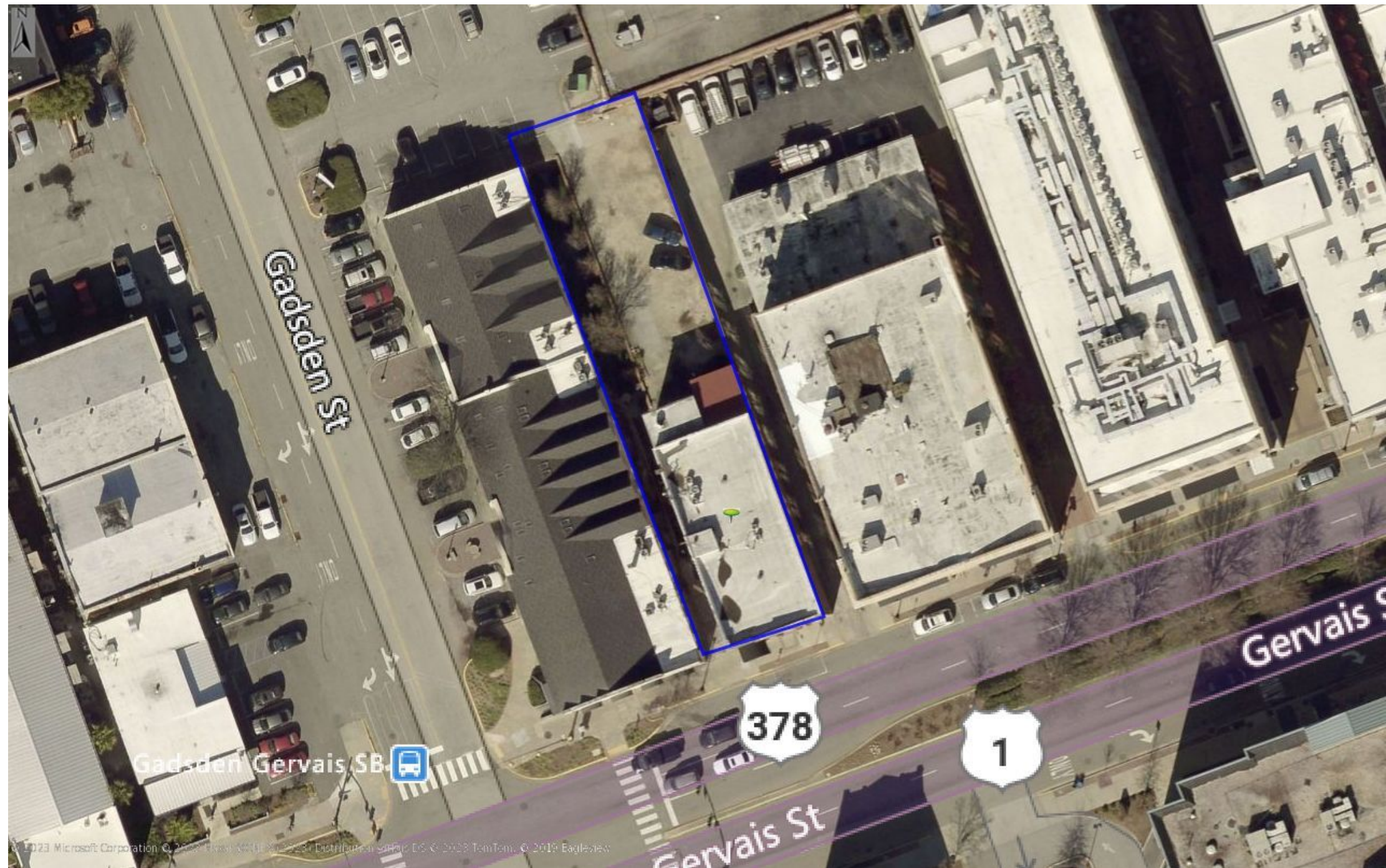
Erica Jaen
for
May 4, 2023
BoZA Meeting

DISCLAIMER:

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MC: Mixed Commercial District



01/26/2019 - 02/08/2019



Special Exception

Application and Checklist

Checklist for All Applications

A complete site plan application shall include the following information. Please initial to signify that the requested information has been provided or is not necessary.

	Applicant Initials	Staff Initials
A completed and signed Application, Checklist, and Letter of Agency (if applicable)	WBM	[Signature]
Required Supplemental Documents and Plans Submitted	N/A	[Signature]
Payment of the required fee	N/A	[Signature]

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Applications are accepted:

Monday - Friday from 8:30 AM to 4:00 PM

An application properly filed with Zoning by 4:00 PM on the published application deadline (please refer to official BoZA Calendar) will be reviewed by the Board of Zoning Appeals at a public hearing to be held on the first Thursday of the month.

**Disclaimer: If the applicant fails to provide sufficient materials needed to conduct a complete zoning plan review, the applicant acknowledges that the proposed development may be subject to additional variances/special exceptions.*

An approval by the Board of Zoning Appeals in no way overrides other City development regulations (i.e. land development, building code, fire, stormwater)

Date received (M/D/Y): <u>4/5/23</u>	<i>For staff use only</i> By: <u>[Signature]</u>
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Special Exception

Application and Checklist

1. Applicant Information

Name Kristian Niemi	
Company (if applicable) Off Menu Vista LLC dba Dragon Room	
Address (street, city, state, zip) 805 Gervais Street Suite A, Columbia SC 29201	
Phone 803-318-3647	Email Kristian@offmenultd.com

2. Property Information

Address 803 Gervais Street, Columbia, SC 29201		
Tax Map Reference Number(s) 08916-01-14		
Current use Eating & Drinking Type 1	Proposed use Eating & Drinking Type 1	
Current zoning RAC	Number of lots or units 1	Total square feet 2,375

3. Property Ownership

Does the applicant own the property? Yes No

If the applicant does not own the property, complete the **Letter of Agency** for each property owner that authorizes the applicant to submit this application on the property owner's behalf.

4. Property Status

Pursuant to S.C. Code § 6-29-1145, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described in this permit? Yes No



Special Exception Application and Checklist

5. Proposed Use

Please identify the principal use proposed to be established (see Table 17-4.2(B)(4): Principal Use Table for Base Zoning Districts). Uses that are allowed only with a special exception permit in a specific district are indicated by an "S" in the table. Additional uses may require a special exception permit as identified elsewhere in the UDO.

Eating and Drinking Establishment, Type 2

6. Project Description

Provide a brief description of the project.

On-premise eating and drinking establishment offering a full food / beverage menu. during legal hours of our ABL permit. Hours operation 4pm-2am Monday-Saturday (no live entertainment)



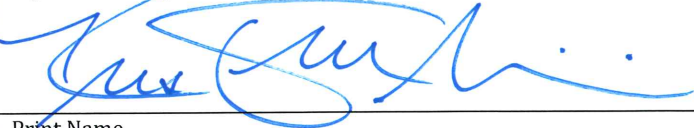
Special Exception Application and Checklist

7. Criteria for Special Exception

A special exception may only be approved if the Board of Zoning Appeals determines that all of the standards in Sec. 17-2.5(e)(4) are met. On a separate piece (or pieces) of paper attached to this application, describe how the proposed use complies with each of these standards.

1. The proposed special exception complies with all applicable zoning district-specific standards in Article 3: Zoning Districts;
2. The proposed special exception complies with all applicable use-specific standard in Article 4: Use Regulations;
3. The proposed special exception will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety;
4. Adequate provisions are made for parking and for loading and unloading;
5. The proposed special exception will not have a substantial adverse impact on adjoining properties in terms of environmental factors such as noise, lights, glare, vibration, fumes, odors, obstruction of air or light, and litter;
6. The proposed special exception will not have a substantial adverse impact on the aesthetic character of the area, to include a review of the orientation and spacing of buildings;
7. The proposed special exception will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public interest or conditions likely to result in increased law enforcement response;
8. The establishment of the proposed special exception does not create a concentration or proliferation of the same or similar types of special exception use, which concentration may be detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed;
9. The proposed special exception is consistent with the character and intent of the underlying zoning district as indicated in the zoning district purpose statement, and with any applicable overlay zoning district or adopted plan goals and requirements;
10. The proposed special exception is appropriate for its location and compatible with the permitted uses adjacent to and in the vicinity of the property;
11. The proposed special exception is compatible with the general character of the district in which it is proposed;
12. The proposed special exception will not have an adverse impact on the land values of surrounding properties; and
13. The proposed special exception will not adversely affect the public interest.

8. Signature

Signature of Applicant 	
Print Name KRISTIAN M. NIEMELÄ	Date 4/5/23



Letter of Agency

Application Supplement

TO: Planning and Development Services, City of Columbia

I, the undersigned property owner, do hereby attest that I am the person that holds, or I am authorized on behalf of the party that holds, fee simple interest in the following parcel(s):

Common Street Address

803 Gervais Street, Columbia, SC 29201

Tax Map Reference Numbers

08916-01-14

Further, I hereby authorize the persons and/or entities listed as AUTHORIZED AGENT(S) below to act on my behalf for the purpose of submitting documents, amending documents, meeting with staff, attending public meetings and hearings, and as otherwise may be necessary and proper to fulfill the required steps to request the following:

1. Variance, Special Exception, and/or Administrative Appeal (Board of Zoning Appeals)
2. Zoning Map Amendment (Planning Commission and City Council, if applicable)
3. Site Plan Review (Planning Commission or D/DRC)
4. Design Review (D/DRC)
5. Minor Subdivision (Staff)
6. Major Subdivision (Planning Commission)
7. Encroachment (Staff and City Council, if applicable)
8. Street Naming/Renaming (Planning Commission)

*****Please strike-through and initial any of the above-listed steps that do not fall under the scope of this Letter of Agency***

[signatures on following page]



Letter of Agency

Application Supplement

Property Owner

Signature <i>[Handwritten Signature]</i>		Date 4/5/23
Print Name of Property Owner Cubby Culbertson		
Address (street, city, name, zip)		
Email of Property Owner cculbertson@BARBERREPORTING.com		Phone 803-261-3336
Signature of Witness <i>[Handwritten Signature]</i>		Date 4/5/23
Print Name of Witness Nathan Wood		

Authorized Agent

Signature <i>[Handwritten Signature]</i>		Date 4/5/23
Print Name KRISTIAN M. NIEMI		
Address (street, city, name, zip) 803 GERVAIS ST COLA SC 29201		
Email of Authorized Agent kristian@offmenu ltd. com		Phone 803-318-3647

The Dragon Room

803 Gervias Street, Columbia SC 29201

Please allow this to serve the request (iii) Special Exception:

(a) Day and Hours of Operation:

- Proposed hours of operation Monday through Saturday 4pm – 2am

(b) Staffing Schedule:

- Kitchen Prep 1 to 2 Cooks 9am-5pm
Kitchen Line Cooks 3 to 5 Cooks between the times 2pm-3am based on volume.
Front of House staff 2 to 4 Bartenders, 1 to 2 Host, 1-2 Food Runners, 3-5 Servers
between the times 2pm – 3am based on volume.
Manager on Duty during between the hours 9am-3am

(c) Menu and Hours of Food Service:

- Dinner and late Night 4pm – 2am (Menu Attached)

(d) Parking for Customers and Employees:

- Parking for customers (public parking) Parking for Employees (back of building private spaces)

(e) Type of Entertainment and Duration:

- Only background music played through house sound system.

(f) Seating Plan, drawn to scale that demonstrates proposed occupancy and seating layout.

- See attached layout G-101

DRAGON ROOM OPENING MENU

BANCHAN \$12

Family-style side dishes with rice, soy-pickled mushrooms, napa cabbage kimchi, sichuan cucumbers, pickled radish, marinated bean sprouts, seasonal vegetables, & sauces

DRINKING SNACKS

\$8 Korean meatballs

\$6 Phō boiled peanuts

\$4 Fried garlic

\$7 Mapo Tofu Hummus with spicy pork ragu with fried shallots, scallion, naan

YAKITORI-ISH \$7

Moo Ping

Thai marinated pork, coconut cream, lime, vinegar dipping sauce

Yakatori

Mirin-marinated chicken thigh, scorched bourbon teriyaki glaze

Tuna Tataki

Togarashi seasoned yellowfin, saffron mayo, charred scallion

BBQ Mushrooms

Ssamjang sauce, sesame seed, mustard seeds (pickled)

Kushiyaki

Mirin marinated angus beef, charred scallion, scorched bourbon teriyaki glaze

DUMPLINGS \$9

Potstickers:

Pork & Chive with vinegar dipping sauce

BBQ Chicken with vinegar dipping sauce

Mushroom & cabbage, seasonal soy sauce (v)

Sichuan Pastrami with horseradish mayo, pickled cabbage

Shrimp Shumai with Ponzu

Steamed Wontons

Bok choy & candied peanuts with kewpie mayo & chili oil

(v)

Tofu Gyoza

Mushroom & cabbage, seasonal soy sauce

(v)

RANDO

\$8 Chilled Spring Rolls

Rice paper, carrots & scallions, fresh herbs, Paul's lettuce, Nuoc Mam dipping sauce, poached

(v)

Egg Rolls (2 for \$6, 4 for \$10)

Smoked pork shoulder, marinated cabbage & mirepoix, sweet & sour
(v)

\$10 Okonomiyaki Cabbage Pancake

Kewpie mayo & black bean bbq sauce, farm fresh egg
(v) (add katsobushi or pork belly \$3)

\$8 Steam Buns (2 each):

Peking Quail with pickled carrot & Paul's lettuce
Sichuan Shrimp with pickled cucumbers & remoulade
Caramelized Pork Belly with pickled red onion & kewpie mayo
Soy-marinated tofu with mushroom gravy (v)

\$8 Smoked Chicken Salad Ssam

Paul's Bibb Lettuce, assorted pickles, radish, cured egg yolk

\$8 Tteokbokk

Seared rice cakes, sweet & spicy chili sauce, fried garlic, green onion
(v)

\$8 Tempura:

Enoki mushrooms (v)
Cauliflower (v)
Eggplant (v)
Shrimp \$10

\$9 Scallion Pancake "Pizza"

Braised cabbage, smoked pork shoulder, pickled red onion, cilantro, kewpie mayo
(v)

SANDOS

\$12 Sichuan Hot Chicken

Milk bread, house pickles, cilantro

\$12 Bahn Mi

Smoked pork loin with drippings, pate, pistollete bread, pickled vegetables & jalapenos, Paul's lettuce.
(v) sub tofu

\$10 Bulgogi Joe

Korean braised beef, milk bread, puffed rice, pickled cabbage.

\$12 Temaki Crunchwrap

Yellowfin tuna, nori taco shell, sushi rice, pickled vegetables, bean sprouts, white sauce
(v)

\$10 Dragon Dog

Chinese sausage, tempura flakes, chili crunch, aioli, shredded cabbage, black bean bbq sauce, cilantro

\$9 Yakisoba Dog

Wok-fried wheat noodle, hoisin sauce, kewpie mayo pickled ginger, fried garlic
(v)

\$12 Tonkatsu Double Down

Fried pork or chicken cutlet, bacon, kewpie mayo, braised bok choy

SLURP \$15

Ramen

Smoked chicken dashi, kimchi, soy pickled mushrooms, soft-boiled egg, bok choy
(add smoked pork, grilled tofu, sichuan shrimp, or grilled chicken \$5)

(v)

Mazeman Ramen

Chilled noodles, charred scallion & ginger tare, kimchi, scallions, soy-pickled mushrooms, soft-boiled egg
(add smoked pork, grilled tofu, sichuan shrimp, or grilled chicken \$5)

(v)

DanDan Noodles

Peanut sauce, broccolini, caramelized onion
(add smoked pork, grilled tofu, sichuan shrimp, or grilled chicken \$5)

(v)

Pad Thai

Wok-fried rice noodles, tamarind, ginger & garlic, lime, fresh herbs, mung beans
(add smoked pork, grilled tofu, sichuan shrimp, or grilled chicken \$5)

(v)

Filipino Stir Fry

Egg noodles, banana catsup, grilled collards, candied peanuts
(add smoked pork, grilled tofu, sichuan shrimp, or grilled chicken \$5)

(v)

Bun Thit Nuong

Chilled rice noodles, grilled pork sausage patty, mini spring roll, fresh herbs, nuoc mam dressing

(v)

Phō

Rice noodles, smoked beef broth, fresh herbs, angus beef, house sriracha, lime

(v)

FRIED RICE \$8

Nasi Lemak

Malaysian rice with coconut milk, pandan, sambul

Kao Pad

Thai fried rice with bird's eye chili & lime

Com Tam

Vietnamese fried rice with fish sauce & herbs

Bokkeumbap

Korean fried rice with kimchi

Din Thai Fung

Taiwanese fried rice with egg

Sinangag

Filipino fried rice with garlic & tomatoes

Nasi Goreng
Indonesian fried rice with tamarind

add smoked pork, grilled tofu, sichuan shrimp or grilled chicken to any dish \$5

SWEET \$7

Vietnamese Rice Pudding
Candied lemongrass, palm sugar & coconut, lime & caramel

Seasonal Bao Claw

Ice Cream Fortune Cookie

Taiwanese Tofu Pudding with Boba

Miso Peanut Butter & White Chocolate Cookies

Mochi Meringue Pie

LATE NIGHT

Thai Drunken Noodles (Pad Kee Mao)
Wide Rice Noodles, Oyster Sauce, Bird's Eye Chili,

Massaman Curry with Rice
(add smoked pork, grilled tofu, sichuan shrimp, or grilled chicken \$5)
(v)

Ramen
Smoked chicken dashi, kimchi, soy pickled mushrooms, soft-boiled egg, bok choy
(add smoked pork, grilled tofu, sichuan shrimp, or grilled chicken \$5)
(v)

Mazeman Ramen
Chilled noodles, charred scallion & ginger tare, kimchi, scallions, soy-pickled mushrooms, soft-boiled egg
(add smoked pork, grilled tofu, sichuan shrimp, or grilled chicken \$5)
(v)

Drunken fried rice
Mirepoix, Sake & soy sauce, seasonal veggie, scrambled egg
(add smoked pork, grilled tofu, sichuan shrimp, or grilled chicken \$5)
(v)

DanDan Noodles
Peanut sauce, broccolini, caramelized onion
(add smoked pork, grilled tofu, sichuan shrimp, or grilled chicken \$5)
(v)

Pad Thai
Wok-fried rice noodles, tamarind, ginger & garlic, lime, fresh herbs, mung beans
(add smoked pork, grilled tofu, sichuan shrimp, or grilled chicken \$5)
(v)

\$10 Dragon Dog

Chinese sausage, tempura flakes, chili crunch, aioli, shredded cabbage, black bean bbq sauce, cilantro

\$9 Yakisoba Dog

Wok-fried wheat noodle, hoisin sauce, kewpie mayo pickled ginger, fried garlic

(v)

Egg Rolls (2 for \$6, 4 for \$10)

Smoked pork shoulder, marinated cabbage & mirepoix, sweet & sour

(v)

\$10 Okonomiyaki Cabbage Pancake

Kewpie mayo & black bean bbq sauce, farm fresh egg

(v) (add katsobushi or pork belly \$3)

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SEAT TABULATION:

(16)	BAR STOOLS	16
(9)	HIGH TOP STOOLS	9
(4)	4 TOPS	16
(3)	2 TOPS	18
(1)	BOOTH	8
		67

KITCHEN	630 SF @ 200 GROSS	5
OUTDOOR SEATING	600 SF @ 15 NET	40
TOTAL OCCUPANCY		112

ASSEMBLY (A2):

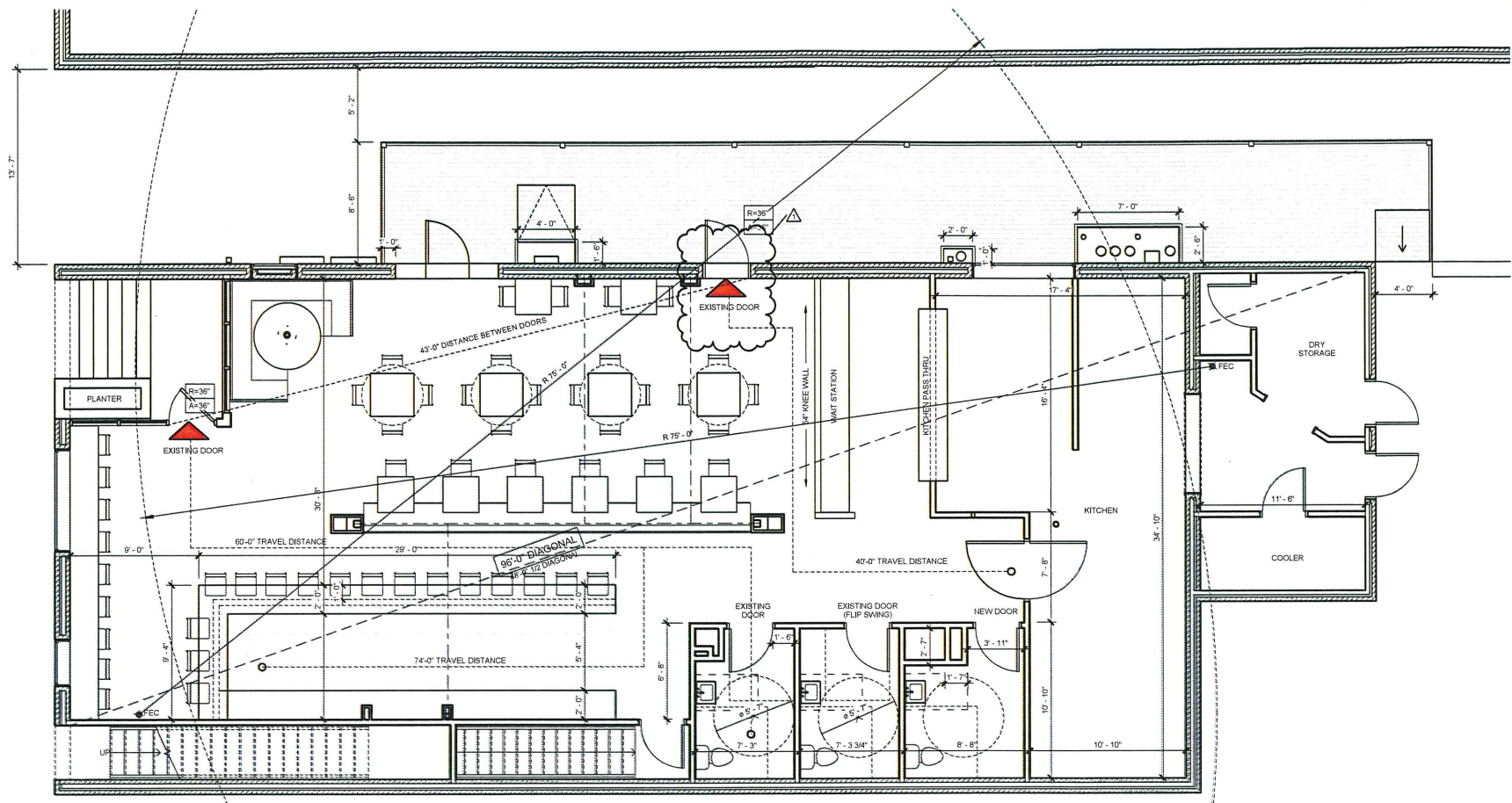
Building occupant total = 112 occ.

Therefore, we have the following:

	Water Closets	Lavs	
Men:	56	1	1
Women:	56	1	1

LIFE SAFETY LEGEND

- 3 HR. RATED WALL (EXTEND TO ROOF / DECK U.N.O.)
- - - 2 HR. RATED WALL (EXTEND TO ROOF / DECK U.N.O.)
- - - 1 HR. RATED WALL (EXTEND TO ROOF / DECK U.N.O.)
- SOUND WALL
- xxx NO. OF PEOPLE EXITING AT THAT LOCATION
- XXX--- TRAVEL DISTANCE (MOST REMOTE SHOWN ONLY)
- FEC FIRE EXTINGUISHER CABINET W/ WIRE EXTINGUISHER
- ROOM SIZE OCCUPANT LOAD
- OCCUPANCY TYPE (BASE ON TABLE 1003.2.2.2)
- A ASSEMBLY (TABLES & CHAIRS)
- AM ACCESSORY STORAGE AREAS, MECHANICAL EQUIPMENT ROOMS
- B BUSINESS
- E EDUCATIONAL (CLASSROOM)
- EV EDUCATIONAL (VOCATIONAL)
- K KITCHEN
- L LOCKER ROOMS
- LR LIBRARY READING ROOM
- P PLATFORMS
- S STORAGE
- R=XX" REQUIRED NUMBER OF INCHES FOR EGRESS AT THAT LOCATION BASED ON OCCUPANT LOAD
- A=XX" ACTUAL NUMBER OF INCHES PROVIDED FOR EGRESS



**MAINTAIN EXISTING RATING BETWEEN STORIES

2 LIFE SAFETY PLAN
1/4" = 1'-0"



1213 LADY ST. SUITE 400
COLUMBIA, SC 29201

803 254 9082 VOX
www.LTCarch.com



PERMIT DOCUMENTS

RESTAURANT RENOVATIONS & IMPROVEMENTS

803 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA

LIFE SAFETY PLAN

REVISIONS

No.	Date	Description
1	05.23.22	Revision

A/E JOB NUMBER 20012

G-101

DATE 15 APRIL 2022