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**CITY OF COLUMBIA**  
**BOARD OF ZONING APPEALS MINUTES**

**MAY 4, 2023 – 4:00 PM**  
**CITY COUNCIL CHAMBERS**  
**1737 MAIN STREET, 3<sup>rd</sup> FLOOR**  
**COLUMBIA, SOUTH CAROLINA**

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**In attendance:** John Gregory, Kathryn Fenner, Marcellous Primus, Celia Mackintosh, Sherard Duvall and Davis Whittle

**Absent:** John Guignard

**Staff:** Hope Hasty, Erica Jaen, Skye Robinson-Barnes

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

John Gregory, chair, called the meeting to order at 4:00 P.M.

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.

Hope Hasty, Zoning Administrator, reviewed the consent agenda.

**II. CONSENT AGENDA**

**A. APPROVAL OF MINUTES**

**1. Approve April 6, 2023 Minutes**

**B. OLD BUSINESS**

**NONE**

**C. NEW BUSINESS**

- 2. 2023-0012-SE 805 Gervais Street Unit A (TMS# 08916-01-14)** Special exception to permit a type 2 eating and drinking establishment (Kristian Niemi, Off Menu Vista, LLC) (RAC, OV-CC, OV-HP, OV-HSV)

No one requested an item be removed from the Consent Agenda.

**Ms. Fenner made a motion to approve the consent agenda subject to staff comments. Mr. Primus seconded the motion. All aye. Motion passed 6-0.**

**III. REGULAR AGENDA**

**A. OLD BUSINESS**

**NONE**

**B. NEW BUSINESS**

- 3. 2023-0011-AA 2002 Greene Street Unit E (TMS# 11385-01-04)** Administrative appeal to Zoning Administrator's decision to approve a tattoo shop (Sushil Patel, Born Again Tattoo) (CAC, OV-5P)

Ms. Hasty introduced the administrative appeal and requested the appellant come to the

podium to present his case.

Sushil Patel, Appellant, presented his argument against the Zoning Administrator's decision to approve zoning compliance for a tattoo shop use that resulted in a business license being granted to a location within the same commercial building in which his tattoo shop is existing. Appellant's argument is that a tattoo shop and body piercing establishment are different uses and the approval of the zoning compliance was applied incorrectly which allowed a non-conforming use to be established where there was not a nonconforming use previously. He also noted that the business owner, Ms. Bailey, already operates a location directly across the street from this location. Her new location would create a 4<sup>th</sup> tattoo shop, as there are 2 existing directly across the street from appellant's location.

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

Stephanie Bailey, owner of Southern Cypress Tattoo, in opposition of the administrative appeal as it directly applies to her business that was approved next to the appellant's existing tattoo shop. She stated that her business is not the same but equivalent to the body piercing use that was established in the unit in which her business was approved.

As no one else spoke in favor or opposition to the request, the appellant was allowed time for rebuttal of comments made by the public.

Testimony closed and Board discussion ensued.

Ms. Fenner requested clarification from the Zoning Administrator on what criteria was used to grant the approval of the tattoo shop. Ms. Hasty responded that the non-conforming use could be permitted as the tattoo shop and body piercing studio uses are in the same use category in the UDO's Principal Use Table and the piercing studio was not vacant for a period of 12 months and still had an active business license.

Ms. Mackintosh requested to speak with Ms. Bailey in regards to how she will operate her business that was approved at this location in regards to her existing business across the street from her current location. Ms. Bailey stated that the location will essentially be an expansion of her existing business into the new unit across the street from her current location to allow for the employment of more tattoo artists due to increased demand.

Board discussion resumed.

**Ms. Fenner made motion to reverse the Zoning Administrator's decision in whole to permit the expansion of the tattoo shop into 2002 Greene Street Unit E. Mr. Duvall seconded the motion. Motion passed 5-1 with Mr. Whittle in opposition in opposition. ZA's decision reversed.**

**IV. OTHER BUSINESS**

**NONE**

**V. ADJOURNMENT**

**Motion to adjourn the meeting by Ms. Fenner  
Motion seconded by Ms. Duvall. Motion passed 6-0.  
Meeting adjourned at 4:35 P.M.**

Full meeting can be viewed on CityTV at the following link: [BoZA Meeting 05-04-2023](#)