



BOARD OF ZONING APPEALS

MINUTES

February 5, 2026 - 4:00 P.M.

City Hall, 3rd Floor, Council Chambers, 1737 Main Street, Columbia, S.C.

KATHRYN FENNER • SHERARD DUVALL • JONATHAN VANG
COLTON DRIVER • SYDNEY LANHAM • JOSH HARDING

In attendance: Colton Driver, Sherard Duvall, Jonathan Vang, Sydney Lanham and Josh Harding

Absent: Kathryn Fenner

Staff: Andrew Livengood, Erica Jaen, Madelyn Bowden

I. CALL TO ORDER and DETERMINATION OF QUORUM

Mr. Driver, co-chair, called the meeting to order at 4:04 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.

Andrew Livengood, Zoning Administrator, reviewed the consent agenda.

II. CONSENT AGENDA

A. APPROVAL OF MINUTES

1. Approve [January 8, 2026 Minutes](#)

B. OLD BUSINESS

NONE

C. NEW BUSINESS

NONE

Mr. Driver asked for a motion.

Mr. Vang made a motion to approve the consent agenda. Mr. Duvall seconded the motion. All aye. Motion passed (5-0).

III. REGULAR AGENDA

A. OLD BUSINESS

NONE

B. NEW BUSINESS

2. 2026-0001-SE [3320 N. Main Street](#) (TMS# 09111-05-01A, -01F, -01G) Special exception to permit a convenience store (Doug Stephen, Murphy Oil USA, Inc.) (CAC, OV-NMC)

Mr. Livengood introduced the special exception request. The applicant was then invited to the podium to present the case.

Mr. Jason Stern, applicant's representative, introduced himself and provided a detailed background on his family's business. He stated that the development would improve the aesthetics of the area and advised that the property would be redeveloped after demolishing the existing title loan business and vacant restaurant building, whereas the Circle K convenience store special exception request denied by the Board in 2023 left the title loan building intact. He then offered to answer any questions.

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

In Opposition:

Paul Mishoe, Earlewood resident
Basil Garzia, Hyatt Park resident
Kit Smith, Wales Garden resident
Sammy Munson, USC student researcher
Elva Stinson, resident
Graham Taylor, resident
Angi Fuller-Wildt, Earlewood resident
Nicole Burts, Rose-Hill resident
Betsy Newman, Earlewood resident
Robert Petrius, President of Hyatt Park/Keenan Terrace
Denise Wellman, Cottontown Board member
Lyman Munson, Hyatt Park/Keenan Terrace Board member

In Support:

None

Members of the public cited traffic, proliferation, district goals, neighborhood character, aesthetics, health concerns and adopted goals of the Master Plan for the Villages of North Columbia as grounds for their opposition.

Mr. Livengood advised on record that letters in support and opposition to this request received after the final agenda posting date were forwarded to the Board members to review before the meeting and read the names of the authors into the record.

Applicant returned to the podium to address public input concerns . He advised that major intersections should have gas stations with convenience stores and they do not cause an increase in traffic as the customers are already passing by and are not a destination. He also stated that the new convenience store would most likely encourage the redevelopment of the lesser quality convenience stores out of business, hence lessening the proliferation. He also addressed again the elimination and redevelopment of the title loan business as a positive for the community.

Mr. Duvall asked applicant if the applicant met with the neighborhood associations to gain support. Applicant advised the conversations were mixed.

Mr. Driver asked the applicant to address the finding of the trip generation memo he spoke of in opening remarks. Mr. Stern provided a copy to the Board and advised 80% of the trips will be passerby's.

Testimony closed and Board discussion ensued.

Mr. Vang stated his opinion that a title loan can be perceived as a predatory use and leaving it would not do the neighborhood a favor. He questioned who would be able to afford to develop the property.

Mr. Harding stated that the other gas stations in the area were old and felt that a new gas station investing in the area would be a good use.

Mr. Duvall stated that the Board's responsibility is to ensure that a special exception meets all criteria and his belief that this special exception request does not meet the number 8 criteria, concentration and proliferation, as well as number 12 criteria, public interest.

Mr. Driver stated that the special exception needs to meet all the standards and he felt that criteria 12, public interest, was a close call, and pointed to the number 9 criteria, consistency with character and intent of districts and adopted plans as a potential reason to not approve the request.

Mr. Harding requested a tally of support and opposition letters sent to the Board before the meeting. Mr. Livengood stated that staff was hesitant to classify letters as either in support or opposition, but did state it appeared that 12 of the 15 letters received were in support of the request.

Mr. Driver asked for a motion.

Ms. Lanham questioned whether all criteria needed to be met and stated that the number 6 criteria, concerning aesthetics of the area, as being relevant and should be considered because of what is on site now.

Mr. Duvall made a motion to deny the special exception request. The motion was not seconded.

Mr. Driver asked for another motion.

Mr. Harding then made a motion to approve the special exception request. Motion seconded by Ms. Lanham. Motion passed (3-2) with Mr. Duvall and Mr. Driver voting nay.

3. 2026-0002-V [191 Earth Road](#) (TMS# 25700-04-11) Variance to the landscape standards for a gas station/convenience store use (Joshua Cox, Foresite Group, LLC) (GC)

Mr. Livengood introduced the variance request. The applicant was then invited to the podium to present the case.

- Mr. Daniel came to the podium and interrupted the meeting to advise of his inability to hear the Board members and request they speak up.

Mr. Joshua Cox, applicant, introduced himself and provided an overview of the request. He then offered to answer any questions.

Members of the public were invited to speak in favor of or opposition to the appeal. Seeing and hearing none, testimony closed for board discussion and a motion was made.

Mr. Vang made a motion to approve the variance request subject to staff comments. Motion seconded by Mr. Harding. All aye. Motion passed (5-0).

4. 2026-0003-V [705 Saluda Avenue](#) (TMS# 11308-06-09) Variance to the maximum building height for a parking garage and hotel use (Gunnar Burts, We Love Five Points, LLC) (CAC, OV-5P)

Mr. Livengood introduced the variance request. The applicant was then invited to the podium to present the case.

Mr. Gunner Burts, applicant, introduced his partners and reviewed the request. He cited a 2009 Five Points Parking Study to emphasize the need for more parking in the area. He then offered to answer any questions.

Mr. Harding asked for a parking count in the garage. Applicant advised that there will be 305 of which 150-250 spaces will be available to the public depending on hotel occupancy.

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

In support:

Kit Smith, Wales Garden
Kathy Taylor, Wales Garden-President
Heather McDonald, Five Points Association-Executive Director
Jim Daniel, Wheel Hill-President

In Opposition:

None

Members of the public cited the need for more parking in support of the request.

Testimony closed for Board discussion. Mr. Driver asked the Zoning Administrator if there was any concern that any of the proposed uses are not allowed in the zoning district or a physical extension of a non-conforming use or change the boundaries as shown on the map. Mr. Livengood, Zoning Administrator, responded that was a matter for the Board to consider. Mr. Duvall stated he was interested to hear from his

fellow Board members about their opinions on the case in light of the community support and the Board's position on the earlier case on the agenda.

Mr. Harding made a motion to approve the variance request. Motion seconded by Mr. Vang. All aye. Motion passed (5-0).

IV. OTHER BUSINESS

NONE

V. ADJOURNMENT

Motion to adjourn the meeting made by Mr. Vang.
Motion seconded by Mr. Harding. All aye. Motion passed (5-0).
Meeting adjourned at 5:35 P.M.