BOARD OF ZONING APPEALS

MINUTES

September 3, 2026 - 4:00 P.M.
City Hall, 3rd Floor, Council Chambers, 1737 Main Street, Columbia, S.C.

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

In attendance: Kathryn Fenner, Colton Driver, Sherard Duvall, Jonathan Vang, Sydney Lanham, Josh Harding and Doug Thomas
Absent: N/A
Staff: Andrew Livengood and Erica Jaen

I. CALL TO ORDER and DETERMINATION OF QUORUM

Ms. Fenner, 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.

Andrew Livengood, Zoning Administrator (ZA), reviewed the consent agenda.

II. CONSENT AGENDA

A. APPROVAL OF MINUTES

1. August 6, 2026 Minutes

B. OLD BUSINESS

NONE

C. NEW BUSINESS

2. 2026-0019-SE **514 Lincoln Street (TMS# 08914-07-01)** Special exception to permit a sorority house (Spence Harrell, Delta Zeta Housing Corp) (MC, OV-DC)

3. 2026-0020-SE **2600 & 2700 Block of Atlas Road (TMS# 13510-02-03 thru -09, 13510-02-11 thru -19, 13510-04-01 thru -04, 13509-01-01, -05, 06, -07, -17 & -18)** Special exception to establish a 6th-12th grade public charter school (Jonathan Johnson, Green Channel Development Corp) (RSF-3 & RM-1)

Ms. Fenner asked whether any member of the Board or the audience wished to have an item removed from the consent agenda and placed on the regular agenda. Seeing none, Ms. Fenner asked for a motion.

Mr. Vang made a motion to approve the consent agenda. Mr. Driver seconded the motion. All aye. Motion passed (7-0).

IV. REGULAR AGENDA

A. OLD BUSINESS

NONE

B. NEW BUSINESS

4. 2026-0017-V **2408 Stark Street (TMS# 11409-06-05)** Variance to the minimum side yard setback for a new single family residence (Gurminder Singh) (RM-1, OV-HP)

Mr. Livengood introduced and summarized the requirements of the variance request. He advised that the property is an approximately 3,300 square foot lot and that the applicant proposes an approximately 1,500 square foot single family residence with an approximately 750 square foot footprint. He noted that a stormwater easement crosses the property with a 72-inch storm drain below it, and that because a site plan combining the easement with the proposed plans was not submitted, staff scaled and combined the exhibit provided by the City Engineering Department with the submitted plans for reference. He further advised that staff has recommended conditions of approval for the Board's consideration. The applicant was then invited to the podium to present the case.

Mr. Michael Bookman, Delta Building Solutions, applicant's representative, came up and gave a brief overview of the case. He advised that the project was originally approved for a three-foot variance on the left side of the house and that the request is now to shift that deviation to the right side as a zero-foot setback. He stated that the discovery of the storm drain changed the scope of the project and the home will be substantially smaller than originally anticipated. He then offered to answer any questions from the Board members.

Mr. Duvall asked staff whether the plot plan or site plan prepared by a registered land surveyor, listed as a condition of approval, had been received. Mr. Livengood advised that it had not, and that he is comfortable with it being submitted prior to the issuance of the permit rather than in advance of the Board's action.

Mr. Livengood advised that the property is within a historic district and that the initial set of plans was reviewed by the former DDRC. He explained that properties within a historic overlay have no minimum front setback, subject to the purview of the HPDRC, and that HPDRC staff advised she would be able to support a zero front yard setback for this home given the storm drain easement and the context of the block.

Mr. Livengood then reviewed the conditions recommended by staff: a plot plan or site plan drawn by a registered land surveyor submitted prior to the issuance of a permit; that no portion of the building overhang another property and that all stormwater runoff be contained on the property; and that the location of the dwelling be adjusted so that the zero-foot setback is not needed. He noted that the plans as drawn show the eaves overhanging the adjoining lot, which cannot be permitted.

Mr. Livengood further advised that the lot is 30 feet wide and the proposed home is 20 feet wide, so that by taking advantage of the zero-foot front setback and shifting the home toward the opposite side, an eight-foot driveway, which meets the City's requirement for a parking space, could be provided with the home located two feet from the side property line.

Mr. Driver confirmed with Mr. Livengood that shifting the home forward and to the side would keep the structure out of the easement while preserving a side yard.

Mr. Harding asked whether the purpose of the zero-foot setback request was to allow a larger structure. Mr. Bookman advised that the request is intended to accommodate the driveway on the side of the house, and that the plan has been reduced from approximately 2,600 square feet to a substantially smaller home. He stated that the applicant is willing to comply with whatever the Board decides regarding the overhang and the location of the home.

Mr. Livengood noted that other new homes on the same block on similarly sized lots were built 16 feet wide, which allows more room for driveways, but that those lots were not affected by a storm drain easement. Mr. Thomas asked whether there had been any discussions with the neighbor on the side of the zero-foot setback request. Mr. Gurminder Singh, applicant, was sworn in and advised that he has not had discussions with the neighbor.

Mr. Livengood clarified for the record that the subject property is 2408 Stark Street, that there is new construction at 2404 Stark Street located approximately five feet from the property line, and that 2406 Stark Street is a vacant lot that is likewise 30 feet wide.

Members of the public were invited to speak. Seeing and hearing none, testimony closed and Board discussion ensued.

Mr. Vang advised that the condition of the storm drain pipe should be checked before building.

Mr. Duvall stated that the request appeared straightforward, that following the staff recommendations makes sense, and that the applicant indicated a willingness to comply with the conditions recommended by staff.

Mr. Driver stated that his concern is with the number 6 criteria, which requires that the request be born out of necessity rather than a desire for a larger structure and that the Board grant the minimum deviation necessary. He stated that because the application indicates the intent is not to enlarge the structure as drawn, shifting the home forward and to the side would provide the eight-foot driveway and remove the eaves from the adjoining property, and that a five-foot deviation may therefore be more than the minimum necessary. He also cited the number 7 criteria, concerning injury to adjacent property, noting that granting a zero-foot setback could limit the ability of the adjoining narrow lot to be developed in a similar manner in the future.

Mr. Duvall stated that the Board is not in a position to determine whether a five-foot or three-foot setback is correct for the construction of the home, but that the Board can review the request against the criteria for a variance and the conditions recommended by the Zoning Administrator, which the applicant has agreed to meet.

Mr. Thomas agreed with Mr. Driver's reading of the number 6 criteria and stated that an eight-foot wide driveway is a reasonable use of the property, requiring a variance of three feet to allow a two-foot setback and shifting the home further east.

Mr. Vang asked about the size of the pipe and whether there is an engineered requirement for how close construction may come to it. Mr. Livengood advised that the easement is 20 feet wide and centered on the pipe, with ten feet on each side, and that an additional ten-foot temporary construction easement dating to 1975 is no longer in effect.

Ms. Fenner asked for a motion.

Mr. Driver made a motion to approve a two-foot side yard setback from the western property line, with the following conditions:

1. That a plot plan or site plan drawn by a registered land surveyor be submitted prior to the issuance of a permit. The plan shall meet Planning and Development Services requirements for a site plan for a new single-family residence and show the location and dimensions of all property lines, the stormwater easement, and the location and dimensions of all requested improvements, including the dwelling and the driveway.
2. That no portion of the building, including overhangs, gutters, footings or foundation, extend beyond the two-foot setback from the property line, provided that eaves and gutters may project up to 18 inches so long as they remain within the property, and that all stormwater runoff be contained on the property.
3. That the dwelling be moved two feet from the western property line and not exceed the lateral footprint submitted with the variance request; that the dwelling be permitted to take advantage of the zero-foot front setback or to shift toward the rear if the dimensions allow, provided it remains outside the stormwater easement; and that the dwelling be located as close as eight feet to the eastern property line to allow an eight-foot driveway for off-street parking.

Mr. Driver stated the findings for the motion are that, as the application was submitted and as the criteria for a variance request are worded, the Board is authorized to grant the minimum variance necessary, and that granting three feet of relief rather than five feet is the minimum necessary given the two feet retained on the opposite side for the driveway.

Motion seconded by Mr. Thomas. All aye. Motion passed (7-0).

4. 2026-0018-SE **916 Gervais Street (TMS# 08916-02-04)** Special exception to permit a type 2 eating and drinking establishment (Rabjot Singh, Aura Kitchen and Bar) (RAC, OV-DC, OV-HP, OV-HSV)

Mr. Livengood introduced and summarized the requirements of the special exception request. He advised that the use is located within an existing eating and drinking place currently classified as a type 1 eating and drinking place, which is a conditionally approved use, and that a type 2 eating and drinking place allows an establishment to remain open past midnight subject to conditions. He advised that the applicant requests to extend the operating hours of Aura Kitchen and Bar, located within an approximately 3,500 square foot one-story building, from midnight until 2:00 A.M. on Friday and Saturday nights.

Mr. Livengood advised that, in addition to the standard criteria for a special exception, the Board must find that the proposed use meets all of the standards for a type 2 eating and drinking place, that the operation is in conformance with the supplemental information provided with the application, and that it complies with all relevant City development regulations. He identified the specific items for the Board's review as the days and hours of operation, the staffing schedule, the menu and hours of food service, parking for customers and employees, the types and duration of entertainment provided, and the seating plan demonstrating the proposed occupancy and seating layout.

The applicant was then invited to the podium to present the case.

Mr. Rabjot Singh, applicant, came up and gave an overview of the case. He advised that Aura is already a full service restaurant and bar serving cocktails and food with seated dining, and that the request is to extend hours on the busiest nights while continuing to operate as a restaurant and bar. He stated that food will remain available during the later hours, that additional staff will be maintained during late hours with security on the busiest nights and during special events, and that staff will monitor customers and check identification for alcohol service. He further stated that the entrances and surrounding area will be monitored, that trash and litter will be picked up, and that noise will be monitored so the operation does not create problems for nearby neighbors and businesses. He stated that the requested hours are appropriate for the location and fit the character of the Vista, and that the applicant is not seeking to operate as a nightclub. He then offered to answer any questions from the Board members.

Members of the public were invited to speak. Seeing and hearing none, testimony closed and Board discussion ensued.

Mr. Vang stated that he would support the request, noting that the additional two hours can be significant to a restaurant given rising operating costs.

Mr. Driver stated that the request appears to meet all of the factors. He noted that the only item staff had not received was records of calls for service in the past year, but that two additional hours are not likely to create a substantial adverse impact on public safety or a nuisance where the establishment has operated responsibly. He also stated that the area is appropriate for restaurants and that he did not believe the request results in a concentration or proliferation.

Mr. Harding asked whether there is information on the hours of the other restaurants and bars in the immediate area and whether this would be one of the only establishments open past midnight. Mr. Livengood advised that there are five other type 2 eating and drinking places within a block, including one approved by the Board within the past several months, and that most close at or before midnight Sunday through Thursday and remain open later on weekends.

Ms. Fenner asked for a motion.

Mr. Duvall made a motion to approve the special exception and adopt the staff findings, subject to staff comments. Motion seconded by Mr. Harding. All aye. Motion passed (7-0).

VI. OTHER BUSINESS

Mr. Livengood advised the Board that Madelyn Bowden is no longer with the department and is pursuing additional studies.

VII. ADJOURN

Motion to adjourn the meeting made by Mr. Duvall
Motion seconded by Mr. Harding. All aye. Motion passed (7-0).
Meeting adjourned at 4:45 P.M.