

Richland County Board of Zoning Appeals
October 5, 2011

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4 *[Present: T. Ralph Meetze, Elaine T. Perrine, Torrey Rush, Susanne H. Cecere,*
5 *Sheldon L. Cooke; Absent: Joshua McDuffie, William Smith]*
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7 Called to order: 1:08 pm

8 VICE-CHAIRMAN RUSH: I would like to call the Board of Zoning Appeals
9 meeting to order. In accordance with the Freedom of Information Act, a copy of the
10 Agenda was sent to radio and TV stations, newspaper, persons requesting notification,
11 and posted on the bulletin board located in the lobby of the County Administration
12 building. At this time, we're going to ask that our attorney, Ms. Linder, go over the
13 Rules of Order for today.

14 MS. LINDER: Thank you. I'd like to welcome everybody today to the Board of
15 Zoning Appeals meeting that's being held this afternoon. This Board is a *quasi* judicial
16 body which means the decisions that they're going to make today are going to be final
17 decisions. If for example, you're unhappy with a decision, the only place you can then
18 go is to circuit court. We're going to take up the presentations as they're presented in
19 the Agenda, we have two cases today. The Applicant, the person that's requesting
20 either the special exception or the variance, will have up to 15 minutes to make their
21 case. If there's anyone here that's in opposition to what the Applicant is requesting,
22 they will have to three minutes to speak. And then again, the Applicant will have five
23 minutes to rebut anything the opposition has said. When you come to the podium, you'll
24 be sworn in. In just a little bit, I'm going to give an oath to take. Please address your
25 remarks to the Board and not to members of the audience and not to Staff members.
26 The testimony today that you give will be recorded. If you have materials that you need

1 to submit, you may do so. Today it's not quite as formal as a court, but we still ask that
2 you leave quietly, turn off cell phones if you have them and just show proper respect to
3 all the people that are in this room. The weight that you give – that you present to the
4 Board, they'll take into consideration as well as any opposition. The Board does have
5 the right to put conditions on your request. If you plan to speak, please make sure that
6 you've signed up on the sign-up sheet, we need your name and your address. If you
7 are interested in receiving a copy of the Order, then I need to know to reach you. If you
8 need to leave, like I said if you'll just leave quietly. Okay, for all those that are planning
9 to come to the podium to testify, I need you to stand at this time and raise your right
10 hand. If there's anybody here, any witnesses, anybody that's going to testify, I need for
11 you stand and raise your right hand. Do you swear or affirm that the testimony you shall
12 give shall be the truth, the whole truth and nothing but the truth so help you God?

13 AUDIENCE: I do.

14 MS. LINDER: If anybody answered to the negative, please let me know;
15 otherwise, you are all sworn in. Thank you.

16 VICE-CHAIRMAN RUSH: Okay, at this time, we would like to approve the
17 Minutes for the September meeting. Has everyone had a chance to look over the
18 Minutes?

19 MR. COOKE: Yeah, that's correct.

20 VICE-CHAIRMAN RUSH: Do we need to talk anymore about it? Okay.

21 MR. COOKE: Mr. Chairman, I would like to make a motion to approve the
22 Minutes from Wednesday, September 7, 2011 as they are.

23 MS. CECERE: I second.

1 VICE-CHAIRMAN RUSH: Okay, we've got a motion and it's been properly
2 seconded. all those in favor?

3 MR. PRICE: Those in favor, Meetze, Perrine, Rush, Cecere, Cooke.

4 *[Approve: Meetze, Perrine, Rush, Cecere, Cooke; Absent: McDuffie, Smith]*

5 VICE-CHAIRMAN RUSH: The next item on the Agenda is the public hearing.
6 Mr. Price, would you like to call the first case?

7 **CASE NO.: 11-10 SE:**

8 MR. PRICE: Alright, the first item is Case No. 11-10 Special Exception. The
9 Applicant is requesting the Board of Zoning Appeals to grant a special exception and
10 permit the construction of a communication tower on property zoned GC. The Applicant
11 is Michael Frisina.

12 MR. FRISINA: That's correct.

13 MR. PRICE: Alright. The location is 1120 Sparkleberry Lane Extension. Parcel
14 size is about an acre, 1.27 acres. Its existing land use is commercial. The subsequent
15 property has an existing, according to our records, 1,140 plus square foot multi-tenant
16 office structure. The Applicant proposes to erect a 30' communication tower. The
17 surrounding area consists of various commercial and industrial uses. This is an aerial
18 of the site that you have in your package. For some reason it – the parcel lines are
19 shown for it but this is the subject parcel – it would be placed in the rear. This is a plan
20 that was submitted by the Applicant. [Inaudible] view. In some of the supporting
21 attachments that they've provided the actual tower itself, what it will look like and this is
22 it in sections. But this is one of the things that we did as a Staff on this, on a case like
23 this is sometimes trying to find a category to fit these types of towers in or –

1 MR. COOKE: What exactly type of tower is it, Mr. Price? What kind of tower?

2 MR. PRICE: It's going to be used as an antenna for the church.

3 MR. COOKE: Oh, an antenna.

4 MR. PRICE: But it's not, by our Code, doesn't meet with what the antenna
5 definition is. That's mostly what you might have at your home, those type, you know,
6 Direct TV, those satellite dishes, little HAM radios and so the only other category was to
7 put it into where –

8 MR. COOKE: Communications.

9 MR. PRICE: - other types of communication tower are. Unfortunately, if granted
10 approval, this will be subject to the additional standards of Section 26-152(D)(22), which
11 would require them to also fence in the parcel and landscape – excuse me, fence in the
12 tower and landscape it. And that's it from Staff.

13 VICE-CHAIRMAN RUSH: Okay, and we have one person signed up, Mr. Robert
14 Frisina.

15 MR. FRISINA: Frisina.

16 VICE-CHAIRMAN RUSH: Frisina, okay. Could you please state your name and
17 address for the Record, please?

18 **TESTIMONY OF ROBERT FRISINA:**

19 MR. FRISINA: Yes, sir. My name is Robert W. Frisina; my address is 206
20 Waterville Drive, Columbia, South Carolina.

21 VICE-CHAIRMAN RUSH: Okay. Would you state your case at this time?

22 MR. FRISINA: Yes, sir. What we're doing today is we're seeking a special
23 exemption, just a little background on this, it is a 30' tower and it's to provide a satellite

1 radio translator that would go on top of it to provide increased coverage for the
2 Midlands. Calvary Satellite Network is a national syndicated radio station but it's done
3 over satellite network and the way the local communities are able to access that is by
4 placing the satellite translator in the local communities so then local communities can
5 access that over regular FM broadband stations. As it stands, we currently had a lease
6 for Calvary Satellite Network; they had a lease over on Garners Ferry. The tenant chose
7 to not continue their lease when their lease ran out. They contacted a local church in
8 the community which was us and asked if we would place the pole and translator on our
9 property; therefore, no longer needing a lease as long as the church is in existence,
10 then the radio and the translator would stay there, and then therefore, would also be an
11 extension of our ministry and at the local communities in the Midlands and throughout,
12 and in other counties as well, would be able to receive reception for this. And this is
13 Christian radio programming, so any typical radio program that you would think would
14 far into those parameters. We, as you currently see on our property with our plan, in
15 front of the retention pond is where we would place it as a free standing tower, it was –
16 our design that you had is one foot by one foot concrete base which will secure the
17 tower securely. It will not exceed the height of our building and it is also shorter than
18 any of our current decorative light poles that would be in the surrounding area. So,
19 we're not talking about a very tall structure and certainly would not be taking up that
20 much space. It would also go into our existing landscaped area on the backside of our
21 building where we do have trees; I believe you saw that from the overhead shot as well.
22 Just to go through the questions of the packet that we submitted. Question five, will
23 traffic be impacted by this proposal? No, it will not. Currently, McNeely Road which

1 runs behind our property is the access road for other commercially zoned properties.
2 Will this proposal affect vehicle and pedestrian safety? No, given that, you know, we will
3 comply with the Code. If it were to chance to fall, it would fall into our parking lot or into
4 the current retention area and with the height of the pole, would not fall into the road, so
5 we would not be impacting if anything catastrophic were to occur. Question seven, is
6 there potential impact of noise, light, fume or obstruction of air flow in any adjoining
7 properties? Again, no since it's under 200', we are not required to put a light on top of it.
8 So, no light, noise. It would not be visible from Two Notch or Sparkleberry Lane which
9 is the main traffic, road traffic for the area. Going on question eight, will the proposed
10 use have an adverse affect on the aesthetic character of the environs? Again, no, we
11 are currently planning on putting it in an area that's already landscaped and again, it
12 does not exceed the height of our building so again, you will not be able to view it from
13 Sparkleberry Lane or from Two Notch Road. And question nine, is the orientation and
14 spacing of improvements or buildings appropriate? We are a church, this is an
15 extension of our ministry as we see it, and it would facilitate our needs and it would also
16 facilitate for our local communities. So pending any questions, you have, thank you.

17 MS. CECERE: I have a question for Mr. Price. Let's say that church were to
18 stop its existence, would that tower have to be removed?

19 MR. PRICE: Yes. Once again, it would fall under the same requirements that
20 were automatically imposed by the granting of a special exception as found on 26-
21 152(D)(22), which states I. specifically, I., communication tower which is no longer
22 used for communication purposes must be dismantled and removed within 120 days of
23 the date that the tower was taken out of service.

1 MS. CECERE: Thank you.

2 MR. COOKE: And you're saying he does not need a fence around it or he does
3 need it?

4 MR. PRICE: No, he will –

5 MR. COOKE: He will need a fence around it.

6 MR. PRICE: - that would be –

7 MR. COOKE: And seven feet in height, is that correct?

8 MR. PRICE: Yes.

9 MR. FRISINA: We're prepared to comply with that. We already have a fence to
10 protect our air conditioning units from theft, the copper theft that we've had in our
11 community. So we're already prepared to meet that.

12 VICE-CHAIRMAN RUSH: With the tower, as far as fall zone or anything like that,
13 Mr. Price?

14 MR. PRICE: I think that's been kind of addressed –

15 VICE-CHAIRMAN RUSH: On residential – go ahead.

16 MR. PRICE: - as you see under, once again, we go back to the special
17 exception requirements of 26-152(D)(22), specifically Section – subsection (c) when we
18 talk about the distance from abutting parcels. I think that takes into consideration, you
19 know, potential fall zone and the surroundings properties. But –

20 VICE-CHAIRMAN RUSH: The building itself, the building except - the building
21 on the property.

22 MR. PRICE: It's their building. So, once again we, you know, we don't take into
23 consideration that, they're –

1 MR. COOKE: Their building.

2 MR. PRICE: - they're aware that putting the tower there, if it falls, it could fall on
3 their building.

4 MR. MEETZE: Is this tower beyond 30' from the building?

5 MR. FRISINA: No, sir. It's 30' in height.

6 MR. MEETZE: How far is it from the building?

7 MR. FRISINA: We'd probably, let's see - our current plan calls for it to be -

8 MR. PRICE: Fifteen feet.

9 MR. FRISINA: Fifteen feet, yes, sir.

10 MR. MEETZE: Okay, so it could fall on the buildings then if it fell the right way.

11 MR. FRISINA: Pending catastrophic event, yes, sir.

12 MR. MEETZE: Yeah.

13 MR. COOKE: And it's at the back of the building. It's in the back the building, is
14 that correct?

15 MR. FRISINA: Yes, sir.

16 MR. COOKE: From that view right there. Okay, so it's right there. And there's
17 no opportunity for it to fall back into that because it's only 30', so it can't fall back into
18 that road.

19 MR. PRICE: Yeah, if you look at the plat that they provided to us, it also states
20 that it would be 42' from the property line.

21 MR. COOKE: Okay.

22 VICE-CHAIRMAN RUSH: Being that this falls under the cell tower requirements
23 as far as co-location are there any other towers in the area that could still give you guys,

1 I guess, appropriate, you know, that could provide the same access as having a tower
2 in your backyard. Is there any other towers in the area –

3 MR. FRISINA: No.

4 VICE-CHAIRMAN RUSH: - at this current time?

5 MR. FRISINA: No sir, we haven't found any. The idea with putting it at a church
6 though is that it foregoes the need for paying for a lease. It's a donation ministry; the
7 radio network in itself, so the idea of putting it at a church would forego that need of
8 paying for a lease. Like I said, we did lease a tower or the network did lease a tower
9 but it was over on Garners Ferry, they chose not to extend that lease.

10 VICE-CHAIRMAN RUSH: So there's no other towers in that area that could fulfill
11 that need?

12 MR. FRISINA: Not to my knowledge, no, sir.

13 VICE-CHAIRMAN RUSH: Are there any other questions of the Board? Would
14 someone like to read the Finding of Facts? Mr. Cooke, would you like to?

15 MR. COOKE: Yeah sure, I'll read the special exceptions. This is the yeah, this is
16 the old one. I've got it though, give me the new one. We're going to start down on,
17 we're going to start with number five, is that correct? Yeah.

18 MR. CECERE: Yes.

19 MR. COOKE: Is number five appropriate to start?

20 MS. LINDER: I would start with number four.

21 MR. COOKE: You want to start with four?

22 MS. LINDER: We'll have a height of less than 300'.

1 MR. COOKE: Okay, so would the proposed tower have the maximum height of
2 less than 300 feet? The answer to that is yes, it's only 30' in height. If the proposed
3 tower would be located on a building 40' or four stories in height would the tower have a
4 maximum height of 20' above the roof line? The building is actually one story, is that
5 correct, and if it has – it needs to be 40' above that one story –

6 MR. PRICE: It, that's not –

7 MR. COOKE: So it is 30' so it is 30', is that correct?

8 MR. PRICE: Well, it's not applicable in this case because it's not on the roof line.

9 MR. COOKE: Okay, alright – so we'll keep rolling. Is the base of the proposed
10 tower located at least 190' from a residential zoning district? Yes. Alright, we're going to
11 do B also? Is the base of the proposed tower located at least 50' from a nonresidential
12 zoning district? Yes – or with the habitable dwelling? I'm gonna say yes. Is the base of
13 the proposed tower located at least 20' from a nonresidential zoning district with a
14 habitable dwelling? And that's also yes. Alright, has the Applicant shown proof of an
15 attempt to co-locate on existing communication towers? Did the Applicant show the
16 alternative towers, buildings or other structures were not available for use within the
17 Applicant's tower site search area with structurally capable of supporting the intended
18 antenna or meeting the Applicant's necessary height criteria and provide a location free
19 of interference from other communication towers? Yeah, I'm gonna say yes on that one.
20 I'm a little iffy but, okay, I say yes. If the Applicant –

21 VICE-CHAIRMAN RUSH: Yeah, you can stop right there.

22 MR. COOKE: Yeah, you want to stop right there?

23 VICE-CHAIRMAN RUSH: Yeah.

1 MR. COOKE: - cause the –

2 VICE-CHAIRMAN RUSH: Does anyone else have any issues as far as co-
3 location? That is a, you know, I guess a question. This is, being that it falls under the
4 cell tower requirements, you know, I know it's sort of a different process, but -

5 MR. COOKE: You know, it's a different process but we –

6 VICE-CHAIRMAN RUSH: [Inaudible] different -

7 MR. COOKE: - we've had –

8 VICE-CHAIRMAN RUSH: - type of tower.

9 MS. CECERE: Basically not the same type of tower.

10 MR. COOKE: It's not the same type of tower, but we've actually had cellular
11 communication tower folks come in and we've asked them to basically show that
12 they've co-located and we pretty much have taken their word for it also. Although,
13 they've had some nice fancy pictures and things of that nature -

14 MS. CECERE: I think in this case the need came about that they got – their
15 lease got terminated at a different location and now they're having to basically build
16 their own tower.

17 MR. COOKE: I think what Mr. Chairman is trying to say is that we really didn't
18 have any proof that you actually made an attempt –

19 MR. FRISINA: Yes, sir.

20 MR. COOKE: - to co-locate the tower with another tower within area. But I'm
21 willing to say, yes, he's saying that it was - okay.

22 VICE-CHAIRMAN RUSH: I was just saying, any other thoughts?

23 MR. COOKE: Alright.

1 VICE-CHAIRMAN RUSH: Okay.

2 MR. COOKE: Thank you, sir. Is the Applicant willing to allow other users to co-
3 locate on their proposed tower in the future, subject to engineering capabilities of the
4 structure?

5 MR. FRISINA: No.

6 MR. COOKE: No. Okay. If the answer to that question is no, then I have a
7 question for Staff.

8 MR. PRICE: What was the question again?

9 MR. COOKE: The question is, is he willing to allow other users to co-locate on
10 the proposed tower in the future, subject to engineering capabilities of the structure?
11 But because this is a satellite tower in the backyard, is he still up under that?

12 MR. PRICE: Yes.

13 MR. COOKE: So you are willing to co-locate?

14 MR. FRISINA: Yes, sir.

15 MR. COOKE: Okay. Will the proposed tower meet the illumination requirements
16 of regulatory agencies such the FCC or FAA? And I'm going to say that's not applicable
17 because it's not tall enough. Okay? Will the communication tower and associated
18 building be enclosed with a fence at least seven feet in height? That is correct; it will be
19 at least seven feet. Has the Applicant agreed to landscape the communication tower
20 site in accordance with the requirement of Section 26-176? That is yes, also. Has the
21 Applicant agreed to place no signage to any portion of the communication tower unless
22 the sign is for the purpose of identification, warnings, emergency functions or contact, or
23 other as required by applicable state or federal rules, laws and regulations? Also, yes.

1 Has the Applicant agreed to dismantle and remove the communication tower within 120
2 days of the date the tower is taken out of service? That's also a yes. And will traffic be
3 impacted by this proposal? That's going to be, no. Will this proposal affect vehicle and
4 pedestrian safety? That's also no. Is there a potential impact of noise, light, fumes or
5 obstruction of airflow on adjoining properties? That's also no. Does the proposed
6 communication tower have an adverse impact on the aesthetics, character of the
7 environs? I'm going to say no with that one also considering it's in the back. Is the
8 orientation and spacing of improvements or building appropriate? And we're going say
9 yes. Okay? So with that being said, Mr. Chairman, based on the facts of the finding, I'd
10 like to make a motion that we approve the special exception 11-10.

11 VICE-CHAIRMAN RUSH: Okay, we have a motion any second?

12 MR. MEETZE: Second.

13 VICE-CHAIRMAN RUSH: Okay. We've got a motion, it's been properly -

14 MR. COOKE: Mr. Meetze second.

15 VICE-CHAIRMAN RUSH: Everybody's second. We'll say Ms. Perrine, how
16 about that?

17 MR. FRISINA: Thank y'all very much.

18 MR. COOKE: Hang on.

19 VICE-CHAIRMAN RUSH: And we might go backwards now. But we've got a
20 motion that's been properly second, all in favor?

21 MR. PRICE: Those in favor are Meetze, Perrine, Rush, Cecere and Cooke.

22 *[Approved: Meetze, Perrine, Rush, Cecere, Cooke, Rush; Absent: McDuffie, Smith]*

1 VICE-CHAIRMAN RUSH: None opposed, you have your special exception and
2 Mr. Price will be in touch.

3 MR. FRISINA: Great, thank y'all very much. Y'all have a great day.

4 VICE-CHAIRMAN RUSH: Alright. So we're moving on to the next case. Mr.
5 Price could you call the next case, please?

6 **CASE NO.: 11-11 V:**

7 MR. PRICE: The next item is Case No. 11-11 Variance. The Applicant is
8 requesting the Board of Zoning Appeals to grant a variance to an encroaching into the
9 required front yard setback on property zoned GC. The Applicant is Lakish Patel. The
10 location is 7525 Two Notch Road, the parcel size is about 1.3 acres. The existing land
11 use is a hotel. The subject property has a six story 59,000 plus square foot hotel that
12 was constructed around 1987. The Applicant is proposing a canopy addition which will
13 encroach into the required front yard setback. The Applicant is – the area is comprised
14 primarily of various commercial businesses including a number of hotels. We did
15 receive an email from the architect stating that their request is to reduce the required 25'
16 setback to 13' on Barber Drive, so that is an amendment to what you have in your
17 Code, in your Agenda, excuse me, because I believe I have it as 10'. But instead, that
18 would be –

19 [Inaudible discussion]

20 MR. PRICE: Okay, so I'm sorry – so it will be 10'.

21 VICE-CHAIRMAN RUSH: Okay.

22 MR. PRICE: So, it would be 10' from the property line. Our aerial and this is the
23 subject property. It's right there on the corner of Two Notch Road and Barber Drive.

1 The existing structure, like this is the proposed canopy addition and it will remove at
2 least four parking spaces. But parking will still be in compliance. Just a couple of other
3 renditions of the, with the addition on it; canopy. This is a shot from the parking lot and
4 this is standing I guess from Two Notch Road facing toward the rear of the property.
5 And this is from the rear of the property facing Two Notch Road. The Richland County
6 Land Development Code requires that all parcels that abut a drive, a county drive, they
7 have to observe the 25' setback on both sides. You know, in our previous Code it was
8 12 ½ for a secondary front but it currently reads 25' now. That's it from Staff.

9 VICE-CHAIRMAN RUSH: Okay. Mr. Otto are you, will you be [inaudible].
10 Please come forward and state your name and address for the Record, please.

11 **TESTIMONY OF CRAIG OTTO:**

12 MR. OTTO: Alright. My name is Craig Otto, I live at 104 Due West Court in
13 Lexington and I'm the architect representing the owners. And I'd like to introduce them,
14 these are the four gentlemen who will be, who own this property now and will be
15 developing it into the planned Best Western. I'd like them to state their names real
16 briefly. My name is [inaudible] Patel.

17 VICE-CHAIRMAN RUSH: They're actually on record to speak.

18 MR. OTTO: Okay.

19 VICE-CHAIRMAN RUSH: Are they – do they want to speak?

20 MR. OTTO: Yes, they all four of you are signed up, right?

21 VICE-CHAIRMAN RUSH: Okay, then we'll call them up.

22 MR. OTTO: If they need to speak, they'll come up. Thank you. I'm going to
23 refer to my notes a little bit as I make this presentation. This property was built as you

1 said in '87 or thereabouts, it's about 25 years old. It was originally a Bradbury Suites, I
2 don't know if any of y'all remember that, I actually do, I stayed in there one time when it
3 was a Bradbury Suites. They had theme rooms, a baseball room, a jungle room and all
4 kind of things crazy like that. It apparently was pretty successful at first but started to go
5 downhill, then it became a Ameri-Suites some number of years ago. Apparently it kept
6 kind of going downhill a little bit and it became a Jamison Inn, now. Not that the
7 Jamison Inn is a bad hotel or anything like that, but it just sort of, the quality of the
8 franchise just sort of was downgraded as years went by. As a result, the property hasn't
9 really been kept up very well. The outside of the property looks pretty nice and clean
10 but the interior is not very nice. The furnishings are not new and they're old and dirty
11 and I actually went into a guest room and felt like it was a room that I probably wouldn't
12 want to stay in. And as a result the rooms have gotten cheaper and cheaper over the
13 years and the clientele has gotten, for a lack of a better word, gotten cheaper and
14 cheaper over the years. We took a tour with the former manager of the – with the
15 former ownership and he hinted very strongly that he felt like that there was prostitution
16 going on in some of the guest rooms and based on some of the people I saw coming in
17 and out of the guest rooms, I felt very strongly that could potentially be what was going
18 on as we were taking this tour. Again, not to talk bad about anybody or any company
19 but it's just the place was just not kept up over the years. Two of the gentlemen that are
20 with me today own the Comfort Suites that's across the parking lot across from where
21 Home Depot is. This property is on the left side and their Comfort Suites is on the other
22 side so they're already familiar with the type of clientele that they can have over there
23 and they've got first-rate clientele and they wanted to make sure this property had first-

1 rate clientele once they did the development. So, what their goal is to do is turn it into a
2 Best Western, which as everybody knows is a very, very good franchise. It's, I'm sure
3 it's rated in the top five, I don't know the statistics but, in order to do so they have to met
4 many, many, many standards, minimum standards, architectural standards, FF&E
5 furniture standards and that's part of my job is to help them fulfill all those standards.
6 Best Western came and did a tour and a survey of the property, a Best Western
7 representative, and they wrote up a document that they refer to as PIP or property
8 improvement plan. And these documents here, these are two different ones, these are
9 the kind of notes that they make of what needs to be done to make this property viable
10 as a Best Western. In its current condition and state, it is not viable as a Best Western
11 it has to be improved and they won't accept it as a Best Western until it's met all the
12 requirements that have to be met. Among these things that you'll see done, assuming
13 that this becomes a Best Western, taken from their list, they're going to restore the
14 asphalt in the parking lot, restripe the parking lot, power wash all the curbs and concrete
15 outside, provide an attractive gate at the dumpster enclosure, replace the chain linked
16 fence that they have a portion of the property with and put attractive fencing and
17 landscaping in, provide new infill landscaping throughout to go along with some of the
18 mature vegetation that's there. Provide and construct a new porte-cochère, the entry
19 canopy underneath that they have to provide a stamped concrete or other visually
20 appealing surface for the guest to walk in from. New furniture throughout the entire
21 building, all new in the lobby, breakfast room, all that – it's all brand new, automatic
22 sliding entry doors, instead of the just the regular swing doors that they have now. A
23 fireplace for a focal feature in the lobby, new floor coverings, wall coverings, paint,

1 ceilings and everything throughout the all the public areas. They'll have a new
2 breakfast room, new public restrooms, new fitness center, new guest laundry, new
3 offices and a new business center. All of that's being done by removing four of the
4 guest rooms down on the first floor level and completely renovating. They also have to
5 renovate and redecorate every single guest room in the building which will be 108
6 rooms when it's finished. So, it's a major undertaking and it will be millions, literally,
7 with the purchase of the property and the improvements, it will be millions of dollars of
8 investment there on Two Notch Road. We'll also meet all ADA standards. The porte-
9 cochère, the front entrance canopy as Mr. Price already pointed out is the reason we're
10 really here today and it is the most important feature on the exterior of the building for
11 the improvement of this property, along with the exterior improvements to stucco. These
12 may not be the final colors but that gives you an idea; we're adding stucco bands,
13 horizontal bands across it, some stucco vertical bands at the windows. Some stone at
14 the front entrance area, new paint colors throughout on the stucco and then the porte-
15 cochère, which is the biggest change to exterior. It projects out approximately 36 or 37'
16 out from the building. We're still tweaking the design on that and that's why I asked Mr.
17 Price to leave our request in there for 10' because – I don't think we're going to get as
18 close as 10', but we need a little bit of play there. Now that porte-cochère is
19 approximately 30' wide, it's actually probably less than 30' wide, and as Mr. Price
20 already pointed out, it's taking up space where there's currently four parking spaces.
21 Those four parking spaces will be where the columns for the porte-cochère sit and it
22 would be landscaped. Potentially, they've discussed even putting a fountain or some
23 other sort of very nice focal feature out there. I know most brand named hotels also

1 require a flag pole, there might be a flag pole out there, I'm not sure. But, the porte-
2 cochère again is, it's a little less than 30' wide, we're really only, Mr. Price, as he
3 pointed out, we're asking a reduction of the setback on Barber Drive. But we're really
4 only asking for a reduction in the area where the porte-cochère is, not across the whole
5 property. We're not going to do anything else to come out into that setback anywhere
6 except for the porte-cochère. So that's the big request that we have there. The parking
7 reductions were as a result of the porte-cochère, but because we're losing four guest
8 rooms in the renovation and we lose four parking spaces with the porte-cochère, we
9 end up with the same parking ratio that we had previously. As I pointed out already, this
10 ownership team has already invested heavily in the Richland County community with
11 the property across the parking lot and they're going to make an even bigger or as big
12 an investment in this one and they just ask, respectfully ask for your help and relief from
13 the setback for that porte-cochère. If you have any questions, I'll be happy to answer
14 them, if I can't answer them, I'll ask one of the owners to answer them for me.

15 MS. CECERE: Is the porte-cochère, it's purpose is for people to pull up there
16 and take out their luggage and go into the hotel or is it just for beautification?

17 MR. OTTO: Thank you for asking because I did forget to point that out. No, it's
18 actually for function; well really both. It's for function and beautification but it is
19 functional. It's two cars wide, cars can travel in either direction, stop underneath the
20 canopy to run in and check on a price of a room for make your reservation then get your
21 luggage out. Most hotels as you know have a porte-cochère or an entrance, covered
22 entrance to keep people out the weather when they check-in. If it's bad weather and you
23 drive by a hotel that doesn't have a porte-cochère, you're likely not going to stop and in

1 this case, Best Western actually has it as one of their requirements to become a Best
2 Western. But it's certainly functional and I think that the owners would do this whether
3 it's a Best Western or not, they want a porte-cochère on the front of the building.

4 MS. CECERE: And what happens to the traffic flow when two cars are parked in
5 that or happen to be parked in that?

6 MR. OTTO: Well, it's a situation that the owners would probably would have to
7 figure out how to manage properly. Because it is two way, and if there is a person
8 stopped on one lane and a person's coming in the other direction and they want to stop,
9 they're going to block traffic so it's something that they would probably have to learn to
10 manage perhaps have a staff person go out and help with folks like that. We don't
11 really have any other alternative in this case because the property doesn't have any
12 other driveways to be able to get in and out of or any way to drive around the canopy.
13 In most cases, when we have this situation, we would have a driveway that would
14 actually by-pass the canopy, which is what you're used to seeing. But to do that, I'd
15 have to lose 10 or 15 parking spaces and we can't afford to do that, it wouldn't meet the
16 requirements anyway, but they couldn't afford to have that many fewer parking spaces
17 than rooms. So it's not certainly ideal, as far as traffic goes, but it's better than not
18 having a porte-cochère at all. People still stop there as it is right now and stop there to
19 go check-in. They don't have a porte-cochère to sit under but they still stop there. So
20 traffic still has to flow around it.

21 MS. CECERE: Mr. Price, if they lost all those parking spaces in the front then
22 would it, it would not meet all the requirements, is that correct or?

1 MR. PRICE: I would want to just, I would like to look at those numbers prior to
2 me giving an answer. How many rooms are in that hotel?

3 MR. OTTO: Hundred and eight when we're finished.

4 MR. PRICE: I'll check that out.

5 MR. OTTO: I think I would lose eight more in addition to the four I've already
6 lost, so I probably would lose a total of [inaudible]. Have a 109 now with the
7 development so lose eight more I'd have 101. That's minimum. I think I'd lose a
8 minimum of 12 spaces, so I could easily lose more than that but I'd think that would be
9 the minimum.

10 [Inaudible discussion]

11 MR. COOKE: Yeah, you're going to cause an even more problem with people
12 trying to pass on the outside within 10' of each other on the outside.

13 MS. CECERE: And Best Western does not give you an alternative like let's say,
14 it wouldn't let you make it just one car width, the porte-cochère?

15 MR. OTTO: Well, they haven't offered that, we haven't asked for it so I don't
16 know. That really, in this case, it really wouldn't help us because it would – unless it
17 cantilevered out and didn't have any supports on the other side, which would be difficult
18 structurally because we're dealing with an existing building, the columns to hold the
19 porte-cochère up would end up being in the middle of the driveway, so they would still
20 be in the way. And again I think people would naturally end up stopping there anyway,
21 even if –

22 MR. COOKE: As they do now.

1 MR. OTTO: - if it's not a porte-cochère or a half porte-cochère or something, I
2 think people would still –

3 MR. COOKE: Mr. Price? When you're done looking for that, I had a question
4 about 1551 Barber Drive. It looks like there's a porte-cochère right next door. And I'm
5 assuming - from the looks of it, are they within Code or are they within their
6 requirements?

7 MR. PRICE: As far as setbacks?

8 MR. COOKE: Yes.

9 MR. PRICE: We didn't look at that, but remember the new requirements for the
10 setbacks came about in 2005.

11 MR. COOKE: Alright. It came about in 2005?

12 MR. PRICE: So that structure was there –

13 MS. CECERE: When was this hotel built, the original?

14 MR. OTTO: Mr. Price says '87. I knew it was in the mid-80's but I didn't know
15 the exact date.

16 MR. PRICE: That's what our records indicate.

17 MR. OTTO: Okay, good.

18 MR. PRICE: And to answer your question, Mr. Cooke, that hotel that you're
19 referring to –

20 MR. COOKE: Yes, sir.

21 MR. PRICE: - in the rear, our records indicate that it was built in 1997.

22 MR. COOKE: Okay. So, eight years before we changed them, okay.

1 VICE-CHAIRMAN RUSH: I guess for the Record, what do you see as you're
2 extraordinary or exceptional conditions pertaining to that property in what you're asking
3 for a special exception?

4 MR. OTTO: I don't know if it falls under the category of what you're asking but as
5 we pointed out, the project was built about 25 years ago and it was built on a very, very
6 small piece of property with a very tight development; parking lots got right to the
7 property lines, there's very little landscaping, the building and parking lots almost touch
8 each other and the property itself is, the development as it exists is somewhat
9 extraordinary in that we probably wouldn't build this hotel on a piece of property that
10 small today. So, it's just the fact that it's an older development I think has puts us in that
11 situation. I know that this is sort of part of my sales job to you but this is the honest
12 truth, the clientele really is not very good. The Best Western will bring a much, much
13 better clientele than what they're currently getting. The prices of the rooms will be a
14 little higher. And everything will be brand new, they're got to pay for the hotel with their
15 room rentals and I think the entire development will transform into a positive on Two
16 Notch Road as opposed to what is currently a negative and becoming more negative all
17 the time other than the fact that the owners have already started making some
18 improvements to the clientele and to the managers that were there and such.

19 MR. MEETZE: This appears to be one of these common sense issues. I know
20 that area, any improvement will enhance and a situation like this, you do the best you
21 can with what you've got and frankly, I laud the folks for expending these kinds of
22 resources to try to improve the traffic out that way and enhance the what you might call

1 the credibility or the reputation at that part of Two Notch Road has had for years and
2 year and years. I laud them.

3 MR. OTTO: Well, thank you for saying that sir, I'm sure they appreciate that.

4 VICE-CHAIRMAN RUSH: Okay. Next up for is Mr. Ishwar [inaudible]? I'm sorry
5 if I – would you like to speak or? Yeah, do you have anything to add or any one of them
6 four?

7 [Inaudible discussion]

8 VICE-CHAIRMAN RUSH: And for Record, if you could state your name and
9 address.

10 **TESTIMONY OF ISHWAR NARAL(?)**:

11 MR. Naral: My name is Ishwar Naral and we have about 14 properties in our
12 portfolio and I have been in business for the last 35 years and I have personally
13 [inaudible] Marriott's, Hiltons, IAG(?) properties and I think the porte-cochère is pretty
14 much a requirement or a must for a little bit upscale chain because it gives our guests,
15 during the bad weather they can stop if it is raining or anything and it's – the curb appeal
16 is a big thing today for our customer base, especially the kind of the customers, what
17 you're looking for. And I think at this property, it would add as a lot as a curb appeal
18 because we ideally we're going to do a nice landscaping with the porte-cochère, we
19 probably put a little fountain and it will change the whole neighborhood. And I know that
20 we asking something but, I think the gentleman really made a good point that it's a
21 Hampton right next door to us has a canopy, just like that. So in case, in future, if you're
22 really going to expand the road, I don't think we could do it in future anyway because
23 you've got another property right next door to that that has a canopy and that doesn't

1 have the same setback that we have. So I really urge you to look into it and hopefully
2 allow us to change the neighborhood and put some money and improve the property.
3 Thank you.

4 VICE-CHAIRMAN RUSH: Okay, anyone else would like to –

5 MR. OTTO: All that I would like to add too as he pointed out, the building is so
6 close to the corner of Barber and Two Notch that it really serves as sort of the first thing
7 you see as you're driving up Two Notch towards that development that has the Home
8 Depot and all this other, I think it's an Outback Steakhouse or – and it's one of the first
9 things you see right past the furniture store. And right now, it's not unattractive, but it's
10 not real attractive. It doesn't catch your eye and I think that this will be sort of a
11 gateway/focal point to that development right there, as it becomes new.

12 VICE-CHAIRMAN RUSH: Alright, thank you. I guess I'll open it up for
13 discussion with the Board.

14 MR. COOKE: I would definitely say, I mean, the exception and the conditions, I
15 mean, with the property being built back in the '80's and with this professional opinion
16 saying they probably wouldn't even do this, they probably wouldn't even build a
17 structure this size or even this type of structure.

18 VICE-CHAIRMAN RUSH: Can I pose a question?

19 MR. COOKE: This day and age. Yes, sir.

20 VICE-CHAIRMAN RUSH: Are you referring to the facility or the property?

21 MR. COOKE: I'm referring to the property but the facility that's currently on the
22 property is a hotel. And as you heard him state that this day and age, they probably
23 wouldn't even attempt the do that. Which of course, we've seen the zoning, the Codes

1 change since 2005. I think that poses an extraordinary and exceptional condition and I
2 know it's not an extraordinary condition, but I know our job as the Board is to create a
3 harmonious community, that's our job, and I think that's what these guys are trying to
4 attempt to do.

5 MS. PERRINE: I would like to state that I agree with Mr. Cooke's opinions on
6 that, his reasoning.

7 MR. MEETZE: Additionally, these folks have a track record. They've been here,
8 they've done this, they know what they're doing. This is not a maiden voyage deal.

9 VICE-CHAIRMAN RUSH: Do you have anything to add to this?

10 MS. CECERE: I think, I'm basically in agreement with the rest of the Board that
11 at this time and this, as the zoning is now, the hotel wouldn't be built but I think when
12 you're looking at – to go into a hotel or to looking at a hotel, I think you always look at
13 what looks best on the outside, is that someplace I would want to stay. And I'm familiar
14 with that area and I think anything would be an improvement there.

15 MR. COOKE: Right. And again, that doesn't weigh on the fact that we need to
16 establish extraordinary conditions in order to –

17 VICE-CHAIRMAN RUSH: Yeah, I mean, that's why I asked the question.

18 MR. COOKE: - approve it.

19 MS. CECERE: I think that it's – yeah.

20 VICE-CHAIRMAN RUSH: That's why I asked the question is are you – because
21 the way that this – what our job sort of reflects is that you look at the property itself –

22 MR. COOKE: Right.

1 VICE-CHAIRMAN RUSH: - not all the other extenuating. I understand they're
2 spending a lot of money on it.

3 MR. COOKE: Yeah.

4 VICE-CHAIRMAN RUSH: I totally understand that.

5 MR. COOKE: That's not a play area.

6 VICE-CHAIRMAN RUSH: But at the same time, that doesn't play into what we
7 do here.

8 MR. COOKE: Right.

9 VICE-CHAIRMAN RUSH: When it's all said and done.

10 MR. MEETZE: But by the same token, we have to use common sense. I dwell
11 on common sense.

12 VICE-CHAIRMAN RUSH: And I don't think that's the question here. When we're
13 looking at the ordinance that we use right here, this variance, when you're looking at
14 that property, not the facility, the property itself -

15 MR. COOKER: Property.

16 VICE-CHAIRMAN RUSH: - are there any extraordinary conditions? That's the
17 question.

18 MR. MEETZE: Well, it's -

19 VICE-CHAIRMAN RUSH: And I think that's how we're supposed to look at
20 things as a Board.

21 MR. MEETZE Well it's a great -

22 VICE-CHAIRMAN RUSH: They're doing a great job at what they're doing and I
23 don't think that's the debate. It's does that property have any extraordinary conditions?

1 MR. COOKE: I think based on the time that this particular property had when
2 they started building the structure, this property was basically in Code and I think now
3 that it's, time has gone by, it's not in code. I think the extraordinary conditions is that
4 whoever inherited or purchased this property is trying to do the best that they can. I
5 think there are some limitations that the property poses on trying to enhance the facility.
6 They go hand and hand. I think because of the property, and because of where it's
7 located, and how it's situated and the size of the property, it hinders anyone who
8 purchased the property to enhance it.

9 VICE-CHAIRMAN RUSH: I wouldn't necessarily say that, because you can
10 bulldoze that and put something else there.

11 MR. COOKE: I mean, you could bulldoze that and put something – you can –

12 VICE-CHAIRMAN RUSH: So that's why I'm saying. But my point in saying that
13 is –

14 MR. COOKE: Yeah, you can – yeah, you can now.

15 VICE-CHAIRMAN RUSH: - the property itself does that have any - because you
16 can go – if you bought that facility and wanted to add onto it –

17 MR. COOKE: Right.

18 VICE-CHAIRMAN RUSH: - no you can't do that. But can you bulldoze facility
19 and build another facility there, yes you can.

20 MR. COOKE: You could build another facility but it, and it may not be a hotel, it
21 doesn't have to be a hotel, it could just be –

22 VICE-CHAIRMAN RUSH: [Inaudible] itself from that standpoint. That's all I'm
23 saying so, you know, I think it's more about the issue of what we're here to do.

1 Because we can, I mean, you can go all day and you can find issues to harp on as far
2 as with money and all those different things and I think we get sidetracked sometimes.
3 And not to say that's not important, but at the same time, based on what this piece of
4 paper says, I think that's why we're here. And so - [inaudible].

5 MR. COOKE: But I think the question of the extraordinary and exception
6 conditions we're asking what extraordinary exceptional conditions does the property
7 pose in order for them to ask for a variance on what they want to do. It's not like we're
8 trying to build a structure from the ground up. They're trying to enhance the structure so
9 that's what I'm saying, the property is hindering them from the enhancement based on
10 where it's located, how it's located on such a small property. That's all I'm saying.

11 VICE-CHAIRMAN RUSH: Could someone go through the Findings of fact?

12 MR. COOKE: I'll do that Mr. Chairman.

13 VICE-CHAIRMAN RUSH: How about that.

14 MR. COOKE: It's been a banner day for me here. I'm all over the notes, the
15 Minutes then. Alright, since I made all the talk, are there extraordinary and exceptional
16 conditions pertaining to the particular piece of property? I want to say yes. And for the
17 Record, based on how the property is, basically how the property is set up and located
18 and the size of the property is what makes the special exceptional conditions to what
19 they're trying to do to enhance the current structure.

20 MS. PERRINE: And did you say about the age of the building and -

21 MR. COOKE: No ma'am. The property was built, and also do to the fact the
22 property was built in the late '80's, 1987, that's also posing some extraordinary
23 conditions. Alright, number five, do these conditions generally apply to other properties

1 in the vicinity? I want to say, no. Would application of this chapter to this particular
2 piece of property affectively prohibit or unreasonably restrict the utilization of the
3 property because of the aforesaid extraordinary and exceptional conditions? I would
4 say, yes to that. Yes.

5 VICE-CHAIRMAN RUSH: I'm going to make one point. That property sitting
6 right next door to it sits on the setbacks, basically. So, when you look at properties as it
7 relates to the properties in the vicinity –

8 MR. COOKE: Yeah.

9 VICE-CHAIRMAN RUSH: - they've got the same issue.

10 MR. COOKE: I beg to differ, because that's the Hampton Inn and then that's the
11 –

12 VICE-CHAIRMAN RUSH: Not that one, the one that's sitting right next door to it.

13 MR. COOKE: - furniture store.

14 VICE-CHAIRMAN RUSH: Sits on that setback.

15 MR. COOKE: The furniture store?

16 VICE-CHAIRMAN RUSH: Yeah.

17 MR. COOKE: Yeah, but that's –

18 VICE-CHAIRMAN RUSH: It's the same type of property though.

19 MR. COOKE: And it's, that's Alan Furniture, Alan Furniture Store been there
20 since the '70's. I mean, it's the same –

21 VICE-CHAIRMAN RUSH: But it's the same issues. So you've got the same
22 issues in the area so it's no extraordinary –

1 MR. COOKE: We can definitively say that it's in the setbacks? Well, okay with
2 the lines?

3 VICE-CHAIRMAN RUSH: There's no setback with the commercial. Well, no
4 there is a, I'm sorry, off the street –

5 MR. PRICE: Up on the side.

6 VICE-CHAIRMAN RUSH: On the side setback, there's no setback.

7 MR. COOKE: Alright.

8 VICE-CHAIRMAN RUSH: That's what I meant to say.

9 MR. COOKE: Okay.

10 VICE-CHAIRMAN RUSH: Keep going, sir.

11 MR. COOKE: Thank you. Will the granting of this variance be a substantial
12 detriment to adjacent property or to the public good or will it harm the character of the
13 District? I'm going to say, no. So, Mr. Chairman, based on the facts of the findings, I'd
14 like to make a motion that we approved Variance 11-11.

15 VICE-CHAIRMAN RUSH: Okay, we've got a motion. I would like to just make a
16 comment before it's seconded while it's still open a little bit. I think our job here is to
17 look at the ordinance and these findings of the facts that are in the ordinance and make
18 a ruling based on that.

19 MR. COOKE: Right.

20 VICE-CHAIRMAN RUSH: You know, I know you have other, may have other
21 ulterior interest and, you know, would love to just because a property owner comes in
22 and they own the property, they should have every right in the world, that's not our job.
23 So, I think as we look at issues, I think the biggest thing is looking at the issue, making a

1 ruling based on the issue, well based in the findings of fact. Not necessarily all the
2 other stuff that comes into play because everybody that comes up to that stand, gives a
3 sob story on why they should have this – bar none. So, I think that’s the biggest thing,
4 so that’s all I wanted to say to that point. But we’ve got our motion to approve, do I
5 have a second?

6 MR. MEETZE: I will second.

7 VICE-CHAIRMAN RUSH: We’ve got our motion; it’s been properly seconded, all
8 in favor?

9 MR. PRICE: Those in favor. Meetze, Perrine, Rush, Cecere and Cooke.

10 *[Approved: Meetze, Perrine, Rush, Cecere, Cooke; Absent: McDuffie, Smith]*

11 VICE-CHAIRMAN RUSH: And you have none against. Mr. Otto, you have your
12 variance and Staff will be in touch with you. Thank you.

13 MS. LINDER: Off the Record I would recommend that you wait until we get the
14 Minutes approved next month before investing into any construction. After the Minutes
15 get approved next month, orders will be going out and at the point you’ve got, you know,
16 you’re very safe to go forward.

17 VICE-CHAIRMAN RUSH: Well being there’s no, any new business.

18 MR. PRICE: Well just to let you know that there, there will not be a meeting next
19 month, no cases.

20 MR. COOKE: Awe.

21 MS. CECERE: Good, I’ll be in Atlanta anyway.

22 MR. COOKE: It’s Thanksgiving.
23

1 VICE-CHAIRMAN RUSH: Alright. If that's all, then this meeting's adjourned.

2 *[Adjourned: 2:15 pm]*

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