

BOARD OF ZONING APPEALS
October 1, 2014

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3
4 *Present: Joshua McDuffie, Michael Spearman, Frank Richardson, William Smith,*
5 *Susanne Cecere, Christopher Sullivan]*

6
7 Called to order: 3:00 pm

8 CHAIRMAN MCDUFFIE: At this time I'd like to call the meeting, this meeting of
9 the Richland County Board of Zoning Appeals to order. We have a quorum today and
10 so for, I'd like to give the public meeting notification. In accordance with the Freedom of
11 Information Act a copy of the Agenda was sent to radio and television stations,
12 newspapers, persons requesting notification and posted on the bulletin board located in
13 the lobby of the County Administration Building. And at this time I will turn the meeting
14 over to Ms. Amelia Linder, the Board's attorney, to present the Rules of Order.

15 MS. LINDER: Thank you, sir. Good afternoon, I'd like to welcome you all here.
16 We are here to take up one case today. And as you may know this board is a *quasi*
17 judicial body, which means the decisions they make today will be final, subject to an
18 appeal to circuit court if you're unhappy with the decision. The Applicant today will have
19 up to 15 minutes to come to the podium and speak and present his or her case. The
20 opposition, if there's anybody opposed to what the Applicant wants, will have up to three
21 minutes to speak. And then the Applicant has five minutes to address whatever the
22 objections are. Please, when you're talking at the podium, just address your remarks to
23 the Board and we don't want any public audience displays of demonstrations or
24 testimony from the floor. You need to come to the podium. You will be under oath and
25 the testimony will be recorded. Please speak into the microphone. It's not as formal as a
26 court so you may, if you have documents you wanna submit you may do that, and then

1 the weight that you, the documents you give will be given the weight that the Board
2 decides they should be. The Board will either approve or deny your request. They may
3 put some conditions on the request. The decisions will be final until the, will not be final
4 until the Minutes are approved. And just as a pre, a preclude to that, the last time we
5 had a meeting was in April and so the person that got their approval in April will be
6 getting their Order soon, but they've had to wait six months for that Order. And until you
7 get that Order you have to proceed at your own risk. Any person that has a substantial
8 interest in the decision made by the Board may request a reconsideration of the
9 decision, but it has to be based on a specific error that the Board makes. If there was no
10 mistakes that the Board made, you can appeal to circuit court. I would like to also ask
11 you mute or turn off your cell phones, make sure your name is on the signup sheet if
12 you intend to speak, and then just as a note, the audience may come and go as you
13 need. If the Board needs any legal advice we will go into executive session for that. Do
14 you have any questions? If not, anybody that is intending to speak at the podium I need
15 to swear you in at this time, so if you would please stand and raise your right hand. Do
16 you swear or affirm that the testimony you shall give shall be the truth, the whole truth,
17 and nothing but the truth so help you God?

18 AUDIENCE: We do.

19 MS. LINDER: And just for the Record, nobody answered in the negative. Thank
20 you.

21 CHAIRMAN MCDUFFIE: Thank you very much, Ms. Linder. At this point we only
22 have one case on the Agenda today, so Mr. Price will you please call your case? Oh,
23 I'm sorry, yeah we have one – before we proceed to the public hearing I'd like to ask if

1 everyone has had a chance to review the Minutes from April? I can't believe it's been
2 since April that we met, but apparently that's the case. Alright, do we have a motion to
3 approve or amend the Minutes?

4 MR. SMITH: I make a motion to approve the Minutes from April's meeting.

5 CHAIRMAN MCDUFFIE: Okay.

6 MS. CECERE: Second.

7 CHAIRMAN PALMER: Alright, we have a motion and it has been seconded. All in
8 favor?

9 *[Approved: Spearman, Smith, McDuffie, Cecere, Sullivan; Abstained: Richardson]*

10 MR. RICHARDSON: I abstained.

11 CHAIRMAN MCDUFFIE: Okay.

12 MR. RICHARDSON: I wasn't here.

13 CHAIRMAN MCDUFFIE: Alright.

14 MR. PRICE: Those in favor: Spearman, Smith, McDuffie, Cecere, Sullivan.

15 CHAIRMAN MCDUFFIE: Alright, we're all in favor with one abstention. So the
16 Minutes from April 2014 are approved. I'm sure somebody will be glad to get their, get
17 their zoning approvals. Alright, and at this point Mr. Price would you please call your first
18 case?

19 **CASE NO. 14-05 SE:**

20 MR. PRICE: Okay. The first case is Case 14-05 SE, Special Exception. It's one
21 we really don't get too frequently, but the Applicant is requesting the Board of Zoning
22 Appeals to grant a Special Exception to convert a nonconforming use to another
23 nonconforming use in an RS-LD District, which is Residential, Single-Family, Low

1 Density. The Applicant is Harry Miley and the principle location is 171 Starlight Drive.
2 This will include three parcels as you see in your package and will comprise
3 approximately 3.69 acres. The parcel has vacant structures which were formerly used
4 for athletics and classrooms, it was the, the old Sloan School. The Applicant proposes
5 to establish a squash school with classrooms. The area is comprised primarily of
6 residentially developed lots. There are, there is an unidentified right-of-way south of the
7 subject site, we'll see that when we get to the aerials. We visited the site, our records
8 indicate that the school was founded in 1968, and it closed around 2010. The, we did
9 check to see, they have been advertising the site, which is one of the criteria even after
10 a year of closure to maintain your nonconformity, so they have been actively marketing
11 the site.

12 CHAIRMAN MCDUFFIE: Okay. That, that answers my first question.

13 MR. PRICE: Yes, for those previous years so, and that is one of the
14 requirements. Once again according to county records the gym was 12,100 square feet,
15 the remainder of the school, which is mostly classrooms and offices, is approximately
16 3,000 square feet. Schools are permitted in the RS-LD zoning district by special
17 requirement, however, it could not meet all of the requirements for a school, thus it was
18 deemed to be nonconforming. And it couldn't meet the, the road access. According to
19 the Richland County Land Development Code for a school, primary access shall be
20 provided from a collector or thoroughfare road, and the road that it abuts is considered
21 to be a local residential road. That's, you know, as just stated the road's been, excuse
22 me, the site's been vacant for about four years and I – what's listed in your package is
23 all of the uses that are allowed in the RS-LD District. I believe there were, there were

1 two errors on there; fraternity and sorority houses should not have been included on
2 that, and utility service facilities and no outside storage should not have been included.
3 But the rest of those uses identified are allowed either by as permitted principal uses, by
4 special requirements or by special exception. Quick correction. As I said, Staff did visit
5 the site and we felt that the Staff's recommendation was for approval, and that was
6 based on looking at the other uses that were allowed in the RS-LD District, whether they
7 be by permitted use, special exception or special requirement. We felt that they were
8 similar uses, and I identified what some of those uses were. And it is also
9 recommended by Staff that if approval is granted by the Board that you do consider the
10 proposed hours and days of operation for the use to see if any stipulations should be
11 placed on, you know, regulating those to protect the community. Just quickly I'll go
12 through a few slides. The pictures are pretty much the same, the pictures I guess of
13 some classrooms, former buildings. As you can see, again classrooms. You have a
14 picture of the gym, this is the building furthest back on this, from this picture. Another
15 picture of the gym. Classrooms, pictures are relatively similar. As you can see there's
16 been a little bit of vandalism and some of the windows broken out on the site. And
17 included in your package and it's highlighted more, just kind of give you an idea of
18 where it is and considering the area that, include the entire area. So it's off of Greystone
19 and Broad River Road and it's off of, this is off of Saluda River Road. And you'll see it,
20 it's in your package, here's your site and as you can see this is that right-of-way, we
21 were just unable to identify exactly whose right-of-way it is, but it looks like it may have
22 been part of an old road or maybe a utility easement, but it's, there's a right-of-way
23 there that does kind of separate it from a, from another part of the neighborhood in that

1 area. And this is just a closer picture of the site. And that's it from Staff. Do you have
2 any questions?

3 CHAIRMAN MCDUFFIE: Does anyone on the Board have any questions for Staff
4 at this time?

5 MS. CECERE: Yes, I do. On this, one of these maps there are very, I guess it's
6 submitted by –

7 MR. PRICE: By the Applicant?

8 MS. CECERE: Yes, uh-huh (affirmative). That one, yeah. There's a, a, where you
9 show the, well they chose the parking there's a – probably should ask him that question
10 in regards to that building there.

11 MR. PRICE: Yes, you can, and if there are some questions about what the
12 county would require I'll be happy to chime in.

13 MS. CECERE: Okay. Okay, thank you.

14 CHAIRMAN MCDUFFIE: So just, just to clarify, actively marketing the property
15 for sale allows the Applicant to maintain the, an act of nonconformance?

16 MR. PRICE: Yes, sir.

17 CHAIRMAN MCDUFFIE: Is there a time limit on that or?

18 MR. PRICE: Actually it doesn't. Under 26-257 of our Code under Other
19 Nonconforming Issues, (B) Discontinuance is considered when the owner has written or
20 by public statement indicated intent to abandon the use; a conforming use or a
21 nonconforming use of lesser impact has replaced the original nonconforming use; the
22 building – so, using that one if this, if you were to approve this it could no longer be
23 used as a school unless they try, had to come back. So that would replace the school

1 being there. Building a structure, housing the nonconforming use has been removed,
2 the owner has physical changed the building or structure or is permitted equipment in
3 such a way as to indicate clearly a change in use or activity to something other than a
4 nonconforming use; the property, structure or use has been vacant or completely
5 inactive for twelve months, that's the one we normally use. However, under (B)(2),
6 Overcoming Presumption of Abandonment, it states here that the owner has been
7 maintaining the land or structure in accordance with the Building Code and I did check
8 with the Building Department and as long as the uses are the same they wouldn't
9 require them to do anything extra to the building. And the owner has been actively and
10 continuously marketing the land or structure for sale or lease or has been making
11 necessary improvements in order to continue the sale. And I think the point of that,
12 we've talked about it as a Staff, is not to force someone to just rent or sell to someone
13 just to keep the conformity.

14 CHAIRMAN MCDUFFIE: Now, you had said if the owner of the property wished
15 to reestablish a, say a primary school or something like that, at some point in the future
16 they would need to come and appear before this Board, if we are to grant their Special
17 Exception today.

18 MR. PRICE: Right, because actually –

19 CHAIRMAN MCDUFFIE: Do we even have the –

20 MR. PRICE: - let me, let me go back on – let me rephrase that. Right now if the,
21 if, once you, if you were to approve this for a different use, this could not be a school
22 again. And the reason why is because according to that criteria for a special –

23 CHAIRMAN MCDUFFIE: Lack of, lack of primary road access.

1 MR. PRICE: - right, and that cannot be waived by the Board. That's not
2 something that –

3 CHAIRMAN MCDUFFIE: That's, that's, that was my question.

4 MR. PRICE: Yes, sir.

5 CHAIRMAN MCDUFFIE: Okay.

6 MR. SPEARMAN: I have a question.

7 CHAIRMAN MCDUFFIE: Please.

8 MR. SPEARMAN: Mr. Price, on the application the Applicant just used one of the
9 tax maps, one of the tax map numbers, which is on the, on the plat, which is parcel
10 number two?

11 MR. PRICE: Yes, sir.

12 MR. SPEARMAN: They're not gonna use parcel number one or parcel number
13 three?

14 MR. PRICE: Which, if you look at, I'm sorry I didn't, I should've put page numbers
15 on it, I didn't do it because we only had one case. The reason – that was just on there
16 because 171 is the principal address for it, but if you look there's a plat that was
17 prepared –

18 MR. SPEARMAN: Yeah, that's what I'm looking at right now.

19 MR. PRICE: - for it. Those are the three parcels that would be used.

20 MR. SPEARMAN: Okay. So does, does the Applicant need to amend those, you
21 know, he's only got one down instead of all three.

22 MR. PRICE: That, Staff has addressed that.

23 MR. SPEARMAN: Okay.

1 MR. PRICE: I think if you go, what was in the Staff Report and once again if this
2 is approved by the Board that would be included in the Order that's prepared.

3 MR. SPEARMAN: One other question, Mr. Price. On parcel number three, which
4 is 73060402, is that, your, your larger aerals that you have in this package right here
5 shows that that could be an outside athletic field. Is that what that was? Or do you have
6 any knowledge of that?

7 MR. PRICE: I'm sure the Applicant or some of the representatives from the, for
8 the site can speak on that. It looks like it was just maybe more of a play area, but they
9 can speak on that.

10 MR. SPEARMAN: Alright, sir. Thank you.

11 MS. CECERE: One more question, Mr. Price. Okay, if we grant this and this
12 squash facility does not work out, to make it something else like a night club or
13 something like that it would have to come back to the Board?

14 MR. PRICE: Actually if they wanted to be a night club that would not be
15 permitted, that is clearly identified under the other zoning districts. And clearly you
16 wouldn't consider this to be in the same, same type of uses and in keeping in character
17 with the other uses permitted for a single-family district.

18 MS. CECERE: Okay, thank you.

19 MR. PRICE: So what you're approving is what it would be and that's what it's
20 locked into.

21 MS. CECERE: Okay. But, well it's gonna be nonconforming so I might worry is
22 that in case it does become vacant again then what would happen?

1 MR. PRICE: If they, somebody wanted to use it for something other than what
2 was originally approved by the Board or what was approved by the Board, they would
3 either have to come in to have it rezoned or they would have to come back to the Board
4 for essentially the same process.

5 MS. CECERE: Okay, thank you.

6 MR. SMITH: That's in all cases, but only negating a school, they can't be any
7 type of school at all.

8 MR. PRICE: It can't be a school just because it wouldn't meet the criteria of this
9 in the Code. And I'm sure there may be other uses that are proposed that either can't be
10 met or just wouldn't, wouldn't fit in just for the, because of the site and the location.

11 CHAIRMAN MCDUFFIE: Are there any other questions for Staff at the time?
12 Alright then at this time we have four individuals signed up in support and if I could have
13 the Applicant please come forward. And if you would please state your name and
14 address for the Record.

15 **TESTIMONY OF HARRY MILEY:**

16 MR. MILEY: Thank you. My name is Harry Miley, I live in Forest Acres, 3948
17 Edinburgh Road. I've been a resident of Richland County since 1972. I have a larger
18 map, do you all have this map prepared already?

19 [Inaudible discussion]

20 MR. MILEY: And I appreciate the opportunity to be here. I am not a real estate
21 developer. I'm actually CFO of Richland, Richland District 2 School District. My hobby
22 and my passion is squash. A lotta people may not know what squash is, so I'll take a
23 second to explain, a few minutes to explain that. But I also wanted to mention that the

1 owner, Mr., the senior Mr. Sloan and his son Mike Sloan are here today to answer any
2 other questions in support of this effort. And Gerald Steele is also here representing the
3 owners. Squash, back up just a little bit, we've, what we want to do is increase to
4 access to squash in Columbia, in the Midlands area. Squash is a game similar to
5 racquetball, it's played, although it's growing, it's one of the fastest growing racquet
6 sports in the country, it's played in 185 countries, there are 20 million people that play it.
7 Ten years ago Forbes Magazine published an article that said squash was the number
8 one sport for aerobic activity of all activities; marathon running or anything. It's, one of
9 the problems with squash in this part of the world is access. For instance, right now
10 there are no public courts that you can go and play squash in Columbia. There are
11 courts at the University of South Carolina that if you're a student or faculty you can get
12 into. There's a court at the Y but it's not, actually it's, it's such a weird shape that it's
13 actually not an official court, it doesn't have the official dimensions. And other than that
14 there are no other courts in Columbia that you could play squash in. They're of course
15 in Charlotte, they're of course Charleston, Atlanta, but in Columbia there are no courts.
16 We play on a small court that has no air conditioning and no water, but it's been owned
17 by someone whose trying to sell the property for the last 10 years, so that's our access
18 right now. What we wanna do is develop a program here in Columbia, partner with a
19 squash club operator out of Maryland who will create some opportunities, have a club
20 with up to four or five courts that would have access for anyone that wants to join. We
21 would have, one of the things is that youth squash or youth enrollment in squash in the
22 country, in the United States, has grown by 400% in the last five years, so it's an activity
23 that we wanna encourage youth. In Charleston we're, Charleston, South Carolina

1 there's a club that has developed an urban squash program and that's why we like this
2 facility is because that's an urban squash program that brings kids in and it mixes
3 academic tutoring with volunteers, with academic tutoring with squash. So we mix the
4 two together, the activities and the exercise at squash, presents and gives them, and it
5 structures it with academic tutoring so we think that's ideal with this facility because in
6 the gym itself if you, if you've seen the property some of the outer buildings, I believe
7 someone asked about the building that we have covered with the parking lot. That
8 building we think needs to be removed. Most, about half of the other building, square
9 footage in the classrooms and office space in the building too now has been damaged
10 by water and vandalism to the point where we think that may have to be removed. But
11 the key building for our access and our programs would be the gym. The gym is in
12 pretty good shape. We have to do some up fitting but we can fit four to five courts in
13 there. There are four classrooms that are in the gym that are right there that would
14 provide access to tutoring and meeting rooms and things like that, and that's really the
15 only area we need. In terms of, of use, density, Mr. Sloan can explain it better than I can
16 but when the school was operating there were 600 people there a day. Squash courts,
17 squash is a little bit different, there are two people on a court at a time, so if we, if we
18 were lucky enough to have five courts, most clubs don't have five courts so the, the new
19 facility in Charlotte's gonna have four, the one in Charleston has three, but we hope to
20 have five maybe, and that's 10 people. So the density in terms of the number of people
21 using the facility at one time would be relatively modest in terms of density. We hope we
22 would have more, for instance, we hope to get youth programs and youth leagues and
23 high school leagues, that's done in other places, where we'd have more activity and

1 certain events would draw more people. But on a typical day if there's three courts in
2 use, that's six people in, in the facility so we don't think the parking demands would be
3 great or that the traffic congestion would be great. It would, the property would be
4 taxable and it would, we would be a property tax payer and we would clean up the site
5 considerably, considering what it is today, and we'd put it back to a – that gym was a
6 recreational facility and we think, in our simple non-zoning board minds we think, well
7 it's still gonna be recreational in that gym and academic in those classrooms when we
8 get those urban squash programs to go. I could talk about squash a lot more, I have a
9 lot more material, but if you have any questions or have any more questions about how
10 we would use the facility or what squash is, be glad to answer any questions.

11 CHAIRMAN MCDUFFIE: Any -

12 MS. CECERE: Would you have any, like tournaments there at some times or –

13 MR. MILEY: Well, we would hope to, yes.

14 MS. CECERE: Um-hum, um-hum (affirmative).

15 MR. MILEY: We, that's how you generate activity in members and excitement is
16 to have tournaments. The, the, the person that is, we hope to partner with has, will now
17 have a club in Charlotte and in Maryland, and what they do is they travel for summer
18 camps and team tournaments and youth, there, there's been an explosion of youth
19 junior tournaments in the country, and so there are none in the southeast except Atlanta
20 right now and one within Charlotte and one, if we were lucky enough to have something
21 here we think that the network would expand and access would be increased.

22 MR. SULLIVAN: I hear you say the network to expand. Are you, do you have any
23 goals in the future to expand on the property?

1 MR. MILEY: We've been trying to do this locally for about 10 or 12, 15 years, and
2 if we are lucky enough to make this happen this time, we certainly hope that would
3 happen. We, we'd get this one up and running efficiently first. But we think it's a growing
4 sport, we know it's a growing sport, and we would hope that more access would
5 generate more demand.

6 MR. SULLIVAN: Now, I, I was speaking in regards to this specific location, to be
7 looking –

8 MR. MILEY: Oh, expanding the site?

9 MR. SULLIVAN: Correct. On the site.

10 MR. MILEY: We don't have any immediate plans. We don't have any immediate
11 plans to do that. We think that, for instance, if we are fortunate enough to get five courts
12 in there, that's more courts than anywhere between Atlanta and Virginia, and we think
13 that would be a tremendous access. So right now, I mean, maybe in 10 or 20 years, but
14 right now we don't see, if we are lucky to fill that space we would have plenty of courts.
15 That would handle a couple of hundred people playing in the community.

16 MR. SULLIVAN: Okay.

17 MR. RICHARDSON: I don't remember getting the hours of operation, what –

18 MR. MILEY: Right now we haven't set those. We don't have a, a – but we would
19 think it would be relatively, you know, some people like to play at 5:00, I don't, in the
20 morning, but it would be relatively mornings, like 7:00, 8:00 before people go to work,
21 7:00 or 8:00 after people get off work and play an hour or so. No late night or all night
22 events at all.

1 MR. SULLIVAN: And I do like the concept about including the youth. Will there be
2 youth from around that neighborhood?

3 MR. MILEY: We, and again, I'm not the squash operator but what they've done in
4 other areas is they reach out to schools, they reach out to all, especially high schools
5 cause those are kids that are, you know, more active.

6 MR. SULLIVAN: Sure.

7 MR. MILEY: And can, you know, more mobile, but even middle schools, and
8 reach out to the schools and say, we're creating a squash league, you know, we've got
9 a pro here that'll teach your kids and mentor them and, and, you know, help them
10 through academic tutoring and so we would work with the athletic directors at various
11 high schools first, that's the biggest pot of people that would, would, would participate,
12 and reach out to them and those that would, could, could, could find time and wanna
13 participate. That's what we would do. We, the model in the past has been, you know,
14 there's nothing free but for the height for the, for the, for the kids, it's a very, very
15 modest, you know, very low fee to, to participate. Some of them are even free. The
16 urban squash program in Charleston is free, it's subsidized by donations to the, to the
17 organization. And all the kids get all their equipment, racquets, goggles, everything for
18 free.

19 CHAIRMAN MCDUFFIE: Given that this is in a, in a residential location and does
20 not have access off of a, you know, primary, primary road, what would you say would be
21 the, sort of the outer limits of your, of your hours of operation? You know, I mean, 5:00
22 in the morning till 8:00 or 9:00 at night or?

1 MR. MILEY: Probably 6:00 or 8:00 or 9:00, 6:00 in the morning, 8:00 or 9:00 at
2 night.

3 CHAIRMAN MCDUFFIE: Okay.

4 MR. MILEY: You know. And that would probably be the outlier, two people go
5 play at 6:00 in the morning and two people are still there playing late. But in terms of
6 the, as you can imagine most, the high schoolers, the school age kids, those are
7 generally scheduled, like right after school to about 5:00, 5:00 to 8:00, that's the people
8 that are, have been working all day and get off work. So that's kind of the, it's usually,
9 most, most facilities like this are not that busy except around lunchtime, 3:00 to 5:00,
10 5:00 to 8:00.

11 CHAIRMAN MCDUFFIE: And would it be staffed by professionals or by
12 volunteers or would there be fulltime staff on site?

13 MR. MILEY: If we are lucky enough to partner with this, this club owner in
14 Maryland, they would have a fulltime staff. You know, they would have custodial
15 services, they would have a manager, and they would have a pro on, on, on the
16 premises. Which is critical, especially with the youth programs. If you don't have a pro, if
17 you don't have somebody that can teach the kids the correct way to play you don't keep
18 the interest there. They don't get better, they don't, they don't participate, and they don't
19 spread around how exciting it is, so that's one of the key elements.

20 MR. SMITH: You spoke of tutoring. Are there gonna be any type of after school
21 programs that you're trying to incorporate with this?

22 MR. MILEY: The urban squash program is exactly that, it's a, I should've brought
23 a schedule from the one in Charleston, it's Monday, 3:00 to 4:00 classroom tutoring,

1 4:00 to 5:00 court work, court exercises, practice. You know, Wednesday it's flip flop
2 and it goes through that, and so every day is integrating both academics and the
3 squash, squash is the reward for doing the tutoring.

4 MR. SMITH: Okay.

5 CHAIRMAN MCDUFFIE: And your plan is just to take what's right now a
6 standard, what I would call standard gymnasium and, and build, build courts inside it,
7 subdivide it?

8 MR. MILEY: Exactly. The, the key, one of the key requirements for squash courts
9 is, well like ours, one is you don't have to have air conditioning, but it's pretty rough in
10 the summer, but is high ceiling height with, with no load bearing supports. Cause you
11 gotta have, the squash court is 21' wide by 32, and you need extra height because you
12 lob the ball up, so this gym is perfect for that. It has no support beams inside, and it has
13 24' ceilings so, and it's in good enough shape where we literally could, could walk in
14 and put courts in and be operational in a month.

15 CHAIRMAN MCDUFFIE: Are there any other questions for the, for the Applicant?
16 Yes.

17 MR. SPEARMAN: What days of the week do you anticipate?

18 MR. MILEY: Probably seven days a week. The, the facilities that I know of are
19 used just about all, every day. You know, different, different degrees of intensity but
20 available every day.

21 MR. SPEARMAN: You don't happen to have a brochure from some of these
22 other cities that, that, that you're, you spoke earlier about partnering with?

1 MR. MILEY: I don't have a brochure of, of, of those cities that we were hoping to
2 partner with. I do have a website, a page with one of their, with one, with their website,
3 and I have a brochure from US Squash, which is the national organization that
4 promotes squash and I'll be glad to share those with you if you'd, if you'd like. I think I
5 have, I have plenty of copies of the website for the, for our potential, hopeful partner in
6 Maryland, it's called Ozzie Nix Squash, they're from Australia, lots of squash is played
7 in Australia. And then the US Squash Program is, has a lot of materials in terms of what
8 squash looks like, what are the partners and some of the urban squash programs. For
9 instance, the, I'll be glad to share this with you.

10 MR. SPEARMAN: Yeah, if you don't mind. I'd like to take a look at it. I've got a
11 couple more questions, though.

12 MR. MILEY: Okay. For instance, here's a page on page 7 that highlights the
13 urban squash programs.

14 MR. SPEARMAN: Okay.

15 MR. MILEY: Page 7 has the [inaudible].

16 MR. SPEARMAN: Yes, sir.

17 MR. MILEY: And then here is a copy of the website, the Ozzie Nix program that
18 [inaudible].

19 MR. SPEARMAN: What kind of noise would be generated throughout the,
20 throughout a normal day?

21 MR. MILEY: You can't hear the sport outside the gym. So you would have cars
22 pulling up and doors shutting, but in terms of the, the noise inside the gym, the ball, it,
23 the ball is about this big and it's soft. It makes noise but in terms of the building

1 improvements that we'll have to have for heating and air, the installation, for instance,
2 the squash club, the closest one I know of is a squash club in Charleston, and if you're
3 standing at the front door you cannot hear the play inside.

4 MR. SPEARMAN: Are there spectators or audience that would –

5 MR. MILEY: We have, we would want, yes, we would want, it's a very, you know,
6 parents like to go watch their children play, friends like to watch their friends. Other
7 players that are, that play would like to watch other players, so yes there would be
8 viewing areas for the courts. They all have glass back walls so it's very important for
9 viewing and watching play, and, and it makes itself easy to watch the, watch and coach
10 and, and watch other people play.

11 MR. SPEARMAN: The average time of a normal match, what would that be?

12 MR. MILEY: Depends on the skill level but it's best, it's best three out of five.
13 Some of mine have lasted three minutes, but typically about a, it's usually 45 to 50
14 minutes. Most people, except for elite athletes, if you're playing a competitive squash
15 match you're not gonna play a whole lot more than an hour.

16 MR. SMITH: Did you say three minutes?

17 MR. MILEY: I've played some pretty good players before.

18 [Inaudible discussion]

19 MR. MILEY: No, I've never beat anybody that fast.

20 MR. SPEARMAN: Okay. Would you have, like showering facilities and –

21 MR. MILEY: Yes, sir.

22 MR. SPEARMAN: - locker rooms?

23 MR. MILEY: Yes, sir.

1 MR. SPEARMAN: Where people change clothes and stuff like that?

2 MR. MILEY: Yes, sir. That's another advantage of this facility, there's water and
3 sewer, there are bathrooms, there're girls and boys bathrooms in this facility. They'll
4 need to be upgraded, improved, but the, the facilities are there.

5 MR. SPEARMAN: Would you have a concession stand and sell food and stuff
6 like that?

7 MR. MILEY: We don't wanna sell any, we don't wanna sell any food. We'll have
8 water and – well, we may, again, that would be our partner's decision but they don't
9 wanna sell food, they don't wanna sell any prepared food. What they do is sell energy
10 drinks and Gatorade, you know, and water bottles.

11 MR. SPEARMAN: So you would have a, like a pro on, on duty during the days to,
12 to teach?

13 MR. MILEY: Exactly.

14 MR. SPEARMAN: To charge for lessons and stuff like that as well?

15 MR. MILEY: That's right. The, the, the, the, normally under the youth programs
16 they do a package deal in their clinics. If there are six or eight kids at one time, the fees
17 are very, very small. For adults, single lessons they would pay the pro for their lesson
18 like you would a tennis, tennis or golf pro.

19 CHAIRMAN MCDUFFIE: Are there, are there any other questions for the
20 Applicant at this time? Okay, Mr. Spearman, would you care to go through the Finding
21 of Fact?

22 MR. SPEARMAN: I don't have anything –

1 CHAIRMAN MCDUFFIE: Oh, I'm sorry. Before we do that we have three other
2 individuals signed up to, signed up to speak if they, if they would like to, you know, have
3 anything to add, please, please come forward.

4 [Inaudible – from audience]

5 CHAIRMAN MCDUFFIE: I was gonna say if you'd like to come, please come
6 forward so that'll be in the Minutes.

7 [Inaudible discussion]

8 **TESTIMONY OF GERALD STEELE:**

9 MR. STEELE: I'm Gerald Steele with NAI Avant, 807 Gervais Street, Suite 301,
10 Columbia, South Carolina. I'm the real estate agent been working, representing the
11 Sloan's for the last four years. And I'm sorry I won't be able to play squash, 74 years old
12 will stop squash. Thank you.

13 CHAIRMAN MCDUFFIE: Thank you.

14 MR. STEELE: Thank you.

15 CHAIRMAN MCDUFFIE: We have two other individuals if, if y'all would like to
16 make a statement.

17 MR. MILEY: I would say Mr. Steele's quite wrong, I played in a tournament two
18 months ago in Atlanta and I got beat by a 75 year old who happened to be the number
19 one in the world, 75 year old, but he still beat me at 75. He's number one in the world.

20 **TESTIMONY OF MIKE SLOAN:**

21 MR. SLOAN: How you doin'? I'm Mike Sloan, I was the headmaster,
22 administrator when it was Sloan School.

23 CHAIRMAN MCDUFFIE: Could you please, please state your address?

1 MR. SLOAN: My address is 1430 Wonder Drive, Chapin, South Carolina now.

2 CHAIRMAN MCDUFFIE: Thank you.

3 MR. SLOAN: Like I say the school, we been trying to actively see what we could
4 do to sell it. The facility, my mother, she passed in 2005, I think she would be very
5 pleased to know that we've got some kids back in there again. We've enjoyed our tour
6 with them. Harry's opening it up to the community. I think that's very critical. Also I think
7 a point of interest here is, let me give you an idea. Being a headmaster I've got a lotta
8 statistics in my head and I don't wanna bore you with them, but I do wanna put out one
9 statistic I think that would be very interesting in this. We ran the facility from '68 to 2010,
10 we had high school varsity football, basketball, baseball, so 600 kids was our max, and
11 so we were, we were pretty high density as far as numbers, and when gains occurred
12 and all that. Highway patrol could tell you about us, and it was all good, don't get me
13 wrong. We enjoyed the people but we had at that facility as many as 600, 700 people.
14 We cooked. Now, that was because we were a high school, that was because we
15 offered all varsity, junior varsity, B squad, intermediate level sports, and we played them
16 all that day. But squash, he's coming at it from a standpoint of a whole, whole lot less
17 than what we were. But the facility there, the community in that area certain could use
18 something unique. And I call tell you squash is unique because I got news for you folks,
19 I know very little about it. But I can tell you something, the kids would jump on that in the
20 area, I really believe that. It would be something for them. And I would like to see those
21 buildings no longer hurt anymore as they have been through some vandalism. And as
22 long as those buildings stay there that's what we've got a problem with. And I would
23 love to see those, those children get back in those buildings and use them again. And I

1 think squash might be the way to go, I think Harry you got the right idea. You take a
2 child, and I can tell you from all my years in education, give them something unique and
3 they're there. Now how long is that gonna, that uniqueness gonna last? That's gonna be
4 of how long you keep their attention. But I would love to see that facility used what it
5 was designed for back in 1968, children. And I think that's where Harry's headed with it
6 for the most part, I like the tutoring part, I like the aspect that the community is getting
7 use of a facility that for the last four years has had no use whatsoever. I thank you for
8 your time and I certainly look forward to your results, and I hope that we can help Harry
9 and the community out. Thank you.

10 CHAIRMAN MCDUFFIE: Any questions for Mr. Sloan?

11 MR. SPEARMAN: You have a long history with this school.

12 MR. SLOAN: Yes, sir.

13 MR. SPEARMAN: I'm sure you know the community quite well.

14 MR. SLOAN: Yes, sir.

15 MR. SPEARMAN: Any comments from the neighborhood since the signage has
16 gone up for this meeting that you've heard?

17 MR. SLOAN: Probably the biggest comment I, I get from them now is kind of like
18 the abandonment of it. You know, the facility now, we're, you leave something
19 abandoned for four or five years you know what's gonna happen. Don't take my word
20 for it, the pictures can, they're worth a thousand words, they speak for themselves. I
21 believe the community there in that area, cause I, I dealt with a lotta those folks, they
22 would rather see something of use there than something that's going to bring about a
23 negative type of behavior to the area or be an attraction to something that can increase

1 crime rate. And right now if you look at those pictures the poor buildings, they, they can't
2 take much more. So we really need to conform that use to something that the
3 community can use. And I'm glad to see it stay as something the community uses, that's
4 what that school was there for and that's what Harry's trying to, and that's what I, that's
5 why I got on board with this. When he mentioned the kids and community and tutoring I
6 said, bingo you got me, that's what I did for 32 years.

7 MR. SPEARMAN: Will you have any part in, in the operations?

8 MR. SLOAN: No, sir, I will not personally –

9 MR. SPEARMAN: Or the staff of this –

10 MR. SLOAN: No, sir, I will not have anything personally in it. However, if Harry
11 ever wants to teach me squash I could certainly lose the weight. I'll be honest with you,
12 and I'm just 56 going on 57 so I gotta few years I could do it. I don't know anything
13 about the game but don't get me wrong, Harry will tell you the first time I met him, I said,
14 I wanna see this when you're through. I said, I hope we get it, I wanna see those kids in
15 there again. To me that'd be better than me onboard, just to see those kids in there
16 again. But thank you for your time. Do y'all have any other questions for me? Thank you
17 so much for your time.

18 MR. MILEY: Any questions for me?

19 MR. SPEARMAN: I've got –

20 CHAIRMAN MCDUFFIE: Please.

21 MR. SPEARMAN: Any outside activities on the fields adjacent to the buildings?

22 MR. MILEY: We have no plans for outside activities.

23 MR. SPEARMAN: Okay. So it's all gonna be inside the gymnasium?

1 MR. MILEY: Yes, sir.

2 MR. SPEARMAN: And the, the classroom portion.

3 MR. MILEY: Yes, sir. Yes, sir.

4 MR. SPEARMAN: Okay.

5 CHAIRMAN MCDUFFIE: And, and Mr. Jim Sloan was signed up to speak as
6 well. Would you like to make a statement?

7 MR. MIKE SLOAN: He's gonna defer. He's fine. He's, I spoke for him I believe.

8 CHAIRMAN MCDUFFIE: Okay, thank you. Alright, any other questions at this
9 time for the Applicant? Alright, if there are no further questions, I would like, Mr.
10 Spearman, if you would go through the Finding of Fact.

11 MR. SPEARMAN: These Findings of Facts are for Special Exception 14-05 SE,
12 171 Starlight Drive, Columbia 29210. And as Mr. Price said it encompasses all three
13 parcels depicted on the plat that we were given in our information package. The
14 property is zoned RS-LD. Notice was posted of this meeting on the property as well.
15 Notice was also published in a newspaper of general circulation within the county as
16 well. Were the specific requirements of the special exception met? Yes. Will traffic be
17 impacted by the proposal?

18 MS. LINDER: Let me just interrupt. The special requirements would've been that
19 the nonconforming use is being converted to another nonconforming use that's more in
20 character with the property in the area.

21 MR. SPEARMAN: Consider that, consider I said that as well. Thank you, counsel
22 I appreciate that. She keeps us straight. The, the traffic impact, not knowing how many
23 folks will be there at one time, I would like to discuss that. If we could –

1 CHAIRMAN MCDUFFIE: Sure.

2 MR. SPEARMAN: - could stop here just for a second and try to get a handle on
3 that. Really didn't get any clear numbers, which I would presume that, that the Applicant
4 couldn't come up with an exact number as far as folks in and out using the facility and
5 how many cars may be there during the, the peak of it. That, that, that's a concern
6 before we go any further, that particular question.

7 MS. CECERE: Well, I, I think the Applicant stated that there were gonna be five
8 courts that two people per court, so even if you had somebody waiting in the
9 background for a court to come empty, so you are talking about 10 people and 10 more
10 people maybe waiting. And the Staff I would think maybe 10 more staff people, we only
11 talking about 30 people, maybe 50 in, in all. And the thing is that the school had 600
12 people there, so you know. I mean, I don't think that that's a problem.

13 MR. SPEARMAN: Okay.

14 MR. SMITH: How many parking spaces? Did we get any word about that?

15 MR. PRICE: We can, by Code, if this was approved – what we'll do is we'll kind
16 of look at the building and looking at the various uses, and sometimes when it doesn't fit
17 specifically with one but I can tell you that just by Code, like a recreational use indoors a
18 minimum is one per 200, one per 200 gross floor area how many parking spaces would
19 be required. And we would also look at some of the other categories to ensure that
20 parking requirements are met.

21 CHAIRMAN MCDUFFIE: Given that we're dealing with a parcel this size I don't
22 think having, having, fitting the appropriate amount of parking would be an issue.

23 MR. SPEARMAN: Alright.

1 CHAIRMAN MCDUFFIE: You know, I too was, you know, kind of concerned
2 about the traffic that it would generate, but you know, it does seem much less
3 substantial than –

4 MS. CECERE: Than the school was.

5 CHAIRMAN MCDUFFIE: - than an operating school. And -

6 MS. CECERE: And I think if –

7 CHAIRMAN MCDUFFIE: - yeah, probably more spread out through the day
8 rather than –

9 MS. CECERE: - if the neighbors had been concerned about it since the thing was
10 posted I think they would've been here to object to it.

11 MR. RICHARDSON: I would agree.

12 MR. PRICE: [Inaudible] for some reason the Applicant was unable to meet the,
13 the parking requirements as proscribed by Staff they can also apply for a Variance
14 before the Board, so you'll definitely get more information.

15 MR. SPEARMAN: Okay. Number five, I will defer to Ms. Cecere's comments in
16 regard to that and, and say no. Number six, will this proposal effect vehicle and
17 pedestrian safety? Comments?

18 MS. CECERE: If it didn't effect when 600 people were there I don't think 20 or 30
19 would.

20 MR. SPEARMAN: Okay. Anybody else? Once again, I'll defer to Ms. Cecere and
21 say no. Is there a potential impact of noise, lights, fumes or obstruction of airflow on the
22 adjoining properties? Haven't heard anything to that, through testimony so I'll say no.
23 Will the proposed use have an adverse impact on the aesthetic character of the

1 environs? No, no more than the school did when it was in operation. Is the orientation
2 and spacing of improvements or buildings appropriate? They're gonna utilize, from
3 testimony they're gonna utilize the buildings that were, that are on site. And if I
4 understood testimony, no additional buildings will be constructed or anything?

5 MR. MILEY: Correct.

6 MR. SPEARMAN: Okay. Except for what's going on inside the gymnasium as far
7 as getting the courts set up and so forth.

8 MR. MILEY: Correct.

9 MR. SPEARMAN: Okay. Okay, and no to number nine. Her testimony that, you
10 know, it could start as early as 5:00 in the morning, go seven days a week and go
11 through the day different types of, of skill levels and so forth, and also lessons being
12 taught and so forth, and do we wanna look at some type of a time limit or days or
13 anything as far as a condition we wanna tack onto this? You know, I'd like to hear what
14 the other Members have to say in regard to that.

15 MR. SMITH: I don't think so.

16 MR. RICHARDSON: I don't.

17 CHAIRMAN MCDUFFIE: I, I'm disinclined to do that. I don't, I don't think that the
18 amount of, I think the traffic is gonna be the main driver for any noise or nuisance and I,
19 it doesn't seem like the amount of traffic that they might be generating from, you know,
20 a couple of people coming for pre-work squash, or you know, late evening squash
21 would, would be, you know, would, would rise to the level that, that would, you know,
22 that would necessitate that. You know, this is not a, this is not a baseball stadium where

1 we're gonna have 4,000 people, you know, all coming and going at once, so you know, I
2 think, I guess that would be a nice problem to have if, if it, if they had that sort of traffic.

3 MR. SPEARMAN: Before we entertain a, a motion may I ask the Applicant one
4 more question, if you don't mind?

5 CHAIRMAN MCDUFFIE: Yeah. If you don't, if you would.

6 MR. SPEARMAN: I believe in your testimony you stated there'll be tournaments
7 there as well?

8 MR. MILEY: We hope so, yes, sir.

9 MR. SPEARMAN: Will there be any type of, of speaker system that will generate
10 noise that may spill over to the, to the adjoining neighbors or anything like that?

11 MR. MILEY: No, sir.

12 MR. SPEARMAN: Or any type of commentary that will be –

13 MR. MILEY: I have never seen, and I've been to 50 squash tournaments in 15
14 different venues –

15 MR. SPEARMAN: Yes, sir.

16 MR. MILEY: - and that, that's not the case. It's, once play stops when there
17 would be any announcements or anything like that, there's, I've never seen a loud
18 speaker system.

19 MR. SPEARMAN: Okay.

20 MR. MILEY: We have no plans [inaudible].

21 MR. SPEARMAN: Alright, sir. That's the Findings of the Facts, Mr. Chairman.

22 CHAIRMAN MCDUFFIE: Okay. Would anyone care to make a motion?

23 MR. RICHARDSON: I make a motion for approval.

1 CHAIRMAN MCDUFFIE: Okay. Please speak into the mic.

2 MR. RICHARDSON: Okay. Frank Richardson, I make a motion that we approve.

3 CHAIRMAN MCDUFFIE: Alright, we have a, a motion to approve, and I would, I
4 would amend that to, to, if I could, to be a motion to approve based on the Findings of
5 Fact for 14-05 SE. Is there a second?

6 MR. SULLIVAN: Second.

7 CHAIRMAN MCDUFFIE: Okay. It has been seconded. All in favor?

8 *[Approved: Spearman, Richardson, Smith, McDuffie, Cecere, Sullivan]*

9 CHAIRMAN MCDUFFIE: Alright, Mr. Miley, you have your – oh, it's unanimous,
10 Geo.

11 MR. PRICE: I'm sorry. You know, I still like to call it out.

12 CHAIRMAN MCDUFFIE: Alright, go ahead.

13 MR. PRICE: For the Record. Okay. We have a motion for approval by Frank
14 Richardson. A second by Christopher Sullivan. And those in favor are Spearman,
15 Richardson, Smith, McDuffie, Cecere, and Sullivan.

16 CHAIRMAN MCDUFFIE: Yes. Alright, Mr. Miley, you have your, you have your
17 Special Exception and Staff will be in touch. Thank you very much.

18 MR. MILEY: Thank you very much. Thanks for your time.

19 CHAIRMAN MCDUFFIE: Thank you. At this point is there a, is there any other
20 business?

21 MR. PRICE: No, sir. Other than for next month we do have one case scheduled
22 as a cell tower that was, I think you may have previously received that, I'm not sure, but
23 we have one case scheduled for November.

1 CHAIRMAN MCDUFFIE: Okay, well I think this is probably, probably my last
2 meeting on the Board – and, you know, barring some sort of a re-appointment, so I'd
3 like to thank everybody that served on the Board with me and also to, to thank Staff for,
4 for all their hard work.

5 MR. PRICE: And also I would point out to you that until someone is appointed to
6 fill your position you are allowed to, to continue to serve.

7 CHAIRMAN MCDUFFIE: Okay. Alright, thank you very much.

8 MR. SPEARMAN: Mr. Chairman, were we gonna go over the, you know, these
9 Rules of Procedure were handed out some time ago by our attorney. Are we gonna
10 discuss those or?

11 CHAIRMAN MCDUFFIE: I would like to defer that till the next meeting. And at
12 that point, do we have a motion to adjourn?

13 MR. SMITH: Make a motion to adjourn.

14 CHAIRMAN MCDUFFIE: Okay, so moved.

15 MS. CECERE: Second.

16 CHAIRMAN MCDUFFIE: Alright, the meeting is adjourned. Thank you.

17

18

[Meeting Adjourned at 4:00pm]