

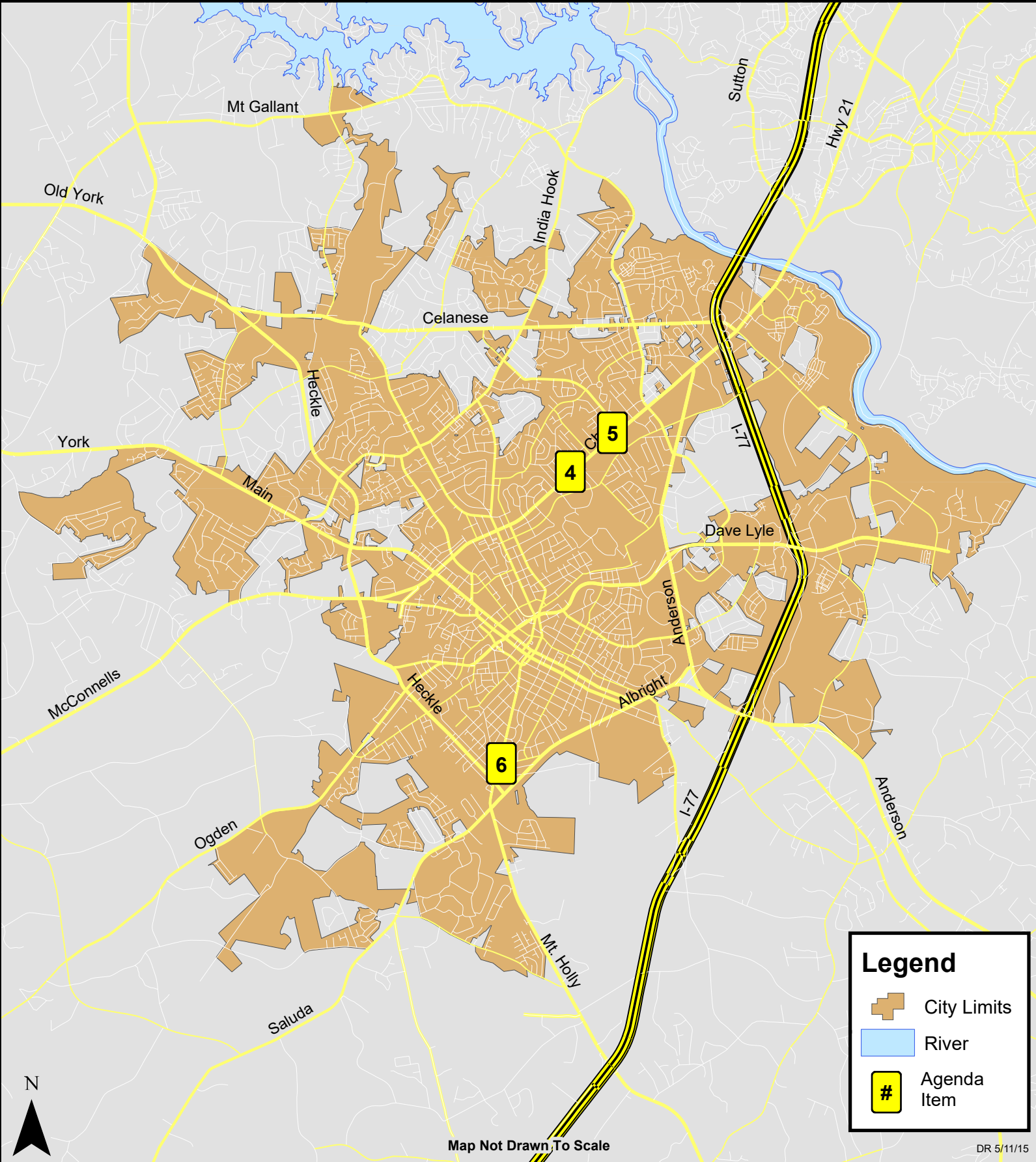
A G E N D A

Rock Hill Zoning Board of Appeals
October 15, 2019

1. Call to Order
2. Approval of Minutes from the September 17, 2019, meeting.
3. Approval of Orders from the September 17, 2019, meeting.
4. Appeal Z-2019-23: Request by Wayne Price for a special exception for an automobile sales use at 1214, 1218, and 1220 Cherry Road, which is zoned General Commercial (GC). Tax map numbers 631-14-07-001, -002, & -003.
5. Appeal Z-2019-24: Request by Ray Olang of Rrafa, LLC for a special exception to expand an existing automobile sales use at 1933 Cherry Road onto a portion of 1015 Williams Street, which is zoned General Commercial (GC). Tax map number 634-06-06-014 & -015.
6. Appeal Z-2019-25: Request by Robert Whitaker for special exceptions for automobile sales use and automobile repair use at 1207 Saluda Street. The property is zoned Mixed Use Corridor (MUC). Tax map number 625-13-02-001. **Deferred till November 19, 2019 meeting.**
7. Other Business
 - a. Continuing Education Opportunities
 - b. Calendar for 2020
 - c. Schedule a Rosenberg's Rules/Findings session for 2020
8. Adjourn.

Zoning Board of Appeals Agenda Items

City of Rock Hill, SC
October 15, 2019
Zoning Board of Appeals



Legend

-  City Limits
-  River
-  Agenda Item

Map Not Drawn To Scale

DR 5/11/15

Zoning Board of Appeals

City of Rock Hill, South Carolina

September 17, 2019

A public hearing of the Zoning Board of Appeals was held on Tuesday, September 17, 2019, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill, South Carolina.

MEMBERS PRESENT: Matt Crawford, Keith Sutton, Stacy Reeves, Michael Smith, John Antrim, Randy Sturgis, Rodney Cullum

MEMBERS ABSENT: None

STAFF PRESENT: Melody Kearse, Dennis Fields, Shana Marshburn, Janice Miller, Leah Youngblood

Legal notice of the public hearing was published in *The Herald*, Saturday, August 31, 2019. Notice was posted on all property considered. Adjacent property owners and tenants were notified in writing.

1. Call to Order

Chair Matt Crawford called the meeting to order at 6 p.m.

2. Approval of minutes of the August 20, 2019, meeting.

Mr. Antrim presented the motion to approve the minutes as submitted. Mrs. Reeves seconded, and the motion carried unanimously by a vote of 7-0.

3. Approval of Orders from August 20, 2019, meeting.

Mr. Antrim made a motion to approve the orders as distributed. Mrs. Reeves seconded the motion, and the minutes were approved unanimously by a vote of 7-0.

4. Appeal Z-2019-18: Request by Andy Golden on behalf of Express Oil Change, LLC, for a special exception for an automobile repair use at 4824 Old York Road, which is zoned Limited Commercial (LC). Tax map number 542-07-01-018.

Staff member Dennis Fields, Planner II, presented the staff report.

Mr. Sutton asked whether the entry would be 24 feet wide. Mr. Fields stated that the South Carolina Department of Transportation (SCDOT) required a minimum of 22 feet but the plan indicated 24.

Mr. Sutton asked whether the street that would run along the rear of the properties would be built by the City. Mr. Fields stated that that the City would not construct the street, but rather that each property owner would build a section of the street upon redevelopment of the property and would be responsible for maintaining that section going forward.

Mr. Sutton asked whether the street would essentially be a private drive. Mr. Fields stated that this was correct but there would be an easement given to the City for public access across it.

Mr. Brian Miller, Bohler Engineering, 1927 Tryon Street, Charlotte, applicant's representative, was available to answer questions.

Mr. Hardy Russell, 165 Silver Leaf Circle, adjacent property owner, asked about the proposed hours of the business and expressed concern about access into the site.

Mr. John Davis, Express Oil Change, LLC, 1880 Southpark Drive, Hoover, AL, applicant, stated

that the hours of operation would be 8 a.m. to 6 p.m., Monday through Saturday and that there would be no Sunday hours. He stated that the right-in/right-out entry would be controlled with the installation of a physical barrier.

Mr. Cullum noted the amount of traffic along that section of Old York Road twice per day and asked the applicants their feelings on the access drive at the rear of the property. Mr. Miller stated that this would help their customers in providing access to a traffic signal. Mr. Davis stated that he had no issue with this, adding that they typically service 42 vehicles per day, which would not add a great deal to the existing traffic.

Mr. Russell referred to the projected area of development shown by staff as part of the presentation and asked whether a barrier would be installed to minimize noise on the access road from the properties to its rear. Mr. Fields explained that the exact location of the drive was not firm. Mr. Crawford noted that the drive would still be required to meet the City's buffer requirements.

With there being no questions for the applicant and no one signed up to speak, the Board closed the floor for discussion.

Mr. Sutton presented the motion to approve the special exception for an automobile repair use as presented by staff. Mr. Cullum seconded, and the motion carried unanimously by a vote of 7-0.

Mr. Sutton presented the findings, specifically noting that the request complied with the use-specific standards, the Old York Road area was compatible with this type of use, the development would have no environmental impacts, the development would not injure surrounding properties, and a site plan had been submitted.

5. Appeal Z-2019-19: Request by Thomas M. Kuhn for variances from the setback requirements for a carport from the side yard and from the primary structure at 750 Wofford Street, which is zoned Single-Family Residential-4 (SF-4). Tax map number 632-08-01-009.

Staff member Shana Marshburn, Planner I, presented the staff report.

Mr. Sutton asked whether other carports located on the side of homes in the neighborhood had been approved under variance requests to the Zoning Board of Appeals. Ms. Marshburn replied she could not find evidence that these had been considered by the ZBA, and that based on visual inspection, those that did exist appeared to be older and were probably non-conforming.

Mr. Antrim observed that the carport could be located at the rear behind the deck if the ground was flat. Ms. Marshburn stated that the ground was flat there.

Mr. Sutton asked whether a variance would be required for the setback at the rear of the property. Ms. Marshburn stated that a variance would not be required as long as the carport was located 5 feet away from the primary structure and the side property lines.

Mr. Cullum asked how close the proposed carport would be to the side property line. Ms. Marshburn stated that it would be approximately 4 feet from the property line. There was general discussion over the exact measurement needed to accommodate the carport.

Mr. Thomas Kuhn, 750 Wofford Street, applicant, stated that the desire was to have a carport on the side as the backyard was fenced in for the security of their dog, hot tub, and new storage building, and that they wanted protection from the weather when entering the house from their vehicle. He added that the affected neighbor did not have an issue with the request.

Mr. Crawford asked whether he could construct a 12-foot wide carport instead of the proposed size in order to meet the required setbacks. Mr. Kuhn stated that they would lose 3 feet because of the steps, and that they needed 10 feet for the width of their car.

Mr. Crawford noted that if the structure was 12 feet wide they would not need the variance. Mr. Kuhn stated that the request for this particular design was due to building and fire code requirements.

Mr. Cullum asked whether the neighborhood had an HOA. Mr. Kuhn stated that it did not.

Mr. Cullum asked whether they could place the carport in the backyard. Mr. Kuhn stated that they did not want to do that because doing so would defeat the purpose of avoiding the weather if the carport was located in the backyard instead of directly by the house.

Mr. Crawford stated that staff had difficulty making the findings and asked whether Mr. Kuhn could provide any help with making them.

Mr. Sutton stated that he could make the finding for extraordinary conditions on the lot, as the driveway was located on the left of the residence and the deck was located at the rear.

Mr. Smith asked whether their homeowner's insurance required a fence for the hot tub. Mr. Kuhn stated that he was not aware whether their insurance required a fence.

Mr. Crawford asked how Mr. Kuhn saw his lot as unique. Mr. Kuhn stated that his was the only house on the street with a shared driveway.

With there being no further questions for the applicant and no one signed up to speak, the Board closed the floor for discussion.

Discussion centered around the ability of other houses in the neighborhood to construct a carport, the variances that would be required in order for them to do so, and the lack of opposition to the request.

Mr. Sutton asked staff whether there would be a difference if Mr. Kuhn constructed a garage addition to the house instead of a carport. Ms. Marshburn stated that a garage would have to be architecturally integrated into the home, and that meant that it would be required to meet the side setback for a primary structure instead of an accessory structure, and that in this zoning district the side setback for the primary structure was 9 feet.

Mr. Antrim observed that if the carport floor was raised and the steps were eliminated, a variance would not be required. There was general discussion over the expense for doing this as well as over the shared driveway.

Mr. Sturgis noted that the applicant's request seemed to be reasonable and asked whether the Board could find a way to make the findings. Mr. Crawford stated that if four Board members agreed and could make the findings, it could be approved.

Mr. Sutton noted that he could make the first finding in that the driveway was located on the left and the property had permanent structures located in the back yard that would create a detriment to the owner if removed, and that the side entry into the house was the normal entry. He noted that the second finding was difficult because all the houses had similar lot lines so there were no unique conditions existing.

Mr. Cullum asked whether the number of houses in the development were around 100. Ms. Marshburn stated that she did not know exactly but it may be close to that number.

There was general discussion around other residences in the area wanting to have carports as well and the standards those would be required to meet. Mr. Antrim observed that it appeared

garages were not typical for this neighborhood and that the lots did not appear to be large enough to accommodate them.

Mr. Crawford presented the motion to approve the setback variances as requested. Mrs. Reeves seconded. The motion failed by a vote of 1 to 6, with Mr. Sturgis voting in the affirmative. Mr. Crawford noted for the record the reason for not approving the variance request was due to the fact the Board could not make findings for criteria #s 1, 2, and 3.

6. Appeal Z-2019-20: Request by Brandon Cooper on behalf of Hertz Car Sales for a special exception for an automobile sales use at 706 Mt Gallant Road, which is zoned General Commercial (GC). Tax map numbers 632-12-01-007 & -014.

Mr. Fields presented the staff report.

Mr. Sutton asked whether Hertz would be using the building at all. Mr. Fields stated that Hertz had not indicated it would be using the building at all but had stated that the business would maintain the site and building.

Mr. Sutton asked whether the business would be required to return to the Board if it decided to use the building. Mr. Fields stated that it would not be required to return to the Board if it decided to use the building.

Mr. Rodney Morris, 2012 Jumper Court, Murfreesboro, TN, applicant, was available to answer questions.

Mr. Cullum asked whether he would make a paved connection between the properties. Mr. Morris stated that he would not do so at this time, and explained that this property would be used for employee parking and inventory overflow parking. He added that the business may want to use the building later.

Mr. Michael Bagwell, 927 Lake Club Drive, property owner, spoke in favor of the request, noting that the terms of the lease with Hertz required that no other use could occupy the building as long as Hertz was using the parking lot.

Mr. Sutton asked Mr. Bagwell if he owned the corner lot as well. Mr. Bagwell stated that he did.

With there being no further questions for the applicant and no others signed up to speak, the Board closed the floor for discussion.

Mr. Cullum asked whether the City was satisfied with the proposed use. Mr. Fields stated that it was.

Mr. Smith presented the motion to approve the special exception for automobile sales uses as presented by staff. Mr. Cullum seconded, and the motion carried unanimously by a vote of 7-0.

Mr. Smith presented the findings, specifically noting that the proposed use was compatible with the surrounding area, a site plan had been provided, the area was typical for automobile sales, the roads had the capacity to serve the proposed use, and there would be no injury to adjacent properties.

7. Appeal Z-2019-21: Request by JT's Kia of Rock Hill for a special exception for an automobile sales use for the storage of vehicles only at 2150 Cherry Road, and a related request by Carmike Cinemas LLC for a variance from the required number of parking spaces for a theater use at the same location. The property is zoned General Commercial (GC). Tax map number 634-07-01-015.

Staff member Melody Kears presented the staff report.

Mr. Smith asked whether a fence would be put into place. Ms. Kearse stated that a fence was not proposed.

Mr. Smith asked whether the City required a fence. Ms. Kearse stated that it did not but if one was proposed, it would have to meet regulations.

Mr. Antrim asked whether JT's Kia would lease the spaces, and if this lease was annual or long-term. Ms. Kearse stated that they would lease the spaces but was not aware of the terms of the lease.

Mr. Antrim asked what would happen if the theater's parking demand increased. Ms. Kearse stated that even if the special exception was approved, the theater would still have more than 200 parking spaces, adding the lease could be cancelled by the property owner (the theater) if necessary.

Mr. Antrim asked whether staff knew how the parking numbers provided by the applicant had been figured. Ms. Kearse stated that she did not know the exact methodology but expected that the number may have been based on ticket sales.

Mr. Cullum noted the amount of traffic and congestion in this area, especially at Gold's Gym, and pointed out that other nearby businesses, such as the fitness center, sometimes use this parking lot for overflow parking. He asked whether the City had concerns about that further impacting the available spaces for the theater to use. Ms. Kearse stated that the City did not have a concern about that, but added that if Gold's Gym is having parking issues, staff may need to go review the parking there.

Mr. Cullum reiterated his concern about this parking lot being used as a vehicle storage facility. Ms. Kearse stated that this request was not an unusual request, as Hendrick Honda uses property along Automall Parkway for inventory overflow parking.

Mrs. Reeves asked whether there were plans to update the lighting. Ms. Kearse stated that she was not aware of any but that the applicant could answer that question.

Mr. Cliff Tanner, 671 Pine Grove Road, Lugoff, SC, applicant, stated that the business had wanted to put a fence in place but the theater owner would not allow one.

Mrs. Reeves asked whether the lighting would be updated. Mr. Tanner stated that it would be if necessary. He added that the police frequently use the parking lot as well. He noted that the inventory would be placed as far from the building as possible and would only be accessed by car porters. He added that JT's had recently received a Mitsubishi franchise agreement and was running low on space to carry inventory of both makers.

Mr. Cullum asked whether this was to be a short-term solution. Mr. Tanner stated that JT's had purchased the lot adjacent to the JT's Kia on Anderson Road for Mitsubishi sales, and was currently in a lease-to-purchase agreement with the owner, Mr. John Good, to purchase the current Kia site. Referring to the lease agreement with the theater, he stated that it was for one year with a 60-day notice if anything changed on either side. He noted that the Department of Motor Vehicles (DMV) required that the business place signs on the vehicles in the storage area stating that they are not for sale.

Mr. Crawford asked whether the special exception and variance would be required to be handled as separate requests. Planning & Zoning Manager Leah Youngblood stated that they could be considered together since neither would be able to stand alone.

With there being no further questions for the applicant and no one signed up to speak, the Board closed the floor for discussion.

Mr. Sutton presented the motion to approve the special exception for a vehicle sales use and a variance from the number of required parking spaces for the theater use as presented by staff. Mr. Smith seconded, and the motion carried unanimously by a vote of 7-0.

Mr. Sutton presented the findings for the special exception, noting specifically that the request complied with the use-specific standards, the site would be use strictly for storage, there would be signs indicating that vehicles on the site were not for sale, the use was compatible with the surrounding area, and a site plan had been submitted.

Mr. Sutton presented the findings for the variance request, noting specifically that the theater used fewer than half of the spaces required for the use; that if the variance were not allowed, the theater would not be able to use the additional parking; and that the loss of these spaces was not detrimental to the site.

At 7:22 p.m., Mr. Smith presented the motion for a five-minute recess. Mrs. Reeves seconded, and the motion carried unanimously by a vote of 7-0.

At 7:27 p.m., Mr. Sutton presented the motion to reconvene. Mr. Sturgis seconded, and the motion carried unanimously by a vote of 7-0.

8. Appeal Z-2019-22: Request by Montrio Belton for variances from the number of parking spaces that can be deferred from initial paving and variance from the required buffer yards for an office use at 511 Saluda Street, which is zoned Mixed Use Corridor (MUC). Tax map number 625-11-02-005.

Ms. Marshburn presented the staff report.

Mr. Antrim asked whether the ADA-compliant parking space would be located at the rear of the building adjacent to it. Ms. Marshburn stated that it would be located as described.

Mr. Cullum asked whether if the buffer was in place, the parking issues would still have to be resolved. Ms. Marshburn stated that the buffer would still be required even if the parking requirements were met.

Mr. Antrim observed that that people may not want to park on gravel and suggested that another parking space be paved in addition to the handicap space. Ms. Marshburn stated that the handicap parking space would be paved and that the applicant was requesting to defer the paving of the remaining four required spaces.

Mr. Antrim asked whether the City wanted the spaces paved sooner rather than later. Ms. Marshburn stated that the City required spaces to be paved upon a business converting a residence for its use, and explained that the applicant was requesting to defer the paving of the four parking spaces required other than the ADA space.

Mr. Antrim stated that he did not see that a law practice this small, only having an attorney and an assistant, would require so many paved spaces.

Mr. Sutton asked what the time frame would be if the Board granted the request to defer. Ms. Marshburn stated that the applicant had not indicated a time frame for the paving.

Mr. Sutton asked when the City want to see the spaces paved if the Board approved the request to defer the paving. Ms. Youngblood stated that this was the first time she had seen a parking deferral request exceeding the 35% deferral that is allowed under the Zoning Ordinance, and that while sometimes, businesses that had requested to defer 35% of the spaces may never need to pave them, in other instances, staff had to go back to the business later and require the paving if parking had become an issue on site. Ms. Kearse added that in this case, the applicant

was requesting to provide the spaces on the site but just in gravel instead of pavement.

Mr. Smith asked whether the spaces would be paved eventually. Ms. Marshburn stated that the Board could condition its approval of the deferral request with a requirement for the paving to occur at any designated point in the future.

Mrs. Reeves asked about the buffer variance request, and whether the applicant was requesting to provide no buffer and no fence. Ms. Marshburn stated that this was correct.

Mr. Sutton asked about the note in the staff report regarding the common driveway. Ms. Marshburn stated that the driveway was shared with the neighbor and that the applicant had a legal document stating the neighbor could not park in the driveway.

Mr. Crawford asked about staff's reasoning for how the strict application of the ordinance to this situation would deprive the owner of use of the property. Ms. Marshburn stated that the applicant would not be able to use the building as a law office if he was required to pave parking but could not afford to do so.

Mrs. Reeves asked whether the applicant was aware of the requirements for a paved parking lot and buffer before purchasing the property. Ms. Marshburn stated that that staff had completed feasibility study for the proposed business in June 2018 and that the report from that study stated that a parking lot would be required, and that the applicant purchased the property after that in August 2018.

Mrs. Reeves asked whether the buffer requirements had been disclosed as well. Ms. Marshburn stated that they had not been disclosed until the applicant had submitted a site plan for the property.

Mr. Antrim asked for clarification about whether the property could be used for any business if the variances were not granted since it was built as a residence any other commercial use would require parking as well. Ms. Marshburn stated that that any other commercial use of the property would be required to provide paved parking spaces, too.

Mr. Crawford noted that the Board did not typically consider a time limit as part of a variance. Mrs. Reeves further asked how this would be enforced. Mr. Crawford stated that this would be under code enforcement staff's responsibilities to enforce.

Mr. Montrie Belton, 300 Abingdon Way, Fort Mill, applicant, was available to answer questions. Mr. Sutton asked how long he had been in practice. Mr. Belton stated that he had been in practice for approximately four years.

Mr. Sutton asked about when the applicant would pave the spaces in the future if the Board allowed the deferral of the paving now. Mr. Belton stated that he had no issue with providing all eight required parking spaces now, but rather that he was concerned that the addition of hard surface paving would create runoff issues for the property located at the rear of his that was already subjected to flooding.

Mr. Antrim noted there were other surfaces that could be used, including porous blocks and cinder blocks, rather than gravel. Mr. Belton stated that he had looked into the alternatives but that they were more expensive than paving. He noted that he was trying to avoid having to tie into the City's stormwater system, which added a lot of cost to the construction of the parking lot. He added that he was more than willing to pave the driveway from the street as well as the handicap space but did not see the need to pave spaces that would not be seen from the street. He stated that if he used the building as a residence, he would be able to park five cars he personally owns there without paving, but that if the use converted to an office, he was no longer

allowed to do that.

Mr. Sturgis asked whether the applicant saw the issue not being about the expense of paving but the lasting effect of what could occur to surrounding properties as result of paving. Mr. Belton stated that this was correct, further adding that he could not understand why a buffer was being required when a fence was already located along the property lines.

Mr. Smith asked whether there was clay under the surface that could contribute to the cost of paving. Mr. Belton stated that he did not know but that he knew there were boulders natural to the lot. He added that other places in the City had gravel parking lots, and explained that he had met all of the other requirements outlined in the feasibility study to convert the residence into a business.

Mr. Crawford asked whether the City's infrastructure engineer, Tim Brooks, had looked at the runoff potential. Ms. Marshburn stated that he had and that he had noted some things that could be done to mitigate the concern, such as using pervious parking materials and adding landscaping, and that he also had said that the addition of a few paved parking spaces on this lot probably would not create any runoff issues downstream, but rather the concern was that if all of the residences in this area converted to businesses, it may cause runoff issues downstream.

Mr. Crawford asked whether Mr. Brooks viewed gravel as being a better choice to alleviate runoff issues than pavement. Ms. Youngblood stated that gravel was calculated at the same rate for runoff as pavement. Mr. Fields noted that additional landscaping would help alleviate runoff issues.

Mr. Cullum asked whether this site would create issues if the spaces were paved. Ms. Marshburn stated that Mr. Brooks' assessment was that if these spaces were paved, no runoff issues would be created downstream but that if other properties nearby also paved, issues probably would occur.

Mr. Belton stated that he was told by his engineer that paving had the potential to create issues and that he was concerned that if it did create issues, he would be held responsible.

Mr. Antrim asked about the slope of the lot. Mr. Belton stated that it went down to the rear from the backyard.

Mr. Antrim observed that paving of the spaces could be done so that the runoff would go towards the street. Mr. Belton stated that this would be an additional expense.

Mr. Crawford noted that the calculations for runoff were considered the same for gravel as for pavement. Mr. Belton stated that the site was gravel now and may have been when it was built.

Mr. Crawford noted there would be the same amount of impact even if the spaces were gravel instead of paved. Mrs. Reeves commented that the City required all businesses to provide this type of paving. Mr. Belton stated that the City was trying to encourage development of this area and that there was increased expense in paving over gravel.

Ms. Marshburn read comments from Mr. Brandon Wiggins, the City's former infrastructure engineer, regarding the proposed plans by the applicant, which noted that the lot drains to a flood-prone area and that porous surfaces would be better for the site.

Mr. Cullum asked Mr. Belton whether he was opposed to adding landscaping in a buffer area. Mr. Belton stated that he was not, and added that he just did not want to incur additional expense that was not needed.

Mr. Crawford asked Mr. Belton if he could help make findings. Mr. Belton stated that the lot was only 0.27 acres with a slope at the rear, and that while the site was not originally developed as a commercial site, a law office was not an impractical use for the property. He added that the property has an existing fence, that other businesses along Saluda Street had gravel parking lots that could be seen from the road, that the paved drive would be an improvement to the property, and that the parking on the site would be at the rear of the building.

Mr. Sutton asked whether the fence around the property belonged to him. Mr. Belton stated that he did not know who built or owns the fence, but he knows that one of the neighbors keeps it maintained, so he assumes it is his fence.

Mr. Smith asked whether the request was for no fence at all or no second fence. Mr. Belton stated that he was not opposed to having a fence but that adding a fence would mean that the property would not have the space to add the deferred parking spaces in the future.

Mr. Sutton asked whether if the 10-foot buffer was reduced to 0, he would he put in a fence. Mr. Belton stated that he would.

Mr. Crawford asked whether he would accept a 10-foot buffer but no fence. Mr. Belton stated that he would, that he would put in trees provided that he did not lose any parking area. Ms. Marshburn reiterated that the zoning standards require the fence to be a solid 6-foot fence with landscaping added to the neighbor's side of the fence.

Mr. Crawford asked whether the current fence met these requirements. Mr. Belton stated that the current fence was chain-link, approximately 4-5 feet tall.

Mr. Sutton asked about the landscaping required. Ms. Marshburn stated that it was required to be located between the fence and the property line. Mr. Belton stated that that he did not have the land to do this, but he was willing to plant trees, adding that the existing fence was located along the property line.

There was general discussion as to the size of the buffer, the overall size of the lot, and the sizes of the required parking spaces and drive aisle.

Mr. Sutton asked about the amount of space at the rear of the property. Mr. Belton stated that a fence was already in place there and that he could provide landscaping that would cover the 10-foot buffer area.

Mr. Crawford stated that the existing fence did not meet standards. Mr. Belton stated that he did not see why it would not, that the neighbors were fine with it.

Mr. Lawrence Sanders, 604 ½ Saluda Street, spoke in favor of the request, stating that Mr. Belton would be a good neighbor in the area.

Mr. Melvin Poole, 523 Saluda Street, spoke in favor of the request, noting this would be a positive improvement to the area.

Mr. Ernest Brown, 1131 Saluda Street, spoke in favor of the request, stating that the Board may need to make some exceptions in this area as businesses move in to deal with various conditions.

Mr. Charles Mobley, 739 Goudlock Road, had signed up to speak but left the meeting prior to speaking.

Mr. Sutton asked Mr. Belton if he would be agreeable to a 6-foot tall fence or 10-foot landscape buffer area. Mr. Belton stated that he was more willing to do the landscaping.

With there being no further questions for the applicant and no others signed up to speak, the

Board closed the floor for discussion.

Discussion centered around the calculations used for determining stormwater runoff with gravel and pavement, concern over what might be under the yard surface, and how the landscaping may mitigate water runoff.

Mr. Sutton presented the motion to grant the variance from the requirement to pave four of the five required parking spaces with three additional parking spaces deferred to the future, and the variance from the buffer requirements with the condition a 10-foot landscape buffer be installed rather than a solid fence with landscaping. Mr. Sturgis seconded.

Ms. Youngblood asked the Board to clarify where the 10-foot buffer would be installed since some area of the site would not have room for a 10-foot buffer.

Mr. Sutton accepted amended his motion, restating that a 10-foot landscape buffer, without a 6-foot solid fence, is to be installed in the rear yard of the property with staff helping to determine adjustments to the width on both the side and rear where needed.

Mr. Crawford called for a vote, and the motion carried by a vote of 6-1 (Crawford against).

Mr. Sutton presented the findings, noting specifically that the use was changing from a residence to a business, that the rear yard area was somewhat restricted in size, that a gravel lot currently exists in the yard, that adding paved surfacing may create a runoff issue into a flood-prone area, that the applicant was working to accommodate as many of the required improvements as possible within a unique lot configuration, and that the use would be an improvement along Saluda Street.

9. Other Business

a. Continuing Education Opportunities

Mrs. Miller reminded Mrs. Reeves that she was still in need of continuing education credits for the year.

10. Adjourn.

There being no other business, Mr. Crawford made a motion to adjourn. Mr. Sturgis seconded and the meeting adjourned at 8:47 p.m.



Zoning Board of Appeals Order

Z-2019-18

The Zoning Board of Appeals held a public hearing on Tuesday, September 17, 2019, to consider a **request by Andy Golden on behalf of Express Oil Change, LLC, for a special exception for an automobile repair use at 4824 Old York Road, which is zoned Limited Commercial (LC). Tax map number 542-07-01-018.**

Board members in attendance included Matt Crawford, Keith Sutton, Stacy Reeves, Michael Smith, John Antrim, Randy Sturgis, and Rodney Cullum.

After consideration of the evidence and arguments presented, the Board voted to grant the request based on the following findings of fact:

1. The site may be identified as 4824 Old York Road.
2. The property owner is Rainy Days, Inc.
3. This property is zoned Limited Commercial (LC).
4. The request was for special exception for an automobile repair use.
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
 - August 29: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - August 30: Public Hearing notification signs posted on subject property.
 - August 31: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Staff member Dennis Fields, Planner II, presented the staff report.

Mr. Sutton asked whether the entry would be 24 feet wide. Mr. Fields stated that the South Carolina Department of Transportation (SCDOT) required a minimum of 22 feet but the plan indicated 24.

Mr. Sutton asked whether the street that would run along the rear of the properties would be built by the City. Mr. Fields stated that that the City would not construct the street, but

rather that each property owner would build a section of the street upon redevelopment of the property and would be responsible for maintaining that section going forward.

Mr. Sutton asked whether the street would essentially be a private drive. Mr. Fields stated that this was correct but there would be an easement given to the City for public access across it.

Mr. Brian Miller, Bohler Engineering, 1927 Tryon Street, Charlotte, applicant's representative, was available to answer questions.

Mr. Hardy Russell, 165 Silver Leaf Circle, adjacent property owner, asked about the proposed hours of the business and expressed concern about access into the site.

Mr. John Davis, Express Oil Change, LLC, 1880 Southpark Drive, Hoover, AL, applicant, stated that the hours of operation would be 8 a.m. to 6 p.m., Monday through Saturday and that there would be no Sunday hours. He stated that the right in-right out entry would be controlled with the installation of a physical barrier.

Mr. Cullum noted the amount of traffic along that section of Old York Road twice per day and asked the applicants their feelings on the access drive at the rear of the property. Mr. Miller stated that this would help their customers in providing access to a traffic signal. Mr. Davis stated that he had no issue with this, adding that they typically service 42 vehicles per day, which would not add a great deal to the existing traffic.

Mr. Russell referred to the projected area of development shown by staff as part of the presentation and asked whether a barrier would be installed to minimize noise on the access road from the properties to its rear. Mr. Fields explained that the exact location of the drive was not firm. Mr. Crawford noted that the drive would still be required to meet the City's buffer requirements.

With there being no questions for the applicant and no one signed up to speak, the Board closed the floor for discussion.

Mr. Sutton presented the motion to approve the special exception for an automobile repair use as presented by staff. Mr. Cullum seconded, and the motion carried unanimously by a vote of 7-0.

Mr. Sutton presented the findings, specifically noting that the request complied with the use-specific standards, the Old York Road area was compatible with this type of use, the development would have no environmental impacts, the development would not injure surrounding properties, and a site plan had been submitted.

THE BOARD, THEREFORE, ORDERS:

That the request by Andy Golden on behalf of Express Oil Change, LLC, for a special exception for an automobile repair use at 4824 Old York Road, which is zoned Limited Commercial (LC) is APPROVED.

Section 2.12.1 (C) of the Zoning Ordinance states:

Any person having a substantial interest affected by a decision of the Zoning Board of Appeals may appeal the decision to the Circuit Court in and for York County by filing with the Clerk of the Court a petition setting for plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Zoning Board of Appeals is mailed. For the purposes of this subsection, "person" includes persons jointly or severally aggrieved by the decision of the Zoning Board of Appeals.

AND IT IS SO ORDERED.

Matt Crawford, Chairman

Date the Order Was Approved by the Board: _____

Date the Decision of the Board Was Mailed to the Applicant: _____



Zoning Board of Appeals Order

Z-2019-19

The Zoning Board of Appeals held a public hearing on Tuesday, September 17, 2019, to consider a **request by Thomas M. Kuhn for variances from the setback requirements for a carport from the side yard and from the primary structure at 750 Wofford Street, which is zoned Single-Family Residential-4 (SF-4).** Tax map number 632-08-01-009.

Board members in attendance included Matt Crawford, Keith Sutton, Stacy Reeves, Michael Smith, John Antrim, Randy Sturgis, and Rodney Cullum.

After consideration of the evidence and arguments presented, the Board voted to deny the request based on the following findings of fact:

1. The site may be identified as 750 Wofford Street.
2. The property owners are Thomas and Susan Kuhn.
3. This property is zoned Single-Family Residential-4 (SF-4).
4. The request was for variances from the setbacks requirements for a carport from the side yard setback and from the primary structure in the Single-Family Residential-4 (SF-4) zoning district.
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
 - August 29: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - August 30: Public Hearing notification signs posted on subject property.
 - August 31: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Staff member Shana Marshburn, Planner I, presented the staff report.

Mr. Sutton asked whether other carports located on the side of homes in the neighborhood had been approved under variance requests to the Zoning Board of Appeals. Ms. Marshburn replied she could not find evidence that these had been considered by the ZBA, and that based on visual inspection, those that did exist appeared to be older and

were probably non-conforming.

Mr. Antrim observed that the carport could be located at the rear behind the deck if the ground was flat. Ms. Marshburn stated that the ground was flat there.

Mr. Sutton asked whether a variance would be required for the setback at the rear of the property. Ms. Marshburn stated that a variance would not be required as long as the carport was located 5 feet away from the primary structure and the side property lines.

Mr. Cullum asked how close the proposed carport would be to the side property line. Ms. Marshburn stated that it would be approximately 4 feet from the property line. There was general discussion over the exact measurement needed to accommodate the carport.

Mr. Thomas Kuhn, 750 Wofford Street, applicant, stated that the desire was to have a carport on the side as the backyard was fenced in for the security of their dog, hot tub, and new storage building, and that they wanted protection from the weather when entering the house from their vehicle. He added that the affected neighbor did not have an issue with the request.

Mr. Crawford asked whether he could construct a 12-foot wide carport instead of the proposed size in order to meet the required setbacks. Mr. Kuhn stated that they would lose 3 feet because of the steps, and that they needed 10 feet for the width of their car.

Mr. Crawford noted that if the structure was 12 feet wide they would not need the variance. Mr. Kuhn stated that the request for this particular design was due to building and fire code requirements.

Mr. Cullum asked whether the neighborhood had an HOA. Mr. Kuhn stated that it did not.

Mr. Cullum asked whether they could place the carport in the backyard. Mr. Kuhn stated that they did not want to do that because doing so would defeat the purpose of avoiding the weather if the carport was located in the backyard instead of directly by the house.

Mr. Crawford stated that staff had difficulty making the findings and asked whether Mr. Kuhn could provide any help with making them.

Mr. Sutton stated that he could make the finding for extraordinary conditions on the lot, as the driveway was located on the left of the residence and the deck was located at the rear.

Mr. Smith asked whether their homeowner's insurance required a fence for the hot tub. Mr. Kuhn stated that he was not aware whether their insurance required a fence.

Mr. Crawford asked how Mr. Kuhn saw his lot as unique. Mr. Kuhn stated that his was the only house on the street with a shared driveway.

With there being no further questions for the applicant and no one signed up to speak, the Board closed the floor for discussion.

Discussion centered around the ability of other houses in the neighborhood to construct a carport, the variances that would be required in order for them to do so, and the lack of opposition to the request.

Mr. Sutton asked staff whether there would be a difference if Mr. Kuhn constructed a garage addition to the house instead of a carport. Ms. Marshburn stated that a garage

would have to be architecturally integrated into the home, and that meant that it would be required to meet the side setback for a primary structure instead of an accessory structure, and that in this zoning district the side setback for the primary structure was 9 feet.

Mr. Antrim observed that if the carport floor was raised and the steps were eliminated, a variance would not be required. There was general discussion over the expense for doing this as well as over the shared driveway.

Mr. Sturgis noted that the applicant's request seemed to be reasonable and asked whether the Board could find a way to make the findings. Mr. Crawford stated that if four Board members agreed and could make the findings, it could be approved.

Mr. Sutton noted that he could make the first finding in that the driveway was located on the left and the property had permanent structures located in the back yard that would create a detriment to the owner if removed, and that the side entry into the house was the normal entry. He noted that the second finding was difficult because all the houses had similar lot lines so there were no unique conditions existing.

Mr. Cullum asked whether the number of houses in the development were around 100. Ms. Marshburn stated that she did not know exactly but it may be close to that number.

There was general discussion around other residences in the area wanting to have carports as well and the standards those would be required to meet. Mr. Antrim observed that it appeared garages were not typical for this neighborhood and that the lots did not appear to be large enough to accommodate them.

Mr. Crawford presented the motion to approve the setback variances as requested. Mrs. Reeves seconded. The motion failed by a vote of 1 to 6, with Mr. Sturgis voting in the affirmative. Mr. Crawford noted for the record the reason for not approving the variance request was due to the fact the Board could not make findings for criteria #s 1, 2, and 3.

THE BOARD, THEREFORE, ORDERS:

That the request by Thomas M. Kuhn for variances from the setback requirements for a carport from the side yard and from the primary structure at 750 Wofford Street, which is zoned Single-Family Residential-4 (SF-4) is NOT APPROVED.

Section 2.12.1 (C) of the Zoning Ordinance states:

Any person having a substantial interest affected by a decision of the Zoning Board of Appeals may appeal the decision to the Circuit Court in and for York County by filing with the Clerk of the Court a petition setting for plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Zoning Board of Appeals is mailed. For the purposes of this subsection, "person" includes persons jointly or severally aggrieved by the decision of the Zoning Board of Appeals.

AND IT IS SO ORDERED.

Matt Crawford, Chairman

Date the Order Was Approved by the Board: _____

Date the Decision of the Board Was Mailed to the Applicant: _____



Zoning Board of Appeals Order

Z-2019-20

The Zoning Board of Appeals held a public hearing on Tuesday, September 17, 2019, to consider a **request by Brandon Cooper on behalf of Hertz Car Sales for a special exception for an automobile sales use at 706 Mt Gallant Road, which is zoned General Commercial (GC). Tax map numbers 632-12-01-007 & -014.**

Board members in attendance included Matt Crawford, Keith Sutton, Stacy Reeves, Michael Smith, John Antrim, Randy Sturgis, and Rodney Cullum.

After consideration of the evidence and arguments presented, the Board voted to grant the request based on the following findings of fact:

1. The site may be identified as 706 Mt Gallant Road.
2. The property owner is Bagwell Family LTD Partnership.
3. This property is zoned General Commercial (GC).
4. The request was for special exception for an automobile sales use.
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
 - August 29: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - August 30: Public Hearing notification signs posted on subject property.
 - August 31: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Mr. Fields presented the staff report.

Mr. Sutton asked whether Hertz would be using the building at all. Mr. Fields stated that Hertz had not indicated it would be using the building at all but had stated that the business would maintain the site and building.

Mr. Sutton asked whether the business would be required to return to the Board if it decided to use the building. Mr. Fields stated that it would not be required to return to the

Board if it decided to use the building.

Mr. Rodney Morris, 2012 Jumper Court, Murfreesboro, TN, applicant, was available to answer questions.

Mr. Cullum asked whether he would make a paved connection between the properties. Mr. Morris stated that he would not do so at this time, and explained that this property would be used for employee parking and inventory overflow parking. He added that the business may want to use the building later.

Mr. Michael Bagwell, 927 Lake Club Drive, property owner, spoke in favor of the request, noting that the terms of the lease with Hertz required that no other use could occupy the building as long as Hertz was using the parking lot.

Mr. Sutton asked Mr. Bagwell if he owned the corner lot as well. Mr. Bagwell stated that he did.

With there being no further questions for the applicant and no others signed up to speak, the Board closed the floor for discussion.

Mr. Cullum asked whether the City was satisfied with the proposed use. Mr. Fields stated that it was.

Mr. Smith presented the motion to approve the special exception for automobile sales uses as presented by staff. Mr. Cullum seconded, and the motion carried unanimously by a vote of 7-0.

Mr. Smith presented the findings, specifically noting that the proposed use was compatible with the surrounding area, a site plan had been provided, the area was typical for automobile sales, the roads had the capacity to serve the proposed use, and there would be no injury to adjacent properties.

THE BOARD, THEREFORE, ORDERS:

That the request by Brandon Cooper on behalf of Hertz Car Sales for a special exception for an automobile sales use at 706 Mt Gallant Road, which is zoned General Commercial (GC). is APPROVED.

Section 2.12.1 (C) of the Zoning Ordinance states:

Any person having a substantial interest affected by a decision of the Zoning Board of Appeals may appeal the decision to the Circuit Court in and for York County by filing with the Clerk of the Court a petition setting for plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Zoning Board of Appeals is mailed. For the purposes of this subsection, "person" includes persons jointly or severally aggrieved by the decision of the Zoning Board of Appeals.

AND IT IS SO ORDERED.

Matt Crawford, Chairman

Date the Order Was Approved by the Board: _____

Date the Decision of the Board Was Mailed to the Applicant: _____



Zoning Board of Appeals Order Z-2019-21

The Zoning Board of Appeals held a public hearing on Tuesday, September 17, 2019, to consider a **request by JT's Kia of Rock Hill and Carmike Cinemas, LLC for a special exception for an automobile sales use for the storage of vehicles, and a related request for a variance from the required number of parking spaces for a theater use at 2150 Cherry Road, which is zoned General Commercial (GC). Tax map number 634-07-01-015.**

Board members in attendance included Matt Crawford, John Antrim, Michael Smith, and Rodney Cullum, Randy Sturgis, Stacy Reeves and Keith Sutton.

After consideration of the evidence and arguments presented, the Board voted to grant the request based on the following findings of fact:

1. The site may be identified as 2150 Cherry Road
2. The property owner is Stewart & Everett Theatres dba Carmike Cinemas, LLC.
3. This property is zoned General Commercial (GC).
4. The request was for an automobile sales use for the storage of vehicles, and a related request for a variance from the required number of parking spaces for a theater use.
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
 - August 29: Public Hearing notification postcards sent to property owners within 300 feet of the subject property.
 - August 30: Public Hearing notification signs posted on subject property.
 - August 31: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. Staff did not receive any feedback regarding the request.
7. During the public hearing, the following comments were heard by the Board:

Staff member Melody Kearse presented the staff report.

Mr. Smith asked whether a fence would be put into place. Ms. Kearse stated that a fence was not proposed.

Mr. Smith asked whether the City required a fence. Ms. Kearse stated that it did not but if one was proposed, it would have to meet regulations.

Mr. Antrim asked whether JT's Kia would lease the spaces, and if this lease was annual or

long-term. Ms. Kearse stated that they would lease the spaces but was not aware of the terms of the lease.

Mr. Antrim asked what would happen if the theater's parking demand increased. Ms. Kearse stated that even if the special exception was approved, the theater would still have more than 200 parking spaces, adding the lease could be cancelled by the property owner (the theater) if necessary.

Mr. Antrim asked whether staff knew how the parking numbers provided by the applicant had been figured. Ms. Kearse stated that she did not know the exact methodology but expected that the number may have been based on ticket sales.

Mr. Cullum noted the amount of traffic and congestion in this area, especially at Gold's Gym, and pointed out that other nearby businesses, such as the fitness center, sometimes use this parking lot for overflow parking. He asked whether the City had concerns about that further impacting the available spaces for the theater to use. Ms. Kearse stated that the City did not have a concern about that, but added that if Gold's Gym is having parking issues, staff may need to go review the parking there.

Mr. Cullum reiterated his concern about this parking lot being used as a vehicle storage facility. Ms. Kearse stated that this request was not an unusual request, as Hendrick Honda uses property along Automall Parkway for inventory overflow parking.

Mrs. Reeves asked whether there were plans to update the lighting. Ms. Kearse stated that she was not aware of any but that the applicant could answer that question.

Mr. Cliff Tanner, 671 Pine Grove Road, Lugoff, SC, applicant, stated that the business had wanted to put a fence in place but the theater owner would not allow one.

Mrs. Reeves asked whether the lighting would be updated. Mr. Tanner stated that it would be if necessary. He added that the police frequently use the parking lot as well. He noted that the inventory would be placed as far from the building as possible and would only be accessed by car porters. He added that JT's had recently received a Mitsubishi franchise agreement and was running low on space to carry inventory of both makers.

Mr. Cullum asked whether this was to be a short-term solution. Mr. Tanner stated that JT's had purchased the lot adjacent to the JT's Kia on Anderson Road for Mitsubishi sales, and was currently in a lease-to-purchase agreement with the owner, Mr. John Good, to purchase the current Kia site. Referring to the lease agreement with the theater, he stated that it was for one year with a 60-day notice if anything changed on either side. He noted that the Department of Motor Vehicles (DMV) required that the business place signs on the vehicles in the storage area stating that they are not for sale.

Mr. Crawford asked whether the special exception and variance would be required to be handled as separate requests. Planning & Zoning Manager Leah Youngblood stated that they could be considered together since neither would be able to stand alone.

With there being no further questions for the applicant and no one signed up to speak, the Board closed the floor for discussion.

Mr. Sutton presented the motion to approve the special exception for a vehicle sales use

and a variance from the number of required parking spaces for the theater use as presented by staff. Mr. Smith seconded, and the motion carried unanimously by a vote of 7-0.

Mr. Sutton presented the findings for the special exception, noting specifically that the request complied with the use-specific standards, the site would be use strictly for storage, there would be signs indicating that vehicles on the site were not for sale, the use was compatible with the surrounding area, and a site plan had been submitted.

Mr. Sutton presented the findings for the variance request, noting specifically that the theater used fewer than half of the spaces required for the use; that if the variance were not allowed, the theater would not be able to use the additional parking; and that the loss of these spaces was not detrimental to the site.

THE BOARD, THEREFORE, ORDERS

That the request by JT’s Kia of Rock Hill and Carmike Cinemas, LLC for a special exception for an automobile sales use for the storage of vehicles, and a related request for a variance from the required number of parking spaces for a theater use at 2150 Cherry Road, which is zoned General Commercial (GC) is APPROVED.

Section 2.12.1 (C) of the Zoning Ordinance states:

Any person having a substantial interest affected by a decision of the Zoning Board of Appeals may appeal the decision to the Circuit Court in and for York County by filing with the Clerk of the Court a petition setting for plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Zoning Board of Appeals is mailed. For the purposes of this subsection, “person” includes persons jointly or severally aggrieved by the decision of the Zoning Board of Appeals

AND IT IS SO ORDERED.

Matt Crawford, Chairman

Date the Order Was Approved by the Board: _____

Date the Decision of the Board Was Mailed to the Applicant: _____



Zoning Board of Appeals Order

Z-2019-22

The Zoning Board of Appeals held a public hearing on Tuesday, September 17, 2019, to consider a **request by Montrio Belton for variances from the number of parking spaces that can be deferred from initial paving and variance from the required buffer yards for an office use at 511 Saluda Street, which is zoned Mixed Use Corridor (MUC)**. Tax map number 625-11-02-005.

Board members in attendance included Matt Crawford, Keith Sutton, Stacy Reeves, Michael Smith, John Antrim, Randy Sturgis, and Rodney Cullum.

After consideration of the evidence and arguments presented, the Board voted to grant the request based on the following findings of fact:

1. The site may be identified as 511 Saluda Street.
2. The property owner is Belton Realty, LLC.
3. This property is zoned Mixed Use Corridor (MUC).
4. The request was for variances from the number of parking spaces that can be deferred from initial paving and variance from the required buffer yards for an office use at 511 Saluda Street, which is zoned Mixed Use Corridor (MUC).
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
 - August 29: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - August 30: Public Hearing notification signs posted on subject property.
 - August 31: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Ms. Marshburn presented the staff report.

Mr. Antrim asked whether the ADA-compliant parking space would be located at the rear of the building adjacent to it. Ms. Marshburn stated that it would be located as described.

Mr. Cullum asked whether if the buffer was in place, the parking issues would still have to be resolved. Ms. Marshburn stated that the buffer would still be required even if the parking requirements were met.

Mr. Antrim observed that that people may not want to park on gravel and suggested that another parking space be paved in addition to the handicap space. Ms. Marshburn stated that the handicap parking space would be paved and that the applicant was requesting to defer the paving of the remaining four required spaces.

Mr. Antrim asked whether the City wanted the spaces paved sooner rather than later. Ms. Marshburn stated that the City required spaces to be paved upon a business converting a residence for its use, and explained that the applicant was requesting to defer the paving of the four parking spaces required other than the ADA space.

Mr. Antrim stated that he did not see that a law practice this small, only having an attorney and an assistant, would require so many paved spaces.

Mr. Sutton asked what the time frame would be if the Board granted the request to defer. Ms. Marshburn stated that the applicant had not indicated a time frame for the paving.

Mr. Sutton asked when the City want to see the spaces paved if the Board approved the request to defer the paving. Ms. Youngblood stated that this was the first time she had seen a parking deferral request exceeding the 35% deferral that is allowed under the Zoning Ordinance, and that while sometimes, businesses that had requested to defer 35% of the spaces may never need to pave them, in other instances, staff had to go back to the business later and require the paving if parking had become an issue on site. Ms. Kearse added that in this case, the applicant was requesting to provide the spaces on the site but just in gravel instead of pavement.

Mr. Smith asked whether the spaces would be paved eventually. Ms. Marshburn stated that the Board could condition its approval of the deferral request with a requirement for the paving to occur at any designated point in the future.

Mrs. Reeves asked about the buffer variance request, and whether the applicant was requesting to provide no buffer and no fence. Ms. Marshburn stated that this was correct.

Mr. Sutton asked about the note in the staff report regarding the common driveway. Ms. Marshburn stated that the driveway was shared with the neighbor and that the applicant had a legal document stating the neighbor could not park in the driveway.

Mr. Crawford asked about staff's reasoning for how the strict application of the ordinance to this situation would deprive the owner of use of the property. Ms. Marshburn stated that the applicant would not be able to use the building as a law office if he was required to pave parking but could not afford to do so.

Mrs. Reeves asked whether the applicant was aware of the requirements for a paved parking lot and buffer before purchasing the property. Ms. Marshburn stated that that staff had completed feasibility study for the proposed business in June 2018 and that the report from that study stated that a parking lot would be required, and that the applicant purchased the property after that in August 2018.

Mrs. Reeves asked whether the buffer requirements had been disclosed as well. Ms.

Marshburn stated that they had not been disclosed until the applicant had submitted a site plan for the property.

Mr. Antrim asked for clarification about whether the property could be used for any business if the variances were not granted since it was built as a residence any other commercial use would require parking as well. Ms. Marshburn stated that that any other commercial use of the property would be required to provide paved parking spaces, too.

Mr. Crawford noted that the Board did not typically consider a time limit as part of a variance. Mrs. Reeves further asked how this would be enforced. Mr. Crawford stated that this would be under code enforcement staff's responsibilities to enforce.

Mr. Montrio Belton, 300 Abingdon Way, Fort Mill, applicant, was available to answer questions. Mr. Sutton asked how long he had been in practice. Mr. Belton stated that he had been in practice for approximately four years.

Mr. Sutton asked about when the applicant would pave the spaces in the future if the Board allowed the deferral of the paving now. Mr. Belton stated that he had no issue with providing all eight required parking spaces now, but rather that he was concerned that the addition of hard surface paving would create runoff issues for the property located at the rear of his that was already subjected to flooding.

Mr. Antrim noted there were other surfaces that could be used, including porous blocks and cinder blocks, rather than gravel. Mr. Belton stated that he had looked into the alternatives but that they were more expensive than paving. He noted that he was trying to avoid having to tie into the City's stormwater system, which added a lot of cost to the construction of the parking lot. He added that he was more than willing to pave the driveway from the street as well as the handicap space but did not see the need to pave spaces that would not be seen from the street. He stated that if he used the building as a residence, he would be able to park five cars he personally owns there without paving, but that if the use converted to an office, he was no longer allowed to do that.

Mr. Sturgis asked whether the applicant saw the issue not being about the expense of paving but the lasting effect of what could occur to surrounding properties as result of paving. Mr. Belton stated that this was correct, further adding that he could not understand why a buffer was being required when a fence was already located along the property lines.

Mr. Smith asked whether there was clay under the surface that could contribute to the cost of paving. Mr. Belton stated that he did not know but that he knew there were boulders natural to the lot. He added that other places in the City had gravel parking lots, and explained that he had met all of the other requirements outlined in the feasibility study to convert the residence into a business.

Mr. Crawford asked whether the City's infrastructure engineer, Tim Brooks, had looked at the runoff potential. Ms. Marshburn stated that he had and that he had noted some things that could be done to mitigate the concern, such as using pervious parking materials and adding landscaping, and that he also had said that the addition of a few paved parking spaces on this lot probably would not create any runoff issues downstream, but rather the concern was that if all of the residences in this area converted to businesses, it may

cause runoff issues downstream.

Mr. Crawford asked whether Mr. Brooks viewed gravel as being a better choice to alleviate runoff issues than pavement. Ms. Youngblood stated that gravel was calculated at the same rate for runoff as pavement. Mr. Fields noted that additional landscaping would help alleviate runoff issues.

Mr. Cullum asked whether this site would create issues if the spaces were paved. Ms. Marshburn stated that Mr. Brooks' assessment was that if these spaces were paved, no runoff issues would be created downstream but that if other properties nearby also paved, issues probably would occur.

Mr. Belton stated that he was told by his engineer that paving had the potential to create issues and that he was concerned that if it did create issues, he would be held responsible.

Mr. Antrim asked about the slope of the lot. Mr. Belton stated that it went down to the rear from the backyard.

Mr. Antrim observed that paving of the spaces could be done so that the runoff would go towards the street. Mr. Belton stated that this would be an additional expense.

Mr. Crawford noted that the calculations for runoff were considered the same for gravel as for pavement. Mr. Belton stated that the site was gravel now and may have been when it was built.

Mr. Crawford noted there would be the same amount of impact even if the spaces were gravel instead of paved. Mrs. Reeves commented that the City required all businesses to provide this type of paving. Mr. Belton stated that the City was trying to encourage development of this area and that there was increased expense in paving over gravel.

Ms. Marshburn read comments from Mr. Brandon Wiggins, the City's former infrastructure engineer, regarding the proposed plans by the applicant, which noted that the lot drains to a flood-prone area and that porous surfaces would be better for the site.

Mr. Cullum asked Mr. Belton whether he was opposed to adding landscaping in a buffer area. Mr. Belton stated that he was not, and added that he just did not want to incur additional expense that was not needed.

Mr. Crawford asked Mr. Belton if he could help make findings. Mr. Belton stated that the lot was only 0.27 acres with a slope at the rear, and that while the site was not originally developed as a commercial site, a law office was not an impractical use for the property. He added that the property has an existing fence, that other businesses along Saluda Street had gravel parking lots that could be seen from the road, that the paved drive would be an improvement to the property, and that the parking on the site would be at the rear of the building.

Mr. Sutton asked whether the fence around the property belonged to him. Mr. Belton stated that he did not know who built or owns the fence, but he knows that one of the neighbors keeps it maintained, so he assumes it is his fence.

Mr. Smith asked whether the request was for no fence at all or no second fence. Mr. Belton stated that he was not opposed to having a fence but that adding a fence would

mean that the property would not have the space to add the deferred parking spaces in the future.

Mr. Sutton asked whether if the 10-foot buffer was reduced to 0, he would he put in a fence. Mr. Belton stated that he would.

Mr. Crawford asked whether he would accept a 10-foot buffer but no fence. Mr. Belton stated that he would, that he would put in trees provided that he did not lose any parking area. Ms. Marshburn reiterated that the zoning standards require the fence to be a solid 6-foot fence with landscaping added to the neighbor's side of the fence.

Mr. Crawford asked whether the current fence met these requirements. Mr. Belton stated that the current fence was chainlink, approximately 4-5 feet tall.

Mr. Sutton asked about the landscaping required. Ms. Marshburn stated that it was required to be located between the fence and the property line. Mr. Belton stated that that he did not have the land to do this, but he was willing to plant trees, adding that the existing fence was located along the property line.

There was general discussion as to the size of the buffer, the overall size of the lot, and the sizes of the required parking spaces and drive aisle.

Mr. Sutton asked about the amount of space at the rear of the property. Mr. Belton stated that a fence was already in place there and that he could provide landscaping that would cover the 10-foot buffer area.

Mr. Crawford stated that the existing fence did not meet standards. Mr. Belton stated that he did not see why it would not, that the neighbors were fine with it.

Mr. Lawrence Sanders, 604 ½ Saluda Street, spoke in favor of the request, stating that Mr. Belton would be a good neighbor in the area.

Mr. Melvin Poole, 523 Saluda Street, spoke in favor of the request, noting this would be a positive improvement to the area.

Mr. Ernest Brown, 1131 Saluda Street, spoke in favor of the request, stating that the Board may need to make some exceptions in this area as businesses move in to deal with various conditions.

Mr. Charles Mobley, 739 Goudlock Road, had signed up to speak but left the meeting prior to speaking.

Mr. Sutton asked Mr. Belton if he would be agreeable to a 6-foot tall fence or 10-foot landscape buffer area. Mr. Belton stated that he was more willing to do the landscaping.

With there being no further questions for the applicant and no others signed up to speak, the Board closed the floor for discussion.

Discussion centered around the calculations used for determining stormwater runoff with gravel and pavement, concern over what might be under the yard surface, and how the landscaping may mitigate water runoff.

Mr. Sutton presented the motion to grant the variance from the requirement to pave four of the five required parking spaces with three additional parking spaces deferred to the

future, and the variance from the buffer requirements with the condition a 10-foot landscape buffer be installed rather than a solid fence with landscaping. Mr. Sturgis seconded.

Ms. Youngblood asked the Board to clarify where the 10-foot buffer would be installed since some area of the site would not have room for a 10-foot buffer.

Mr. Sutton accepted amended his motion, restating that a 10-foot landscape buffer, without a 6-foot solid fence, is to be installed in the rear yard of the property with staff helping to determine adjustments to the width on both the side and rear where needed.

Mr. Crawford called for a vote, and the motion carried by a vote of 6-1 (Crawford against).

Mr. Sutton presented the findings, noting specifically that the use was changing from a residence to a business, that the rear yard area was somewhat restricted in size, that a gravel lot currently exists in the yard, that adding paved surfacing may create a runoff issue into a flood-prone area, that the applicant was working to accommodate as many of the required improvements as possible within a unique lot configuration, and that the use would be an improvement along Saluda Street.

THE BOARD, THEREFORE, ORDERS:

That the request by Montrio Belton for a variance from the requirement to pave four of the five required parking spaces with three additional parking spaces deferred to the future and a variance from the required buffer yards for an office use at 511 Saluda Street, which is zoned Mixed Use Corridor (MUC) is APPROVED WITH THE FOLLOWING CONDITION:

- 1. A 10-foot landscape buffer, without a 6-foot solid fence, is to be installed in the rear yard of the property with staff helping to determine adjustment to the width on both the side and rear where needed.**

Section 2.12.1 (C) of the Zoning Ordinance states:

Any person having a substantial interest affected by a decision of the Zoning Board of Appeals may appeal the decision to the Circuit Court in and for York County by filing with the Clerk of the Court a petition setting for plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Zoning Board of Appeals is mailed. For the purposes of this subsection, "person" includes persons jointly or severally aggrieved by the decision of the Zoning Board of Appeals.

AND IT IS SO ORDERED.

Matt Crawford, Chairman

Date the Order Was Approved by the Board: _____

Date the Decision of the Board Was Mailed to the Applicant: _____

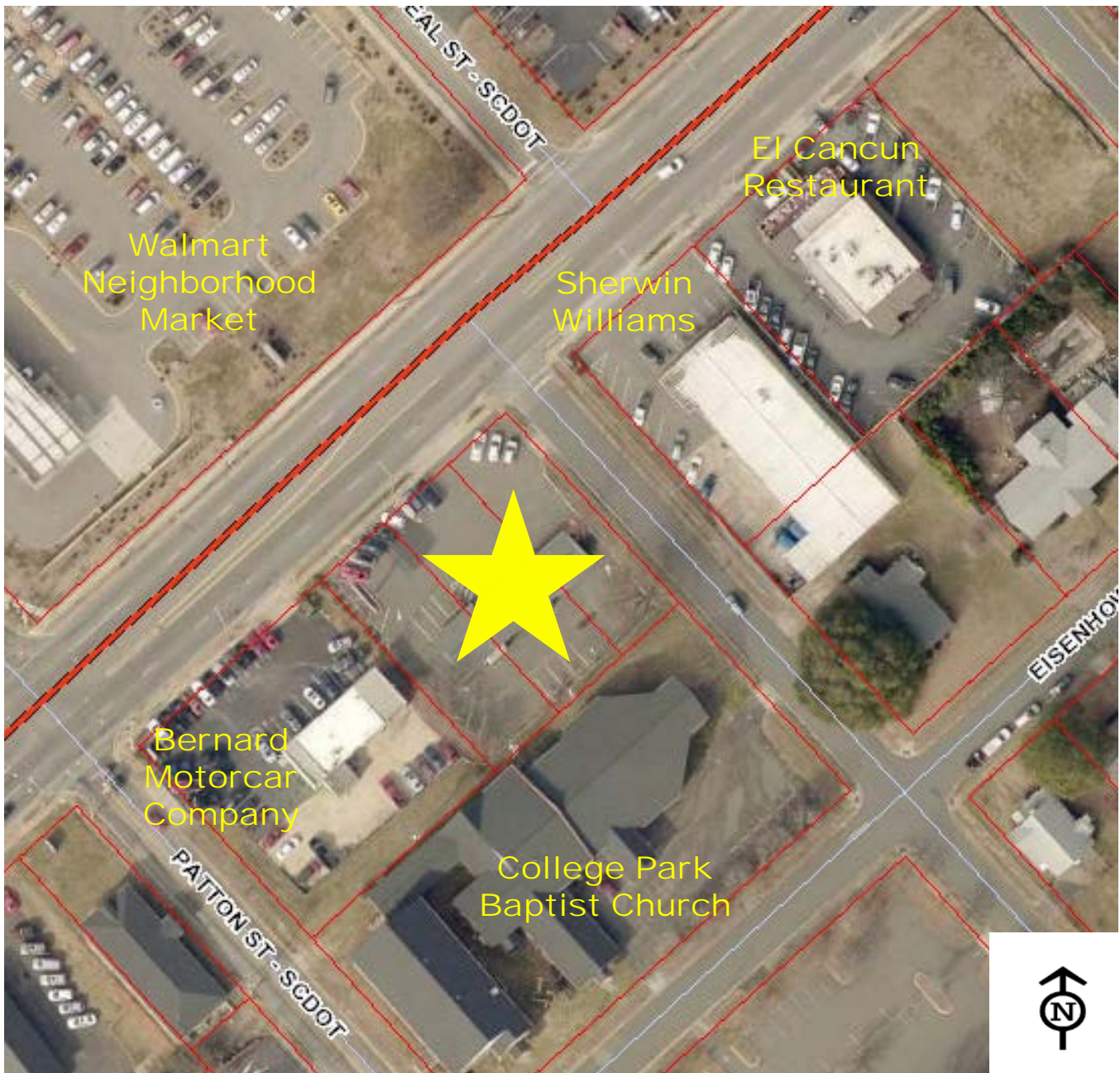
Z-2019-23

Request: Special Exception for an Automobile sales use

Address: 1214, 1218 & 1220 Cherry Road

Zoning District: General Commercial (GC)

Owner/Applicant: Wayne Price
828 Creek Bluff Rd.
Rock Hill, SC 29732





Request: Special exception to establish an automobile sales use

Address: 1214, 1218 & 1220 Cherry Road

Tax Map No.: 631-14-07-001 through -003

Zoning District: General Commercial (GC)

Owner/Applicant: Wayne Price
 828 Creek Bluff Road
 Rock Hill, SC 29732

Background

The applicant, Wayne Price, is seeking to establish an automobile sales use at the corner of Cherry Road and MacArthur Street. The property is zoned General Commercial (GC), which allows automobile sales uses only through special exception approval by the Zoning Board of Appeals.

Note: The site was previously used for an automobile sales use, which was allowed at the time as a conditional use, but because the use was discontinued on the site for more than six months, the applicant must seek special exception approval in order to reestablish the use at the location. This process allows the Zoning Board of Appeals to evaluate the proposed use within the context of currently surrounding land uses and to ensure that the proposed use will be able to meet all current use-specific and development standards.

Primary use table excerpt <ul style="list-style-type: none"> • Blank cell = prohibited • S = Special exception • C = Conditional use • P = Permitted use 	<table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th colspan="8">RESIDENTIAL</th> <th colspan="8">BUSINESS</th> </tr> <tr> <th>SF-2</th><th>SF-3</th><th>SF-4</th><th>SF-5</th><th>SF-8</th><th>SF-A</th><th>MFR</th><th>MF-15</th><th>MX</th><th>NO</th><th>NC</th><th>OI</th><th>LC</th><th>GC</th><th>CC</th><th>CI</th><th>DTWN</th><th>MUC</th><th>IB</th><th>IG</th><th>IH</th> </tr> </thead> <tbody> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td style="background-color: yellow;">S</td><td>C</td><td>C</td><td></td><td>S</td><td></td><td>C</td><td></td> </tr> </tbody> </table>																RESIDENTIAL								BUSINESS								SF-2	SF-3	SF-4	SF-5	SF-8	SF-A	MFR	MF-15	MX	NO	NC	OI	LC	GC	CC	CI	DTWN	MUC	IB	IG	IH														S	C	C		S		C	
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Site Description

The site contains a former carwash building that would be used by the applicant for an automobile sales office. The site is located on a shallow lot that fronts Cherry Road and is located in an area with a variety of uses, including restaurants, grocery stores, retail paint store and other automobile-oriented uses in the GC zoning district.

Description of Intent for Zoning District

General Commercial (GC): Although originally established to apply to lands being used commercially that did not fit into one of the other commercial districts, it is now the intent of this ordinance the GC district be phased out over time by not allowing new rezoning to the GC district.

Analysis of Request for Special Exception

Staff will base its recommendation on an analysis of the below standards, and the Zoning Board of Appeals may approve a special exception use only upon a finding that the applicant has demonstrated that the applicable standards listed below are met. The Board may find that not all of these standards are applicable to every request for a special exception use.

The applicable are shown below in italics, followed by staff's assessment of each standard in non-italicized font.

1. ***Complies with Use-Specific Standards:*** *The proposed use complies with all use-specific standards.*

A. Vehicle Display Pads: *Automobile sales uses can have up to one vehicle display pad for every 100 feet of street frontage. The vehicle display pad may be elevated up to two feet above adjacent displays or grade level. Any rack that tilts the vehicles in any way to show the underside must be located inside a showroom.*

No display pads or tilt racks have been shown on the site plan.

B. Public Address Systems: *Automobile sales uses cannot have an outdoor speaker or public address system that is audible off-site.*

None are proposed.

C. Other Materials for Sale: *Automobile sales uses cannot display any other materials including but not limited to tires, rims, and other parts and accessories for sale between the principal structure and the street.*

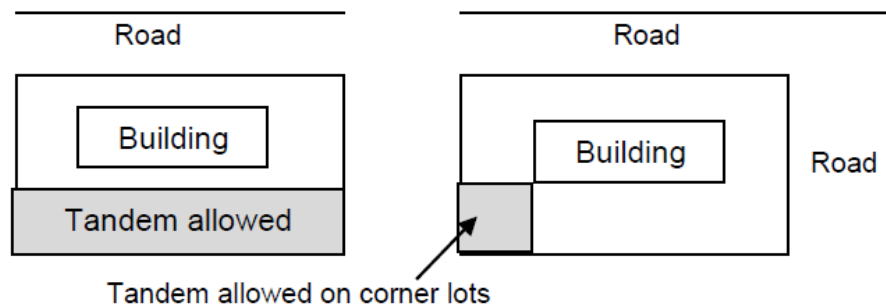
No other materials would be sold in this area of the site.

D. Test Drives: Automobile sales uses cannot test drive vehicles on residential streets.

The business would not test drive vehicles on residential streets.

E. Off-Street Parking Standards: Automobile sales uses must pave vehicle display, vehicle storage, and customer parking, including all access and driving surfaces, with concrete or asphalt. These areas must comply with all applicable off-street parking standards in Chapter 8: Development Standards, except for the following.

- Tandem/valet-style spaces may be allowed behind the building's rear plane, as long as fire access and traffic patterns within the site are maintained according to an approved site plan.



- Parking lot islands will not be required for vehicle display and vehicle storage areas located to the rear of the principal structure as long as the principal structure meets all applicable setbacks and the area is not located along a public street.

A site plan has been provided showing how the applicant plans to meet the off-street parking standards.

F. Vehicle Signage: Automobile Sales uses are allowed to have signage displayed on vehicles, provide that the maximum letter size is 6 inches and the overall area is 10 square feet per vehicle.

The applicant agrees to the size requirements for vehicle signage.

G. Special Exception: As part of the special exception process for automobile sales uses in some zoning districts, the Zoning Board of Appeals must evaluate the following.

- Compatibility with Land-use Plans: The proposed location conforms with land-use plans prepared for the City, including but not limited to the Comprehensive Plan and the Cherry Road Revitalization Strategy.

The proposed use is compatible with the Comprehensive Plan. While this part of Cherry Road is more pedestrian-oriented than the more northern portion of the corridor, it is still heavily dominated by automobile traffic, and this area is expected to continue to be used for low-intensity commercial uses. A small automobile sales use would meet this intent.

- *Avoidance of key redevelopment areas and pedestrian-oriented corridors: The proposed location is not in a key redevelopment area of the City, such as Downtown or Knowledge Park. The proposed use is located in automobile-dominated environments and not in pedestrian-oriented environments, such as Oakland Avenue, Charlotte Avenue, and Ebenezer Avenue, nor ones that are planned to become pedestrian-oriented, such as portions of Cherry Road.*

The site is made up of three narrow and shallow commercial lots. This site would not be easily redeveloped without the adjoining property. Again, this is still a mostly automobile-dominated part of Cherry Road with a variety of low-intensity commercial uses.

- *Site Plan: The applicant must show a site plan to scale that depicts the proposed location of the vehicles that are offered for sale. If the special exception is approved, the parking of cars must be limited to the area shown on the site plan. Any applicant who wants to expand vehicles offered for sale into other areas of the site must return to the Zoning Board of Appeals with a request to modify the original special exception approval.*

A site plan has been provided showing proposed changes to the site that include landscaping and the narrowing or closing of existing curb cuts.

- 2. *Compatibility:*** *The proposed use is appropriate for its location and compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands.*

Several other automobile uses exist in the area, and this particular portion of Cherry Road is generally automobile-dominated. Historically the site has been used for the same use or similar uses. Staff has not heard concerns from any adjacent neighbors about the proposed use.

- 3. *Design Minimizes Adverse Impact:*** *The design of the proposed use minimizes adverse effects, including visual impacts on adjacent lands; furthermore, the proposed use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and does not create a nuisance.*

The site is fully developed, but the proposed changes would help to bring it closer into compliance with modern development standards.

- 4. Design Minimizes Environmental Impact:** *The proposed use minimizes environmental impacts and does not cause significant deterioration of water and air resources, significant wildlife habitat, scenic resources, and other natural resources.*

The addition of landscaping would help to mitigate environmental impacts from the proposed use by adding some water quality measures to the site.

- 5. Roads:** *There is adequate road capacity available to serve the proposed use, and the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site.*

The proposed use is not a high traffic generator. The property is located along Cherry Road, which would support traffic from this type of use without any additional upgrades.

- 6. Not Injure Neighboring Land or Property Values:** *The proposed use will not substantially and permanently injure the use of neighboring land for those uses that are permitted in the zoning district, or reduce property values in a demonstrative manner.*

The proposed use is not anticipated to reduce property values. A wide variety of commercial uses exist in the area.

- 7. Site Plan:** *A site plan has been prepared that demonstrates how the proposed use complies with the other standards of this subsection.*

A site plan has been submitted showing the proposed changes to the site. These include the closure or reduction in size of multiple existing curb cuts and the addition of landscaping along the Cherry Road frontages. The applicant will work with the City's landscape architect to determine the amount and type of landscaping that would be appropriate for this area.

It is also important to note that while this site was previously used by multiple tenants, given its parking constraints, the property could not be used by anyone else as long as an automobile sales use occupies the site.

- 8. Complies with All Other Relevant Laws and Ordinances:** *The proposed use complies with all other relevant City laws and ordinances, state and federal laws, and regulations.*

The applicant agrees to conform to all other relevant laws and ordinances.

Public Input

Staff has taken the following actions to notify the public about this public hearing:

- September 27: Sent public hearing notification postcards to property owners within 300 feet of the subject property.
- September 27: Posted public hearing signs on subject property.
- September 28: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff has not received any feedback from the public about the proposed use at this time.

Staff Recommendation

Staff recommends approval of the special exception request because staff believes that it meets the standards for granting the special exception, specifically noting the following:

- The use has historically existed on the property
- The site plan shows proposed improvements to the site that would bring it more into compliance with the current development standards.
- The use is not expected to have negative impacts on surrounding lands, and staff has not heard from anyone with concerns about it.

Attachments

- Application and supporting materials
- Site plan
- Zoning Map

Staff Contact:

Melody Kearse, Zoning Coordinator
melody.kearse@cityofrockhill.com
803-329-7088

SPECIAL EXCEPTION APPLICATION

Plan Tracking # 20191314 Date Received: 9-11-19 Case # Z- 2019-23

Please use additional paper if necessary, for example to list additional applicants or properties, or to elaborate on your responses to the questions about the request. You may handwrite your responses or type them. You may scan your responses and submit them by email (see the above fact sheet), since we can accept scanned copies of signatures in most cases.

PROPERTY INFORMATION

Street address of subject property: 1220 Cherry Rd, Rock Hill, SC 29730

Tax parcel number of subject property: 631-14-07-001

Property restrictions

Do any recorded deed restrictions or restrictive covenants apply to this property that would prohibit, conflict with, or be contrary to the activity you are requesting? For example, does your homeowners association or property owners association prohibit the activity or need to approve it first? Yes No

If yes, please describe the requirements: _____

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
Wayne Price	828 Creek Bluff Rd Rock Hill, SC	803-817-6381 Home 803-280-9071 Cell	

Are you the owner of the subject property? Yes No

If you are not the owner of the subject property, what is your relationship to it (e.g., have it under contract to purchase, tenant, contractor, real estate agent) _____

I certify that I have completely read this application and instructions, that I understand all it includes, and that the information in the application and the attached forms is correct.

Signature: [Handwritten Signature] Date: 9-11-19

If you are **not** the owner of the subject property, the **property owner** must complete this box.

Name of property owner: _____

If property owner is an organization/corporation, name of person authorized to represent its property interests: _____

I certify that the person listed in the person listed above has my permission to represent this property in this application.

Signature: _____ Date: _____

Preferred phone number: _____ Email address: _____

Mailing address: _____

INFORMATION ABOUT REQUEST

What is the type of use for which you are requesting a special exception?

Automobile Sales

Special exception standards

Please explain to the Board why you believe your request meets these standards. These are the standards the Board will consider when deciding whether to approve your request, although it may find that not all are applicable to your request.

1. If your proposed use has any use-specific standards, how do you propose to meet them? (Staff can help you determine whether your use has any use-specific standards.)

1) no vehicle Display Pad

2) no speaker system

3) no other materials sold on site

4) will not use Residential Streets

5) site Plan shows how we will meet Parking standards

6) Agrees to Signage

7) other car lots in the Area, not in a pedestrian area.

2. How is the proposed use appropriate for its location and compatible with surrounding land and uses?

It was an existing car lot. and other car lots in the area

3. What steps are you taking to minimize any adverse impacts on surrounding properties?

Removing Asphalt and adding landscaping to improve appearance

4. How would the use impact the environment (water, natural resources, wildlife habitat, etc.)?

Installing landscaping Along the streets.

5. How would the use impact traffic issues (road capacity, safety of those coming into or leaving the site, etc.)?

Not a high traffic use

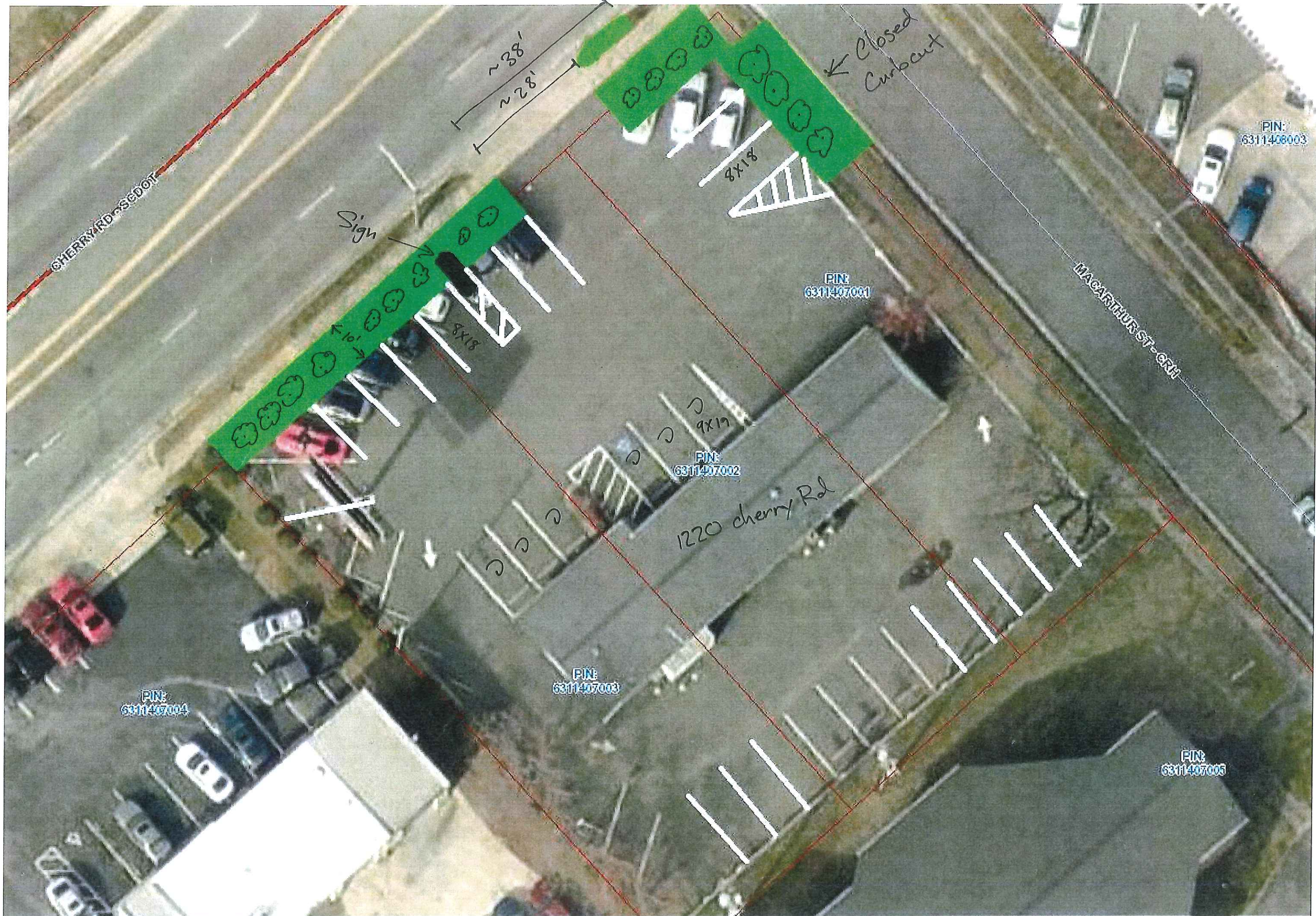
6. How would the use impact the ability of neighboring land owners to use their properties in a way that is allowed under the Zoning Ordinance, and their property values?

no impact same use as existing

Exhibits

Please list any documents that you are submitting in support of this application. The ones listed below are suggested, but you may provide others that you believe would be helpful, and in some cases, staff or the Zoning Board of Appeals may request other exhibits as well.

- Site plan
- Photos of property that is the subject of the request



CHERRY RD - SEDOT

MAGUIR ST - GRH

Closed Curbcut

Sign

1220 cherry Rd

~38'
~28'

8x18

8x18

9x12

10'

FIN:
6311408003

FIN:
6311407001

FIN:
6311407002

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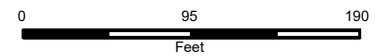
Z-2019-23

Legend

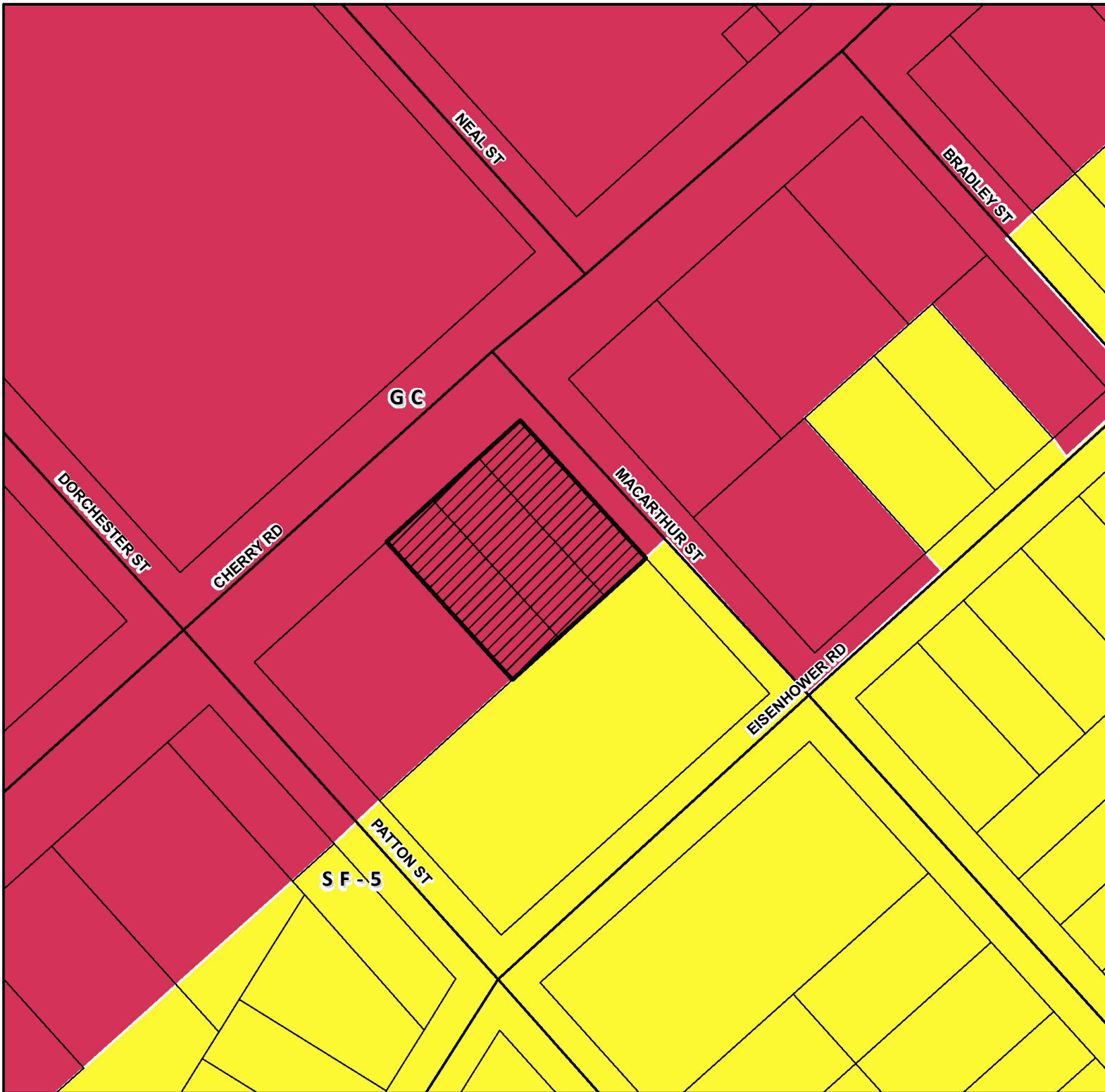
- Single-Family-5 (SF-5)
- General Commercial (GC)
- Subject Properties

Zoning Data

Current Zoning
GC



Planning & Development
Department
City of Rock Hill
10/15/19



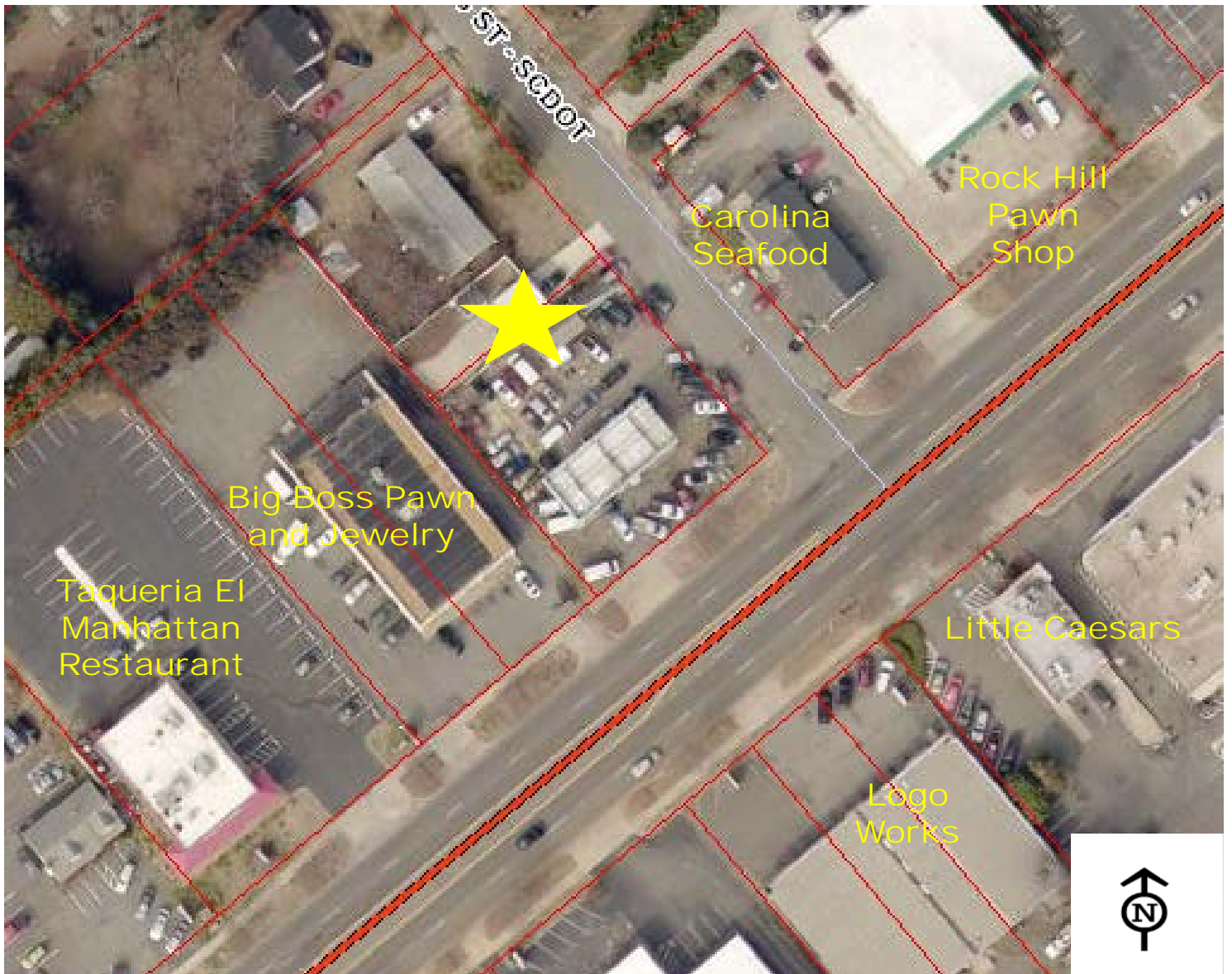
Z-2019-24

Request: Special exception to expand an existing automobile sales use onto a portion of 1015 Williams Street

Address: 1015 Williams Street & 1933 Cherry Road

Zoning District: General Commercial (GC)

Owner/Applicant: Rafa, LLC (Ray Olang)
PO Box 913
Pineville NC, 28134





Request: Special exception to expand an existing automobile sales use onto a portion of 1015 Williams St.

Address: 1015 Williams St. and 1933 Cherry Rd.

Tax Map No.: 634-06-06-015 & -014

Zoning District: General Commercial (GC)

Owner/Applicant: Rafa, LLC (Ray Olang)
 PO Box 913
 Pineville NC, 28134

Background:

Rafa, LLC, represented by Ray Olang, owns both 1015 Williams St. and 1933 Cherry Rd. Mr. Olang made this application on behalf of his tenant at 1933 Cherry Rd., Sam Doust of Top Gear Motors.

Mr. Doust is seeking to expand the established automobile sales use at the corner of Cherry Road and Williams Street onto a portion of the property located at 1015 Williams St. Both properties are zoned General Commercial (GC), which allows automobile sales uses only through special exception approval by the Zoning Board of Appeals.

This request is born out of a code enforcement case, as Top Gear Motors has been using a portion of the 1015 Williams St. property for the parking of overflow vehicles, which is not allowed without special exception approval.

Primary use table excerpt <ul style="list-style-type: none"> • Blank cell = prohibited • S = Special exception • C = Conditional use • P = Permitted use 	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="8">RESIDENTIAL</th> <th colspan="8">BUSINESS</th> </tr> </thead> <tbody> <tr> <td>SF-2</td><td>SF-3</td><td>SF-4</td><td>SF-5</td><td>SF-8</td><td>SF-A</td><td>MFR</td><td>MF-15</td><td>MX</td><td>NO</td><td>NC</td><td>OI</td><td>LC</td><td>GC</td><td>CC</td><td>CI</td><td>DTWN</td><td>MUC</td><td>IB</td><td>IG</td><td>IH</td> </tr> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td style="background-color: yellow;">S</td><td>C</td><td>C</td><td></td><td>S</td><td>C</td><td></td><td></td> </tr> </tbody> </table>	RESIDENTIAL								BUSINESS								SF-2	SF-3	SF-4	SF-5	SF-8	SF-A	MFR	MF-15	MX	NO	NC	OI	LC	GC	CC	CI	DTWN	MUC	IB	IG	IH														S	C	C		S	C		
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Site Description

The portion of the William Street property onto which the applicant is seeking to expand contains a 22-foot wide driveway and a small storage structure, as well as a white vinyl fence.

The property is immediately adjacent to the automobile sales use on Cherry Road, which is located in an area with a variety of uses, including restaurants, a retail seafood market, pawnshops and a variety of other commercial uses in the GC zoning district.

Description of Intent for Zoning District

General Commercial (GC): Although originally established to apply to lands being used commercially that did not fit into one of the other commercial districts, it is now the intent of this ordinance the GC district be phased out over time by not allowing new rezonings to the GC district.

Analysis of Request for Special Exception

Staff will base its recommendation on an analysis of the below standards, and the Zoning Board of Appeals may approve a special exception use only upon a finding that the applicant has demonstrated that the applicable standards listed below are met. The Board may find that not all of these standards are applicable to every request for a special exception use.

The applicable are shown below in italics, followed by staff's assessment of each standard in non-italicized font.

1. ***Complies with Use-Specific Standards:*** *The proposed use complies with all use-specific standards.*

A. Vehicle Display Pads: *Automobile sales uses can have up to one vehicle display pad for every 100 feet of street frontage. The vehicle display pad may be elevated up to two feet above adjacent displays or grade level. Any rack that tilts the vehicles in any way to show the underside must be located inside a showroom.*

No display pads or tilt racks have been shown on the site plan.

B. Public Address Systems: *Automobile sales uses cannot have an outdoor speaker or public address system that is audible off-site.*

None are proposed.

C. Other Materials for Sale: Automobile sales uses cannot display any other materials including but not limited to tires, rims, and other parts and accessories for sale between the principal structure and the street.

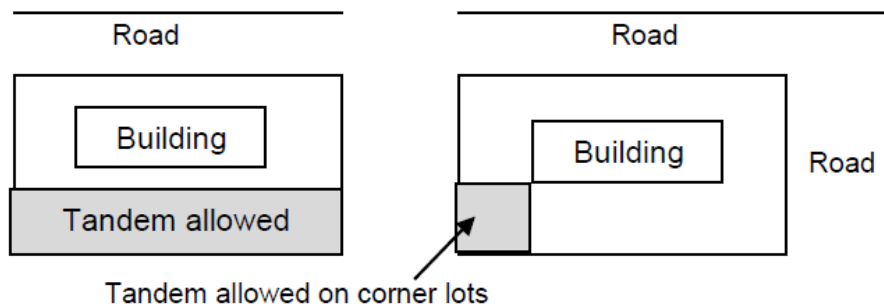
No other materials would be sold in this area of the site.

D. Test Drives: Automobile sales uses cannot test drive vehicles on residential streets.

The business would not test drive vehicles on residential streets.

E. Off-Street Parking Standards: Automobile sales uses must pave vehicle display, vehicle storage, and customer parking, including all access and driving surfaces, with concrete or asphalt. These areas must comply with all applicable off-street parking standards in Chapter 8: Development Standards, except for the following.

- Tandem/valet-style spaces may be allowed behind the building's rear plane, as long as fire access and traffic patterns within the site are maintained according to an approved site plan.



- Parking lot islands will not be required for vehicle display and vehicle storage areas located to the rear of the principal structure as long as the principal structure meets all applicable setbacks and the area is not located along a public street.

The proposed expansion would be located behind the main building and would be used for tandem-style parking.

F. Vehicle Signage: Automobile Sales uses are allowed to have signage displayed on vehicles, provide that the maximum letter size is 6 inches and the overall area is 10 square feet per vehicle.

The applicant agrees to the size requirements for vehicle signage.

G. Special Exception: As part of the special exception process for automobile sales uses in some zoning districts, the Zoning Board of Appeals must evaluate the following.

- *Compatibility with Land-use Plans: The proposed location conforms with land-use plans prepared for the City, including but not limited to the Comprehensive Plan and the Cherry Road Revitalization Strategy.*

The proposed use is compatible with the Comprehensive Plan, as this part of Cherry Road is heavily dominated by automobile traffic, and several higher-intensity commercial uses exist nearby.

- *Avoidance of key redevelopment areas and pedestrian-oriented corridors: The proposed location is not in a key redevelopment area of the City, such as Downtown or Knowledge Park. The proposed use is located in automobile-dominated environments and not in pedestrian-oriented environments, such as Oakland Avenue, Charlotte Avenue, and Ebenezer Avenue, nor ones that are planned to become pedestrian-oriented, such as portions of Cherry Road.*

This site is in a mostly automobile-dominated part of Cherry Road with a variety of commercial uses nearby.

- *Site Plan: The applicant must show a site plan to scale that depicts the proposed location of the vehicles that are offered for sale. If the special exception is approved, the parking of cars must be limited to the area shown on the site plan. Any applicant who wants to expand vehicles offered for sale into other areas of the site must return to the Zoning Board of Appeals with a request to modify the original special exception approval.*

An existing site plan is available for the 1933 Cherry Rd. property. Because 1015 Williams St. is already developed, only an aerial has been provided showing the proposed area of use and location of proposed landscaping.

- 2. Compatibility:** *The proposed use is appropriate for its location and compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands.*

This area of Cherry Road is mostly automobile-dominated, and a variety of commercial uses already exist in the area. The expansion of the proposed use onto this small portion of property on the Williams Street property would help to alleviate ongoing parking and circulation issues on the business' Cherry Road site.

Because the applicant owns both parcels, he should be able to ensure that the automobile sales business does not negatively impact the use of the Williams Street parcel for residential use. For example, he has proposed to add some evergreen landscaping to help buffer the residential use from the commercial one.

- 3. Design Minimizes Adverse Impact:** *The design of the proposed use minimizes adverse effects, including visual impacts on adjacent lands; furthermore, the proposed use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and does not create a nuisance.*

The site is fully developed.

The applicant has proposed to add an evergreen landscape screen between the commercial use and the residential yard area to help minimize the impact of the expansion of the business on the residential property that he also owns.

To address the code enforcement issues on the primary site on Cherry Road, the applicant also has proposed the following changes to it, which would help to bring the overall use into better compliance with modern development standards:

- The removal of nonconforming sections of fencing and replacement of them with either a vinyl fence like that along rear edge of the proposed expansion area or with bollards/posts to delineate property line. The bollards/posts would match those along east side of property, and no cars would be allowed to be parked beyond them, i.e. in right-of-way.
- The painting of the former gas station canopy and the building used for the automobile sales use a light gray color.
- The resurfacing of gravel areas with chip seal and the re-striping of the parking lot on the main site. Chip seal involves the application of a special protective wearing surface to an existing pavement, and should help the parking lot wear better over time.

- 4. Design Minimizes Environmental Impact:** *The proposed use minimizes environmental impacts and does not cause significant deterioration of water and air resources, significant wildlife habitat, scenic resources, and other natural resources.*

No environmental impacts are expected from the expansion of the use.

- 5. Roads:** *There is adequate road capacity available to serve the proposed use, and the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site.*

The proposed use is not a high-traffic generator. The property is located along Cherry Road, which would support traffic from this type of use without any additional upgrades.

- 6. Not Injure Neighboring Land or Property Values:** *The proposed use will not substantially and permanently injure the use of neighboring land for those uses*

that are permitted in the zoning district, or reduce property values in a demonstrative manner.

The proposed use is not anticipated to reduce property values. A wide variety of commercial uses exist in the area. Moreover, the applicant owns the residential property that is the subject of this request and so should be able to ensure that the automobile sales business does not negatively impact the use of that property.

- 7. *Site Plan:*** *A site plan has been prepared that demonstrates how the proposed use complies with the other standards of this subsection.*

A aerial of the property has been provided showing the where the proposed expansion would take place.

- 8. *Complies with All Other Relevant Laws and Ordinances:*** *The proposed use complies with all other relevant City laws and ordinances, state and federal laws, and regulations.*

The applicant agrees to conform to all other relevant laws and ordinances.

Public Input

Staff has taken the following actions to notify the public about this public hearing:

- September 27: Sent public hearing notification postcards to property owners within 300 feet of the subject property.
- September 27: Posted public hearing signs on subject property.
- September 28: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff has not received any feedback from the public about the proposed use at this time.

Staff Recommendation

Staff recommends approval of the special exception with the following conditions. The applicant has agreed to these conditions in order to minimize the impacts of the proposed expansion area and to address the code enforcement issues on the primary site:

- Adding evergreen landscaping to the rear of the proposed expansion area as shown on the provided aerial.
- Removing the nonconforming sections of fencing and replacing them with either vinyl fencing like that along rear edge of proposed expansion or with bollards/posts to delineate property line. The bollards/posts would match those

along east side of property, and no cars are allowed to be parked beyond them, i.e. in right-of-way.

- Painting the former gas station canopy and building used by the automobile sales use a light gray.
- Resurfacing gravel areas with chip seal and re-stripping all parking on the main Cherry Road site.

Provided that those changes are made to the property so that the use does not continue to have code enforcement issues, staff recommends the granting of the special exception based on the above analysis, especially the following:

- The expanded area for the business to use would help it alleviate parking and circulation issues on the site that are current code enforcement issues.
- The use is not expected to have negative impacts on surrounding lands, and staff has not heard from anyone with concerns about it.

Attachments

- Aerial and photos of improvement areas
- Application and supporting materials
- Site plan
- Zoning Map
- Summary of code enforcement issues on Cherry Road site

Staff Contact:

Melody Kearse, Zoning Coordinator

melody.kearse@cityofrockhill.com

803-329-7088

Aerial of proposed conditions/improvements



Area to be landscaped



Fencing to be replaced



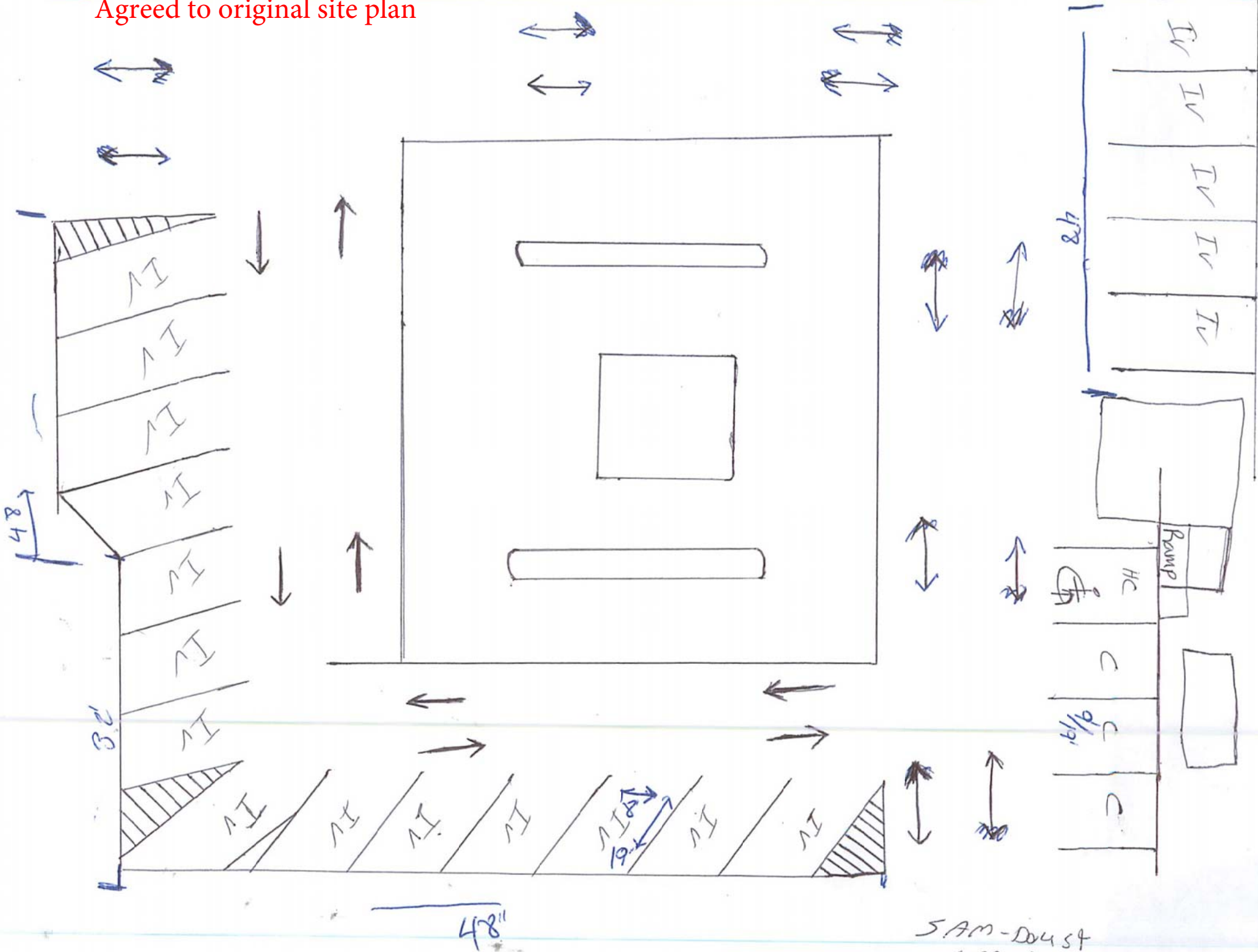
Gravel area to be chip-sealed



Old Canopy and buildings to be painted



Agreed to original site plan



SAM-D0454
6,29,18

SPECIAL EXCEPTION APPLICATION

Plan Tracking # _____ Date Received: _____ Case # Z- _____

Please use additional paper if necessary, for example to list additional applicants or properties, or to elaborate on your responses to the questions about the request. You may handwrite your responses or type them. You may scan your responses and submit them by email (see the above fact sheet), since we can accept scanned copies of signatures in most cases.

PROPERTY INFORMATION

Street address of subject property: 1015 Williams Street, Rock Hill, SC 29732

Tax parcel number of subject property: 6 3 4 . 0 6 . 0 6 . 0 1 5

Property restrictions

Do any recorded deed restrictions or restrictive covenants apply to this property that would prohibit, conflict with, or be contrary to the activity you are requesting? For example, does your homeowners association or property owners association prohibit the activity or need to approve it first? Yes ___ No

If yes, please describe the requirements: no HOA or property-owner restrictions

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
<u>Ray Olang</u>	<u>P.O. Box 2618 Matthews, NC 28106</u>	<u>803-448-1483</u>	<u>rayolang89@gmail.com</u>


Are you the owner of the subject property? Yes No

If you are not the owner of the subject property, what is your relationship to it (e.g., have it under contract to purchase, tenant, contractor, real estate agent) _____

I certify that I have completely read this application and instructions, that I understand all it includes, and that the information in the application and the attached forms is correct.

Signature:  Date: 9/16/19

If you are not the owner of the subject property, the *property owner* must complete this box.

Name of property owner: <u>Rafa, LLC</u>	
If property owner is an organization/corporation, name of person authorized to represent its property interests: <u>Ray Olang</u>	
I certify that the person listed in the person listed above has my permission to represent this property in this application.	
Signature: <u></u>	Date: <u>9/16/19</u>
Preferred phone number: <u>803-448-1483</u>	Email address: <u>rayolang89@gmail.com</u>
Mailing address: <u>10 Box 2618, Matthews, NC 28106</u>	

INFORMATION ABOUT REQUEST

What is the type of use for which you are requesting a special exception?

Using portion of lot for overflow vehicles, customer parking, & employee parking for adjacent business.

Special exception standards

Please explain to the Board why you believe your request meets these standards. These are the standards the Board will consider when deciding whether to approve your request, although it may find that not all are applicable to your request.

1. If your proposed use has any use-specific standards, how do you propose to meet them? (Staff can help you determine whether your use has any use-specific standards.)

The use-specific standards would expand and be dependent on those at 1933 Cherry Rd. The specific use would be parking vehicles (storing hold vehicles, parking customer vehicles, and parking employee vehicles). The same standard of review with regard to inspections at 1933 Cherry Rd will extend to subject property.

2. How is the proposed use appropriate for its location and compatible with surrounding land and uses?

The use is an extension of and to supplement/support the current use at 1933 Cherry Rd. There is currently insufficient space to park customer parking, employee parking, and hold vehicles without expanding the allowable space to do so. This would alleviate space issues currently experienced at 1933 Cherry Rd.

3. What steps are you taking to minimize any adverse impacts on surrounding properties?

The use of a fence to separate where the use will be extended to; regular monitoring of the area to confirm there is no negative impact to surrounding properties and the adjacent street.

4. How would the use impact the environment (water, natural resources, wildlife habitat, etc.)?

There should be no impact to water, natural resources, wildlife habitat, etc.

5. How would the use impact traffic issues (road capacity, safety of those coming into or leaving the site, etc.)?

The use would improve traffic issues with regard to William Street. Having more space for employee and customer parking decreases likelihood of customers or vendors parking on the street and impeding the flow of traffic.

6. How would the use impact the ability of neighboring land owners to use their properties in a way that is allowed under the Zoning Ordinance, and their property values?

There should be no impact on the ability of neighboring landowners to use their properties.

Exhibits

Please list any documents that you are submitting in support of this application. The ones listed below are suggested, but you may provide others that you believe would be helpful, and in some cases, staff or the Zoning Board of Appeals may request other exhibits as well.

- Site plan
- Photos of property that is the subject of the request

*Please see attached an
aerial photograph with blue
lines indicating where the
proposed customer/employee/overhaul
parking being requested.*






Aerial photograph with blue lines indicating where the reported parking for employees, customers, and overflow is being asked to be located.



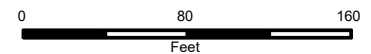
Z-2019-24

Legend

-  Single-Family-5 (SF-5)
-  General Commercial (GC)
-  Subject Properties

Zoning Data

**Current Zoning
GC**



Planning & Development
Department
City of Rock Hill
10/15/19

