

Zoning Board of Appeals

City of Rock Hill, South Carolina

February 16, 2021

A public hearing of the Zoning Board of Appeals was held Tuesday, February 16, 2021, at 6 p.m. in City Council Chambers at City Hall, 155 Johnston Street, Rock Hill SC.

MEMBERS PRESENT: Keith Sutton, Rodney Cullum, Chad Williams, James Hawthorne

MEMBERS ABSENT: Matt Crawford, Stacey Reeves

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

Legal notices of the public hearing were published in *The Herald*, Friday, January 29, 2021. Notice was posted on all property considered. Adjacent property owners and tenants were notified in writing.

The Board has one vacant seat.

In the absence of Chair Matt Crawford, Vice Chair Keith Sutton presided over the meeting.

1. Call to Order

Vice Chair Sutton called the meeting to order at 6:00 p.m.

2. Approval of Minutes of the January 19, 2021, meeting.

Mr. Rodney Cullum made the motion to approve the minutes as submitted. Mr. James Hawthorne seconded, and the motion carried unanimously by a vote of 4-0 (Crawford and Reeves absent).

3. Approval of Orders of the January 19, 2021, meeting.

Mr. Chad Williams made the motion to approve the orders as amended. Mr. Cullum seconded, and the motion carried unanimously by a vote of 4-0 (Crawford and Reeves absent).

4. Appeal Z-2021-02: Request by Akisha Nichols for a special exception to establish a non-conforming commercial mixed-use space that will house office, and personal services uses at 810 Carolina Avenue, which is zoned Single-Family Residential-5 (SF-5). Tax map number 600-02-03-015.

Staff member Melody Kearse presented the staff report.

Vice Chair Sutton commented that the revised request removed the retail component but that the site plan still indicated small business uses, asking how small businesses would operate without retail allowed. Ms. Kearse stated Ms. Nichols had proposed she would be the only one with the retail operation, further explaining that the other uses proposed were considered office and personal services uses.

Vice Chair Sutton asked for confirmation that the thrift shop use had been removed. Ms. Kearse stated it had.

Mr. Cullum asked for information on the non-profit. Ms. Kearse stated this would be the office for the non-profit foundation Ms. Nichols had formed and would not be a thrift shop, adding the foundation would be working to establish youth scholarships and counseling.

Mr. Cullum asked for confirmation that there would be an office for the non-profit and other spaces in the building would be used by independent business owners. Ms. Kearse stated this was correct, that the revenue from those independent businesses would help fund the foundation.

Mr. Hawthorne asked the hours of operation. Ms. Kearse stated Ms. Nichols proposed winter hours of 8 a.m. to 5 p.m. and spring hours of 8 a.m. to 7 p.m., adding that the Board could place a restriction on the hours.

The applicant, Akisha Nichols, 654 Arch Drive, stated she had removed the resale shop from the application as she was only planning on selling items from her son's estate to raise funds for the foundation. She stated the room that was to be used for the resale shop would be used as a meeting and multipurpose room for the community, adding she would like to provide life coaching instead. She noted the other areas of the building would be rented for small business start-ups, such as braiding and barber shops, and once profitable would be expected to relocate so that other small businesses could move in.

Mr. Nathaniel Jagers, 817 Jefferson Avenue, Vice President of the South Central Neighborhood Association, stated the neighborhood association was opposed to the request as the use would increase the traffic, noise, and trash in the area, and would prefer the building remain in its current condition.

Ms. Djuna McCrorey, 807 Jefferson Avenue, spoke in opposition to the request, specifically noting that the area was primarily residential and the concern that people would hang out at the site after hours.

Mr. Perry Sutton, 1002 S Confederate Avenue and owner of 718 Carolina Avenue, spoke in opposition to the request, specifically with regards to the change of the neighborhood from peaceful in the 1960s to current criminal activity. He added issues with crime needed to be addressed without having this type of business in the neighborhood.

Vice Chair Sutton closed the floor for Board discussion.

Mr. Williams commented the building may fall into disrepair if not used but agreed with staff's assessment that the building could not be converted into a residential use, adding that it was better alternative for the building to be in use.

Mr. Cullum observed that it would be difficult to have a community center since the community has been vocal against the proposal, adding another community would be coming into this one to use the building instead.

Mr. Williams made the motion to approve the special exception as presented. Vice Chair Sutton seconded, and the motion failed by a vote of 1 to 3, with Mr. Williams voting in favor, and Vice Chair Sutton, Mr. Cullum, and Mr. Hawthorne voting in opposition (Crawford and Reeves absent).

5. Appeal Z-2021-06: Request by Scott Wallat, Burnout Garage, for a special exception to expand an existing automobile sales use at 609, 625 & 629 N Anderson Road, which is zoned General Commercial (GC). Tax map numbers 630-04-01-013, -014 & -015.

Staff member Dennis Fields presented the staff report.

Vice Chair Sutton observed the civil plan was under review by staff, asking if there were any concerns that may change the applicant's mind, such as stormwater issues. Mr. Fields stated there were none, only minor comments to be addressed.

Mr. Hawthorne asked about the sidewalk stubs to the north. Mr. Fields stated the property had been used previously as a mobile home sales lot and that the sidewalks went to each of the display units. He noted the applicant was not planning on removing those, and that as they were not required to be removed as they were flat and not a nuisance.

The applicant, Scott Wallat, 341 N Anderson Road, stated he had nothing to add except that he was waiting on the approved landscape plan.

Vice Chair Sutton closed the floor for Board discussion.

Vice Chair Sutton noted staff had provided a well-written report, the use was compatible with the surrounding area, and the site plan was good.

Mr. Cullum made the motion to approve the special exception as presented. Mr. Williams seconded, and the motion carried unanimously by a vote of 4-0 (Crawford and Reeves absent).

Mr. Cullum presented the findings, specifically noting the use was compatible with the surrounding uses, a site plan had been submitted, and there would be no injury to neighboring properties.

6. Appeal Z-2021-07: Appeal by Pastor Bernard Gill, Taking the City Ministry, of the Director's interpretation of an off-premise advertising sign located at 1715 W Main Street, which is zoned Limited Commercial (LC). Tax map number 595-03-01-001.

Staff member Shana Marshburn presented the City's case.

Vice Chair Sutton asked if a sign could be installed as soon as construction began or during construction. Ms. Marshburn stated generally a sign could be put in place during construction or at some point before once construction plans had been submitted.

Vice Chair Sutton asked if they started clearing the land, could the sign remain until the building was constructed. Ms. Marshburn stated it could.

Mr. Hawthorne asked if there was a proposed timeline for development. Ms. Marshburn stated staff had been told it would be developed eventually but that Pastor Gill could advise on this.

The appellant, Pastor Bernard Gill, 561 Cotton Field Road, commented that Taking the City Ministry purchased the property in March 2020 and purchased signs to identify the site as their property. He stated he had met with Ms. Kearse and Mr. Dart Raymes, Zoning Inspector, to discuss the sign. He expressed concern that taxpayers were not allowed to place signs on their own property, especially as realtors could place signs and allow them to deteriorate while they posted properties for sale. Pastor Gill commented he felt the ordinances were wrong as they were written in 2006 and that people couldn't operate today with the same systems in place. He asked that the ZBA use its authority to change the regulations. He stated he was told the reason for the change was in order to decrease the amount of signage the City determined was out of control. He added that he maintained his signs and cleaned up the trash along the street area and believed that the signs kept people from throwing trash on the property.

Vice Chair Sutton stated the Board was not City Council, and that changing the ordinances was a different process. He asked Pastor Gill if they had a timeline for construction. Pastor Gill stated since both properties owned by the Ministry were located in the City and the County, they needed to work with both entities in developing the site and were working on plans to present.

Mr. Williams made the motion to affirm the Director's interpretation of an off-premise advertising sign at 1715 W Main Street. Mr. Cullum seconded.

Mr. Williams commented that Pastor Gill presented good points but the Board was charged with determining whether the sign met the rules currently in place.

Vice Chair Sutton called for a vote and the motion carried unanimously by a vote of 4-0 (Crawford and Reeves absent).

7. Other Business

a. Board vacancy.

Ms. Kearse notified the Board that Mr. Randy Sturgis had been appointed by City Council to serve on the Citizen's Review Board and would no longer be able to serve on the Zoning Board of Appeals.

b. Continuing Education Sessions

Mrs. Miller stated a calendar of continuing education sessions was in development.

8. Adjourn.

There being no further business, Mr. Williams made a motion to adjourn. Vice Chair Sutton seconded, and the motion carried unanimously by a vote of 4-0 (Crawford and Reeves absent). The meeting adjourned at 6:51 p.m.