

Zoning Board of Appeals

City of Rock Hill, South Carolina

March 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: Matt Crawford, Keith Sutton, Chad Williams, James Hawthorne, Charlotte Brown

MEMBERS ABSENT: Rodney Cullum, Stacey Reeves

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

Legal notices of the public hearing were published in *The Herald*, Friday, February 26, 2021. Notice was posted on all property considered. Adjacent property owners and tenants were notified in writing.

1. Call to Order

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

2. Approval of Minutes of the February 16, 2021, meeting.

Mr. Chad Williams made the motion to approve the minutes as submitted. Vice Chair Keith Sutton seconded, and the motion carried unanimously by a vote of 5-0 (Cullum and Reeves absent).

3. Approval of Orders of the February 16, 2021, meeting.

Vice Chair Sutton made the motion to approve the orders as amended. Mr. Williams seconded, and the motion carried unanimously by a vote of 5-0 (Cullum and Reeves absent).

4. Appeal Z-2021-08: Request by Jamie Leggett for a special exception to establish a short-term rental use at 957 Cherry Road, which is zoned Single-Family Residential-3 (SF-3). Tax map number 631-07-01-007.

Staff member Shana Marshburn presented the staff report and provided the Board with copies of emails received since the staff report was distributed.

Chair Crawford asked about the additional letters given to the Board at the time of the hearing. Ms. Marshburn stated the majority of those were in favor of the request and some were in opposition. She added some of the emails did not include addresses, so staff was not able to provide information on their location in reference to the subject property.

Vice Chair Sutton asked for clarification on the requirement for the host or owner to provide a telephone number. Ms. Marshburn stated this was required on the application so the owner would certify they would receive phone calls from the renter. Planning Director Leah Youngblood further stated this was for the police in the event they needed to respond to complaints from the surrounding area.

Mr. James Hawthorne asked if there were other short-term rentals in this area. Ms. Marshburn stated that according to the applications the City had received since the regulations had been in place, none were in the immediate area.

Chair Crawford referred to the emails provided, asking if staff had tried to find the addresses

in order to cross reference their location with subject property. Ms. Marshburn stated they had tried to do this and were able to with the earlier emails received but were not able to with the later emails. She added, many stated they lived in the area, but staff was still not able to pinpoint their locations.

Ms. Charlotte Brown asked if the property had been purchased specifically for a short-term rental. Ms. Marshburn stated the applicant could best answer this question.

Chair Crawford referred to a previous appeal regarding the Planning Director's decision to not issue a short-term rental permit because the Homeowners' Association (HOA) did not allow these but the property owner interpreted the covenants differently, asking if the City had researched the covenants for this neighborhood as well to see if this was true as well. Ms. Marshburn stated that the neighborhood associated with this property, Beaty Estates, did not have an HOA to provide documentation as to whether this was allowed, whereas the other case did have an HOA.

Chair Crawford observed that if Beaty Estates had an HOA and said short-term rentals were not allowed, the City would not allow one to be established. Ms. Marshburn stated this was correct, adding the HOA had to provide a letter stating the use would be allowed.

The applicant, Jamie Leggett, 1209 Hermitage Road, provided information on her background and plans for the property, specifically stating that as a short-term rental host she would be more actively involved in the upkeep of the property, but if she was not allowed to do this she would have to contract with a property management company and would not be involved in the regular maintenance except when new long term renters would assume the property. She stated she had shared plans with the neighbors and wanted to be a good neighbor to them, adding the neighbors could call her at any time of the day or night 24/7 with any issues. She noted her plans were to furnish the property as a two-bedroom house with family room, kitchen, dining room, and office space. She added that the Airbnb platform required that both hosts and guests go through a screening process to verify identity and that both get reviewed.

Vice Chair Sutton asked if this was her first Airbnb property or if she had other properties. Ms. Leggett stated this was her first and that she lived 5 minutes away from the property in the same neighborhood.

Mr. Scott Helms, 1030 Ridge Road, spoke in opposition specifically noting the number of children in the area and neighborhood activities, and concern over property values decreasing.

Mr. Frank Turner, 1120 Myrtle Drive, spoke in opposition to the request, specifically stating the neighborhood had always been single-family homes and that they had fought the changing of any homes along Cherry Road into commercial uses. He stated he did not want to see Airbnb in the neighborhood because they liked knowing who their neighbors were. He referred to an issue with a former halfway house located in the neighborhood where a resident had burned half the house down and the landlord eventually returned it to a single-family home use.

Chair Crawford asked Mr. Turner if he would rather see the property used as a long-term rental. Mr. Turner stated he did, noting that many renters did not want to purchase, pay taxes, or maintain a property and preferred renting.

Ms. Crystal Manion, 1202 Marydale Lane, spoke in support of the request, stating that she would prefer visiting family members staying in a place nearby her house rather than staying in hotels located towards Charlotte because of hotel fees. She noted her concern that a long-term renter may be a bad neighbor and would remain that way until the lease was up whereas a short-term renter was only there for the weekend. She stated she knew the applicant and

knew that the applicant would take care of any complaints immediately.

Chair Crawford recognized Mr. Turner. Mr. Turner asked if this were allowed in this neighborhood, where the use would stop, expressing additional concern that others would purchase properties in the neighborhood to turn into short-term rentals.

Chair Crawford asked Mr. Turner about the covenants in place. Mr. Turner stated the covenants indicated the neighborhood was single-family residences only.

Ms. Leggett responded, stating statistics showed fewer nuisances and better property values associated with Airbnb properties. She stated she was aware of several homeowners renting basement and single rooms throughout the neighborhood.

Mr. Hawthorne asked when she met the neighbors, if she encountered any who were against the request. Ms. Leggett stated she met with the one next door and explained her plan, the others next door were new to the neighborhood but did not seem to have an issue, the one behind was neither for or against the plan, and the other nearby was okay with the plan once it was explained.

Chair Crawford referred to section 1.A.a in the staff report, asking if Beaty Estates had restrictive covenants on the lots. Ms. Marshburn stated it did.

Chair Crawford asked if this lot fell under those restrictive covenants. Ms. Marshburn stated that it did.

Chair Crawford closed the floor for Board discussion.

Mr. Williams made the motion to approve the special exception as presented. Vice Chair Sutton seconded.

Mr. Williams commented that Airbnb had been around for several years but that the regulations were new and that the community tended to see the use as a commercial use, adding he believed many had a misunderstanding as to what the use is. He added there were no guarantees with either a short-term or long-term renter as to how good they would be.

Chair Crawford stated he agreed with those comments, adding that if the neighborhood had an HOA they would not have to appear before the Board for approval.

Mr. Hawthorne commented that people could still appeal the covenants.

Mr. Williams commented the short-term rental permit could be revoked by the City if the host did not comply with the City's regulations.

Chair Crawford called for a vote and the motion passed by a vote of 4-1, with Vice-Chair Sutton, Mr. Williams, Mr. Hawthorne, and Ms. Brown voting in favor, and Chair Crawford voting in opposition (Cullum and Reeves absent).

Mr. Williams presented the findings, noting specifically that there was no known HOA and the owner agreed to comply with the City's regulations pertaining to short-term rentals.

5. Appeal Z-2021-09: Request by Quinn Smith for a variance from the lot width standards for a proposed subdivision of land at 133, 147, & 151 Westerwood Drive, which are zoned Single-Family Residential-5 (SF-5). Tax map numbers 596-04-05-002, -003, & -008.

Staff member Shana Marshburn presented the staff report.

Mr. Williams asked if the request also included the shared driveway. Ms. Marshburn stated the request was only for the lot width and that the shared driveway was preferred.

The applicants, Quinn Smith, 6121 Charlotte Hwy, Clover, and Michael Alexander, 1935 Abby Lane, York, provided a brief overview of their plans for the project, stating they wished to build their own residences on the properties.

Mr. Hawthorne indicated that several of the utility lines appeared to cross from one lot to the other, asking if there would be any easements required. Mr. Alexander stated this was not the final plat and it was not planned for any of the utility lines to cross any of the lot lines. Mr. Smith stated they were amending the plat in order to accommodate the shared driveway but that each lot would have its own utility lines, adding pump systems would be necessary to serve each lot.

Mr. Williams asked if the two would be living in the homes. Mr. Alexander stated they would.

Mr. James Ash, 145 Westerwood Drive, spoke in opposition to the request, specifically noting concern over the increase in stormwater runoff. Staff member Dennis Fields provided the Board with additional information regarding the City's requirements regarding stormwater runoff. He stated the City did not have stormwater regulations for standalone single-family home construction as these would be treated but did for larger scale development projects. He clarified that the City engineer did note that there would not be a significant amount of impervious area that would create a stormwater issue. Mr. Smith stated the elevations were higher but that any runoff tended to be directed towards the storage facility at the rear of the property. Mr. Alexander added that stormwater tended to flow onto the subject lots.

Mr. Hawthorne asked if there were any tributaries noted on the lot. Mr. Smith stated there were none but there were plenty of trees they would keep as part of their landscaping.

Mr. Williams asked that if he understood correctly there were no formal stormwater requirements in place but that with any development, they could not make an existing stormwater problem. Mr. Fields stated this was correct and explained that it was looked at by the City engineer. Mr. Williams further observed that they don't have to fix any issues but that they could not make it worse. Mr. Fields stated this was also correct.

Mr. Hawthorne asked if the driveway would be concrete or gravel. Mr. Smith stated it would be decorative stone.

Vice Chair Sutton made the motion to approve the variance as requested. Mr. Hawthorne seconded.

Chair Crawford observed the plan made sense and that it was a low-density project and not 10 homes proposed. He added he would like to see staff look at the stormwater issue and make sure it would not be an issue for the neighbors.

Chair Crawford called for a vote and the motion carried unanimously by a vote of 5-0 (Cullum and Reeves absent).

Vice Chair Sutton presented the findings, specifically noting the inability to construct more than one residence due to the properties being landlocked, the existence of other undeveloped lots in the area, the ability to only construct one residence was not a good utilization of the property, and the proposed residences would not be detrimental to the neighbors.

6. Appeal Z-2021-10: Request by Hibco Services LLC for a variance from the side and rear buffer yard standards and from the setback for an order window at 2027 Celanese Road, which is zoned Limited Commercial (LC). Tax map number 634-11-06-003.

Staff member Dennis Fields presented the staff report.

Mr. Williams asked if the driveway on Celanese would remain as an exit only. Mr. Fields stated it would.

Mr. Williams asked if there was an option for a two-way drive. Mr. Fields stated there was not. There was general discussion regarding the turning radius for larger vehicles and two-way traffic on the site.

Chair Crawford referred to the dimensions for the variance, asking if the order and pickup of product would be at the same window. Mr. Fields stated there would not be an order box, that this company model was for an employee to take orders along the drive with customers picking up their order at the window.

Chair Crawford asked if the trees along the rear would remain in place. Mr. Fields stated the applicant could best answer.

The applicant's representative, John Murdock, 1186 Stonecrest Blvd, Tega Cay, stated there would be a menu located where a typical order box would be, adding that if there was no one taking orders outside, customers would order and pickup at the building window. He also stated the trees would remain.

Chair Crawford closed the floor for Board discussion.

Mr. Williams made the motion to approve the variances as presented. Vice Chair Sutton seconded.

Chair Crawford stated the request made sense, especially as any other commercial use would require the same types of variances.

Mr. Williams observed that not having an order box helped with noise reduction for the adjacent neighbors, adding that the rear buffer was his only concern.

Mr. Hawthorne stated concern over the planned parking on the adjacent lot. Chair Crawford stated this would be a shared parking situation.

Chair Crawford called for a vote and the motion carried unanimously by a vote of 5-0 (Cullum and Reeves absent).

Mr. Williams presented the findings, specifically noting the lot was previously a single-family home lot and was narrow when compared with commercial lots, that any other commercial uses proposed would need to have variances like these, and the use would not be detrimental to the surrounding area.

7. Appeal Z-2021-11: Request by Dr. Eric Setzer for a special exception to establish RV and trailer sales use at 760 Riverview Road, which is zoned General Commercial (GC). Tax map number 662-07-01-064.

Staff member Dennis Fields presented the staff report.

The applicant, Dr. Eric Setzer, 2980 Lake Wylie Drive, stated he planned on having 10 RVs and trailers on the lot to sell. He added that he did not currently have any to sell but that he was planning for sales in the future. He noted that he had recently invested in restriping the lot and putting up new fencing.

Chair Crawford asked if the condition of limiting to 10 would be an issue. Dr. Setzer stated it would not, adding that most people would not see the inventory from either the road or I-77.

Chair Crawford closed the floor for Board discussion.

Mr. Hawthorne made the motion to approve the special exception as presented with the condition that no more than 10 RVs and trailers combined can be on the property at any one time. Vice Chair Sutton seconded.

Chair Crawford commented that the use made sense, and that people passing by would not see the RVs and trailers.

Chair Crawford called for a vote and the motion carried unanimously by a vote of 5-0 (Cullum and Reeves absent).

Mr. Hawthorne presented the findings, specifically noting the site already has automobile sales, there is an existing parking lot that can accommodate the RVs and trailers, a site plan was submitted, and the inventory would be located towards the rear of the site.

8. Appeal Z-2021-12: Request by Ineice Agate for a special exception to establish a child day care use at 1030 Edwards Street, Suite 105, which is zoned General Commercial (GC). Tax map number 631-06-02-001.

Staff member Shana Marshburn presented the staff report.

Chair Crawford asked about the other tenants of the shopping center. Ms. Marshburn stated she was not certain. Mr. Williams stated South Paw Screen Printing was a tenant in the building.

The applicant, Ineice Agate, 1463 Hollythorne Drive, was available to answer questions.

Vice Chair Sutton asked how many children would attend. Ms. Agate stated the suite allowed for 30 people, so 25 children and 5 staff members.

Vice Chair Sutton asked the ages of the children. Ms. Agate stated 2-1/2 to 5 years of age.

Mr. Hawthorne asked the hours of operation. Ms. Agate stated 6:30 a.m. to 6 p.m.

Chair Crawford asked if she believed there would be any impacts from the other tenants. Ms. Agate stated she did not believe there would be any.

Chair Crawford asked if the parking available would be sufficient. Ms. Agate stated it would be as there was additional parking for employees in the back of the building.

Chair Crawford closed the floor for Board discussion.

Chair Crawford made the motion to approve the special exception as presented. Mr. Williams seconded.

Chair Crawford commented that he saw this as a small-scale operation.

Mr. Williams stated his concerns were alleviated by the scale of the proposed use.

Chair Crawford noted it was compatible with the surrounding area.

Chair Crawford called for a vote and the motion carried unanimously by a vote of 5-0 (Cullum and Reeves absent).

Chair Crawford presented the findings, specifically noting the applicant agreed to comply with the use specific standards, the parking was adequate to serve the use, the operation was small in scale, the use was compatible with the surrounding area, there were no design or environmental impacts as the site was already developed, and the roads were adequate to serve the site.

9. Other Business.

a. Continuing Education Sessions.

Mrs. Miller noted that several of the Board members in attendance had completed their continuing education requirements.

b. Board vacancy.

Chair Crawford recognized the Board's newest member, Ms. Charlotte Brown, and welcomed her to the Board.

10. Adjourn.

There being no further business, Vice Chair Sutton made a motion to adjourn. Mr. Williams seconded, and the motion carried unanimously by a vote of 5-0 (Cullum and Reeves absent). The meeting adjourned at 7:49 p.m.