

Zoning Board of Appeals

City of Rock Hill, South Carolina

April 20, 2021

A public hearing of the Zoning Board of Appeals was held Tuesday, April 20, 2021, at 6 p.m. in City Council Chambers at City Hall, 155 Johnston Street, Rock Hill SC.

MEMBERS PRESENT: Matt Crawford, Rodney Cullum, Stacey Reeves, Chad Williams, James Hawthorne, Charlotte Brown

MEMBERS ABSENT: Keith Sutton

STAFF PRESENT: Melody Kearse, Shana Marshburn, Janice E Miller, Eric Hawkins

Legal notices of the public hearing were published in *The Herald*, Sunday, April 4, 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 March 16, 2021, meeting.

Mr. Chad Williams made the motion to approve the minutes as submitted. Mr. James Hawthorne seconded, and the motion carried unanimously by a vote of 6-0 (Sutton absent).

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

Mr. Williams made the motion to approve the orders as submitted. Mrs. Stacy Reeves seconded, and the motion carried unanimously by a vote of 6-0 (Sutton absent).

4. Appeal Z-2021-13: Request by Susan Fullerton of Truck of Love for a variance from the fence location for a required buffer located at 1568 W Main Street, which is zoned Neighborhood Office (NO). Tax map number 595-02-01-001.

Staff member Shana Marshburn presented the staff report.

Mr. Hawthorne asked if the property encroached on the South Carolina Department of Transportation (SCDOT) easement or right-of-way. Staff member Melody Kearse stated the boundary survey submitted would include any SCDOT easements or rights-of-way.

Mr. Rodney Cullum referred to the applicant's statement on the application that if the fence was not built in the way requested, transients would occupy the area, asking if the police had been called to address this. Ms. Marshburn stated she had not researched police calls within that area.

Chair Crawford referred to the staff drawing observing if the applicant built the fence along that line, they would meet the standards of the Zoning Ordinance and would not need a variance. Ms. Marshburn stated this was correct.

The applicant, Mrs. Susan Fullerton, 1455 George Dunn Road, representing Truck of Love, addressed Mr. Cullum's question regarding transients, stating they had noted evidence of people camping in the area where the buffer would be required, which had a great deal of vegetation. She stated the goal was to make sure the women staying at the site would feel protected.

Ms. Charlotte Brown asked if there was an existing fence. Mrs. Fullerton stated there was fencing on the west side of the property and the fence across the front was in disrepair. She also stated that there was a fence along the north, but it wasn't on their property. Mrs. Fullerton added they would be happy to agree to not have the fence extend to Main Street on the west side of the lot. She stated if they were required to locate the fence inside the buffer area, the utility access for the rear cottage would be located within the buffer area and not easily accessible.

Chair Crawford asked if it would be acceptable if the fence was located 10' from the property line. Mrs. Fullerton stated there was not a lot of area behind the cottage to allow for access to the utility services.

Chair Crawford asked if it would be acceptable if the fence was located directly in line with the rear of the cottage. Mrs. Fullerton stated the utilities would still be located in the buffer zone.

Mr. Hawthorne asked the types of utilities located behind the cottage. Mrs. Fullerton stated electrical and gas. She added that having the fence located in any other place than indicated on the submitted site plan was not practical, stating that the neighbor to the east was far away from the site and the neighbor to the west indicated they would be happy to have a fence along that side of the property.

Mr. Hawthorne asked if she would be satisfied to not have the fence on the west side up to the street. Mrs. Fullerton stated she would, that her issue was primarily of safety.

Chair Crawford asked the type of fence. Mrs. Fullerton stated a 6' opaque vinyl. Chair Crawford asked if the fence would be white. Mrs. Fullerton stated it would.

Mr. Hawthorne asked if it would be a privacy style fence. Mrs. Fullerton stated it would.

Chair Crawford asked if the property to the north was vacant. Mrs. Fullerton stated it was, but there were trailers and the cemetery past those.

Chair Crawford indicated the aerial view provided, asking if the empty lot was a platted lot. Ms. Kearse stated it was, that the mobile homes located along the back were vacant units from a mobile home park with the fence located about 30' back. Ms. Marshburn stated the previous owners of this site also owned the adjacent property and put in the current fence.

Chair Crawford asked if the proposed fence line along the east side of the property followed an existing vegetation. Mrs. Fullerton stated there is a gully there, adding that it was not practical to follow the property line along that side.

Chair Crawford asked if the area would remain wooded. Mrs. Fullerton stated it would.

Chair Crawford closed the floor for Board discussion.

Chair Crawford expressed hesitancy due to the lack of vegetation to break up the appearance of the fence. Mrs. Reeves commented on the need for additional space on the property for residents. Mr. Williams stated concern over making findings to approve the request. There was further discussion regarding the alternative fence location presented by staff.

Chair Crawford made the motion to approve the variance as presented. Mrs. Reeves seconded, and the motion failed by a unanimous vote of 0-6 (Sutton absent).

Chair Crawford stated the Board was unable to approve the request as they could not make the findings of extraordinary and exceptional conditions, and the denial did not deprive the applicant of the proposed use of the property.

5. Appeal Z-2021-14: Request by J M Cope, on behalf of Bobcat, for a modification of an existing special exception to increase the display area for a commercial equipment sales use located at 939 S Anderson Road, which is zoned General Commercial (GC). Tax map number 669-04-01-019.

Staff member Melody Kearse presented the staff report.

Chair Crawford asked the difference between dedicated inventory space and display area. Ms. Kearse stated dedicated inventory spaces could be gravel as there were not strict standards, but that display areas had standards and were required to be hard surfaced, adding that inventory areas could be used for storage while display areas were used to display vehicles for sale.

Mr. Williams asked if the difference between the special exception granted and this request was the additional paved area. Ms. Kearse stated this was correct, adding the plan presented was a more formalized development plan of the site.

The applicant's representative, David Converse, 1069 Bayshore Drive, stated Bobcat was excited to locate to this area and have products for sale on this site.

Chair Crawford asked the types of products that would be for sale. Mr. Converse stated there would be a variety of products, including excavators, skidders, track hoes, and other heavy equipment.

Mr. Hawthorne asked if the site was currently being graded. Mr. Converse stated it was, that the previous building had been demolished and work was beginning on the site.

Chair Crawford asked if the equipment sold would be new or used. Mr. Converse stated most likely later models of cleaned-up used equipment would be for sale.

Mr. Hawthorne asked about lighting of the site. Mr. Converse stated a photometric study had been submitted with building plans for review by staff and they would comply with the City's regulations regarding site lighting, adding most of the lighting would be located along the southern side of the display area.

Chair Crawford closed the floor for Board discussion.

Mr. Williams made a motion to modify the special exception as requested. Mr. Cullum seconded. Mr. Williams commented that the plan presented was an improvement over the original plan.

Chair Crawford called for a vote and the motion carried unanimously by a vote of 6-0 (Sutton absent).

Mr. Williams presented the findings, specifically noting the plan submitted met all the City's requirements, there would be a dedicated display area, and the use was compatible with the surrounding area.

6. Appeal Z-2021-15: Request by Dorothy Neely for a special exception to establish a vocational school, cosmetology, use at 1707 Cherry Road, Suites 101-102, which is zoned General Commercial (GC). Tax map number 632-01-02-004.

Staff member Shana Marshburn presented the staff report.

Mr. Hawthorne asked for confirmation the school would not be open on Sunday. Ms. Marshburn stated it would not.

Chair Crawford referred to staff's recommendation on communicating with the church about

parking during weekday church services, asking how this would be enforced. Ms. Marshburn stated the only way to ensure this was to restrict the school from operating during church events.

Chair Crawford asked if staff believed there could be parking issues if church services and school sessions occurred at the same time. Ms. Marshburn stated this was possible.

Mr. Hawthorne asked the number of parking spaces. Ms. Marshburn stated 50.

Mr. Hawthorne observed that the number of spaces used by the school would be 16. Ms. Marshburn stated the applicant proposed 10-15 people at the school when classes were held. Mrs. Reeves observed students would not likely ride together.

Mrs. Reeves asked if the church had Wednesday services. Ms. Marshburn stated staff believes it may have services on Tuesday.

Mrs. Reeves asked Ms. Marshburn if she knew the number attending the church. Ms. Marshburn stated she did not.

Mr. Cullum observed that like Anderson Road having a concentration of car dealerships there seemed to be a number of vocational schools in this particular area, asking if this was a vision of what the City wants Cherry Road to become. Ms. Marshburn stated she believed this was just a coincidence.

Ms. Kearse noted she was familiar with the area and Sundays were very busy for the church, adding that the photograph presented during the staff report was taken at lunchtime on a Friday.

Ms. Brown asked if it was fair to say that if the church believed there would be an impact, they would have contacted the City. Ms. Marshburn stated the City would have been contacted only if members of the church lived nearby and received notification. Staff member Janice E Miller stated that all property owners, residents, and tenants within 300' were sent postcards and the church would have received one if a mail receptacle was available. Ms. Kearse added the property was posted as well and anyone can contact the City based on that notice.

Mr. Williams observed that the former retail use was required to have the same number of parking spaces. Ms. Brown stated this was a shared parking situation. There was general conversation regarding necessary communication between the proposed school and church. Mrs. Reeves questioned the wisdom of placing a condition of approval on requiring communication between the two if the City would not be able to enforce this.

The applicant, Dorothy Neely, 1707 Cherry Road, Suite 102, provided the Board information on her background and mission statement for the school. She stated she was aware of possible issues with parking but planned on moving to a larger location once the school grew in size. She stated she knew one of the tenants had moved out so there would be additional parking from that use available.

Chair Crawford asked if she had had communication with the owner about the parking. Ms. Neely stated she had.

Chair Crawford asked if classes would be held on Mondays. Ms. Neely stated they would not.

Chair Crawford asked if she was aware of any church events on other evenings. Ms. Neely stated the owner stated he only knew about Sunday services.

Chair Crawford asked if Ms. Neely found out the church had services on other evenings, would she be willing to change the class schedules. Ms. Neely stated it would really depend upon

her students' schedules as classes were designed to fit their needs with their work schedules. Ms. Brown asked the timeline for opening. Ms. Neely stated she hoped to open within 3 months.

Ms. Brown asked if she had tried to figure out when the church parked on the site to avoid any conflicts. Ms. Neely stated she had, that she drove past the site frequently and had never seen any more than 5 cars in the lot during the week. She noted other uses included a salon, driver's education school, and massage therapist, and she had not seen the parking lot crowded.

Chair Crawford closed the floor for Board discussion.

Chair Crawford noted this was a good use for the building although there did seem to be some potential for parking conflicts. Mr. Hawthorne stated the barbershop closing helped with adding parking. Mr. Williams stated he would like to encourage a discussion between the proposed school and church in order to be good neighbors, adding the landlord will at some point want to fill the empty suite. Mr. Hawthorne stated the communication about parking should come from the landlord, not the tenants. Mr. Cullum observed that a conflict may occur on a rare occasion.

Mr. Cullum made a motion to approve the special exception as presented. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 6-0 (Sutton absent).

Mr. Cullum presented the findings, specifically noting the use would comply with the use specific standards, the use was compatible to the surrounding area, there would be no adverse impacts, and the roads were adequate to serve the use.

7. Appeal Z-2021-16: Request by Mark Walker of Eden Terrace Self Storage for a special exception for a self-storage use in order to relocate boat and RV storage to 2266 Eden Terrace, which is zoned General Commercial (GC). Tax map number 634-07-01-031.

Staff member Melody Kearse presented the staff report.

Mr. Hawthorne asked if a sidewalk was available to tie into this site. Ms. Kearse stated there was not currently but would be required once adjacent properties were developed.

Mr. Cullum asked if the property would be paved. Ms. Kearse stated it would in order to meet the City's regulations.

Chair Crawford asked the width of the buffer area. Ms. Kearse stated 40' between this site and the Hutchinson Place subdivision.

Chair Crawford asked the type of fence to be built. Ms. Kearse stated a stockade type.

Chair Crawford asked if it would be located on the inside of the buffer area. Ms. Kearse stated it would.

Chair Crawford asked if plantings would be added to the existing vegetation in the buffer area. Ms. Kearse stated they would, and the applicant would work with the City's landscape architect to determine the plantings needed to meet standards.

Chair Crawford asked if a fence would be placed along the front of the property. Ms. Kearse stated there would be a fence located on all sides, adding a fence and shrubs used to be on the site but were removed during utility work.

Chair Crawford asked if the fence would be solid. Ms. Kearse stated that they are proposing a stockade style fence.

Mr. Cullum asked if this was a specialized lot where employees would be parking the vehicles or if owners would be responsible for parking. Ms. Kearsse stated she assumed owners would be parking vehicles, but the applicant could best answer.

Chair Crawford noted the shared drive onto the site at Eden Terrace. Ms. Kearsse stated staff had requested the fence and gate be moved further into the site in order to allow for adequate space for vehicles to pull in and be completely out of the right-of-way.

The applicant, Mr. Mark Walker, 2038 Hempstead Road, was available to answer questions.

Mr. Cullum asked if this was a specialized lot with employees parking vehicles. Mr. Walker stated the owners would park themselves, adding renters would have a code for access.

Chair Crawford asked the fence materials. Mr. Walker stated he did not know at this point, that he had wanted chain-link, but this was not allowed.

Mr. Hawthorne asked if any signs would be located on the site. Mr. Walker stated the only sign would be located on the gate with all business conducted across the street.

Mrs. Diana Myers, 2263 Blossom Drive, expressed several concerns including the hours of operation, lighting bleeding onto her property, and the foot traffic from the apartments across the street using the current lot as a cut-through to access services further down Anderson Road.

Chair Crawford stated the City would review the photometric plan for lighting and would meet with the applicant regarding appropriate landscaping in order to meet regulations. Ms. Kearsse added that the City's landscape architect would advise as to what would be needed to increase the landscape buffer between the site and the adjacent residential properties.

Mrs. Myers asked if landscaping was required even with a fence. Chair Crawford stated it was.

Mr. Cullum asked if Mrs. Myers required a noise buffer. Mrs. Myers stated the concern was over the foot traffic that would occur as the buffer requirement would create an alley for people to use.

Mr. Walker stated the hours of operation would be controlled as the gate codes would only access the site during operating hours. He noted people would still walk through the alley area created because he would not be allowed to have a fence to block access.

Mr. Hawthorne asked if the adjacent neighbors had fences. Mr. Walker stated there was only a line of trees separating the properties.

Ms. Kearsse stated that in conversation with other staff, they would be okay with a fence constructed to block the access from foot traffic.

There was general discussion on whether to fence or leave the area open. Mr. Walker stated it would be better to plant something that would deter foot traffic, such as blackberry bushes.

Chair Crawford noted there was nothing that could be done to stop foot traffic. Ms. Kearsse stated plantings could be installed as well as additional fencing to deter.

Mr. Cullum asked if Hutchinson Place had an HOA in place. Mrs. Myers stated it did not.

Chair Crawford asked Mr. Walker if he would accept a motion that included working with staff on landscaping and fencing. Mr. Walker stated he would, adding that he was required to build a sidewalk and hoped people would use that instead.

Mr. Hawthorne asked if landscaping would be installed at the property line to the northeast. Mr. Walker stated this was required. Chair Crawford stated holly bushes might be an

alternative.

Chair Crawford closed the floor for Board discussion.

There was general discussion over the conditions for approval, including working with staff on the landscaping and buffer.

Mr. Cullum presented the motion to approve the special exception as requested with the conditions that the boat and RV storage cease at the existing location once moved to this location, and the applicant is to work with staff to find a solution for the landscape buffering to deter people from cutting-through. Mr. Williams seconded.

Mr. Hawthorne noted that if the north end of the site was designed to deter foot traffic, the south end would still have an issue. Mr. Williams expressed concern of the use of the area if it was designed in such a way as to create hiding spaces. There was general discussion over possible issues.

Chair Crawford called for a vote and the motion carried unanimously by a vote of 6-0 (Sutton absent).

Mr. Cullum presented the findings, specifically noting the use would comply with the use specific standards, it was compatible with the surrounding area, and there would be no adverse environmental impacts.

8. Other Business.

Continuing Education Sessions.

Ms. Kearse stated Mrs. Miller would contact those in need of orientation and continuing education requirements.

9. Adjourn.

There being no further business, Mr. Hawthorne made a motion to adjourn. Mrs. Reeves seconded, and the motion carried unanimously by a vote of 6-0 (Sutton absent). The meeting adjourned at 7:34 p.m.