

Zoning Board of Appeals

City of Rock Hill, South Carolina

June 15, 2021

A public hearing of the Zoning Board of Appeals was held Tuesday, June 15, 2021, at 6 p.m. in City Council Chambers at City Hall, 155 Johnston Street, Rock Hill SC.

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

MEMBERS ABSENT: None

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

Legal notices of the public hearing were published in *The Herald*, Friday May 28, 2021. 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 6:00 p.m.

2. Approval of Minutes of the May 18, 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 7-0.

3. Approval of Orders of the May 18, 2021, meeting.

Vice Chair Sutton made the motion to approve the orders with the correction to the minutes as noted. Mrs. Stacey Reeves seconded, and the motion carried unanimously by a vote of 7-0.

4. Appeal Z-2021-20: Request by Timothy Garland of Garland & Garland Real Estate Investments LLC for a special exception for single-family residential dwelling uses and variances from the required lot width at 486 & 488 Pineview Road, which are zoned General Commercial (GC). Tax map numbers 630-04-02-006 & -007.

Staff member Shana Marshburn presented the staff report.

Mr. Williams asked, with respect to the research done of the Environmental Protection Agency and South Carolina Department of Health and Environmental Control websites, if the City had any responsibility if any environmental contaminants were found on the lots. Ms. Marshburn stated if staff had found something during research, they may have had to require investigation and possible remediation but that this was not something that was required for every project.

Mr. James Hawthorne asked if there were utilities in the area to serve the lots noting that one of the residents indicated a well at the site. Ms. Marshburn stated there was public water and sewer service for the lots and that she understood that the residences in the area did use wells at one time.

Mr. Rodney Cullum asked if there was contaminated water on the properties. Ms. Marshburn stated staff was not aware of any contaminated water on the site, although the applicant may be aware of possible contamination.

Mr. Cullum asked if they had thought to perform a water test prior to construction. Ms. Marshburn stated staff could not require a water test but if presented with evidence of

contamination, staff could require testing.

Chair Crawford asked for confirmation that if the lots were zoned Single-Family Residential-5 (SF-5) like those across the street, the applicant would be able to construct what they were proposing without ZBA approval. Ms. Marshburn stated this was correct.

The applicant, Timothy Garland, 763 Sumter Avenue, stated he had constructed other properties within the same neighborhood with no issues.

Mr. Ken Spears, 2210 Canberra Drive, owner of several properties in the neighborhood, spoke on several issues he had experienced, including the connection to the City's water and sewer service due the possibility of contaminated wells on his properties, the use of the properties proposed as dump, that a company came and performed test drillings on his and several other properties in the area but he was not aware of their findings, and that Robin's Paint Company used that site as a dump as well.

Mr. Arthur Barnes, 475 Pineview Road, spoke in opposition to the request, specifically with respect to the City's observation regarding the possible contamination of a well located on his father-in-law's property nearby. He noted they had that well tested and there was no contamination found. Mr. Barnes also noted the lack of maintenance of the road and ditch areas by the South Carolina Department of Transportation, the amount of traffic including vehicles from the nearby automobile sales lot that used the street as a cut-through to Anderson Road, and the use of the properties proposed for development as a dump site for concrete during the construction of I-77.

Mr. Garland was given the opportunity to rebut. He stated he had not seen any issues with the maintenance of the roads and that each property owner should be responsible for maintenance up to the street. He added he could purchase the old radio station property and subdivide to build an additional 6 homes as part of a master plan development of the area.

Mr. Hawthorne asked if he was aware of any environmental concerns. Mr. Garland stated he had not, that he'd heard about the concrete dump but did not see any evidence when he walked the site, adding that the only area he knew of for the I-77 debris has been located off Mt Gallant Road.

Chair Crawford closed the floor for Board discussion.

Chair Crawford observed that if these properties were zoned SF-5 the same as across the street, they would not need ZBA approval, adding that a traffic study had not been done and did not appear to be needed.

Mrs. Reeves commented that with the lots being connected to the City's water and sewer system, contamination should not be an issue.

Vice Chair Sutton made the motion to grant the special exceptions for single-family residential uses and variances from lot width requirements as requested. Mr. Williams seconded, and the motion carried unanimously by a vote of 7-0.

Vice Chair Sutton presented the findings, specifically noting the lots were platted in 1947 before current regulations were in place, the construction would comply with the use specific standards, the use was appropriate for the location, there would be minimal environmental impact, and would not be detrimental to the surrounding uses.

5. Appeal Z-2021-21: Request by Chad Echols for a variance from the location standards for a swimming pool, and a wall greater than 4 feet and more than 50 percent opaque within the front yard at 537 Meadowbrook Lane, which is zoned Single-Family

Residential-3 (SF-3). Tax map number 629-12-01-032.

Staff member Shana Marshburn presented the staff report.

Chair Crawford asked the total height of the fence. Ms. Marshburn stated 5' 4".

Chair Crawford asked if the pool were located in the back yard, could the fence be 6' high. Ms. Marshburn stated it could, and that it could be a solid privacy fence.

Chair Crawford asked if the pool would be located 80' from the road. Ms. Marshburn stated it would.

Chair Crawford asked for clarification if that measurement was from the pool to the road or the fence to the road. Ms. Marshburn stated both would be about 80' from the road.

Mr. Hawthorne asked if there would be any grading around the wall area. Ms. Marshburn stated she was not aware if grading would be done at the wall, but that applicant or contractor should be able to answer that question.

The applicant, Chad Echols, 537 Meadowbrook Lane, stated the courtyard was unique to this area and that the pool would not be visible from the street, adding that the goal was to construct a mid-century modern dip pool. He added he had spoken with the neighbors and that no one had any issue with the pool in that location.

Mr. Hawthorne asked if there would be grading around the wall to flatten the area or improve the wall. Mr. Echols stated there was no intention to alter the wall. Mr. Scott Reister, 743 Milton Avenue, applicant's landscape contractor, stated the walls would remain in place and only the removal of the walkway and landscaping within the courtyard wall would occur. Mr. Echols added that a prominent maple tree in the front yard would remain in place.

Chair Crawford closed the floor for Board discussion.

Vice Chair Sutton made a motion to grant the special exception for the location of the pool and variance for height and opacity as requested. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 7-0.

Vice Chair Sutton presented the findings, specifically noting the topography of the rear yard was not feasible for a swimming pool location, the walkout basement was located on the front façade, and the pool would be hidden by the courtyard wall.

6. Appeal Z-2021-22: Request by Jim Britton, Jason Cloud, and Steve Tolson for a special exception to establish a craft brewery use at 502 & 520 Cherry Road, which is zoned Limited Commercial (LC). Tax map number 629-01-07-008.

Staff member Melody Kearse presented the staff report.

The applicants, Mr. Steve Tolson, 1376 Broadcloth Street, Fort Mill, and Mr. Jason Cloud, 937 Vogel Way, Fort Mill, were available to answer questions.

Chair Crawford asked if the brewery would manufacture specialty beers. Mr. Tolson stated it would.

Mr. Hawthorne asked if they operated a similar brewery in Fort Mill. Mr. Tolson stated they did, operating at Amor Artis Brewing along with Hobo's restaurant, which would be located in the former Coca Cola building at 520 Cherry Road.

Chair Crawford closed the floor for Board discussion.

Mr. Williams made a motion to grant the special exception for a craft brewery use as presented.

Mr. Hawthorne seconded. Chair Crawford commented that this was a good location for this use. Mr. Williams commented that it was positive to see a historic building reused in this manner.

Chair Crawford called for a vote and the motion carried unanimously by a vote of 7-0.

Mr. Williams presented the findings, specifically noting the master site plan has been reviewed and approved by the Planning Commission, the hours of operation were improved over what was previously approved by the ZBA, and the use was compatible with the surrounding uses.

7. Appeal Z-2021-23: Request by Salem Hassan of Travel Camp for a special exception to establish a recreational vehicle sales, rental, and service use at 982 North Anderson Road, which is zoned General Commercial. Tax map number 634-07-01-026.

Staff member Melody Kearsse presented the staff report.

Mr. Hawthorne asked if the sliding gate located at Anderson Road would be open during operating hours. Ms. Kearsse stated it would, that no one would be bringing RV's to the site during off hours.

Chair Crawford referred to an earlier case the ZBA heard regarding a limit on the number of RV's on a site, asking if a limit on the number was required if the request was for an accessory use. Ms. Kearsse stated this was correct, and in this instance, RV sales, rental, and service was the only use of the site. There was discussion regarding the ZBA approval for a specific number of RV's for sale on Dr. Eric Setzer's site located on Riverview Road as an accessory use to the automobile auction sales the ZBA had approved previously.

Chair Crawford noted they could not impose a number limit on this request. Ms. Kearsse stated this was correct, and that they could only park vehicles in a tandem manner in the rear of the property provided there was ample room for emergency vehicles.

The applicant was not present for the hearing.

Chair Crawford closed the floor for Board discussion.

Chair Crawford commented that this was a good use for the vacant building and would be a good addition to the surrounding area.

Chair Crawford made the motion to grant the special exception for recreational sales, rental, and service as presented. Vice Chair Sutton seconded, and the motion carried unanimously by a vote of 7-0.

Chair Crawford presented the findings, specifically noting the use complied with the use specific standards, there would be no public address system or display pad, the use was compatible with the surrounding uses, this is not a key redevelopment area, a site plan had been submitted, the design minimized adverse impacts, there would be no environmental impacts as it was already developed, and the road was adequate to handle traffic.

8. Other Business.

a. Election of Officers in July.

Ms. Kearsse noted the election of Chair and Vice Chair would occur at the Board's July 20 public hearing.

b. Rules of Procedure and Bylaws Memo.

Ms. Kearsse stated the Board would review the Rules of Procedure and Bylaws at their July 20 meeting, and that she would send the information prior to that meeting for their review.

Chair Crawford asked for confirmation that the Board used Rosenberg's Rules with some adjustments. Ms. Kearse stated they did and would review this at the next meeting.

c. Boards & Commissions Dinner.

Ms. Kearse reminded the Board they had agreed to move the September public hearing from the 21st to the 28th in order for the members to attend the annual Boards & Commissions dinner. The raindate was rescheduled for September 30.

9. 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 7-0. The meeting adjourned at 7:16 p.m.

Marshburn, Shana

From: Ken Spears <kgspears@comporium.net>
Sent: Tuesday, June 15, 2021 3:56 PM
To: Marshburn, Shana
Cc: Ken
Subject: Pineview road

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This message was sent from outside of the City of Rock Hill. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe. Please report all suspicious emails to Tech Tools as an attachment

My name is Ken Spears and I own the property at 493 Pineview road I bought the property under Allen and Spears LLC about 15 years ago and title has recently been changed to Spears Realty Llc

Question 1

The city required me to cap a well at a cost of 2000 because the water was contaminated as a result of the property that is the subject of re zoning was contaminated with paint and solvents. the property was formerly owned by Wayne Robbins who owned Robbins paint company

Did the staff review my rezoning request that identified a problem with the property as far as contamination back then and the requirement that the well could not be used on my property which is across the street

2. If the city has no record of any environmental issues, should you not require at least a phase II Environmental assessment?

There was a discussion about other materials being dumped on the property

I have no objection to the re zoning but wanted the information to be available to the new owners before zoning is changed Ken Spears

803 242 5043

Sent from my iPhone

JEANNE A. PEARSON
528 Meadowbrook Lane
Rock Hill, South Carolina 29730
803-417-1105

VIA EMAIL

City of Rock Hill – Zoning Board of Appeals
Attn: Shana Marshburn
Email: shana.marshburn@cityofrockhill.com

RE: Variance request for 537 Meadowbrook Lane (Application No. Z-2021-21)

Dear Ms. Marshburn:

The Echols have shared with me the plans for the pool intended to be constructed in the existing courtyard at their home at 537 Meadowbrook Lane. I live directly across the street at 528 Meadowbrook Lane. The plans look lovely and the courtyard is a perfect place for a pool. My husband and I have no objections to the pool and support the Echol's variance request.

As you know, most of the homes in this neighborhood were built more than 60 years ago. Many of the lots on Meadowbrook Lane, in particular, are extremely sloped. The neighborhood was not mass graded and there are beautiful mature trees. As a result, performing any additions, improvements and renovations to these homes are challenging. The Echols back yard is very sloped and wooded and not suitable to the construction of a pool. The existing courtyard in the front is one of the only flat surfaces on the lot, and it adds character to the home. The pool will not be seen from the road or my property and the existing wall and gate will provide security.

Therefore, their application meets all of the standards necessary for a variance: (i) **Not Detrimental**: the proposed pool in the front courtyard will not be detrimental to the adjacent lots or the public good; the character of the neighborhood will not be harmed; and the shade canopy will be preserved, (ii) **Strict Application Deprives Use**: the strict application of the zoning ordinance would deprive the Echols from productively using an existing space and making improvements to their lot which will enhance the value of the surrounding properties (including mine), (iii) **Extraordinary and Exceptional Conditions**: the Echols lot is unique in that the rear yard is very wooded with mature trees, extraordinarily sloped and not able to be graded otherwise, and (iv) **Unique Conditions**: there are a few other lots on the street with pool in the back yard but those rear yards are more level and not as wooded; other lots in the neighborhood with pools are level lots.

Please contact me if you need anything further.

Sincerely,

Jeanne Pearson