

# Zoning Board of Appeals

City of Rock Hill, South Carolina

May 18, 2021

A public hearing of the Zoning Board of Appeals was held Tuesday, May 18, 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, James Hawthorne, Charlotte Brown

**MEMBERS ABSENT:** Stacey Reeves

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

Legal notices of the public hearing were published in *The Herald*, Friday April 30, 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 April 20, 2021, meeting.

Mr. Chad Williams made the motion to approve the minutes as submitted. Vice Chair Keith Sutton seconded, noting the minutes and one set of the orders needed correction with respect to the date of the hearing. Chair Crawford called for a vote on the minutes as corrected, and the motion carried unanimously by a vote of 6-0 (Reeves absent).

## 3. Approval of Orders of the April 20, 2021, meeting.

Vice Chair Sutton made the motion to approve the orders with the correction to the minutes as noted. Mr. Cullum seconded, and the motion carried unanimously by a vote of 6-0 (Reeves absent).

## 4. Appeal Z-2021-17: Request by MHAK Holding LLC on behalf of Craft Axe for a special exception to establish an indoor recreation use at 274 Columbia Avenue, which is zoned Industry Business (IB). Tax map number 598-04-02-001.

Staff member Melody Kearse Marshburn presented the staff report.

Mr. Williams asked for confirmation that the 13 parking spaces would not be built if the special exception was denied. Ms. Kearse stated they had already received approval to build the parking spaces and were expected to build those regardless of the outcome.

The applicant's representative, Roger Metz, 1326 Cilantro Court, Tega Cay, SC, conferenced in the property owner, Paul Hakim, 254 Fair Street, Kingston NY, and Craft Axe owner Jake Jensen, 3456 Harris Bridge Road, Woodruff, SC, in order for the Board to ask questions.

Mr. Hakim stated he had been working with City staff, neighbors, and Winthrop University for the past year on the parking situation, adding that he would be building the additional parking regardless. He added he had contacted the owners of A1 Fence Company to purchase some of the adjacent property for additional parking but believed the 13 additional spaces should alleviate any issues. He observed that he didn't see the new use as a possible hangout for people as it was more of a destination for a particular audience for 30 minutes to an hour,

adding he thought the use would be complementary to the surrounding neighborhood.

Mr. Cullum asked how much business would be walk-in as opposed to those driving to the site. Mr. Hakim stated he anticipated a larger amount of pedestrian traffic with the number of student housing facilities and other development nearby.

Mr. Cullum asked Mr. Hakim if he had any issue with the Board requiring the 13 spaces be completed before the Certificate of Occupancy was issued. Mr. Hakim stated he was ready to have the parking spaces constructed as soon as the Board made its decision. He stated a retail component would not require additional parking and future plans including the installation of a kitchen for Slow Play Brewery in order to eliminate the food truck, which would add 3 spaces to the overall parking plan.

Chair Crawford asked if this use would take up the remaining square footage or would there be any remaining spaces left for lease. Mr. Hakim stated this use would take up the first floor with additional remaining office space on the second floor, which was being marketed to attorneys, insurance agencies, etc.

Chair Crawford asked the number of patrons on site at full capacity. Mr. Jensen stated there would be 8 lanes with 4 customers per lane for a total of 32 patrons, with 3-4 staff members on site, so a total of 36-40 people maximum within this particular use. He added these numbers met the written zoning regulations for parking.

Mr. Hawthorne observed that these occupancy numbers did not consider the bar area, asking if this had been considered as well. Mr. Hakim stated people waiting for their lane at Craft Axe would probably go to the bar so there would be some occupancy overlap.

Mr. Hawthorne asked for confirmation on the number of parking spaces. Ms. Kearse stated there were currently 48 spaces with 13 more proposed for a total of 61. She noted these calculations were made by staff and that the applicant was correct, the number of spaces proposed did meet the regulations as the site was located within the Old Town parking district, and that there was a previous variance for 4 spaces taken into account.

Chair Crawford closed the floor for Board discussion.

Chair Crawford commented that this was a great use but the parking was an issue, adding he believed adding people at the same peak time to the other use would create distress to the surrounding area.

There was general discussion regarding the use of the site if the applicant was able to obtain a parking agreement with Winthrop and/or was able to purchase adjacent land for additional parking.

Vice Chair Sutton noted the use technically met the number of spaces required, asking how many more would be needed for Board members to feel comfortable with approval. Chair Crawford stated the number proposed did not work for the current use on the site. Vice Chair Sutton observed the applicant was making a good faith effort to meet the parking demand.

Vice Chair Sutton asked if the parking requirements change with the use. Ms. Kearse stated they did, stating each area determined the total amount of parking required:

- Throwing lanes: 1 space per 40 square feet
- Office area: 1 space per 250 square feet
- Bar area: 1 space per 75 square feet

Chair Crawford asked if the use was to be all office would the parking requirements be different. Ms. Kears stated the requirements would be 1 space per 250 square feet.

Chair Crawford asked if this would be 16 spaces required. Ms. Kears stated this would be rounded up to 17, adding staff did not count square footage of hallways, bathrooms, or storage areas in calculating the square footage.

Mr. Hawthorne asked if the parking numbers would be the same when the vacant space was leased. Ms. Kears stated that since the vacant space could only be rented as office space, yes it would.

Chair Crawford asked if the Board would evaluate any new uses on the site. Ms. Kears stated other uses on the site have been Monday through Friday, 8 am to 5 pm, and did not create as much of a parking demand.

Mr. Cullum asked if there would be an issue if the applicant was providing 17 spaces versus 13 spaces. Ms. Kears stated staff still believes there would be an issue with parking because Slow Play regularly overflows the lot, but that it was ultimately up to the Board to decide.

Mr. Cullum asked if there was an alternative to adding more parking spaces. Ms. Kears stated the only alternatives were to have an agreement with Winthrop University or to purchase adjacent property.

Mr. Cullum observed that many people would probably patronize both uses. Mr. Williams stated he agreed but could also see people come just for this use and that the site already had parking issues.

There was general discussion regarding the current parking situation and where cars were parked to access the current businesses.

Mr. Williams asked if the applicant had been working with staff for the past 18 months on the establishment of the use or the parking. Ms. Kears stated they had been working with staff on the establishing the use at this site for 18 months, but that staff had indicated more than 13 parking spaces would be needed. She added that a parking agreement with Winthrop or purchase of the adjacent property would help, but under the current situation Winthrop could prohibit parking on their property at any time.

Chair Crawford made a motion to approve the special exception as requested. Mr. Cullum seconded. The motion carried by a vote of 4-2, with Vice Chair Sutton, Mr. Cullum, Mr. Hawthorne, and Ms. Brown voting in favor, and Chair Crawford and Mr. Williams voting in opposition (Reeves 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 would minimize adverse impact to the surrounding area.

**5. Appeal Z-2021-18: Request by Bryan Ghent and Jennifer Sandler for a variance from the secondary front setback standards for a privacy fence on a corner lot located at 234 College Avenue, which is zoned Single-Family Residential-5 (SF-5). Tax map number 629-08-02-001.**

Staff member Shana Marshburn presented the staff report.

Mr. Williams asked if the applicant would be replacing the existing chain-link fence with a wood fence. Ms. Marshburn stated this was correct.

Chair Crawford asked if the variance was for 7.5 feet. Ms. Marshburn stated this was correct.

The applicants, Bryan Ghent and Jennifer Sandler, were available to answer questions. Ms. Sandler stated they would like to put the new fence in the same location as the current fence.

Chair Crawford asked if the fence would be located inside the property line. Ms. Sandler stated this was correct, adding they have had people harass their dog and an individual stopped and stared at the family as they were enjoying their backyard.

Chair Crawford asked the materials for the fence. Ms. Sandler stated it would be dog-eared wood.

Chair Crawford closed the floor for Board discussion.

Mr. Williams made a motion to grant the variance as requested. Vice Chair Sutton seconded, and the motion carried unanimously by a vote of 6-0 (Reeves absent).

Mr. Williams presented the findings, specifically noting the property was located on a corner lot which had inherently more restrictions than other lots in the area, the rear of the lot was more narrow than other lots in the area, there were security concerns, there would be no adverse effects to other properties, and other corner lots had a similar size fence in place.

**6. Appeal Z-2021-19: Request by Dan Robertson for a special exception to establish a residential in-fill use at 249 Johnston Street, which is zoned Downtown (DTWN). Tax map number 627-17-01-007.**

Staff member Shana Marshburn presented the staff report.

Mr. Hawthorne asked if approved, would one of the units be addressed off Green Street. Ms. Marshburn stated she was not certain how the units would be addressed.

Chair Crawford asked the size of the structure. Ms. Marshburn stated the applicant could best answer this question.

Chair Crawford asked if, in general, most of the area was more multi-family. Ms. Marshburn stated the Downtown zoning district did not have a lot of single-family residential uses as most of the residential-type buildings had been converted to offices, adding that if single-family residential buildings not already used as residential came available they would have to go through the special exception process to become residential.

Chair Crawford asked if the use was compatible with the City's comprehensive plan. Ms. Marshburn stated the Downtown zoning district did allow for higher densities but didn't think this use would be out of character with the comprehensive plan.

The applicant, Dan Robertson, 2390 Hilldale Road, stated the structure was approximately 2600 square feet total, with the plan to have each unit either be 1300 square feet each or 1200 and 1400 square feet. He noted the unit at the front would be two-story and the one to the rear would be one story.

Chair Crawford asked the number of beds and baths. Mr. Robertson indicated one unit would be two bedrooms with two baths and the other would be two bedrooms with two- and one-half baths.

Mr. Hawthorne asked if both units would share the parking spaces. Mr. Robertson stated they would.

Chair Crawford asked if 4 parking spaces would be provided. Mr. Robertson stated there were 3 spaces now but would expand these to 4.

Chair Crawford asked if spaces would be assigned to each unit. Mr. Robertson said he hadn't

thought to do that but hoped the units would be occupied by adults who could work out parking arrangements on their own.

Mr. Robertson added the other residences along Green Street were duplex units. He also stated that with respect to the outdoor storage requirement, he hoped to use an already existing side addition as storage for both units rather than constructing a new building.

Chair Crawford closed the floor for Board discussion.

Mr. Williams made a motion to approve the special exception with the condition to work with staff on the outdoor storage requirement. Mr. Cullum seconded.

Chair Crawford commented that he had recalled some apprehension about the residential infill uses but it was apparent that staff did not have any concerns about this particular request. Mr. Williams stated the infill regulations were written in a way to address any concerns. Chair Crawford stated the request did meet all the findings.

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

Mr. Williams presented the findings, specifically noting that the lot had been originally developed as a residential use, it fit in the area, and it would be located in the Downtown zoning district which had a mix of uses.

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

Chair Crawford noted this item had been deferred by staff. No action was taken.

**8. Other Business.**

**a. Boards & Commissions Dinner**

Ms. Kearse announced that staff had been notified that the annual Board & Commission's dinner was scheduled for Tuesday, September 21, which was the Board's regular public hearing date for that month. She asked if the Board would like to amend their calendar and meet on their rain date of September 28 instead in order for the members to attend the dinner.

Chair Crawford made the motion to amend the calendar and meet on Tuesday, September 28, with the meeting rain date scheduled for Thursday, September 30. Mr. Williams seconded, and the motion carried unanimously by a vote of 6-0 (Reeves absent).

**b. Construction activity on Saluda Street**

Vice Chair Sutton asked the status of the construction behind the Burger King on Saluda Street. Planning & Zoning Manager Eric Hawkins stated staff was waiting for the developer to submit plans for the site.

**9. Adjourn.**

There being no further business, Vice Chair Sutton made a motion to adjourn. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 6-0 (Reeves absent). The meeting adjourned at 7:17 p.m.