

Zoning Board of Appeals

City of Rock Hill, South Carolina

August 17, 2021

A public hearing of the Zoning Board of Appeals was held Tuesday, August 17, 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, Stacey Reeves, Rodney Cullum, James Hawthorne, Charlotte Brown

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

Legal notices of the public hearing were published in *The Herald*, Friday, July 30, 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 6:18 p.m.

2. Approval of Minutes of the July 20, 2021, meeting.

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

3. Approval of Orders of the July 20, 2021, meeting.

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

4. Appeal Z-2021-35: Request by Rick Neary and Katie Clamp for a variance from the side yard setback for a proposed addition at 1147 Richmond Drive, which is zoned Single-Family Residential-3 (SF-3). Tax map number 631-07-06-013.

Staff member Shana Marshburn presented the staff report.

Vice Chair Sutton asked the amount of square footage lost if the addition was redesigned to meet the required setback. Ms. Marshburn stated she was not certain how much, adding the architect was present to answer questions.

Chair Crawford requested clarification that setbacks were determined by the zoning district. Ms. Marshburn stated this was correct, providing the example that residences within the Single-Family Residential-5 (SF-5) zoning district had a smaller setback requirement. Chair Crawford observed that the setback needed in this instance would be met if the property was zoned SF-5. Ms. Marshburn stated this was correct.

The applicant's representative, Mr. Justin Smith, Vinyet, 312 Pendleton Street, noted that it would be difficult to redesign the addition, which was basically a master bedroom, big enough to be placed within the required setback.

Mr. James Hawthorne asked how close the adjacent homes were to the proposed addition. Ms. Marshburn stated some may be closer than 9', adding the neighborhood was platted in the 1950s. Mr. Hawthorne expressed concern that if the variance was granted it might be located too close to an adjacent residence.

Chair Crawford asked if the setbacks dealing with life and safety had been met. Ms. Marshburn stated they had. Chair Crawford asked if this request was strictly related to meeting zoning setbacks. Ms. Marshburn stated this was correct.

No one from the audience spoke with reference to this item.

Chair Crawford closed the floor for Board discussion.

The Board held general discussion over determining finding 3, the age of the neighborhood, the lot orientation, architectural alternatives to meet the setback, and flow of the addition in relation to the structure.

Ms. Charlotte Brown made the motion to approve the variance from the side yard setback for an addition as presented by staff. Vice Chair Sutton seconded, and the motion carried by a vote of 6-1, with Chair Crawford, Vice Chair Sutton, Ms. Brown, Mrs. Reeves, Mr. Cullum, and Mr. Hawthorne voting in favor and Mr. Williams voting in opposition.

Ms. Brown presented the findings, specifically noting that based on the Board's discussion, findings 2 and 3 were tied together in that this was one of the few lots that narrowed to the rear and that because of this condition, the applicants would be deprived of the ability to construct the addition to a size that would make the addition reasonable, other properties in the neighborhood were not of this configuration, the applicants would be deprived of this use, and the addition would not affect neighboring properties.

5. Appeal Z-2021-36: Request by Tara McKee for a special exception to establish a short-term rental use at 654 East Black Street, which is zoned Multi-Family Residential-15 (MF-15). Tax map number 625-05-04-028.

Staff member Shana Marshburn presented the staff report.

Vice Chair Sutton observed the number of storage buildings in the rear, asking about the City's regulations regarding storage buildings. Ms. Marshburn stated storage buildings were allowed up to a certain size provided they met the setbacks, adding the applicant had just purchased the property and that there were no open code violations associated with the buildings on this property.

The applicant, Tara McKee, 357 Pendleton, was available to answer questions. Vice Chair Sutton asked if the request were denied, would the property be used as a long-term rental. Ms. McKee stated it would.

Mr. Hawthorne asked the reasoning for it being listed as the Elf House. Ms. McKee explained her personal residence was blue, so they referred to it as the Smurf House, and when she saw this residence, her immediate tendency was to call it the Elf House. She noted the property was within walking distance of the downtown area and sports center, adding she was doing additional work to improve the house.

No one from the audience spoke with reference to this item.

Chair Crawford closed the floor for Board discussion.

Mr. Williams made a motion to grant the special exception for a short-term rental use as requested. Mr. Cullum seconded, and the motion carried unanimously by a vote of 7-0.

Mr. Williams presented the findings, specifically noting the applicant agreed to comply with the use specific standards, there was no HOA in place to regulate the use, there would be no environmental impacts, the property was already developed as a residence, and the applicant agreed to comply with all other laws and ordinances with respect to short-term rentals.

6. Appeal Z-2021-37: Request by PDM Real Estate LLC for a variance from the side yard setback requirements for a proposed addition at 640 Cel-River Road, which is zoned Industry Heavy (IH). Tax map number 662-07-01-320.

Staff member Melody Kearse presented the staff report.

Chair Crawford asked for clarification that the variance was being requested for the north side of the site. Ms. Kearse stated this was correct.

Mr. Williams observed that if there was a lot adjacent rather than Dunkins Ferry Road, a variance would not be required. Ms. Kearse stated a variance would be required but it would be for the rear instead of the side.

The applicant's representative, Mr. Dan Ballou, 331 East Main Street, provided a brief history of the site, noting that the building had been constructed before Dunkins Ferry Road had been established. He added that the project engineer was available if the Board had any questions.

Mr. Williams observed that the existence of Dunkins Ferry Road made the request a variance from the side yard setbacks rather than the rear. There was general discussion by the Board regarding Dunkins Ferry and Eden Terrace.

Chair Crawford asked the use of the property. The applicant, Mr. Casey Ronan, 1126 West Oak Drive, stated the addition would be used for warehouse and storage of products prior to shipping.

Chair Crawford asked how much noise would be generated. Mr. Ronan stated the company used electric forklifts, which were quiet, and not much noise was generated by the company's manufacturing process.

No one from the audience spoke with reference to this item.

Chair Crawford closed the floor for Board discussion.

Vice Chair Sutton made the motion to approve the variance from the side yard setbacks as presented by staff. Mr. Williams seconded, and the motion carried unanimously by a vote of 7-0.

Vice Chair Sutton presented the findings, specifically noting the lot was oddly shaped, Dunkins Ferry Road was constructed after this building had been built, the two adjacent IH lots were not corner lots, the applicant could not expand facilities without the variance, and the addition would be buffered by a stormwater pond which would therefore not create any impact to nearby residents.

7. Appeal Z-2021-38: Request by Michael Ashley for a variance from the rear yard setback for an accessory structure located at 732 S Spruce Street, which is zoned Single-Family Residential-5 (SF-5). Tax map number 625-10-02-021.

Chair Crawford noted this item was being deferred until the September 28 public hearing.

8. Appeal Z-2021-39: Request by Jennifer Lewis for a special exception to establish an indoor recreation use, less than 3,000 sq. ft., for a yoga studio at 1348 Ebenezer Road, Suite 102, which is zoned Neighborhood Office (NO). Tax map number 596-05-01-030.

Staff member Melody Kearse presented the staff report.

Mr. Cullum asked if there would be single or multiple students. Ms. Kearse stated there may be between 15 and 20 students at each class, although there may not be this many in attendance in the beginning, given the continuing existence of COVID.

The applicant was not present to answer any questions. No one from the audience spoke with reference to this item.

Chair Crawford closed the floor for Board discussion.

Mr. Cullum made the motion to approve the special exception for an indoor recreation use as presented by staff. Mr. Hawthorne seconded.

Chair Crawford stated this was a very straightforward case. Mr. Williams stated the hours of operation helped make this suitable.

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

Mr. Cullum presented the findings, specifically noting the applicant would comply with the use specific standards, the use was compatible with surrounding uses, there would be no environmental or other impacts as the property was already developed.

9. Other Business.

a. Continuing Education.

Ms. Kearse encouraged all members to complete their continuing education hours as soon as possible.

b. Boards & Commissions Dinner/September meeting.

Ms. Kearse reminded the Board that due to the Boards & Commissions dinner being held the same evening as the scheduled meeting on September 21, the Board voted to meet on September 28.

10. Adjourn.

There being no further business, Vice Chair Sutton made a motion to adjourn. Chair Crawford seconded, and the motion carried unanimously by a vote of 7-0. The meeting adjourned at 7:08 p.m.