

Zoning Board of Appeals

City of Rock Hill, South Carolina

September 28, 2021

A public hearing of the Zoning Board of Appeals was held Tuesday, September 28, 2021, at 6 p.m. in City Council Chambers at City Hall, 155 Johnston Street, Rock Hill SC.

MEMBERS PRESENT: Matt Crawford, Rodney Cullum, Chad Williams, James Hawthorne

MEMBERS ABSENT: Keith Sutton, Stacey Reeves, Charlotte Brown

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

Legal notices of the public hearing were published in *The Herald*, Friday, September 10, 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 August 17, 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 4-0 (Sutton, Reeves, and Brown absent).

3. Approval of Orders of the August 17, 2021, meeting.

Mr. Williams made the motion to approve the orders as submitted. Mr. Rodney Cullum seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

4. Appeal Z-2021-38: Request by Michael Ashley for a variance from the rear yard setback and the setback from other structures 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.

Staff member Shana Marshburn presented the staff report.

Mr. Cullum asked when the accessory structure had been constructed. Ms. Marshburn stated she was not sure, but the applicant had been cited for the violation in April 2021.

The applicant, Michael Ashley, 732 S Spruce Street, stated his desire to finish construction of the building as soon as possible, and that he would have finished if he had not had to go through the variance process.

Chair Crawford asked the applicant if he had any objections to the conditions suggested by staff. Mr. Ashley stated he did not as he was planning on taking care of these items to complete the building.

Mr. Cullum asked the applicant if he would be willing to meet a time frame in order to complete the building. Mr. Ashley asked how long; Mr. Cullum responded six months. Mr. Ashley stated he would be willing to meet that time frame.

Mr. Hawthorne asked the applicant why he did not obtain a building permit. Mr. Ashley stated

he did not think he needed one.

Chair Crawford asked staff if a time limit could be made part of the conditions for approval. Ms. Melody Kearse stated it could.

Chair Crawford closed the floor for Board discussion.

Mr. Cullum made the motion to approve the variance from the side yard setback and the setback from other structures with the conditions that the shingles overlapping the roof are to be removed, the sides of the building are to be covered with an approvable exterior material, the exposed trusses are to be hidden, and construction is to be completed within six months of the meeting date. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

Mr. Cullum presented the findings, specifically noting this lot was smaller than other lots in the area, strict application of the Ordinance would restrict the size of the rear yard, and the structure would not be detrimental to the surrounding neighborhood.

5. Appeal Z-2021-40: Request by Jonathan Pacilio for a special exception to establish a short-term rental use at 356 & 358 Charlotte Avenue, which is zoned Multi-Family Residential-15 (MF-15). Tax map number 629-13-01-005.

Staff member Melody Kearse presented the staff report.

Chair Crawford noted the use specific standards in the staff report indicating group rentals, asking if this pertained to the site overall or to each unit. Ms. Kearse stated this applied to each unit.

The applicant, Jonathan Pacilio, 1132 Angelica Lane, Tega Cay, stated he operated several short-term rental units in the area, adding that his goal was to provide guests with a higher level of accommodations than those offered at a hotel or motel.

Mr. Williams asked the applicant if he anticipated renting these units to the same group or different individuals. Mr. Pacilio stated these were marketed as individual units but that it was possible to have a group rent the site as a whole, providing an example of a military softball team renting all units at one time. Mr. Williams observed that all the units would need to be vacant at the same time in order for a group to rent the entire site. Mr. Pacilio agreed with this observation.

Mr. Rick Lee, 623 Meadowbrook Lane, owner of 345 Catawba Street, spoke in opposition to the request, specifically commenting on the frequency of tenant changes and the lack of community involvement from renters. He noted the property owner of a property further down Catawba Street with six units marketed for short-term rentals, stating that this would create a significant number of short-term rental units within one area. He noted the need for longer term housing units, stating there was a shortage of housing stock available for those of moderate to low-income.

Mr. Hawthorne asked for more information regarding the nearby units. Mr. Lee stated these were addressed as 355 to 357 Catawba Street, which was comprised of two units, three units, and a single residential unit.

Mr. Hawthorne asked if Mr. Lee was aware of any others. Mr. Lee stated he was not but added he believed this was a significant number for this area.

Chair Crawford allowed Mr. Pacilio an opportunity to respond. Mr. Pacilio stated he respected Mr. Lee's points but noted that one of his recent renters had been a frontline nurse, another

had been in town for a 10-day stay for her child's cancer treatment, and still others were recent transplants to the area needing a place to stay while closing on their new home. He added that in his experience not many of the renters were coming to party.

Ms. Kearse clarified that the owner of the properties on Catawba Street noted by Mr. Lee had been granted a permit for one short-term rental and advised that the others would be required to be reviewed and approved by the ZBA or would need to be removed from the short-term rental listing websites.

Chair Crawford asked how many units were in the area. Ms. Kearse stated approximately 3 had been permitted and one was under notice regarding permit requirements. She added there were several close by along Oakland Avenue.

Chair Crawford asked if there was any guidance regarding the density or number of units within a specific area. Ms. Kearse stated there was not.

Mr. Lee clarified that his comments were not an indication of what guests were like but that these renters would not be engaged with the surrounding neighborhood.

Chair Crawford closed the floor for Board discussion.

Mr. Cullum commented that the Board could only look at these in a case-by-case situation, as presented by staff, adding that he and his wife had stayed at a short-term rental that allowed pets for several weeks while his house was being repaired for water damage.

Mr. Williams commented that City Council may need to look at how the short-term rentals affected a neighborhood as a whole.

Mr. Williams made a motion to grant the special exception for a short-term rental use as requested. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

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 Charlotte Avenue area was residential in nature, and the applicant agreed to comply with all other laws and ordinances with respect to short-term rentals.

6. Appeal Z-2021-41: Request by Deena Campbell for a special exception to establish a short-term rental use at 1145 Deas Street, which is zoned Single-Family Residential-3 (SF-3), Tax map number 632-03-04-002.

Staff member Melody Kearse presented the staff report.

The applicant, Deena Campbell, 2255 Drawbridge Court, stated the property had been purchased specifically for this use and that she saw this as a good fit for the area with Hargett Park located across the street and Cherry Park located nearby.

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

Chair Crawford closed the floor for Board discussion.

Mr. Williams made the motion to approve the special exception for a short-term rental use as presented by staff. Mr. Hawthorne seconded.

Mr. Williams commented the use would fit in this neighborhood especially as parks were located nearby.

Mr. Cullum commented this seemed consistent with other short-term rental requests in that the structure was located near parks or the downtown area.

Chair Crawford called for a vote and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

Mr. Williams presented the findings, specifically noting the existence of single-family residential units, commercial uses, and parks located nearby, and that the host had agreed to meet all City regulations stipulated for short-term rental uses.

7. Appeal Z-2021-42: Request by Ashley Elks for a variance from the rear and side yard setbacks for accessory structures at 302 State Street, which is zoned Single-Family Residential-4 (SF-4). Tax map number 600-02-03-036.

Staff member Shana Marshburn presented the staff report.

Mr. Hawthorne asked if the water influx on the adjacent property was from the roof pitch. Ms. Marshburn stated this was correct.

Chair Crawford asked if staff would support the variance if the playhouse structure was a single story. Ms. Marshburn stated they could as a two-story structure required a 10-foot setback while a one-story structure only required a 5-foot setback.

Chair Crawford asked if permits had been pulled for construction. Ms. Marshburn stated they had not.

Mr. Hawthorne asked if there was a structure located under the playhouse that created the need for a second story. Ms. Marshburn stated there was not. Mr. Hawthorne observed this may have been done to go around the base of the existing tree.

Mr. Cullum asked if the playhouse had electricity and running water. Ms. Marshburn stated it did have electricity, indicating the HVAC unit, but that she was not aware if it had water.

The applicant's representative, William Elks, 302 State Street, stated the playhouse was originally constructed with electricity but he had cut this off, and that it did not have water. He stated they had built this to get his children's toys out of the house, adding that it was two stories in order to take advantage of the small backyard space by building a loft with open space beneath. He stated he was not able to build a single-story structure because the tree limited the amount of space available. He stated he was sorry he did not get a permit.

Mr. Cullum asked if he had done the work himself. Mr. Elks stated it was he and a friend. He added that he had contacted several companies about removing the posts and bringing the structure down to one level but that this would significantly damage the drywall and may create additional damage to the overall structure. He stated he did not want to get rid of the tree either to build a playhouse for his children.

Chair Crawford asked the applicant if he could assist in making the findings to keep the playhouse. Mr. Elks stated it would be financially stressful to bring the playhouse down to one level and that the existing yard was small, adding that he would be willing to put gutters on the rear of the roof in order to eliminate water runoff on the adjacent property.

Mr. Hawthorne asked the applicant how he knew it was structurally sound. Mr. Elks replied that his friend worked for a contractor.

Mr. Cullum asked the applicant if he could think of any other solutions to meet the standards. Mr. Elks stated he could not think of anything, only that his children wanted a treehouse, adding that it would be costly to take the house down to one story.

Mr. Norm Bryan, 2731 W Pinewood, Chester SC, owner of several rentals across Green Street, spoke in support of the request, noting the structure was not an eyesore and may be an asset

to the neighborhood, adding that if the convenience store owner was concerned over the water issue, they would have come to the meeting.

Mr. Lawrence Sanders, 604 ½ Saluda Street, spoke in support of the request, specifically the playhouse was built for Mr. Elks' children and the property was well maintained.

Mr. Williams stated his understanding the reason for the 10-foot setback was a safety issue in the event the structure fell. Ms. Marshburn stated this was part of the reason, adding that a two-story structure was seen as being more intensive than a single-story structure and was more intrusive for neighbors.

Mr. Cullum asked if an inspector would say the structure was sound. Ms. Marshburn stated the structure was under review and that more information was required, noting that even if the variance was approved the structure would still have to meet building code standards.

Mr. Cullum asked if there were only four posts and if these had been placed in concrete. Mr. Elks stated there were six posts and these were in concrete.

Mr. Cullum commented that if the work had been done with a permit it may have been built differently. Ms. Marshburn stated that it may not have met the building code regulations.

Chair Crawford closed the floor for Board discussion.

Mr. Williams stated the playhouse was not bad to look at but expressed concern over staff comments regarding building code.

Mr. Hawthorne asked if the applicant would be required to wait a year for another variance for the playhouse. Ms. Kearse stated if the applicant came back requesting a variance for a single-story playhouse, this would be considered significantly different and could come back in less time.

Mr. Hawthorne asked for clarification that if the applicant wished for this to remain a two-story structure, they would have to wait a year. Ms. Kearse replied this was correct.

Mr. Cullum commented there were two different situations for the Board to address.

Mr. Williams made the motion to approve variances for the rear and side yard setbacks pertaining to the shed structure. Mr. Hawthorne seconded.

Mr. Hawthorne asked for clarification on the shed setbacks. Ms. Marshburn stated these setbacks were measured from the property line at the store.

Chair Crawford called for a vote, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

Mr. Williams presented the findings, specifically noting that moving the shed would lessen the space in the rear yard, the lot was not as deep as other lots in the area, the strict application would restrict the use of the land, the shed was not detrimental to the surrounding area, and that staff was able to make findings to allow for the variance.

Mr. Cullum asked the applicant if he would like to defer the variance request for the playhouse to a future meeting. Mr. Elks asked the process if the playhouse was lowered to a single story. Chair Crawford stated this would be treated the same as the shed.

Mr. Elks chose to defer the request to a future meeting.

After discussion regarding the amount of time for the deferral, Mr. Cullum made the motion to defer the variance requests for the playhouse for 60 days. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

8. Appeal Z-2021-43: Request by Tim Hartman for a special exception to establish a short-term rental use at 724 Finley Road, which is zoned Single-Family Residential-5 (SF-5). Tax map number 598-09-04-013.

Staff member Melody Kearse presented the staff report.

Mr. Hawthorne asked if there were a number of short-term rentals in this area. Ms. Kearse stated this was the first for this area, and that it was located close to the downtown area.

The applicant was not present.

Ms. Cynthia Long, 713 Finley Road, spoke in opposition to the request, noting the house looked much worse than the photos presented. She provided a brief history of the previous owners, stating most of the residents were elderly people who did not want problems in their neighborhood, adding her belief that short-term rentals turned into long-term rentals. She added that there was only one driveway available and that it would not support the number of cars that would be parked there for a rental.

Ms. Kearse agreed with Ms. Long, and noted the photos provided were from the real estate listing. Chair Crawford asked if these had been provided to staff. Ms. Kearse stated they were, adding that at the time the signs for the hearing were posted, the grass had overgrown the driveway. She stated that the driveway would need to be graded and new stone be in place.

Mr. Hawthorne asked if the house looked worse than the photos presented. Mr. Williams stated it did, adding that no one would rent the house looking as it currently did. Ms. Kearse stated that owners of short-term rentals tended to rehab their properties well and that short-term rentals were much better maintained than long-term rentals. She added that the City considered any rentals over 30 days as long-term rentals.

Mr. Hawthorne asked if a short-term rental could become a long-term rental. Ms. Kearse stated it could.

Mr. Cullum asked if there were any other rentals in the area. Ms. Kearse stated she did not perform this research.

Mr. Cullum asked if the other properties were single-family owner occupied. Ms. Kearse stated she would assume so but did not know this for a fact.

Chair Crawford closed the floor for Board discussion.

Mr. Williams made the motion to approve the special exception for a short-term rental use as presented by staff. Chair Crawford seconded.

There was general discussion amongst the Board members regarding property improvements prior to or following the granting of a special exception and its overall compatibility with the neighbor. Mr. Williams stated that the property would be improved if the special exception was granted since the owner would not be able to attract guests in its current condition, further commenting that this may help in improving the neighborhood overall since the owner would perform regular maintenance.

Mr. Hawthorne addressed the driveway issue, asking how they would know this was completed. Ms. Kearse stated they would be required to meet all the stipulations outlined in the application, including any driveway improvements, before they would be provided with the permit to operate. She added that this could be included as a condition of approval by the Board.

Chair Crawford made the motion to amend the motion on the floor to include the condition that

the second driveway be improved. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

Chair Crawford called for a vote on the motion to approve the special exception for a short-term rental use as presented with the condition that the second driveway be improved, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

Mr. Williams presented the findings, specifically noting the site was located within a residential neighborhood and the owner agreed to comply with the short-term rental regulations.

9. Appeal Z-2021-44: Request by Cassandra Amerson for a variance from the maximum allowed single wall signage at 921 W Main Street, which is split-zoned Industry General (IG) and Single-Family Residential-5 (SF-5). Tax map number 598-06-05-011 & -012 and 598-06-04-003 & -004.

Staff member Melody Kearse presented the staff report.

Mr. Hawthorne asked for clarification on the number of signs. Ms. Kearse replied there were three wall signs and one freestanding sign.

Mr. Williams noted his company was a customer of Wilson's but did not have any financial interest in the outcome of the Board's decision. None of the Board members expressed any concern with Mr. Williams remaining on the Board to discuss and vote on the request.

The applicant, Cassandra Amerson, 921 W Main Street, stated that all the buildings on the property totaled in excess of 20,000 square feet and included 16 permanent greenhouses. She noted the location was not part of a popular retail or restaurant area, so the site wasn't as visible as other retail nursery operations, adding that some of their customers who were not familiar with their location had difficulty finding it. She stated she believed the artistic nature of the sign created a tie to the downtown area and commented that she thought it dressed up the drab parking lot area.

Mr. Hawthorne asked when the sign had been installed. Ms. Amerson stated in May or June of 2021. She added they thought a permit was required only if the sign was located closer to the street.

Chair Crawford asked if it the structure on which the sign was installed was a white awning. Ms. Amerson stated it was attached to a clear plastic corrugated sheeting, noting the sheeting had degraded over time.

Mr. Cullum asked the applicant how the use would be deprived if the variance was not granted. Ms. Amerson stated that before the sign was installed, all that was seen was the parking lot and a gray area, adding there was no way that customers from out of town could find the site.

Mr. Williams asked how this was determined to be a sign as this looked more like a mural, further asking if the words were removed would it be considered a mural. Ms. Kearse stated that as the sign advertised the goods for sale, it was considered a sign, adding that murals and signs were both subject to review and regulations defined by the City.

Mr. Williams asked if the word "Wilson's" was removed would it still be a sign. Ms. Kearse stated this would still need to be reviewed by the director.

Mr. Cullum commented that the Walmart Supercenter sign was over 400 square feet. Ms. Marshburn stated if Mr. Cullum was referring to the Walmart location in Newport, these signs were regulated under a master plan document for that area.

There was discussion on how staff determined the size of the signs, maximum allowable sizes

for signs, square footage of all the buildings, and various reconfigurations of the existing Wilson's sign to adjust the size.

Mr. Hawthorne commented that as this was the result of a complaint, the other person could come and ask for a variance for a sign.

Mr. Cullum asked the length of the sign. Ms. Kearse stated it was 120 feet long by 4 feet tall, about 480 square feet total.

Mr. Cullum asked if these could be split up into separate signs. Ms. Kearse stated it could not.

Chair Crawford closed the floor for Board discussion.

There was general discussion amongst Board members on whether the sign really was detrimental to other businesses and whether not it really detracted from the look of the corridor.

Mr. Hawthorne commented that if this variance was approved, would another variance from the person issuing the complaint come forward.

Mr. Williams observed that the sign was so far back it was more art than signage. He did state that he understood the concept, using Target as an example if they were to paint a mural of red dots it may be considered a sign since the red dot was used as the company logo.

Mr. Hawthorne made the motion to approve the variance from the maximum allowed single wall signage as presented by staff. Mr. Cullum seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

Mr. Hawthorne presented the findings, specifically noting that the sign enhanced the visibility of the business and the sign would not injure the surrounding area.

10. Appeal Z-2021-45: Request by Brad Cherry for a variance from the side yard setbacks for an existing building at 131 Rental Court, which is zoned Industry General (IG). Tax map number 596-04-01-014.

Staff member Shana Marshburn presented the staff report.

Chair Crawford asked if the building had been rebuilt on the same footprint. Ms. Marshburn stated it had.

Chair Crawford asked if the setback requirements had changed since that time. Ms. Marshburn stated it had not, that the 10-foot setback had remained the same.

Planning & Zoning Manager Eric Hawkins noted that the property along Rental Court had been platted before construction of any of the buildings.

The applicant, Brad Cherry, 2251 Selwyn Avenue, Charlotte, stated the discrepancy was discovered as part of due diligence to purchase the property.

Chair Crawford closed the floor for Board discussion.

Chair Crawford made the motion to approve the variance from the side yard setbacks as presented. Mr. Williams seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

Chair Crawford presented the findings, specifically noting the building had been constructed 20 years before on the same footprint, it was not known if other buildings along Rental Court met the setback requirements, if the variance was not granted the applicant could not purchase the building, and the use would not change.

11. Appeal Z-2021-46: Request by Stephen Tullock of Nucleus Development for a special exception to establish residential infill uses at 1166, 1170, & 1174 Hoyle Street, which are zoned Multi-Family-15 (MF-15). Tax map numbers 598-01-10-007 to -009.

Staff member Shana Marshburn presented the staff report.

Mr. Williams asked if both alleys would be abandoned. Ms. Marshburn stated the one between the properties would be abandoned and the one to the rear would remain.

Mr. Hawthorne asked if the lot to the west of these would be included in this special exception if it was granted. Ms. Marshburn stated it was originally to be part of this request but was removed so it a separate special exception would be required for that lot.

Chair Crawford observed that the driveway onto the site would allow for some parallel parking. Ms. Marshburn stated this was correct.

Chair Crawford asked for clarification on the siding requested by the applicant and staff's recommendation in the report. Ms. Marshburn replied the applicant would prefer to use board and batten siding, but staff looked to the surrounding neighborhood to determine the siding configuration, and in this location, lap siding prevailed.

Mr. Hawthorne indicated that most of the surrounding neighborhood had brick crawlspaces and asked if these units would be the same. Ms. Marshburn stated the applicant is proposing to use raised brick foundations, either crawlspace or slab, that would be compatible with the surrounding homes.

Chair Crawford asked if the foundations would be 18" tall. Ms. Marshburn stated these would as this was the standard.

The applicant, Steve Tullock, Nucleus Development, 92015 Hwy 328, Conway SC, introduced the team associated with the project and described the project as being a legacy investment for the property owner, John Smith. He explained the name of the development, McMoore Manor, was in reference to the family matriarch.

Mr. Dave Malushizky, RBA Group, 122-B W Bland St, Charlotte, architect, provided a brief overview of the architectural design of the project, detailing the Arts & Crafts style indicative of the surrounding neighborhood. He presented both the horizontal siding and board and batten siding examples for the project.

Mr. Cullum asked about future development phase of the other lot. Mr. Malushizky stated the topography and infrastructure costs made it difficult to develop that lot at this time, but they were looking at alternatives. Mr. Tullock further commented that the current owner hoped to be able to purchase other lots in this area for continued development.

Mr. Malushizky commented further that while nearby residential buildings did not have board and batten siding, these details may have been present in the past.

Mr. Hawthorne observed the 8" sewer line replacement. Mr. Mark Caspar, Bloc Design 2923 S Tryon Street, Charlotte, stated the existing 8" line was clay and that they would be replacing it with an 8" ductile iron sewer pipe.

Mr. Hawthorne asked if this was going to tie into a newer pipe downstream. Mr. Caspar stated it was connecting to an existing downstream manhole in the alley.

Mr. Hawthorne asked if he knew if the sewer lines along Hoyle were clay as well. Mr. Caspar commented they were working under the assumption that all the piping in that area was clay. Mr. Hawkins later commented that the piping in that area was composed of clay.

Mr. Hawthorne asked if there would be one or two taps for each building. Mr. Caspar stated there would be individual taps for each unit.

Mr. Hawthorne asked if there would be a master meter. Mr. Tullock stated each unit would be metered separately. Chair Crawford stated the City required separate meters for each unit.

Chair Crawford asked for a clarification on the definition of workforce housing. Mr. Tullock explained that this housing was geared towards teachers, firemen, policemen, nurses, those who worked blue collar jobs, mainly as they made too much money for subsidized housing and were getting priced out of housing close by their work.

Chair Crawford asked for confirmation that this was not subsidized housing. Mr. Tullock stated it was not.

Chair Crawford asked if these were rental units. Mr. Tullock stated they were.

Mr. Hawthorne asked if a handicap parking was required. Mr. Caspar stated it was not shown it on the site plan submitted, that eight spaces were required, and the plan showed 14. Mr. Malushizky stated it was not required as this was not a multi-family residential structure, but that parking would be accessible. Mr. Tullock added that the goal was for the parking to not look like a parking lot or the building look like an apartment.

Chair Crawford commented he could see why staff preferred the horizontal lap siding, although he liked the look of the board and batten better. Ms. Marshburn stated that although staff's analysis indicated horizontal siding was the prevailing material and characteristic of the surrounding neighborhood, the Board could allow board and batten siding.

Mr. Williams asked for clarification on what was most appropriate since staff recommended either one. Ms. Marshburn explained that the applicant was proposing to use either one, and that the staff report should have indicated that they would use one or the other, but board and batten does not exist in the neighborhood. She added that the use of vinyl shaker siding was proposed to be minimal and would be acceptable even though it did not exist in the surrounding neighborhood either.

Chair Crawford commented that it appeared to be restoring what may have been in the area previously. Janice E Miller, Historic Preservation Specialist, commented that Arts & Crafts architecture would have been too expensive for these homes and more than likely these would have had wood lap siding. She added that it was possible some of the nearby structures were built in the 1930s or 40s and the original siding may have been asbestos or asphalt, something that would not be used today.

Mr. Hawthorne asked if both buildings would look identical. Ms. Marshburn stated they would.

Mr. Hawthorne asked if they would be identical in color. Ms. Marshburn stated they would not.

Mr. Tullock commented that the designs proposed met the vernacular of the area.

Chair Crawford closed the floor for Board discussion.

Chair Crawford commented that he understood staff's recommendation regarding the siding but that there were not many structures located within that area.

Mr. Cullum made the motion to approve the special exception to establish infill housing with the condition that the outdoor storage requirements be met. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

12. Appeal Z-2021-47: Request by Tyrone Colvin for a special exception to establish a bar/nightclub use at 560 N Anderson Road, which is zoned Commercial Industrial (CI). Tax map number 630-04-01-018.

Staff member Melody Kears presented the staff report.

Chair Crawford asked how the Management of Impacts Plan (MOIP) was enforced. Ms. Kears stated these types of uses were required to submit a MOIP in order to show how possible impacts on the surrounding district would be handled.

Chair Crawford asked if the applicant stated on the MOIP that they would hire security for outdoor events, were they required to do so. Ms. Kears stated they were.

Chair Crawford asked how the MOIP was enforced. Ms. Kears stated the special exception for the use would be withdrawn.

Chair Crawford asked if the building met City codes. Ms. Kears stated there may be a need for additional lighting, but the Board could make that a condition of approval. Ms. Marshburn added that a photometric study could be done to show the lighting, adding that it would indicate areas that were too bright or too dark.

Chair Crawford asked if lighting was a concern. Ms. Kears replied that she could not speak to this but that a wall pack fixture may be needed.

Mr. Cullum commented on the hours of operation and asked who would monitor the site. Ms. Kears stated the business' hired security would monitor.

The applicant, Tyrone Colvin, 1255 Camellia Court, explained his desire to open a small bar for a more mature crowd to enjoy.

Mr. Hawthorne asked the hours of operation. Mr. Colvin replied he and his partner would begin with 5 p.m. to 2 a.m. during the week and 12 p.m. to 2 a.m. on the weekends in order to figure out the best hours.

Chair Crawford closed the floor for Board discussion.

Mr. Williams made the motion to approve the special exception to establish a bar/nightclub use as presented with the condition that the applicant work with staff on lighting if additional is needed. Mr. Cullum seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

13. Other Business.

October 19 Meeting.

Ms. Kears noted that the next hearing was scheduled for the same date as the City Council election, stating that the Board could meet in Conference Room 373 or move the meeting to the rain date of October 26. After discussion, Chair Crawford made the motion to move the meeting to October 26 with the rain date of October 28. Mr. Williams seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

10. Adjourn.

There being no further business, Mr. Cullum made a motion to adjourn. Chair Crawford seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent). The meeting adjourned at 9:30 p.m.