

Zoning Board of Appeals

City of Rock Hill, South Carolina

November 16, 2021

A public hearing of the Zoning Board of Appeals was held Tuesday, November 16, 2021, at 6 p.m. in Room 373 at City Hall, 155 Johnston Street, Rock Hill SC.

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

MEMBERS ABSENT: Rodney Cullum

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

Legal notices of the public hearing were published in *The Herald*, Friday, October 29, 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 October 26, 2021, meeting.

Mr. Chad Williams asked that the conditions for case Z-2021-49 include the statement that the overflow spaces for trucks could only be used if all other dedicated spaces were occupied. Vice Chair Keith Sutton made the motion to approve the minutes as amended. Mr. James Hawthorne seconded, and the motion carried unanimously by a vote of 6-0 (Cullum absent).

3. Approval of Orders of the October 26, 2021, meeting.

Mr. Williams made the motion to approve the orders as submitted with the amended condition and noted. Mrs. Stacey Reeves seconded, and the motion carried unanimously by a vote of 6-0 (Cullum absent).

4. Appeal Z-2021-51: Request by Chase Harrison on behalf of Clear Defense Pest for a special exception for a Contractor's Office Type A use at 1383 Old Springdale Road, which is zoned Limited Commercial (LC). Tax map number 669-04-01-020.

Staff member Melody Kearse presented the staff report.

Vice Chair Sutton asked the reasoning why this request had to come before the Board. Ms. Kearse explained that there were two types of contractor uses, one with indoor storage and one with outdoor storage. As Limited Commercial (LC) zoning was usually located near residential properties, she noted that this zoning classification required a special exception for any type of use that may impact any residential uses, adding that it was obvious the site was within a clearly commercial area.

The applicant, Chase Harrison, 514 Rocky Lane, Mt Holly NC, stated he was looking to expand his current operation in Charlotte by having an office closer to his South Carolina customer base.

Chair Crawford closed the floor for Board discussion.

Mr. Hawthorne noted the added fenced in area for overnight parking would shield vehicles from view.

Chair Crawford added that the use was compatible with the area, noting that the previous use probably had more impact than the proposed use.

Mr. Williams made the motion to approve the special exception for a Contractor's Office Type A use as presented by staff. Vice Chair Sutton seconded, and the motion carried unanimously by a vote of 6-0 (Cullum absent).

Mr. Williams presented the findings, specifically noting the proposed use was of lesser impact than other surrounding uses, there would be no impact to surrounding properties, and a fenced-in area would be added for overnight vehicle storage.

5. Appeal Z-2021-52: Request by John Kelly "Kel" Grenga Jr. for a special exception to establish a short-term rental at 1058 Eastwood Drive, which is zoned Single-Family Residential-5 (SF-5). Tax map number 628-15-01-011.

Staff member Melody Kearse presented the staff report.

Vice Chair Sutton asked the number of bedrooms. Ms. Kearse replied two bedrooms for a maximum of six people.

The applicant, Kel Grenga, 6942 Lakeland Drive, Charlotte, stated he had purchased the property as an investment and had completely rehabilitated the property. He stated he believed that short-term rental was the best option, noting specifically that people needed a short-term place to stay when they were looking for a new home or having work done on their existing property. He added that upkeep of short-term rental properties was better in order for hosts to receive good ratings by guests.

Mr. Hawthorne asked what security measures would be in place. Mr. Grenga stated outdoor security cameras would be installed.

Mr. Williams asked if he had met with the neighbors. Mr. Grenga replied that he had spoken with the next door neighbors the previous Sunday.

Mr. Williams asked if they were receptive. Mr. Grenga stated they were not very receptive.

Mr. Johnnie Clark Jr., 1270 Pinewood Road, spoke in opposition to the request, specifically that it was better to have homeowners or long-term renters in the neighborhood. He noted there were plenty of hotels in the area and that the neighborhood was filled with senior citizens and retired residents. He added concern over security and the fact that a police report could not be obtained for short-term renters.

Ms. Amy Hall, 1064 Eastwood Drive, spoke in opposition to the request, specifically because she and her parents are the next-door neighbor to the subject property. She stated her bedroom was approximately 16' from the driveway, so she could hear whenever anyone pulled into the driveway or occupied the side porch. She stated having short-term renters coming in and out of the area would be disturbing to the residents, adding that headlights would shine into their windows. She stated that the neighborhood was composed mainly of families who had owned properties there for many years. She expressed concern that larger gatherings would occur at the house with recreational use of alcohol. She stated property values would go down and would prefer a long-term renter or outright purchase to another homeowner. She added there were twelve hotels along Dave Lyle Boulevard and 133 short-term rentals listed on Airbnb for Rock Hill. She also expressed concern that the owner did not live in Rock Hill and that the host lived in Tega Cay.

Ms. Dorothy Wring, 1071 Eastwood Drive, spoke in opposition to the request, noting that as she works at night, she had concerns that the renters would observe her coming and going from her house. She stated the street was quiet after 8 p.m. and was afraid that there would be issues as no one would know the people staying at the property.

Mr. Frank Myers, 1071 Christopher Circle, president of the Spencer Estates Neighborhood Association, stated the association was in opposition to the request for three reasons, including the property being owned by an absentee landlord, Airbnb did not have a great reputation for guests, and they did not want this to be the first short-term rental in this neighborhood.

Mr. Kevin Sutton, 636 Atherton Way, spoke on behalf of City Council and his constituents, stating short-term rentals had not originally been allowed in the City at all, but that regulations had been put into place. He stated that while many neighborhoods had an HOA with covenants and restrictions with respect to allowing short-term rentals, many of the older neighborhoods did not have these types of regulations or an HOA to act on their behalf, so this was why the Zoning Board of Appeals was tasked with acting in this role. He added that long-term renters were more likely known by their neighbors, whereas with an Airbnb the tenant is not known. He cited sections of the short-term rental regulations whereas the City meant to protect the residential character of neighborhoods and to prevent the commercialization of neighborhoods, noting that neighborhoods should not be a place with transient occupancy.

Ms. Beverly Nolen, 510 Bellevue Road, owner of 1071 Eastwood Drive, spoke in opposition to the request, specifically that she had a long-term renter for her property and had not had any issues, adding that an owner could make as much in rent for a long-term rental as a short-term rental. She added she believed this would be dangerous for the neighborhood.

Chair Crawford allowed for the applicant to respond. Mr. Johnathan Pacilio, 1132 Angelica Lane, Tega Cay, responded on Mr. Grenga's behalf as the host for the property. He stated the neighborhood had valid concerns, but that he currently operated a number of short-term rentals across the United States and had had up to 1000 guests in the past five years with no issues. He noted the long-term rentals did not bring in as much money as short-term rentals, and that in the event of any issues, it was easier to remove a short-term renter than a long-term one due to eviction laws in place. He added that Mr. Grenga would be renting the property either as a short-term or a long-term rental.

Ms. Nolen asked why the applicant had not looked at the short-term rental process before purchasing the property. Chair Crawford stated this was for the applicant to respond to.

Chair Crawford closed the floor for Board discussion.

Discussion by the Board centered around the opposition from the surrounding neighborhood and the difficulty in making all the findings to approve the use.

Mr. Williams made the motion to grant the special exception for a short-term rental use as presented by staff. Vice Chair Sutton seconded, and the motion failed unanimously by a vote of 0-6, with none of the Board members voting in favor of the request (Cullum absent).

Chair Crawford noted for the record that the Board had difficulty in making the findings for compatibility with the surrounding area.

6. Appeal Z-2021-53: Request by Karen Wright for a special exception to establish a short-term rental use at 764 Sumter Avenue, which is zoned Single-Family Residential-4 (SF-4). Tax map number 629-11-02-031.

Staff member Melody Kearse asked the Board for a deferral on this item, citing that staff had been presented with information from a resident that there were restrictions and covenants in place that may prohibit short-term rental uses in the Seventeen Acres neighborhood, and that because of this, the process could not move forward until a definitive answer from the neighborhood was provided.

Chair Crawford asked what would happen if the case was presented and approved by the Board but later discovered that the short-term rentals were not allowed. Ms. Kearse stated that the City could not issue a permit until information from the neighborhood was provided as to if a short-term rental was allowed.

There was additional discussion regarding legal process.

Mr. Williams asked if the deferral was until December but no later than that. Ms. Kearse stated this was correct.

Mrs. Stacey Reeves asked why the Board was not provided with the covenants and restrictions information. Ms. Kearse stated staff had not received this information until late that afternoon.

There was general discussion over the location and availability of covenants and restrictions for the older neighborhoods.

Chair Crawford allowed for the applicant to address the Board. Chris Wright, 764 Sumter Avenue, stated he lived at the property and the short-term rental unit was a detached building on the property. He stated there was another short-term rental use in the Seventeen Acres neighborhood. He added he was not aware that there were covenants and restrictions or an HOA and that he had gone through two separate closings on the property in the past year. He noted there were two individuals who were opposed to the improvements he had made on the property, even though they lived 150' away.

Chair Crawford asked if he would be harmed by the 30-day delay. Mr. Wright stated he would accommodate this request.

Mrs. Reeves asked if he had reached out to his realtor or closing attorney for this information. Mr. Wright stated his realtor was present.

Chair Crawford asked staff if the case was contingent on the covenants and restrictions issue being resolved. Ms. Kearse stated staff could not present the case until the application met the permit requirements.

Chair Crawford made the motion to defer the item until the Board's December 21st meeting. Vice-Chair Sutton seconded, and the motion carried unanimously by a vote of 6-0 (Cullum absent).

7. Other Business.

a. 2022 meeting calendar.

Mrs. Reeves made the motion to approve the calendar as presented. Mr. Williams seconded, and the motion carried unanimously by a vote of 6-0 (Cullum absent).

b. Janice Miller job change.

Ms. Kearse stated that Mrs. Miller would no longer be on the Board's staff as she was taking another position at the City.

c. Other items.

Vice Chair Sutton asked that City Council be more thoughtful of regulations as they pertained to the Board's decision-making process.

Mrs. Reeves asked that there be some type of confirmation that covenants either did or did not exist in instances where the Board was required to make decisions based on these documents.

Ms. Charlotte Brown asked about the short-term rental Mr. Wright referred to in the Seventeen Acres neighborhood. Ms. Kearse stated if the neighborhood determines that their covenants do

not allow for short-term rentals, then the permit would be rescinded when it came to the time of renewal.

8. 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 (Cullum absent). The meeting adjourned at 7:05 p.m.