

Zoning Board of Appeals

City of Rock Hill, South Carolina

February 15, 2022

A public hearing of the Zoning Board of Appeals was held Tuesday, February 15, 2022, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill SC.

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

MEMBERS ABSENT: None

STAFF PRESENT: Melody Kearse, Eric Hawkins, Shana Marshburn

Legal notices of the public hearing were published in *The Herald*, Friday, January 28, 2022. 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 January 18, 2022, meeting.

Mr. Sutton made a motion to approve the minutes as submitted. Mr. Williams seconded, and the motion carried by a vote of 7-0.

3. Approval of Orders of the January 18, 2022, meeting.

Mr. Sutton made a motion to approve the orders as submitted. Mr. Williams seconded, and the motion carried by a vote of 7-0.

4. Appeal Z-2022-02: Request by Dan Ballou on behalf of Back Yard Burgers to waive the waiting period to rehear a variance request at 1109 Cherry Rd, which is zoned General Commercial (GC). Tax map number 631-07-03-010.

Chair Crawford noted that this item has been deferred at the request of the applicant and no action was taken.

5. Appeal Z-2022-09: Request by Cristal Silva with Hometown Host, LLC, for a special exception to establish a short-term rental use at 1086 Cherry Meadow Ln, which is zoned Multi-Family-15 (MF-15). Tax map numbers 631-26-01-019.

Shana Marshburn, Planner II, presented the staff report.

Mr. Sutton referred to Section 1.A of the staff report and asked for clarification regarding whether there are covenants or not. Ms. Marshburn stated that there are restrictive covenants on the property, but the applicant stated that they do not prohibit the use and there is no HOA or Neighborhood Association in place to interpret them.

Mr. Williams noted that the host is not the owner and asked if staff is concerned about that. Ms. Marshburn stated that staff is not concerned because the host has the owner's permission to apply for the use and the host does not have to be the owner. Chair Crawford noted that there have been others that are operated this way.

Chair Crawford opened the floor to the applicant, and they were not present.

Chair Crawford opened the floor for public comment and there was none.

Mr. Hawthorne asked if there is some way to verify that host has permission to use the property for a short-term rental in cases where the host is not the owner. Ms. Marshburn responded that the property owner signed the application.

Ms. Brown noted that the applicant's address is a PO Box and asked how we know where they live in order to verify that they are within the required distance from the property. Ms. Marshburn stated that she called the applicant and verified that she lives within 15 miles of the property.

Ms. Reeves asked if the applicant operates other short-term rentals in the City. Ms. Marshburn responded that the applicant has not applied for any other locations in the City.

Ms. Brown made a motion to defer the request. The motion was seconded by Mr. Sutton.

Mr. Cullum stated that time was provided for the applicant to speak, and they chose not to be here. He added that the Board should vote on the application.

Ms. Reeves stated that she is concerned that no one can interpret the deed restrictions. Chair Crawford noted that the Board doesn't interpret them.

Chair Crawford called for the vote and the motion to defer failed by a vote of zero in favor and seven opposed.

Mr. Sutton made a motion to approve the application and it was seconded by Ms. Reeves.

Mr. Hawthorne asked if the HOA is re-established and they interpret the covenants to prohibit the use, could the permit be revoked? Ms. Kearse stated that is correct.

Chair Crawford asked if the board is concerned that the applicant is not present. Ms. Reeves stated that she is concerned because the Board has questions that she would like answered. Mr. Williams agreed that due to the number of questions, he would like to get a response from applicant.

Chair Crawford called for the vote and the motion to approve failed by a vote of two in favor (Crawford and Hawthorne) and five opposed.

6. Appeal Z-2022-10: Request by Michelle Barnes for a special exception to establish a vocational school use at 1647 Cherry Rd, which is zoned General Commercial (GC). Tax map number 632-01-02-001.

Melody Kearse, Zoning Coordinator, presented the staff report.

Mr. Sutton asked if the driveway needs to be widened. Ms. Kearse replied that since the site is fully developed, no changes to the access are required.

Chair Crawford asked if there is an entrance from the back of the building or do people have to walk around to the front. Ms. Kearse stated that there is an entrance in the back.

Chair Crawford opened the floor to the applicant.

Michelle Barnes, 183 Harmon St (applicant), thanked the Board for hearing the request and stated that she enjoys seeing her students learn and go on to open their own businesses.

Mr. Hawthorne asked what is the maximum number of students that are anticipated. Ms. Barnes stated that the maximum would be about twenty at any one time. She noted that she is planning to have morning and evening classes to break it up.

Mr. Sutton asked Ms. Barnes if this is her first school. Ms. Barnes stated that she has a salon and recently opened an events center, but this will be her first school. She noted that she has several family members who will also be instructors.

Chair Crawford opened the floor for public comment and there was none.

Mr. Sutton stated that this is great use for the building.

Mr. Cullum made a motion to approve the request. The motion was seconded by Mr. Sutton and was approved by a vote of 7-0.

Mr. Cullum presented the findings, noting that the use is compatible with the area, it will have no adverse impact, and there is adequate parking.

7. Appeal Z-2022-11: Request by Jonathan Eric Setzer for a modification to an existing special exception to expand a RV and trailer sales use at 760 Riverview Rd, which is zoned General Commercial (GC). Tax map number 662-07-01-064.

Shana Marshburn, Planner II, presented the staff report.

Mr. Sutton asked why the previous conditions of approval need to be re-stated if they are already in place. Ms. Marshburn stated that it needs to be clear that all of the previous conditions still apply.

Mr. Hawthorne asked what the neighbor who was initially opposed to the application was concerned about. Ms. Marshburn stated that they were concerned about the appearance, but they have been assured by the applicant that the site will be well-maintained.

Chair Crawford asked if the parking along Riverview Road could be only for cars with the row behind it for RVs, noting that not many RVs are less than 19' long and they would fit better in double-rows. Ms. Marshburn noted that the Board could make that a condition of approval if they feel it is necessary.

Chair Crawford opened the floor to the applicant.

Dr. Jonathan Eric Setzer, 2980 Lake Wylie Drive (applicant), stated that he is agreeable to the parking arrangement proposed by Mr. Crawford. He stated that he has a new business partner and the person that previously operated the auto sales business on the site is no longer involved.

Mr. Hawthorne asked what the area shaded pink on the site plan is used for now. Mr. Setzer stated that there are some cars on areas shaded pink and yellow and there are a few cars on the front row. The cars are parked so they're easier to walk around and they do not fill up the whole lot with cars for sale.

Mr. Hawthorne asked Mr. Setzer if he is concerned about amount of customer parking available. Mr. Setzer stated that they have 130 spaces, and the parking lot will only be one-half to three-quarters full of inventory so there will be plenty of spaces for customers.

Mr. Cullum asked if the use will be for regular auto sales or auctions. Mr. Setzer stated that they started with both uses, but they have not done an auction in four to five months. He stated that they may start them back at some point, but they only had twenty to thirty people there each time auctions were done and only sold thirty to forty cars.

Ms. Reeves asked if they will be doing any RV repair. Mr. Setzer stated that they may do some minor repair or modifications but nothing major. The RVs will be taken to a shop somewhere else to have repair work done.

Chair Crawford opened the floor for public comment and there was none.

Mr. Williams made a motion to approve the request with all existing conditions remaining and with the restriction of the front row of parking for cars and the area shaded yellow on the site plan for RV's. The motion was seconded by Mr. Sutton and was approved by a vote of 7-0.

Mr. Williams presented the findings, noting that they have no problem meeting the conditions and that the use fits in as long as it is kept clean, and it is not much different than what has already been approved.

8. Appeal Z-2022-12: Request by The Life House Women's Shelter and Bethel Men's Shelter for a special exception to establish a Group Home, Type B, use and a reduction in the required separation at 546 S. Cherry Rd, which is zoned Limited Commercial (LC). Tax map number 598-07-01-002.

Melody Kearse, Zoning Coordinator, presented the staff report.

Mr. Williams asked if the Haven is a Type A or B group home. Ms. Kearse responded that she believes it is a Type B.

Ms. Brown asked what life safety improvements will be required. Ms. Kearse stated that sprinklers will be required in areas where people sleep.

Chair Crawford opened the floor to the applicant.

Alexandra Greenawalt, 12506 Atkins Circle Dr, Charlotte, NC (Pathways); Kristen Easler, 4625 Silk Tree Lane (Life House Women's Shelter); Emily Sutton, 1087 Mallard Dr (Bethel United Methodist Church); and Richard Murr, 1317 Winthrop Drive (Bethel Men's Shelter); were available for questions.

Chair Crawford asked if churches are still used for overflow. Ms. Sutton answered yes, and this location would be a place for people to go if the 66 beds provided by the churches are all full. The emergency shelters at the churches have normally only been used during winter but there has been more need for them during the pandemic.

Mr. Cullum asked if this proposal is in coordination with the Haven. Ms. Sutton stated that the Bethel Men's Shelter is a first step for men in crisis and the next step is to go to The Haven to begin to transition into housing. She stated that Bethel works closely with The Haven and Bethel already has a day shelter at Pathways.

Chair Crawford opened the floor for public comment.

Floree Hooper, 1108 Constitution Blvd, president of Boyd Hill Neigh Association, stated that she is unaware of any outreach to the neighbors about the application although they said they have spoken to the neighbors. She stated that no one has spoken to her about it as of yet. She stated that the neighborhood knows about the rules that The Haven has and would like to know if the shelter will be the operated the same way. Ms. Hooper asked how many people will be there, both men and women.

Ms. Kearse clarified that the City hasn't been contacted by anyone from the neighborhood in response to the public notification that was sent out.

Ms. Easler stated that the behavioral agreement for Life House Women's Shelter is included in the application. Clients are required to stay inside between 10 pm and 6 am but that may change to 10 pm to 7 am. She noted that there are consequences for any violations. No drugs, alcohol, or weapons are allowed, and they will house a maximum of 24-30 single women at a time at this location.

Ms. Sutton stated that Bethel will house no more than 30 men at one time. It would normally be ten to fifteen and they haven't had overflow fill up in the past. They require clients to sign a behavioral agreement and they do not allow any drugs, alcohol, or weapons. There are consequences if they break rules.

Chair Crawford asked if the rules are similar to those for The Haven. Ms. Sutton stated that Bethel's rules are somewhat different because they are an emergency shelter and guests will not be there

for permanent residence. Ms. Sutton offered to provide a copy of the behavioral agreement to Ms. Hooper and others in the Boyd Hill Neighborhood Association.

Chair Crawford asked how many nights it would it be used. Ms. Sutton stated they would open it for a week at a time for staffing purposes. They won't just open it for a night or two. They had 15 people for 2 weeks the last time overflow was used.

Ms. Brown asked if they have had any rules infractions that have resulted in the police being called. Ms. Sutton stated no and that they have a great relationship with the police department. They also have security on site with one security person per 30 men on the site.

Mr. Williams asked if either of the applicant organizations reached out to the neighborhood. Ms. Sutton stated that they did not, but Pathways is open to ongoing conversation with the neighborhood to keep the community safe and secure around the facility.

Mr. Hawthorne asked how many beds would be available for the men's shelter. Ms. Sutton stated they have 36 on site at Bethel, 30 overflow at the church, and this would be an additional 30 overflow here. They haven't needed that many beds in the past, but the community is growing, and we want to be able to accommodate those in need.

Floree Hooper asked how long people would stay there. Ms. Easler stated that it depends. This location can be a stepping-stone to another shelter, and it can be as short as one night or it may be two weeks or longer depending on availability of longer-term housing. Chair Crawford asked if people generally stay less than 90 days. Ms. Easler replied yes, it is shorter-term.

Mr. Sutton made a motion to approve the requests. The motion was seconded by Ms. Reeves.

Chair Crawford stated that the applicants have a history of well-run organizations.

Chair Crawford called for the vote and the motion was approved by a vote of 7-0.

Mr. Sutton presented the findings, noting compliance with the use specific standards, it is compatible with the location and the character of surrounding areas, the design minimizes adverse impact, there is no environmental impact, roads are adequate, it does not injure neighboring land or property values, a site plan has been prepared, and it complies with all other relevant laws and ordinances.

9. Appeal Z-2022-13: Request by William Douglas for a special exception to establish a short-term rental use at 816 Saluda St, which is zoned Mixed Use Corridor (MUC). Tax map number 600-01-07-010.

Shana Marshburn, Planner II, presented the staff report.

Mr. Hawthorne asked how the unpermitted driveway work was discovered. Ms. Marshburn stated that it was obvious that new concrete had been poured in the pictures submitted by the applicant.

Mr. Williams asked if there were something that would prohibit expansion of the driveway. Ms. Marshburn stated no.

Chair Crawford opened the floor to the applicant.

William Douglas, 5071 Gatsby Circle, stated that the driveway was poured when renovations were done to the house, and it was there at the time of the final inspection.

Mr. Williams asked Mr. Douglas if he has any issue expanding the driveway as recommended by staff. Mr. Douglas replied no, another space can be added going straight back.

Chair Crawford opened the floor for public comment and there was none.

Mr. Cullum noted that the renovations look good.

Mr. Williams made a motion to approve the application subject to addition of another parking space. The motion was seconded by Ms. Brown and was approved by a vote of 7-0.

Mr. Williams presented the findings, noting that the applicant agreed to follow all of the rules, the property is in a mixed-use area, and the additional parking space will fix the only deficiency.

10. Other Business.

- a. Ms. Kears provided information about upcoming continuing education opportunities.
- b. Ms. Kears introduced new staff member Bryman Suttle to the Board.
- c. Ms. Kears provided information on the moratorium on short term rentals that was recently enacted by City Council as a pending ordinance.
- d. Mr. Cullum asked for an update on the treehouse case. Ms. Kears stated that the structure has been moved to a location that could be approved at staff level with an administrative adjustment.

11. Adjourn.

There being no further business, Mr. Sutton made a motion to adjourn. The motion was seconded by Mr. Hawthorne and approved by a vote of 7-0. The meeting adjourned at 7:25 p.m.

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