

A public hearing of the Zoning Board of Appeals was held Tuesday, May 17, 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

MEMBERS ABSENT: Stacey Reeves, Keith Sutton, Chad Williams

STAFF PRESENT: Eric Hawkins, Melody Kearse, Shana Marshburn, Bryman Suttle, Donna Welch

Legal notices of the public hearing were published in The Herald, Friday, April 29, 2022. 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 April 26, 2022, meeting.

Chair Crawford made a motion to approve the minutes as submitted. Mr. James Hawthorne seconded, and the motion carried by a vote of 4-0 (Reeves, Sutton, and Williams absent).

3. Approval of Orders of the April 26, 2022, meeting.

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

4. Appeal Z-2022-21: Request by Kevin Mattingly for a variance from the maximum height of a fence in the front yard for an attached arbor located at 137 Reid St, which is zoned Single-Family Residential-5 (SF-5). Tax map number 627-16-03-008.

Bryman Suttle, Planner, presented the staff report.

Mr. Rodney Cullum inquired if this request would be going to Historic Review. Mr. Suttle responded yes.

Chair Crawford opened the floor to the applicant.

Mr. Kevin Mattingly (applicant) and Mrs. Kimberly Mattingly, 137 Reid Street, were available for questions.

Mr. Cullum asked if the goal was to bring 137 Reid Street back to its original design. Mrs. Mattingly stated that the plan is to bring 137 Reid Street back to a vintage look and the arbor would tie in all the landscaping noteworthy to a Victorian home.

Mr. Hawthorne asked if there was strong community support. Mr. and Mrs. Mattingly both responded that there was strong community support.

Mr. Cullum made a motion to approve the variance from the maximum height of a fence in the front yard for an attached arbor. The motion was seconded by Mr. Hawthorne and was approved by a vote of 4-0 (Reeves, Sutton & Williams absent).

Mr. Hawthorn presented the findings, noting the subject property is located within the Reid Street/ North Confederate Street Area Historic District and East Town area. The home was built somewhere around 1904 and is a valued piece of the historic landscape In Rock Hill. Garden arbors

were more commonplace at the time of the home's construction and would be a unique addition to the area. While there are other historic districts and National Register recognized homes in this area, there are only a limited number of them. Additionally, the architecture of this home is unique compared to other homes in the area, having received an award for their restoration efforts. Located just behind the historic White home, it was likely one of the first homes built on Reid Steet. With the current zoning restrictions, this addition would not be allowed because front fencing is limited to four feet in height. It would be unreasonable to restrict a feature of this nature that will only occupy a small portion of the total fence area and would be a positive benefit to the community by adding to the curb appeal to the home. Garden arbors of this nature are common landscape features, especially for homes developed at the turn of the prior century, and this would be an opportunity to feature a landscape design element of this type in a prominent way. One of the primary reasons for the four-foot height restriction and maximum 50% opaque requirement is to ensure line of sight is maintained. This addition would have little or no effect on this due to its location and it also being less than 50% opaque. If the variance is granted, the addition of this arbor would not result in substantial detriment to adjacent land, the public good or character of the broader historic district. Staff feels it will be a positive improvement to the neighborhood. Input from an immediate neighbor has been received expressing their strong support.

5. Appeal Z-2022-22: Request by JM Cope, for a special exception to establish a self-storage use and a variance from the required minimum lot size at 2764 Faith Blvd, which is zoned General Commercial (GC). Tax map number 662-07-01-374.

Melody Kearse, Zoning Coordinator, presented the staff report.

Mr. Cullum asked about parking. Ms. Kearse stated there would be one parking spot per unit.

Chair Crawford opened the floor to the applicant.

Mr. Andrew Cope, JM Cope Investments (applicant), 199 S. Cherry Road, was available for questions.

Mr. Hawthorne asked about landscaping. Mr. Cope stated that new trees would be planted.

Chair Crawford and Mr. Hawthorne asked about loading area and utilities. Mr. Cope stated all activity will occur within the building, except for a small loading and unloading area to the rear of the site near the parking. Mr. Cope also stated that utilities are subdivided and separated from daycare and main drives are in and reiterated that there would be no truck rentals.

Mr. Hawthorne made a motion to approve the special exception to establish a self-storage use and the variance request subject to the condition that there will be no truck rentals at this location. The motion was seconded by Mr. Cullum and was approved by a vote of 4-0 (Reeves, Sutton & Williams absent).

Mr. Hawthorn presented the findings, noting the site was originally developed as 4.5-acre tract and then subsequently subdivided. It shares a stormwater pond, access drive, dumpster and tree save with adjoining parcel. This self-storage use is also a climate-controlled building with only internal unit access, and it will not have any outdoor storage or truck rental associated with this use. This site does not share these conditions with other property nearby. While the industrial park to the north shares a stormwater facility, the businesses do not share drive aisles, tree save, or dumpsters. Without the variance the owner could not develop the property for the proposed use. The granting of this variance would not be detrimental to adjacent lands or the public good as the building would be similar in scale and design to the other buildings located nearby.

6. Appeal Z-2022-23: Request by Greg Fatool for a variance from the maximum amount of window signage at 1111 N Anderson Rd, which is zoned General Commercial (GC). Tax map number 634-07-01-013.

Shana Marshburn, Planner II, presented the staff report.

Chair Crawford opened the floor to the applicant.

Mr. Greg Fatool (applicant), 1626 Wedgefield Drive, was available for questions.

Mr. Fatool presented 61 photos of windows where the window signage ruling was not followed and feels that it is unfair that others do not have to abide by the window signage ruling. Mr. Fatool stated that he has been a resident of Rock Hill for 10 years which has been a good experience. Mr. Fatool also noted that 1111 N. Anderson Road had been an empty building for 14 years. Mr. Fatool also mentioned that he cannot paint the outside brick blue; the color that signifies the store; and to which people recognize the store by. Mr. Fatool also made mention of the murals around town and inquired how this differs from his window signage. Mr. Fatool closed with how he has called numerous contractors to do work and most contractors will not work in Rock Hill as the City makes it difficult for them. Mr. Fatool stressed that he is only trying to make Rock Hill a better place.

Mr. Hawthorne asked the applicant if you could see through the windows with the signage in place. Mr. Fatool stated that you could see through the window from the inside but could not see in from the outside.

Mr. Cullum asked if the signage is to target younger people. Mr. Fatool stated that demographics are all ages.

Mr. Cullum asked if the signage was whimsical in nature. Mr. Fatool stated that the signage is indicative of the store menu; designed specifically for signature flavors.

Mr. Hawthorne asked if there were any other options for signage. Ms. Marshburn stated that Mr. Fatool can have 43 square feet of window signage and that what they have installed on the building was close to four times that amount. Ms. Marshburn went on to add that there were multiple opportunities for signage that were available. She made the Board aware that the business was not fully utilizing the wall signage that is allowed, that the empty freestanding sign was not being used, and that there were opportunities for temporary signage, such as grand opening signage.

Mr. Hawthorn asked about the color of the building. Ms. Marshburn stated that as this location is in an overlay district, the building must be a neutral tone.

Ms. Charlotte Brown made a motion to approve the variance. The motion was seconded by Mr. Cullum and was approved by a vote of 3-1 (Reeves, Sutton & Williams absent).

Ms. Brown presented findings for approval, noting that the applicant's business presence was already being restricted due to the property being within the Design Overlay District. She specifically noted that this prohibited them from painting building the signature colors of pink and blue per Pelican's company guidelines. She went on to add that the building not being used for an extended period of time was also an extraordinary and exceptional condition, as if it were not for the larger window signage, the presence of a new business would not be noticeable.

7. Appeal Z-2022-24: Request by Sue Fullerton with Truck of Love for a variance from the location standards for a buffer yard fence at 1568 W Main St, which is zoned Neighborhood Office (NO). Tax map number 595-02-01-001.

Ms. Melody Kearse, Zoning Coordinator, presented the staff report.

Mr. Cullum asked why there would be no issues with the fence, as there had been issues previously with an adjacent neighbor. Ms. Kearse stated that the adjacent home is now owner-occupied as it had not been previously.

Chair Crawford opened the floor to the applicant.

Ms. Sue Fullerton (applicant), 1455 George Dunn Road, was available for questions.

Ms. Fullerton stated without the variance, the applicant and residents will not be able to enjoy full use of the property and would compromise the safety of the site. Transients have used remote areas of the site previously as a camp site and enclosing the property on the property lines would prevent this type of behavior. Additionally, enclosing all the buildings would also help deter theft of property.

Mr. Cullum asked how many women would reside at this location. Ms. Fullerton stated that there would be 15 single women (no children).

Mr. Hawthorne stated that the fence would be good for security.

Mr. Cullum asked why the fence height was an issue. Ms. Kearse stated that commercial fencing can be higher.

Mr. Cullum made a motion to approve the variance. The motion was seconded by Ms. Brown and was approved by a vote of 4-0 (Reeves, Sutton & Williams absent).

Mr. Cullum presented the findings, noting that the layout of the site is existing, all three buildings on the property will be utilized as part of the group home use, and some of the buildings do not meet the current setbacks. The applicant's reasoning for wanting the fence on the outside of the buffer (property line) is to secure the site for her residents, for their safety, the safety of the property and to provide adequate space for outdoor activities for the 15 residents. The home will act more as a residential use than a business, and with three buildings all being utilized. The applicant is seeking to do what any residential user would wish to do, which is to secure their property. The adjacent homes are too small to accommodate a shelter, are not zoned to permit a shelter, are not subject to the increased buffer yard standards, and fences at homes may be located along the property line. Without the variance, the applicant and residents will not be able to enjoy full use of the property and would compromise the safety of the site. Transients have used remote areas of the site previously as a camp site and enclosing the property on the property lines would prevent this type of behavior. Additionally, enclosing all the buildings would also help deter theft of property. The home at 1572 W. Main Street is owner-occupied, and he has written a letter indicating that they do not object to the placement of the fence. The property to the rear is vacant, and likely to develop as residential at some point in time in the future but would not be impacted by the placement of the buffer fence as there is an existing fence on part of that property.

8. Other Business.

Ms. Kearse informed the Board that she will keep them updated of any upcoming continuing education opportunities.

Ms. Kearse introduced new staff member Donna Welch to the Board.

9. Adjourn.

There being no further business, Chair Crawford made a motion to adjourn. The motion was seconded by Mr. Hawthorne and was approved by a vote of 4-0 (Reeves, Sutton & Williams absent). The meeting adjourned at 7:24 p.m.