

A public hearing of the Zoning Board of Appeals was held Tuesday, April 26, 2022, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill SC.

MEMBERS PRESENT: Charlotte Brown, Rodney Cullum, James Hawthorne, Keith Sutton,

MEMBERS ABSENT: Matt Crawford, Stacey Reeves, Chad Williams

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

Legal notices of the public hearing were published in *The Herald* on Friday, April 1, 2022. Notice was posted on all property considered. Adjacent property owners and tenants were notified in writing.

In the absence of Chair Matt Crawford, Vice-Chair Keith Sutton presided over the meeting.

1. Call to Order

Mr. Sutton called the meeting to order at 6:00 p.m.

2. Approval of Minutes of the March 15, 2022, meeting.

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

3. Approval of Orders of the March 15, 2022, meeting.

Mr. Cullum made a motion to approve the orders with a correction to the date in the first paragraph of each order from February 15 to March 15. Mr. Hawthorne seconded, and the motion carried by a vote of 4-0 (Crawford, Reeves, & Williams absent).

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

Melody Kearse, Zoning Coordinator, presented the staff report.

Mr. Cullum asked if any other approvals are needed if this is approved by the Board. Ms. Kearse responded that they only need to finish up with getting their permit.

Mr. Hawthorne asked how high the building is off the ground. Ms. Kearse responded that it is twelve inches off the ground.

Mr. Hawthorne asked if has the same setbacks as what was presented before. Ms. Kearse responded yes.

Mr. Sutton opened the floor to the applicant.

William Elks, 302 State St. (applicant) was available for questions.

Mr. Sutton asked how the structure was lowered. Mr. Elks stated that he used a system of posts & pulleys to slowly lower the building.

Mr. Sutton opened the floor for public comment and there was none.

Mr. Hawthorne made a motion to approve the variance requests from the side and rear setbacks for the accessory structure. The motion was seconded by Ms. Brown and was approved by a vote of 4-0 (Crawford, Reeves, & Williams absent).

Mr. Hawthorne presented the findings, noting that there are extraordinary and exceptional

conditions that are unique to the property, application of the ordinance would effectively prohibit or unreasonably restrict the utilization of the land, and authorization of the will not result in substantial detriment to adjacent land or to the public good, and the character of the district will not be harmed by the granting of the variance.

5. Appeal Z-2022-16: Request by Robert Whitaker, for a special exception to establish an automobile repair use at 1207 Saluda St, which is zoned Mixed-Use Corridor (MUC). Tax map number 625-13-02-001.

Melody Kearse, Zoning Coordinator, presented the staff report.

Mr. Hawthorne asked if the building be filled in where the building steps out? Ms. Kearse stated no, that shows where pavement line would be. That area would be a planting bed.

Mr. Sutton opened the floor to the applicant.

Robert Whitaker, 1717 Gervais St., Columbia, SC & Sandra Harmon, 815 Hill St., Hartsville. Ms. Harmon asked why a special exception is required and asked for clarification of the property's zoning. She stated that it is unfair to single the applicant out and that the property was commercial before and he wants to use it commercially.

Ms. Kearse clarified that the zoning of the property is Mixed Use Corridor.

Mr. Whitaker stated that he submitted the drawings to show his dedication to establishing the business. Mr. Whitaker stated that Ernest Brown has approached him about buying the building and has told people that he will not allow Mr. Whitaker to open the business.

Mr. Hawthorne asked the applicant what his timeline is for starting work and making improvements. Mr. Whitaker stated he will be able to start in 2-3 weeks.

Ms. Brown asked Mr. Whitaker if he has been in contact with the Saluda Corridor Business Association. Mr. Whitaker responded that he has not. Mr. Whitaker stated that he wants to improve the building and it will not affect value of residential property in the area.

Mr. Hawthorne asked where the existing fence is located that will remain. Ms. Kearse stated that there is a fence on the back of the property that is covered with vegetation and will remain.

Mr. Sutton opened the floor for public comment.

Vincent James, owner of 1405 Saluda St. and 1227 Saluda St., spoke in opposition and stated that he commends the applicant for his entrepreneurship, but this is not the right location for this business. Mr. James stated that there is no guarantee that it will look like what he is showing. He stated that the area needs to move forward, and the Board holds the key to that.

Melvin Poole, 523 Saluda St., Co-Chair of Saluda Corridor Business Association, stated that the Association is firmly against the proposal. He stated that Ernest Brown didn't offer to buy the property and was not at the last meeting because he has been recovering from surgery for the last couple of months. Allowing this business will destroy the character of the area that they have been working to improve. This business has been closed for more than 30 years and the Association is working to eliminate these types of businesses on Saluda Street. The city has had problems with other auto-oriented businesses and haven't been able to get them cleaned up. This business would be better on E. Black Street with other garages. A vacant building in this case would be better than a building with a bunch of junk cars around it and a torn down fence in the back.

Mr. Hawthorne asked Mr. Poole if the Association has developed a master plan for the area and how are you enacting your vision for the area. Mr. Poole stated that they are not trying to shut

businesses down for the sake of shutting them down, we are trying to shut business down because they violate the codes and regulations. He noted that there is a 20-year plan for Saluda Street that's been on the books for a while now and it will be updated at some point. He stated that they encourage new business to come that fit the character of what they're trying to develop.

Mr. Cullum asked Mr. Poole if they are opposed to the other businesses that were shown in the presentation. Mr. Poole responded no because those businesses will not have junk cars in front.

Mr. Hawthorne stated that a solid fence will be required, and any cars will be shielded from view. Mr. Poole stated that the city has had problems with other auto-oriented business and none of those problems have been created. He does not think the drawings will be reality.

Mr. Whitaker clarified that it was Mr. James that asked about purchasing the property, not Ernest Brown. Mr. Whitaker stated that the last mechanic shop was there in 2015, not 30 years ago.

Ms. Brown asked if the Board's previous concerns were addressed. Mr. Sutton stated that there were concerns about what it would look like, and the applicant has provided drawings that can be incorporated into the approval. The drawings and site plan can be made part of the approval.

Ms. Brown asked who enforces the codes. Ms. Kearse responded that the City's commercial code enforcement officer enforces the codes based on what was in effect at the time the site was developed. International Property Maintenance Code standards deal with the condition of the property, but the standards are low. Ms. Kearse noted that there are a lot of non-conforming businesses on Saluda Street that are grandfathered in, specifically business that deal with automobile sales, auto repair, and wrecker services.

Mr. Cullum asked if there is a specific plan for the area. Ms. Kearse responded that the Saluda Corridor Master Plan is 23-24 years old and was designed by the original Saluda Corridor Business Association along with residents along the corridor. The MUC zoning regulations specify building and site improvements that are required. Ms. Kearse noted that staff would be glad to help with updates to the plan, including changes to the uses that are allowed.

Mr. Cullum stated that there should be some strong timelines and conditions about what is done and when it is done. Mr. Sutton stated that the current supply chain issues could be problematic.

Mr. Sutton asked if all improvements have to be done before he can get a C.O. Ms. Kearse stated that all repairs would have to be made to the inside of the building, the storage yard would have to be screened and any other conditions added by the Board would have to be completed before he could open for business. She added that if the special exception is granted and he doesn't do anything within 2 years, he has to come back to the Board.

Mr. Hawthorne asked what happens if he starts work and doesn't finish, does he have to come back? Ms. Kearse stated that it depends on how much work he does and when permits are pulled. Building permits are only good for six months but can be extended for valid reasons.

Mr. Cullum made a motion to approve the special exception for auto repair. The motion was seconded by Mr. Hawthorne. Ms. Brown offered a friendly amendment that the applicant must make all the required improvements and the improvements per the renderings submitted. The amendment was accepted by Mr. Cullum. Mr. Sutton called for the vote and the motion was approved by a vote of 4-0 (Crawford, Reeves, & Williams absent).

Mr. Cullum presented the findings, noting that the proposed use will comply with the use specific standards; will be appropriate for the location and compatible with the surrounding area; is designed to have minimal adverse impact; and there will be no environmental impact or injury to nearby

properties.

6. Appeal Z-2022-19: Request by Mike Smith for a variance from the secondary front setback for a fence taller than 4 feet located at 1274 Pelham Wood Drive, which is zoned Single-Family Residential-5 (SF-5). Tax map number 595-04-01-048.

Bryman Suttle, Planner I, presented the staff report.

Mr. Sutton asked if the variance request is for height and setback? Ms. Kearse responded that if the variance is granted for the setback, it is automatically approved to be higher than four feet.

Mr. Hawthorne asked what the applicant would need to do to bring the fence into compliance. Mr. Suttle responded that he would need to shorten the columns or remove them.

Mr. Cullum asked if it is correct that staff was unable to meet any of the four findings. Mr. Suttle stated that is correct.

Mr. Hawthorne asked about the total height of the columns. Mr. Suttle responded that he believes they are five feet, but the applicant can verify.

Mr. Sutton opened the floor to the applicant.

Mike Smith, 1274 Pelham Wood Dr., stated that he had to build the columns to height they are so the twist would go all the way around and they would look correct. He stated that the columns are five feet tall, and the fence is 38 inches.

Mr. Cullum asked the applicant what his reasons are for not meeting the requirements. Mr. Smith stated that he didn't know that he needed a permit.

Mr. Cullum asked the applicant if he built them without consulting City. Mr. Smith stated that he didn't think he needed a permit for anything that isn't attached to the house.

Mr. Sutton opened the floor for public comment.

Anthony Avery, 1262 Asbury Ct., stated that Mr. Smith does magnificent work. It would be a shame to have to tear the columns down because they look good for the neighborhood. It goes along with the neighborhood entrance and the new family courthouse.

Gilbert Carswell, 4700 Harkey Rd., Waxhaw, NC, property owner, stated Mr. Smith wanted to surprise them with the columns. He is very honest, has rented from us for 18 years. He has fixed the entrance when it was damaged by an uninsured motorist. The columns improve the look of the whole road. This should be looked at for the greater good.

Douglas Sellers, 1268 Pelham Wood Dr., spoke in favor and asked the Board to come look at the columns.

Board discussion.

Mr. Hawthorne asked if staff received any negative feedback on the application. Mr. Suttle responded no.

Mr. Hawthorne asked if the 10-foot setback is to allow for the street to be widened. Ms. Kearse responded no, it is to avoid creating a wall effect along streets and avoid sight distance problems.

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 (Crawford, Reeves, & Williams absent).

Mr. Cullum presented the findings, noting that there are extraordinary and exceptional conditions of it being near the Courthouse and it looks similar; there are unique conditions with the slope of the

lot; strict application of the ordinance would unreasonably restrict the utilization of the land because the fence is an improvement to the area; and it is not detrimental to the area based on the comments of residents in the area.

7. Appeal Z-2022-20: Request by Vivian Ramseur with Excel Property Management Services, for a variance from the required number of parking spaces at 538 S. Dave Lyle Blvd., which is zoned Neighborhood Commercial (NC). Tax map number 598-24-01-017.

Shana Marshburn, Planner II, presented the staff report.

Mr. Hawthorne asked for confirmation that the applicant has reached out to several surrounding areas. Ms. Marshburn stated that is correct.

Mr. Hawthorne asked if it has been investigated whether SCDOT would allow some parking along Pond Street. Ms. Marshburn stated that staff reached out to SCDOT, and they indicated that parallel parking may be possible as long as guidelines are met.

Mr. Hawthorne asked if the parallel spaces would be in addition to parking spaces shown on plan? Ms. Marshburn stated that is correct.

Ms. Brown asked where people parked before. Ms. Kearse stated that they probably parked behind the building.

Mr. Hawthorne asked if parking anywhere across Dave Lyle Boulevard would meet zoning requirements. Ms. Marshburn stated that the zoning ordinance doesn't allow shared parking where you have to cross an arterial road and ideally, it should be on same side of Dave Lyle Boulevard.

Mr. Sutton asked if there is any use of the property that could get more than two spaces. Ms. Marshburn stated that due to the size and shape of the lot, only two spaces will fit.

Mr. Hawthorne asked if one of the parking spaces has to be handicapped accessible. Ms. Marshburn state that is correct.

Mr. Cullum asked how many people would be there at once. Ms. Marshburn stated that the applicant has stated that they need 10 spaces.

Mr. Sutton opened the floor to the applicant.

Vivian Ramseur, 1782 E. Ebenezer Rd, applicant, stated that she would like approval so construction can begin, and they can maintain the building.

Ms. Brown asked the applicant if she is concerned about where people will park. Ms. Ramseur stated that her main concern now is to get construction started so they can preserve the building. She stated that she will continue to work on getting shared parking.

Ms. Brown asked what the occupancy is for the building. Ms. Ramseur stated that she is not sure of total maximum number. There will be three offices, but most users will be people that are coming and going a lot and only staying 30 minutes to an hour at a time.

Mr. Sutton opened the floor for public comment.

Stevyn Buie, 2252 Pinnacle Way, York, SC, stated that he is the design architect for the project. He stated that they will work with civil engineers to explore the on-street parking. He has spoken to the church and funeral home, and everyone has parking concerns.

Mr. Cullum stated that it is a great project and great building. He asked if it is possible to defer until they can talk to SCDOT about parking. Ms. Kearse stated that the applicant needs the variance to get started on the work to preserve the building.

Mr. Cullum asked how long it could possibly take to get SCDOT approval. Ms. Marshburn stated that a site plan would need to be prepared and submitted to them for review.

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

Mr. Hawthorne presented the findings, noting that there are extraordinary exceptional conditions; there are unique conditions that do not apply to other properties in the vicinity; strict application of the ordinance would effectively prohibit or unreasonably restrict utilization of the land; and it is not detrimental to the area.

8. Other Business.

Ms. Kearse noted that there is an upcoming continuing education opportunity on May 11 & 12 if anyone is interested.

9. Adjourn.

There being no further business, Mr. Cullum made a motion to adjourn. The motion was seconded by Mr. Sutton and approved by a vote of 4-0 (Crawford, Reeves, & Williams absent).

The meeting adjourned at 8:00 p.m.



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BRAKES
OIL CHANGE
TUNE UP
TIRES





















