

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

MEMBERS ABSENT: Chad Williams

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

Legal notices of the public hearing were published in *The Herald*, Friday, February 25, 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 February 15, 2022, meeting.

Mr. Sutton made a motion to approve the minutes as submitted. Ms. Reeves seconded, and the motion carried by a vote of 6-0 (Williams absent).

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

Mr. Sutton made a motion to approve the orders as submitted. Ms. Reeves seconded, and the motion carried by a vote of 6-0 (Williams absent).

4. Appeal Z-2022-14: Request by Emad Fahmy for a special exception to establish an automobile sales use at 611, 633-647 N. Anderson Rd, which is zoned General Commercial (GC). Tax map numbers 630-04-05-001 thru -007, 632-09-02-005 & -006, and part of a right-of-way to be abandoned.

Melody Kearse, Zoning Coordinator, presented the staff report.

Mr. Sutton asked if the design overlay district states that four-sided architecture and two-foot offsets are required. Ms. Kearse replied yes.

Mr. Sutton asked if all lots will be combined? Ms. Kearse replied yes.

Mr. Hawthorne asked if the parking on the south side of the entrance is adequate for the proposed use. Ms. Kearse replied that the proposed parking is based on retail uses which require one space per 250 square feet.

Mr. Cullum asked which portion of the property is the right-of-way that needs to be abandoned. Ms. Kearse pointed out the right-of-way area on the aerial photo and noted that when rights-of-way are closed, they are typically split between the adjoining owners.

Mr. Hawthorne asked whose right-of-way it is. Ms. Kearse stated that it is just a public right-of-way, and no one has responsibility for maintenance.

Mr. Sutton asked if the right-of-way was for a proposed street. Ms. Kearse responded that it was likely platted as a proposed street for a development that never materialized.

Mr. Hawthorne asked if the utility easement along Anderson extends further south beyond the entrance? Ms. Kearse replied yes.

Chair Crawford asked if there is a plan for the rest of the site showing all of the property. Ms. Kearse stated that there are plans for future development on the back part of the property, but nothing is

shown at this time.

Chair Crawford stated that there is a large buffer against the adjoining residential property now and asked if there will be less of a buffer in the future. Ms. Kearse stated that any proposed development on the remaining property will determine the buffer in the future.

Mr. Cullum asked if there was any consideration of traffic in this area. Ms. Kearse stated that no traffic study was required, and the roads are adequate to serve the proposed use.

Chair Crawford opened the floor to the applicant.

Emad Fahmy, 2078 Durand Road, Fort Mill (applicant) was available for questions.

Ms. Brown asked the applicant if he is moving from his current location. Mr. Fahmy stated yes, he wants to build his own site, so he doesn't have to keep moving.

Chair Crawford opened the floor for public comment.

Chad Simpson, 1324 E. Black Street, stated that he is the contractor for the proposed development and is in favor of the proposal. Mr. Simpson offered to answer any questions.

Chair Crawford noted that in terms of compatibility, there are several similar uses in the area.

Mr. Sutton made a motion to approve the application subject to the four conditions noted in the staff comments. The motion was seconded by Mr. Cullum and was approved by a vote of 6-0 (Williams absent).

Mr. Sutton presented the findings, noting that it complies with the use specific standards, it is compatible with surrounding property, minimizes any adverse impact, there is no environmental impact, roads are adequate, it will not injure neighboring land or property values, a site plan has been submitted, and it complies with all other relevant laws & ordinances.

5. Appeal Z-2022-15: Request by George Riano, for a variance from the secondary front setbacks for a fence at 1698 Hardy Dr, which is zoned Multi-Family-15 (MF-15). Tax map number 636-11-01-111.

Shana Marshburn, Planner II, presented the staff report.

Chair Crawford opened the floor to the applicant.

George Riano, 1698 Hardy Drive (applicant), stated that he has a dog and people use the adjoining area as a common space. He is trying to avoid any incidents.

Mr. Hawthorne asked if there is a trail that this area leads to behind the neighborhood. Mr. Riano stated that people do go through the area and onto the adjoining property, but it is not a real trail.

Chair Crawford opened the floor for public comment.

James Sheedy, 1732 Hardy Dr, Bristol Park HOA President, stated that the property was originally planned to have a road but there are no plans for a road there now. The HOA previously talked to the City about taking ownership of the property for installation of playground. The neighborhood covenants state that fences should be see-through, but several fences have been installed that don't meet this standard. Mr. Sheedy stated that he is in favor of the proposal.

Mr. Cullum stated that it is nice of the HOA president to attend, and it shows neighborhood approval.

Ms. Brown made a motion to approve the application. The motion was seconded by Ms. Reeves and was approved by a vote of 6-0 (Williams absent).

Ms. Brown presented the findings, noting that the property is unique in that there is no street in the

right-of-way, the conditions are unique and do not apply to other properties in the area, a smaller fence would not address the applicant's security concerns, and the granting of the variance would not be detrimental to the area.

6. 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.

Chair Crawford asked about the green box at front of the site on the site plan. Ms. Kearse stated that the green box represents a small building that is on a separate parcel.

Chair Crawford opened the floor to the applicant.

Robert Whitaker, 1717 Gervais St, Columbia, SC (applicant), stated that his goal is to provide an affordable alternative for the community.

Mr. Sutton asked if someone local will operate the business. Mr. Whitaker stated that he will operate the business.

Chair Crawford asked what types of service will be offered. Mr. Whitaker stated that they will replace shocks, brakes, and do tune-ups.

Chair Crawford asked what the hours of operation will be. Mr. Whitaker replied that it will be open from nine until six or seven.

Chair Crawford opened the floor for public comment.

Vincent James, 1227 Saluda Street, member of the Saluda Corridor Business Association, spoke in opposition to the proposal stating that in order to change the mindset of a person or community, the conditions surrounding them need to change; there is blight in the area; the fence doesn't shield the use from public view; and the Saluda corridor leads to downtown, but its appearance is not representative of Rock Hill. Mr. James presented pictures to the board showing other businesses in the area.

Chair Crawford asked if any of the pictures were taken on this site. Mr. James noted that one of the pictures was of this site and pointed it out to the Board.

Ms. Reeves asked Mr. James if he is opposed to the proposed use. Mr. James stated that there are enough auto sales and repair businesses on Saluda. Mr. James noted that he has an auto sales business on Saluda that he is planning on moving. Adding one more would not be a good look for Saluda coming to downtown from I-77. Mr. James stated that the Saluda corridor doesn't look like what we want it to. Rock Hill is changing and growing, and the Saluda corridor also needs to change and grow. If you come into Rock Hill from Saluda Street, it doesn't show what Rock Hill really is.

Mr. Cullum asked Mr. James what he envisions for this property. Mr. James stated that the building should be torn down and offices with residential above should be built.

Mr. Hawthorne asked Mr. James if the yard is screened in, would it address your concerns. Mr. James stated that there are other properties in the area that should be screened but they are not.

Chair Crawford stated that since this is a new development, it would have to be screened and asked staff to verify. Ms. Kearse stated that since this property has been vacant for so long, all of the current standards have to be met.

Dr. Norma Gray, 407 Marshall St, on behalf of herself and Get Clear Social Justice Network, spoke in favor of the proposal. She believes the plan will make the Saluda Corridor better and go in the direction it should go. It will improve the property's appearance. She stated that she wants Saluda Street to look like the rest of Rock Hill. Economic challenges right now have caused used cars to cost as much as new cars and we are desperately in need of more repair shops. People are holding on to their vehicles longer and we need competitive businesses.

Lawrence Sanders, 604 ½ Saluda Street, spoke in opposition and stated that the applicant will not do anything he says. Mr. Sanders stated that the applicant has another place in Lancaster and asked why he needs another one here. Mr. Sanders commented that the applicant hasn't done anything to improve the property and other places in the area haven't done anything to clean their property up either.

Melvin Poole, owner of 523 Saluda Street, co-chairman of Saluda Corridor Business Association, spoke in opposition and stated that the character of Saluda Street is changing. It used to be a place with junk cars and mechanic shops, but it is changing. North Central Family Medical Center has invested and built new buildings, the Transformation Center has built a new church, and a pharmacy opened two weeks ago. Other auto businesses in the area have not followed the rules and the applicant will do the same thing. People in the area have fought to get things changed and want to keep the momentum going.

Eddie McFadden, 729 Rockdale Street, spoke in opposition and noted that he has put up a car port, paved the driveway, and installed a fence around his property. He stated that the proposal will knock down the value of his house. He pointed out properties in the area with junk cars and stated that he doesn't want to lose the value of his house.

Mr. Whitaker was given time for rebuttal and stated that improving the building will increase property values in the area and make the property more appealing to the area. He noted that he is planning to put stone on the building and add trees in accordance with the ordinance. He stated that he will go above and beyond the requirements. He also stated that Mr. James wanted to buy the property for the same use that he is proposing.

Mr. Hawthorne asked Mr. Whitaker if he has any plans showing what the building would look like after it is fixed up. Mr. Whitaker stated that he only has the sketch plan and noted that he wants to improve the entire location. He stated that the building has sat how it is because he can't do anything with the building until he gets City approval. He needs the approval before paying someone to do plans.

Ms. Brown asked Mr. Whitaker how long he has owned the building. He stated about 5 years.

Chair Crawford commented that drawings would help the Board envision what the building will look like. Mr. Whitaker stated that he wants to add slate panels on the building and the site will be paved. He noted that he has talked to the owner of building next door who has some design ideas. He stated that he will update the building to make it look more modern.

Ms. Reeves asked Mr. Whitaker what his time frame is for doing the work. Mr. Whitaker stated that he can start in 30-60 days.

Mr. Hawthorne stated it would be good for the applicant to have some renderings of the building to help the neighbors see what it will look like.

Ms. Reeves stated that anything will look better than a vacant building.

Ms. Brown stated that the Saluda Corridor Business Association has put a lot into the area and their voice should weigh on what we do.

Mr. Hawthorne stated that if someone wants to bring a business to the area, it should be well-received by the neighbors. He stated that giving the applicant time to provide more information would help inform our decision.

Ms. Reeves stated that she thinks the neighbors will have the same comments.

Chair Crawford stated that if we have more information, it will help determine if the design minimizes adverse impacts.

Mr. Hawthorne stated that he agrees that something is better than nothing but having more information will help us make a decision.

Ms. Reeves asked what exactly the applicant should provide. Mr. Hawthorne stated that he would like to see professionally drawn plans and renderings of the building.

Chair Crawford stated that it is unclear what he is willing to do that is above and beyond the requirements. If he shows up something, it will allow us to determine that.

Mr. Cullum commented that regarding property value, it looks like the City thinks it will improve values, but neighbors think it will hurt values. He stated that we need to clarify what the vision is for the area and be consistent with that.

Chair Crawford stated that the Board also needs to consider compatibility with the area.

Mr. Hawthorne made a motion to defer until more information is provided by the applicant, including building elevations and fence drawings. The motion was seconded by Mr. Cullum and was approved by a vote of 6-0 (Williams absent).

7. Appeal Z-2022-17: Appeal by Randy Williams of the Director's decision to deny a permit for a fence on an undeveloped residential property located at 539 Walnut St, which is zoned Single-Family Residential-5 (SF-5). Tax map number 625-08-03-014.

Shana Marshburn, Planner II, presented the staff report.

Mr. Sutton asked what the appellant's options are if the appeal is denied. Ms. Marshburn stated that they would need to either remove the fence or combine the lots.

Mr. Hawthorne asked if the lots are combined, can fence stay as it is. Ms. Marshburn replied yes.

Chair Crawford asked what section of the code says fences cannot be on undeveloped lots. Ms. Marshburn referred to sections of the code that mention fences on undeveloped lots are specific to non-residential properties.

Mr. Sutton stated that he thinks it is a gray area in the code. Chair Crawford agreed.

Mr. Hawthorne stated that the code explicitly says fences should be on same lot as the principal structure.

Chair Crawford asked why fences are not allowed on undeveloped residential lots. Ms. Marshburn stated that you don't commonly see fences on undeveloped residential lots. There is normally no need to fence in an undeveloped residential lot.

Chair Crawford asked if staff initially thought that the fence was for the house next door. Ms. Marshburn replied yes, the code enforcement officer didn't realize the fence was on a separate lot.

Chair Crawford opened the floor to the appellant

Randy Williams, 4407 Harbor Inn Road, (appellant), presented pictures to the Board. Mr. Williams stated that the situation is very confusing. He was initially told that he just needed to get a permit.

He commented that the situation doesn't make logical sense. He stated that he inherited the lot from his father. His nephew who lives in the house on the adjoining lot cleaned up the subject lot to have a place for his kids to play and asked if he could fence it in. Mr. Williams stated that he plans to build a house on the property one day and commented that the fence looks better than an overgrown lot. He stated that the fence permit application is confusing where it says you don't have to get a building permit for fences unless they are over six feet. Mr. Williams stated that after he filled out the application, he got different e-mails from people at the City. He doesn't understand why staff asked questions about the location of fence if he wasn't allowed to have a fence and nobody mentioned that he couldn't have a fence between Dec. 6, and Feb. 2.

Mr. Cullum asked Mr. Williams if the fence was built before he applied for the permit. Mr. Williams stated that he wasn't aware that he needed a permit and when he started trying to get a permit, nobody said I couldn't have a permit. He is also confused by the staff report where it says that if the appeal is upheld, the fence will have to meet setbacks, but the permit application says you can build a fence up to the property line.

Ms. Reeves asked Mr. Williams if he could combine the lots. Mr. Williams stated that he doesn't want to combine the lots because he plans to build a house there one day.

Mr. Hawthorne asked Mr. Williams what he will do with the fence if he builds a house on the lot. Mr. Williams stated that by then, his nephew will probably be gone, and the kids will be grown so the fence wouldn't be needed.

Mr. Sutton asked why the fence is L-shaped. Mr. Williams stated that it was a high-crime area a couple of years ago and the fence helps provide privacy and security for the kids. It also helps things from being stolen.

Mr. Williams provided a picture of another house he has beside a commercial property where the commercial property has a fence. Mr. Hawthorne commented that the fence there looks a little out of place, but it makes sense why they did it.

Chair Crawford referred to Section 5.3.1.(F) of the Zoning Ordinance that states accessory structures are not to be constructed prior to the primary structure.

Mr. Cullum made a motion to affirm the decision of the Planning & Development Director. The motion was seconded by Chair Crawford.

Mr. Cullum commented that the appellant is a builder, and the fence was built without checking on the rules. This could've been avoided if the appellant had applied for a permit first.

Mr. Hawthorne commented that it would be helpful moving forward to have the ordinance clarified.

Chair Crawford called for the vote and the motion was approved by a vote of 5-1 (Sutton opposed, Williams absent).

8. Appeal Z-2022-18: Request by Andy Golden with Express Oil, for a variance from the rear yard setback for an automobile repair use at 2250 Cherry Rd, which is zoned General Commercial (GC). Tax map number 634-07-01-004.

Melody Kearse, Zoning Coordinator, presented the staff report.

Mr. Hawthorne asked if there are bays on the back of the building. Ms. Kearse replied that they are and that there are bays on both sides of the building.

Mr. Hawthorne asked if the landscape island will be extended along the west side of the property. Ms. Kearse replied yes.

Mr. Hawthorne asked if staff has any concerns about vehicles backing up into the access drive to the rear of the property. Ms. Kearse stated that the access drive is not frequently used, and staff does not think this will create any conflicts that will be a problem.

Mr. Cullum asked if the property across the street is where a storage facility is proposed. Ms. Kearse stated that the storage facility will be on the back of the property with commercial uses fronting Cherry Road.

Mr. Cullum asked how a shared access drive is defined. Ms. Kearse stated that it is an agreement between property owners that allows an owner to access their property across another property.

Mr. Cullum stated that the access drive is full of potholes and asked who is responsible for maintenance. Ms. Kearse stated that she is not sure if there is a maintenance agreement between the owners that use it or not. She noted that the parking lot improvements for the welding school on the adjoining property includes improvements to the access drive.

Mr. Hawthorne asked if the common access is recorded at register of deeds. Ms. Kearse replied that it is.

Chair Crawford asked about the stacking requirement for service bays. Ms. Kearse replied that three parking spaces are required per bay but there is not a stacking requirement.

Mr. Hawthorne asked if the existing building will be demolished. Ms. Kearse replied that it will.

Mr. Hawthorne asked if a traffic study was required and if SCDOT has approved the access to Cherry Rd. Ms. Kearse stated that SCDOT previously approved an access in the same location for Captain D's, although the access for this proposal may need to be shifted to the east.

Mr. Cullum stated that there is a similar common access drive across from Wal-Mart on Old York Rd, and he thinks this one will be more heavily used over time.

Chair Crawford opened the floor to the applicant.

John Davis, 1880 Southpark Drive, Birmingham, Alabama (applicant's representative) stated that they recently opened the Old York Rd location and immediately started looking for a second location in Rock Hill. He noted that the plan to pave the entrance. He noted that cars will enter the site from the common access drive, and they have verified that they have rights to use it.

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

Mr. Sutton made a motion to approve the variance request. The motion was seconded by Ms. Reeves. Chair Crawford noted that the access easement helps reduce the need for a setback.

Chair Crawford called for the vote and the motion and was approved by a vote of 6-0 (Williams absent).

Mr. Sutton presented the findings, noting that the shape of the lot and surrounding conditions are unique and strict application of the requirements would deprive use of the property; and granting the variance will not be detrimental to the surrounding area.

9. Other Business.

- a. Ms. Kearse presented information about upcoming continuing education opportunities.

10. 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 6-0 (Williams absent). The meeting adjourned at 8:09 p.m.

20212656
539 Walnut - Fence
539 Walnut Street
Install 6' tall fence, vacant lot
Fence -

(2)
J

Plan Review Comments

Inspection - PAC - William Ashley - william.ashley@cityofrockhill.com -
803-329-5587

Approved

Review Comments:

Infrastructure - Stormwater - Tim Brooks - tim.brooks@cityofrockhill.com -
803-817-5107

Approved

Review Comments:

1-18-22

Shana ASKING
question's
never mention
No fence

Zoning - PAC - Shana Marshburn - shana.marshburn@cityofrockhill.com -
803-326-2456

Not Approved

Review Comments:

1. Provide the fence's distance to the front property line. The street is not representative of the property line.
2. State the purpose of the fence.

Utilities (Electrical) - Patrick Hall - patrick.hall@cityofrockhill.com -

Approved

Review Comments:

Approved 1/18/22

Terminals - Rebecca Mullett - rebecca.mullett@cityofrockhill.com -
803-329-5582

Conditional

Review Comments:

Homeowner needs to be added as the fence installer and Cost of Materials is \$850

20212656
539 Walnut - Fence
539 Walnut Street
Install 6' tall fence, vacant lot
Fence -



2-2-2022

Plan Review Comments

Inspection - **PAC** - William Ashley - william.ashley@cityofrockhill.com -
803-329-5587

Approved

Review Comments:

Infrastructure - Stormwater - Tim Brooks - tim.brooks@cityofrockhill.com -
803-817-5107

Approved

Review Comments:

Zoning - **PAC** - Shana Marshburn - shana.marshburn@cityofrockhill.com-
803-326-2456

Not Approved

Review Comments:

1. Fences are not allowed on undeveloped property, therefore, the fence will need to be removed.

Utilities (Electrical) - Patrick Hall - patrick.hall@cityofrockhill.com -

Approved

Review Comments:

Approved 1/18/22

Permit Technicians - Rebecca Mullett - rebecca.mullett@cityofrockhill.com -
803-329-5582

Conditional

Review Comments:

Homeowner is installing the fence signed permit and made copy of his DL and he stated the cost of Materials is \$850

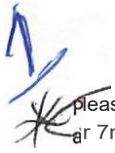


FENCE PLAN SUBMITTAL CHECKLIST AND PERMIT APPLICATION

No fee (\$0)

Prior to the installation of a fence in the City of Rock Hill, a fence plan must be reviewed to ensure that the fence complies with the City's regulations as outlined in the Rock Hill Zoning Ordinance and that the fence is not placed in any easements or rights-of-way. We recommend that you contact SC811 to locate any utilities on your property first before starting your project. Visit <https://sc811.com/homeowners/> for more information. The following information must be submitted with your application:

- D Stale drawing or picture of fence** showing the **height, type, and material** of the fence.
- D Site plan drawn to scale or survey of property** showing the **location of the fence with the property dimensions**. Show any utility or other easements present on the property. Indicate location of electric meter and any utilities (overhead or underground) present in the area to include light poles, manhole covers, or any additional meters. Include a description of landscaping if required by the Zoning Ordinance standards.
- D Homeowner's Association or Architectural Review Board approval letter, if applicable**. The approval letter must have the individual name of the person with authority signing the letter.



Please note that a building permit application is required for privacy walls over 6 ft. in height, where allowed by the Zoning Ordinance. If you are installing a fence in conjunction with a swimming pool, see the Swimming Pool Permit application for more information about building code requirements for fences around pools. A site compliance inspection is required after your fence is installed. The property lines are required to be marked at the time of the inspection. Please contact the PAC at (803)329-5590 to schedule the inspection.

Please complete the following information:

Permit Address: _____ Subdivision: _____ Lot #: _____
(Location of permit site Inside RH City Limits)

Property Owner: _____ **Phone:** _____

Property Owner Address: _____ **Email:** _____

Fence Installer: _____ City Bus. Lic. #: _____

Fence Installer Address: -----

Fence Installer Phone: _____ Email: _____

Description of Fence: -----

Contract Price \$ _____

Are there any recorded deed restrictions or restrictive covenants that apply to this property which are contrary to, conflict with, or prohibit the permitted activity being requested? For example, is there a mandatory architectural review or homeowner association approval required?

Over **Yes** **No** If yes, please describe restrictions: -----

Certifications

- I certify to the best of my knowledge that all information provided is true and correct **and** all work performed under this permit shall conform to all plans and specifications herewith submitted and shall conform to the City Zoning and Building Codes and all laws and ordinances pertaining thereto.
- I understand the City of Rock Hill accepts no responsibility for fences that do not conform to covenants or guidelines set by associations.
- I attest that there are no recorded deed restrictions or restrictive covenants that apply to this property which are contrary to, conflict with, or prohibit the permitted activity being requested.
- I certify no construction or portion of construction will be built over or under any electrical, water, sewer, stormwater or any other utility easements or rights-of-way.
- If any information is false or misleading, the permit may be considered void and revoked. Failure to begin development activity within 6 months from the application approval may result in expiration of the permit.

Applicant Signature: _____

Applicant Title: _____
(Contractor, Owner, Agent, etc.)

Applicant Printed Name: _____

Sworn to and subscribed before me on this _____ day of _____, 20____ Signature

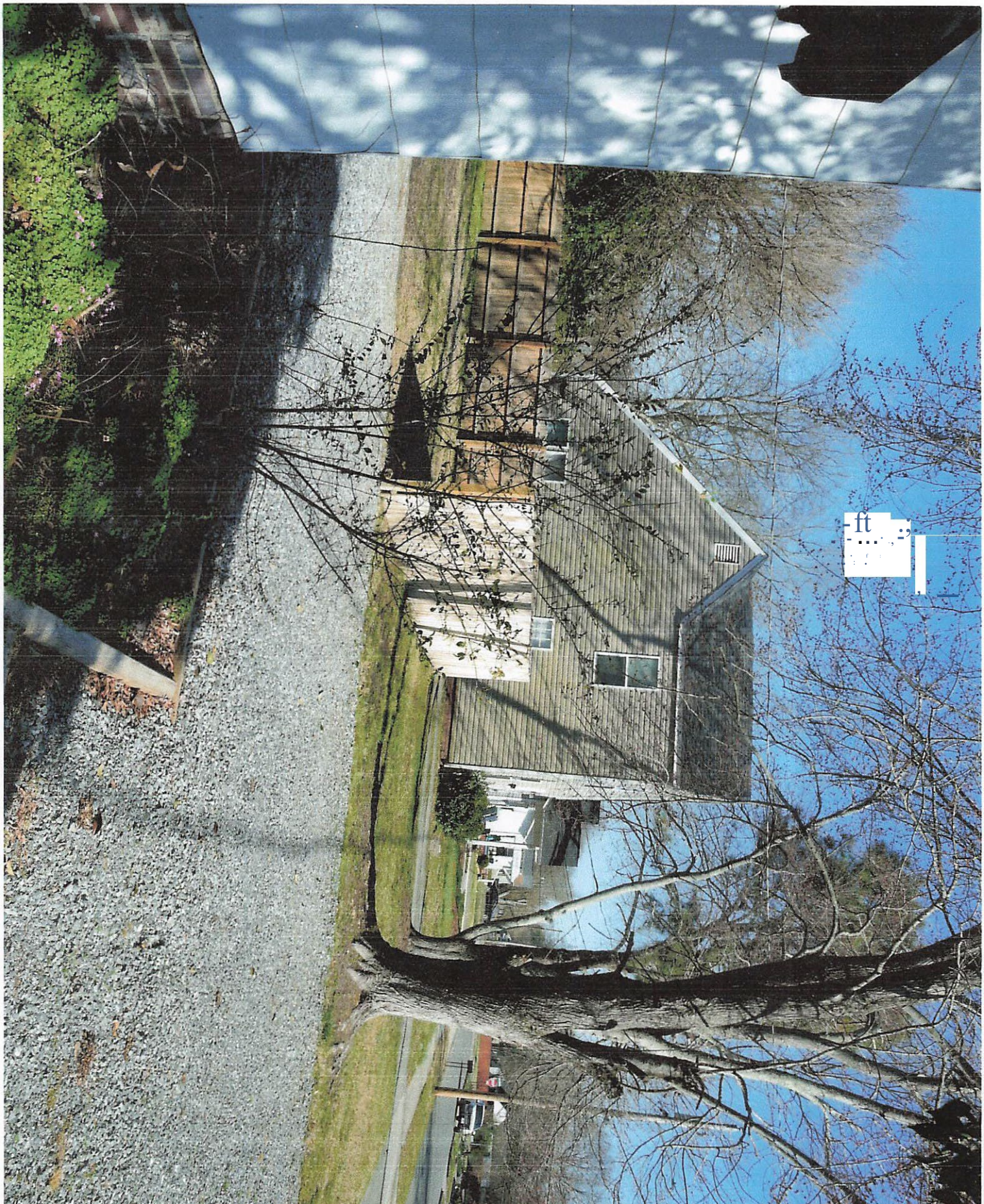
of Notary: _____

Notary Public for: _____

My commission expires: _____

FOR OFFICE USE ONLY: Date Filed: _____	Comments: _____
Action: <input type="checkbox"/> Denied <input type="checkbox"/> Approved Planning & Development Director/Designee: _____ Date: _____	





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