

A public hearing of the Zoning Board of Appeals was held Tuesday, September 20, 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, Keith Sutton, Chad Williams

**MEMBERS ABSENT:** Stacey Reeves

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

Legal notices of the public hearing were published in The Herald, Friday, September 2, 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 August 16, 2022, meeting.**

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

**3. Approval of Orders of the August 16, meeting.**

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

**4. Appeal Z-2022-32: Request by Gary Cangelosi with Pathway Partnerships, LLC for a special exception for a carwash use and a variance from the landscaped buffer-yard requirements at 1933-1935 Mt Gallant Road. The property is zoned Limited Commercial (LC). Tax map numbers 636-00-00-026, -027, -028, & -029.**

Melody Kearse, Landscape Plans Examiner, presented the staff report.

Mr. Sutton asked if the 100-foot buffer would come up the right-hand side of the lot. Ms. Kearse stated yes. Mr. Sutton also asked if the 100-foot buffer would extend to the street. Ms. Kearse stated no, it would come to the edge of the stormwater pond.

Mr. Hawthorne asked if there was connectivity with Walgreens on Celanese Road. Ms. Kearse stated there was connectivity to Walgreens.

Mr. Williams asked if they will be required to connect. Ms. Kearse stated yes.

Mr. Hawthorne asked if a Traffic Impact Analysis was completed for DOT. Ms. Kearse did not think one was required at this point. Mr. Hawkins stated the state may require one.

Mr. Sutton asked if all four parcels are going to be combined. Ms. Kearse stated there is the potential for two separate parcels with a shared access road.

Chair Crawford opened floor to applicant.

Mr. Gary Cangelosi, 17510 Langston Drive, Charlotte, NC, stated the four lots would be combined into two lots; the carwash site and an outparcel.

Mr. Hawthorne stated there are several carwash facilities within a drivable radius and asked Mr.

Cangelosi if he was concerned about any existing carwashes around the proposed carwash. Mr. Cangelosi stated he was not concerned due to the uniqueness of his carwash. Mr. Cangelosi also stated this will be a neighborhood carwash and typically residents do not travel across town for a carwash.

Chair Crawford asked if the connection to Walgreens would be an exit-only lane. Mr. Gangelosi stated it is a closed loop system.

Mr. Cullum asked the applicant if was agreeable with the City's request for an additional 100-foot buffer. Mr. Cangelosi stated there is currently a chain-link fence on the property which will remain and a solid fence with gates will be added.

Chair Crawford opened the floor for public comments and there were none.

Mr. Williams made a motion to approve the special exception for the carwash use and a variance from the landscaped buffer-yard requirements with the condition the applicant will place an additional 100 feet of solid fencing along the property line on the southwest adjacent to Walgreens. The motion was seconded by Mr. Hawthorne and was approved by a vote of 6-0 (Reeves absent).

Mr. Williams presented the findings, specifically noting additional fencing; this will be a truly commercial use and old requirements for residential will go away.

**5. Appeal Z-2022-34: Request by Magloire Lubika with The Box Company for a special exception to expand the use and variances from the side-yard setback and setback from the primary structure for a storage shed at 702 Ogden Road. The property is zoned Single-Family Residential-4 (SF-4). Tax map number 600-20-01-016.**

Shana Marshburn, Planner II, presented the staff report.

Mr. Hawthorne asked about the height of proposed storage building. Ms. Marshburn stated the storage building would not be taller than the existing building.

Chair Crawford stated the dimensions seemed large. Ms. Marshburn stated the storage building will be as wide as original building.

Mr. Williams asked how the storage shed door will open. Ms. Marshburn stated the applicant has taken in account for the door swing.

Mr. Hawthorne asked about the neighbor's fence being on the applicant's property line. Ms. Marshburn stated the fence is on the applicant's property.

Chair Crawford opened the floor to the applicant.

Mr. Magloire Lubika, 6304 Trevor Simpson Drive, Indian Trail, NC asked Ms. Marshburn for a copy of the historical photo that was included in her staff report.

Mr. Williams asked how the storage shed door would open. Mr. Lubika stated the door will open on the Ogden Road side of the property.

Chair Crawford asked if the storage shed was for storage only. Mr. Lubika stated yes.

Chair Crawford asked about the height of the building. Mr. Lubika stated the storage shed would be the same height as the light mounted on the backside of the building and a gutter system will also be added.

Mr. Hawthorne asked if the fence would be a problem. Mr. Lubika stated no.

Chair Crawford asked if the fence and trees will remain. Mr. Lubika stated yes.

Chair Crawford opened the floor for public comment.

Mr. Lawrence Sanders, 604 Saluda Street, Rock Hill, SC spoke in favor of the special exception for the storage shed. Mr. Sanders stated the store looks wonderful and this is the type of people they like to see in their neighborhood.

Mr. Hawthorne stated this is a good use for what the applicant is trying to do.

Chair Crawford stated the storage shed will not be as noticeable the way it is being placed on the property.

Mr. Cullum stated Mr. Magloire Lubika has done a great job with growing the business.

Mr. Cullum made a motion to approve the special exception to expand the use and the variances from the side-yard setback and setback from the primary structure for a storage shed. The motion was seconded by Ms. Brown and was approved by a vote of 6-0 (Reeves absent).

Mr. Cullum presented the finding noting the storage shed will be used to store excess store inventory and the storage shed would not be detrimental to the business or the community.

**6. Appeal Z-2022-35: Request by Gloria Hubert for a variance from the locational standards and the required setbacks for a carport at 876 McClure Circle. The property is zoned Single-Family Residential-3 (SF-3). Tax map number 624-02-01-047.**

Bryman Suttle, Planner I, presented the staff report.

Board members asked for clarification on the setbacks as presented in the staff report.

Mr. Williams stated he wants to be sure that the ZBA is not setting themselves up for failure. Mr. Suttle stated the applicant wanted to ensure this request was being done the correct way.

Chair Crawford asked if there was any opposition from surrounding neighbors. Mr. Suttle stated no.

Chair Crawford opened the floor up to the applicant.

Ms. Gloria Hubert, 876 McClure Circle, Rock Hill, SC stated that without the carport major damage to her vehicle would occur because of the of the nut trees on her property.

Mr. Williams asked if staff prefers the type of roof of the carport. Mr. Suttle stated only an A-frame roof is allowed.

Mr. Cullum asked if the carport would mess up the front of the house. Ms. Hubert stated she did not think so.

Mr. Hawthorne asked if the carport would have sides on it or be open. Ms. Hubert stated that it would be open.

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

Mr. Sutton made a motion to approve the variance from the locational standards and the setbacks for a carport as detailed on the site plan. The motion was seconded by Mr. Williams and was approved by a vote of 6-0 (Reeves absent).

Mr. Sutton presented the findings noting extraordinary exceptional conditions primarily because of the only six-foot side yard setback; the unique condition for a ten-foot setback, the location of the house; and the carport will not be detrimental to surrounding lands.

**7. Other Business.**

- a) Ms. Kearse introduced the new ZBA liaison, Ms. Amy Britz.
- b) Ms. Kearse stated that the Board Appreciation Dinner will be held October 11<sup>th</sup> at the Manchester Pavilion and reminded the Board to be sure to RSVP.
- c) Ms. Kearse stated that the 2023 Zoning Board of Appeals calendar will be presented at the October 18<sup>th</sup> meeting which will be voted on at the November meeting.
- d) Ms. Kearse stated the short-term rental moratorium will be extended which was slated to end in November.
- e) Ms. Kearse stated a date has not yet been set for the Transportation mini session for Continuing Education hours. Ms. Kearse also stated she will be putting together a condensed Crime Prevention Through Environmental Design (CPTED) session which will have to be sent to the state for approval before it can be presented.

**8. Adjourn.**

There being no further business, Mr. Sutton made a motion to adjourn. The motion was seconded by Mr. Hawthorne and was approved by a vote 6-0 (Reeves absent).

The meeting adjourned at 7:17 p.m.