

A public hearing of the Zoning Board of Appeals was held Tuesday, October 18, 2022, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill, SC.

MEMBERS PRESENT: Charlotte Brown, Matt Crawford, James Hawthorne, Stacy Reeves
Keith Sutton, Chad Williams

MEMBERS ABSENT: Rodney Cullum

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 30, 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 6:01 p.m.

2. Approval of Minutes of the September 20, 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 (Cullum absent).

3. Approval of Orders of the September 20, 2022, meeting.

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

4. Appeal Z-2022-36: Request by Barbara Robinson for a special exception for a child day care use at 748 Tigler Ct. The property is zoned General Commercial (GC). Tax map number 602-03-02-016.

Bryman Suttle, Planner I, presented the staff report.

Mr. Sutton asked for confirmation of the maximum number of children allowed for this child day care facility. Mr. Suttle confirmed the maximum number of children allowed is 25.

Mr. Williams asked should the change in number of children allowed be part of the motion or just for the Board's understanding. Mr. Suttle stated that it is for understanding purposes.

Chair Crawford asked if the 90-degree parking spaces will be reoriented. Mr. Suttle stated parking spaces will be reoriented to angled spaces to work with the flow-through traffic pattern.

Chair Crawford opened the floor to the applicant.

Ms. Barbara Robinson, 1329 Neelys Creek Road, Rock Hill, SC stated that she would greatly appreciate approval of the day care and feels the day care would be good for the neighborhood.

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

Mr. Williams made a motion to approve the special exception for a child day care use. The motion was seconded by Mr. Hawthorne and was approved by a vote of 6-0 (Cullum absent).

Mr. Williams presented the findings, specifically noting the enrollment cap is noted, the use is compatible with surrounding uses, and there was no negative feedback.

5. Appeal Z-2022-37: Request by Samuel Sackey on behalf of Church of Pentecost, USA,

Inc., for a special exception to establish a medium-sized religious institution use and a variance from the required number of parking spaces and the landscaped buffer yard requirements at 641 Annafrel St. The property is zoned Single-Family Residential-5 (SF-5). Tax map number 627-02-02-022.

Shana Marshburn, Planner II, presented the staff report.

Mr. Sutton asked how long the church had been vacant. Ms. Melody Kearse stated it had been vacant since approximately 2016.

Chair Crawford opened the floor to the applicant.

Mr. Samuel Sackey, 5005 Avington Court, Waxhaw, NC stated that the staff report presented was sufficient and there was nothing he could add.

Chair Crawford asked about the operating hours of the church. Mr. Sackey stated the church would be open on Sundays beginning at 9:00 a.m.; but that there could possibly be Friday evening services from 7:00-9:00 p.m. He added that there could be activities for children to share fellowship.

Mr. Hawthorne asked about a planned opening date for the church. Mr. Sackey stated as soon as possible once permits are issued.

Chair Crawford opened the floor for public comment.

Rev. Joseph Osarfo-Akoto, 5001 Hope Valley Road, Monroe, NC stated that he will be the head pastor and is in the process of entering into an agency agreement with the City's Police Department.

Mr. Hawthorne stated that he felt this was a good use to re-open a church in this residential area and a good use of the land.

Mr. Hawthorne stated that he had concerns about the parking with seating in the main sanctuary to be composed of 224 chairs, but the hours of operation have eased his concerns.

Mr. Hawthorne made a motion to approve a special exception to establish a medium-sized religious institution use, a variance from the required number of parking spaces and a variance from the landscaped buffer yard requirements. The motion was seconded by Mr. Sutton and was approved by a vote of 6-0 (Cullum absent).

Mr. Hawthorne presented the findings, specifically noting that the church complies with use-specific standards; the use has direct access to an arterial or collector road; adjacent residents are not expected to experience any greater impact upon the church being re-used; proposed religious institution use is compatible with the surrounding land uses; the design of the use minimizes adverse effects; use minimizes environmental impacts and does not cause significant deterioration of water and air resources; should not injure neighboring property values; and complies with City laws.

6. Appeal Z-2022-38: Request by Timas Nelson for a variance from the height requirements for an accessory structure at 946 Pebble Rd. The property is zoned Single-Family Residential-5 (SF-5). Tax map number 625-12-04-009.

Amy Britz, Zoning Coordinator, presented the staff report.

Mr. Sutton asked if the City has gone to out measure how much higher the accessory structure is than the roof of the primary structure. Ms. Britz stated the City has not been out; they have only seen photos from the applicant.

Mr. Hawthorne asked about compatibility when there are no other homes with a tree house above

roof line; is that a true measure of compatibility. Ms. Britz stated that the code states that the accessory structure cannot be higher than the roof line.

Ms. Marshburn stated that accessory structures are intended to be subordinate to the primary structure which is why the requirement is in place.

Chair Crawford asked if the rule is that the accessory structure cannot be higher than the primary structure. Ms. Marshburn stated that is correct and noted the different setback requirements for one-story and two-story accessory structures. This structure is considered two-stories because it is over twelve feet tall and although it meets the required setback, it cannot be taller than the primary structure.

Mr. Sutton is concerned we are trying to do code enforcement, and nobody knows how far out of variance they are.

Chair Crawford opened the floor to the applicant.

Mr. Timas Nelson, 946 Pebble Road, Rock Hill, SC asked for approval for his children's tree house.

Chair Crawford asked if he knew how much taller the treehouse was than his house. Mr. Nelson stated two feet.

Ms. Reeves asked how old the children are? Mr. Nelson stated two and six.

Mr. Sutton asked about taking two feet out of the legs of the treehouse. Mr. Nelson stated that everything would have to be shortened.

Mr. Nelson stated that he will do whatever it takes to get it right for his children and that he is a first-time home buyer and learning.

Mr. Hawthorne asked if the neighbors had any concerns. Mr. Nelson stated no.

Mr. Hawthorne asked if a permit was initially pulled when building the treehouse. Mr. Nelson stated no.

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 treehouse. Mr. Sanders stated that Mr. Nelson is a first-time home buyer and is helping improve the south side of town.

Mr. Williams stated that there was another case where a treehouse had to be lowered and unfortunately the rules cannot be changed; consistency and integrity must be maintained.

Mr. Hawthorne asked if the Board should consider a deferral until the correct amount of feet to be lowered is determined.

Mr. Hawkins stated that the City will work with the applicant to determine how to bring the treehouse into compliance.

Ms. Britz stated that it may just be a matter of lowering the roof, so it is less angled.

Ms. Reeves asked if it is even possible to lower the treehouse.

Mr. Sutton stated that readjusting the roof pitch might be best way to approach.

Mr. Williams asked if it would help to defer?

Mr. Hawkins stated that he doesn't see any reason to defer if it doesn't meet findings. It still won't

meet the findings, no matter how much taller it is than the house.

Mr. Williams made a motion to approve the variance from the height requirements for an accessory structure. The motion was seconded by Mr. Sutton and failed by a vote of 0 in favor and 6 opposed (Cullum absent).

Chair Crawford noted that the motion failed as the Board was unable to make the findings.

7. Appeal Z-2022-39: Request by Tom O'Neil with Caroland Equity, LLC for a variance from the minimum lot size standards and setback requirements to subdivide a property at 765-767 Carolina Ave. and 313 Heyward St. The property is zoned Single-Family Residential-5 (SF-5). Tax map number 600-02-02-001.

Shana Marshburn, Planner II, presented the staff report.

Chair Crawford asked if the required front setbacks would have an impact on providing driveways for the two structures. Ms. Marshburn stated that the duplex property that fronts Carolina Avenue has parking in the back, which would be expected to stay that way; and that considering that the driveway's size, it should be sufficient. She added that the current size and configuration of the driveway for the Heyward Street house should also be sufficient and the driveways for both properties would be formally reviewed when permits are applied for.

Mr. Hawthorne asked about the close proximity of the Carolina Avenue home to the street and how it would affect the driveway. Ms. Marshburn stated that typically a driveway should be deep enough to fully accommodate a vehicle on the property without it overhanging into the right-of-way, and that this too would be reviewed.

Chair Crawford opened the floor to the applicant.

Mr. Thomas O'Neil, 1333 Clifflure Lane, Fort Mill, SC stated that he is looking forward to revitalizing the Old Town area.

Chair Crawford opened the floor for public comment.

Mr. Lawrence Sanders, 604 Saluda Street, Rock Hill, SC spoke in favor of the variance stating the property has been vacant for some time and granting the variance would make the neighborhood better.

Mr. Sutton made a motion to approve the variance from the minimum lot size standards and setback requirements to subdivide a property. The motion was seconded by Ms. Brown and was approved by a vote of 6-0 (Cullum absent).

Mr. Sutton presented the findings, noting exceptional conditions as both structures were constructed in 1925, pre-dating the Zoning Ordinance; unique conditions include the fact that there aren't other instances where two primary structures exist on one lot, thus creating the need to subdivide; and it would not be detrimental to the area as the existing uses are compatible with their general surroundings.

8. Other Business

- 2023 Board Draft Calendar

Amy Britz presented the 2023 calendar for review and approval.

Mr. Hawthorne made a motion to approve the 2023 calendar with changing the November 21, 2023 meeting to November 14, 2023. The motion was seconded by Mr. Sutton and was

approved by a vote of 6-0 (Cullum absent).

- Continuing Education

Ms. Kearse stated she is still waiting for approval from the state for the 1.5-hour session, Crime Prevention Through Environmental Design (CPTED), for Continuing Education hours. Ms. Kearse also stated she will get information for Continuing Education videos and will email a list of videos to the Board.

9. Adjourn.

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

The meeting adjourned at 7:02 p.m.