

A public hearing of the Zoning Board of Appeals was held Tuesday, August 16, 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, Chad Williams

MEMBERS ABSENT: None

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

Legal notices of the public hearing were published in The Herald, Friday, July 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 July 19, 2022, meeting.

Mr. Kevin Sutton made a motion to approve the minutes as submitted. Mr. Chad Williams seconded, and the motion carried by a vote of 7-0.

3. Approval of Orders of the July 19, 2022, meeting.

Mr. Sutton made a motion to approve the orders. Ms. Stacey Reeves seconded, and the motion carried by a vote of 7-0.

4. Appeal Z-2022-26: Request by Beatriz Dela Cruz Guerrero for a variance from the maximum accessory structure size at 750 Briarcliff Road. The property is zoned Single-Family Residential-5 (SF-5). Tax map number 625-02-01-001.

Chair Crawford noted that this item was deferred until September and that no action is necessary.

5. Appeal Z-2022-29: Request by Joshua Resha for a variance from the secondary front setback for a fence at 1324 Hollythorn Drive. The property is zoned Planned Unit Development (PUD). Tax map number 633-09-12-117.

Chair Crawford noted that this item was withdrawn by the applicant prior to the meeting and that no action is necessary.

6. Appeal Z-2022-30: Request by Claude W. Burns, III on behalf of Burns Automotive for a reduction from the required separation from residential uses at 2517 Cherry Road. The property is zoned Community Commercial (CC). Tax map number 662-07-01-011.

Shana Marshburn, Planner II, presented the staff report.

Mr. Sutton asked if the use is non-conforming based on when the building was built. Ms. Marshburn stated yes.

Mr. Sutton stated that there was nothing in that area in 1968.

Mr. Sutton asked if the expansion of the auto body shop would still be 40 feet away from residential properties. Ms. Marshburn replied that the expansion will remain 40 feet away and the building extends further north.

Mr. James Hawthorne asked if the corner lot was still vacant. Ms. Marshburn stated yes.

Mr. Rodney Cullum asked if the new building width will still be 40 feet from property line. Ms.

Marshburn stated yes.

Chair Crawford opened the floor to the applicant.

Mr. Claude Burns (applicant), 3256 Bridgewater Road stated that staff did a complete presentation. Burns Chevrolet has been located at 2515 Cherry Road since 1968 and has had a body shop the entire time. Mr. Burns stated Burns is the owner of the three vacant lots near the location of the expansion. Mr. Burns also stated that there has not been any new construction in at least 50 years in this area and does not see how it will impact anyone as the expansion is to store parts in a better structure than what is currently there and that there have been no complaints about the Burns body shop. The complaints from the Hunt Club residents are for a completely different body shop.

Mr. Hawthorne asked Mr. Burns what the timeframe was to start building. Mr. Burns replied they were hoping by the end of the year.

Chair Crawford opened the floor for public comment.

Ms. Cindy Hoelting, 1568 Hunt Club Road, Rock Hill, SC lives in Hunt Club condominiums and is concerned about her property values going down. Ms. Hoelting asked what affect the building expansion would have on her property value. Ms. Hoelting stated that she had not seen any of the presentation that was given by staff prior to the Zoning Board of Appeal meeting. Ms. Hoelting also stated that she can hear noise from another body shop and is concerned about the work hours of the Burns auto body shop. Ms. Hoelting feels that there should be more time to review the information that was presented; asked why there was not an HOA meeting regarding this case and why the zoning is changing. Ms. Marshburn explained that the zoning was not changing that is a reduction in separation case.

Ms. Martha Matthews, 753 Sumter Ave, Rock Hill, SC is the property owner of the duplex located near the expansion site and stated that she has had no problems with Burns. Ms. Matthews asked if the hedges used to separate her property and Burns would be removed. Ms. Matthews also asked if there will be any buffer between her duplex and the proposed change.

Ms. Kelly Knoll, 1566 Hunt Club Court, Rock Hill, SC is concerned about the sound and asked if there will be fencing creating a physical buffer.

Chair Crawford allowed Mr. Mr. Burns to answer questions from the public. Mr. Burns stated that there would be no change in hours of work which are typically 8:30 a.m. to 5:00 p.m. Mr. Burns stated that there is a concern about homeless in the area that continue to cut through the current fence to find an open car to sleep in and is trying to find a resolution for this problem. Mr. Burns stated that he was not sure about the trees that the public was referring to and that he has not had any trees cleared; he has only had trees limbed up to help improve visibility to deter homeless people. Mr. Burns also stated that the buffer will not change and does not anticipate any change in the noise level.

Mr. Robert Hofer, 1155 Evans Ave, stated that he is concerned about the noise level when Burns begins construction. Mr. Hofer asked what time the construction will be taking place. Mr. Burns stated that he does not have a general contractor yet and does not know when construction will begin, and that Burns will be sympathetic to neighbors' requests.

Ms. Marshburn stated that there is a municipal code which will need to be followed regarding the hours of when construct is allowed to start.

Mr. Sutton made a motion to approve reduction from the required separation. Mr. Chad Williams

seconded, and the motion carried by a vote of 7-0.

Mr. Sutton presented the findings, specifically noting that the use is not changing and that there is no additional impact than what is already present.

7. Appeal Z-2022-31: Request by Sandra Knox for a special exception for the re-establishment of a non-conforming convenience store at 1327 Crawford Road. The property is zoned Single-Family Residential-4 (SF-4). Tax map number 599-01-04-032 & - 033.

Shana Marshburn, Planner II, presented the staff report.

Mr. Hawthorne asked why the feasibility report was not approved. Ms. Marshburn stated that it was informational for items that needed to be done before store opening.

Ms. Charlotte Brown asked why the store closed in 2016. Ms. Marshburn stated she was not sure of the reason.

Chair Crawford opened the floor to the applicant.

Ms. Sandra Knox, 1952 Londonberry Drive, stated that the store has been in the community for over 50 years.

Ms. Brown asked what had happened to cause the store to close. Ms. Knox stated that the store was closed for minor repairs, her daughter, who had run the store had taken ill, and because of Covid. Ms. Knox also stated that some recent improvements have been made to the store and any other issues the City has found, have been resolved.

Mr. Hawthorne asked when Ms. Knox anticipated reopening the store. Ms. Know stated as soon as possible.

Mr. Hawthorne asked if a dumpster would be put in place. Ms. Knox stated yes.

Chair Crawford opened the floor for public comment.

Mr. Lawrence Sanders, 604 Saluda Street spoke in favor of the reopening of the convenience store.

Mr. Hawthorne stated that he had driven by the store and that it looks good and that a store would work in that area of town.

Ms. Brown stated that she did not think a trial period for the store was necessary. Chair Crawford agreed.

Chair Crawford made a motion to approve the special exception. Ms. Stacey Reeves seconded, and the motion carried by a vote of 7-0.

Chair Crawford presented the findings, specifically noting that it is the same use, there will be no greater impact, applicant is not proposing to expand the use; there is a demonstrated use of compatibility; parking has already been developed and sanitation will be addressed appropriately.

8. Other Business.

a) Election of Officers

Mr. Sutton nominated Mr. Crawford for Chairman. The motion was seconded by Ms. Brown and approved unanimously by a vote of 7-0.

Mr. Cullum nominated Mr. Sutton for Vice-Chair. The motion was seconded by Mr. Williams and approved unanimously by a vote of 7-0.

b) Continue Education

Ms. Melody Kearse informed the Board that she will keep them updated as continuing education opportunities arise including a Transportation Update presentation and online courses.

c) Ms. Kearse presented the Board with packets including information from City Management, the Zoning Board of Appeal material from the Boards and Commissions manual and updated rules and procedures.

9. 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 of 7-0.

The meeting adjourned at 6:54 p.m.