

A public hearing of the Zoning Board of Appeals was held Tuesday, April 18, 2023, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill SC.

MEMBERS PRESENT: Charlotte Brown, Matt Crawford, Rodney Cullum, Stacey Reeves, Nathaniel Robinson

MEMBERS ABSENT: James Hawthorne and (one vacancy)

STAFF PRESENT: Amy Britz, Eric Hawkins, Shana Marshburn, Diana Fragomeni

Legal notices of the public hearing were published in *The Herald* on Friday, March 31, 2023. 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. Presentation of memorial gift to Sutton family.

3. Approval of Minutes of the March 28, 2023, meeting.

Ms. Reeves made a motion to approve the minutes as submitted. Mr. Cullum seconded, and the motion carried by a vote of 5-0 (James Hawthorne absent and one vacancy).

4. Approval of Orders of the March 28, 2023, meeting.

Ms. Reeves made a motion to approve the orders as submitted. Mr. Cullum seconded, and the motion carried by a vote of 5-0 (James Hawthorne absent and one vacancy).

5. Appeal Z-2023-09. Request by Jeff Marine for a special exception for a residential use at 444 Pineview Road. The property is zoned General Commercial (GC). Tax map number 630-04-02-004.

Amy Britz, Zoning Coordinator, presented the staff report.

There were no questions from the board.

Chair Crawford opened the floor to the applicant. Jeff Marine (applicant), 1345 Wildflower Drive, Gastonia, NC stated he had nothing to add for comment since Ms. Britz presented all the information to the board. The board did not ask the applicant any additional questions.

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

Ms. Reeves asked Chair Crawford if site plans would be submitted and Chair Crawford stated since it is a single-family residential use, the site plans are not as important as if it would be if this was for a commercial use. The board discussed single-family use is more compatible in this area since other single-family homes are already in the same location.

Ms. Reeves made a motion to approve the special exception for a residential use at 444 Pineview Road. The motion was seconded by Mr. Robinson and was approved by a vote of 5-0 (James Hawthorne absent and one vacancy).

Ms. Reeves presented the findings, noting the proposed use meets specific lot standards; the proposed use is more compatible with the use of single-family homes rather than commercial use; the design minimizes environmental impact; the proposed use will have minimum impact on traffic since Pineview is a residential street and Anderson Road can accommodate traffic generated from the residential use; values in the neighborhood would not be injured since the proposed use is also

a single-family home; and site plans will be provided from the applicant once the land survey is completed and staff will make sure site plans comply with all standards.

6. Appeal Z-2023-10. Request by Paula Tolliver with Christian Brothers Automotive Corporation for a variance to the buffer standards at 1933 Mt. Gallant Road. The property is zoned Limited Commercial (LC). Tax map number 636-00-00-026 and 636-00-00-027.

Amy Britz, Zoning Coordinator, presented the staff report.

Mr. Crawford asked if the building orientation limits the connectivity to adjacent properties to the North. Ms. Britz stated there would be no access to the North. Mr. Crawford asked if the staff was okay with having no access to the North and Ms. Britz stated yes.

Chair Crawford opened the floor to the applicant. Gary Cangelosi, (developer), 17510 Langston Drive, Charlotte, NC handed out two site maps to the board members explaining the variance request. Mr. Cangelosi stated replacing the chain link fence with new vinyl fencing would be more appealing. Mr. Cangelosi spoke about the buffers and the landscaping along the property and how this will enhance the area. Mr. Cangelosi stated he spoke to Ms. Linda Massey, owner of the property to the north, who has a 3-foot fence on her side of the property line and Mr. Cangelosi stated he would have her fence removed for her since crews would be out there removing the chain link fence. Mr. Cangelosi stated he can't speak for Ms. Massey but she has told him she is in favor of this development and she is supposed to attend the meeting.

Mr. Robinson asked if Mr. Cangelosi spoke to the other two property owners to the north. Mr. Cangelosi stated they are not interested in selling.

Mr. Cullum complimented the new vinyl fencing and asked if the landscaping is going to change. Mr. Cangelosi stated their landscaping project is an extensive package. Mr. Cullum asked if Christian Brothers is a national chain. Mr. Cangelosi stated Christian Brothers has 600 stores and it is an excellent company.

Mr. Crawford asked if Mr. Cangelosi is concerned about maintaining the landscaping and Mr. Cangelosi stated no.

Chair Crawford opened the floor for public comment and there was none. Chair Crawford closed the public hearing portion and then Ms. Massey arrived. Chair Crawford made a motion to open the floor again for the public comment portion, Ms. Reeves seconded the motion, and the motion carried by a vote of 5-0 (James Hawthorne absent and one vacancy).

Ms. Linda Massey, 2939 Longmeadow Road, Rock Hill, SC stated she owns the property adjacent to the proposed development, and she does not have an issue with the proposal. Mr. Crawford asked Ms. Massey if her property is immediately adjacent to the development. Ms. Massey stated yes. Mr. Crawford asked Ms. Massey if she supports this project and Ms. Massey stated yes.

Mr. Cullum made a motion to approve a variance to the buffer standards at 1933 Mt. Gallant Road. The motion was seconded by Ms. Reeves and was approved by a vote of 5-0 (James Hawthorne absent and one vacancy).

Mr. Cullum presented the findings, noting this location has extraordinary and exceptional conditions; there are unique conditions with the solid wall adjacent to the buffer; strict application would deprive the developer from full utilization of the land; and the variance is not detrimental to adjacent land or the public good.

7. Appeal Z-2023-11. Request by Jessica Corder for a variance to glazing standards at 1383 East Main Street. The property is zoned General Commercial (GC). Tax map number

626-05-04-001.

Shana Marshburn, Planner II, presented the staff report.

Ms. Brown asked Ms. Marshburn which windows would be required to have the tint removed. Ms. Marshburn stated 272 square feet of tint would need to be removed. She added as long as 272 square feet is removed, it doesn't matter in what areas.

Mr. Cullum asked if any feedback was given by other tenants. Ms. Marshburn stated no feedback was received from the public. Mr. Cullum was wondering if any other tenants complained about the sunlight because he has witnessed it being harsh after 3 p.m. at this location. Ms. Marshburn stated no.

Ms. Brown stated she felt this location is unique with regards to the issues with sunlight.

Mr. Crawford asked if the tint is blackout tint. Ms. Marshburn stated if you were to walk by the business front during the day you would not be able to see inside unless you were to get really close.

Ms. Reeves stated in the presentation photo, the business next door has signs on their windows to block the sunlight and asked if it is allowed. Ms. Marshburn stated some window signage is allowed but an entire window cannot be covered with signage. Ms. Marshburn stated when she was at the applicant's location for the final zoning inspection, she noticed violations at other businesses nearby and it would be handled separately through code enforcement.

Ms. Brown asked what the hours of operation are for the applicant's business. Ms. Marshburn stated the applicant's business hours are 11 a.m. to midnight, seven days a week and because it serves alcohol, it could not be open any later than midnight. Ms. Brown asked if anyone has been to the applicant's business at night to see whether a person can see through the tint. Ms. Marshburn stated no.

Mr. Crawford asked if shades could be used in place of the glazing. Ms. Marshburn stated shades can be used. Ms. Reeves and Ms. Brown questioned whether shades would have the same effect as the tint. Ms. Marshburn stated shades would allow some level of visibility into the space.

Chair Crawford opened the floor to the applicant. Jessica Corder (applicant), 541 East Black Street, Rock Hill, SC provided background of the billiard business. Ms. Corder stated there are no alcohol signage, posters, or coasters in the restaurant. It is a family friendly billiard business. It took a year to find this location and a big investment has been made with regards to equipment. To keep patrons comfortable and protect the pool tables from the heat and glare of the sunlight, it was decided to tint the windows which was a cost of \$3,200.00. Ms. Corder shared photos with the board members of other businesses in Rock Hill that have windows with little to no visibility. Ms. Corder stated there was an event at her establishment which brought in people from Pennsylvania, Georgia, and Florida for a tournament benefitting the Rock Hill economy. Ms. Corder stated there is visibility in the evening through the windows and she referred to 2 photos she submitted to the Board. Ms. Corder stated some of the tinting can be removed, yet the cost will be \$1,800.00 and then to replace the tint with blinds will cost \$3,500.00. She stated if she does not have to spend another \$5000.00 to achieve the same outcome, she would rather not. Ms. Corder stated the tinting is more aesthetically appealing for the patrons. Ms. Corder explained the layout of the interior of the floorplan, locations of the doors and the windows.

Discussion followed about the location of the windows, the floor plan layout, and the visibility from the inside of the business to the outside.

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

Mr. Cullum made a motion to approve the variance. The motion was seconded by Ms. Brown and was approved by a vote of 4-1 (Chair Crawford opposed, James Hawthorne absent and one vacancy).

Mr. Cullum presented the findings, noting there is an extraordinary and exceptional condition where the glare during the day causes unique conditions especially for the billiard facility and during the evenings, during higher occupant hours, there is visibility through the window tinting. He added there is a unique condition for all the tenants in the shopping center with respect to the issue with glare and strict application deprives the use, especially with it being a billiard facility. Lastly, he noted approval of the variance would not be detrimental, as during the evening, a person would be able to see through the windows and while an emergency may arise during the day, it is less likely to happen because the applicant has experienced business is very slow during that time.

8. Other Business.

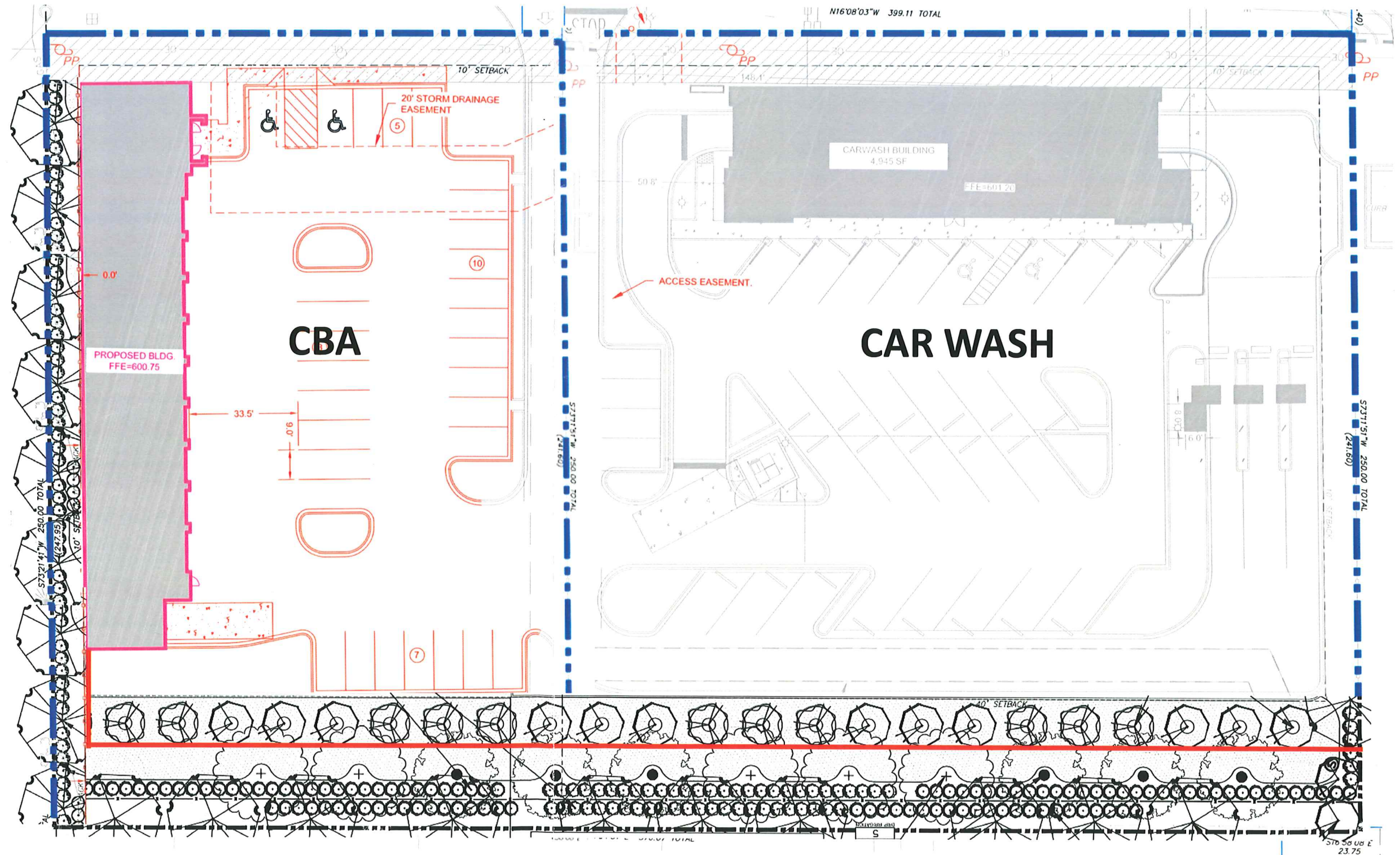
- a. Reappointments. Ms. Britz stated Mr. Hawthorne, Ms. Brown, and Mr. Robinson were reappointed to the Zoning Board of Appeals. Everyone congratulated them.
- b. Travel plans for Historical Conference Friday, April 28th. Ms. Britz stated whoever would like to carpool and go to the conference together as a group to please to contact her to make these arrangements.

9. Adjourn.

There being no further business, Ms. Reeves made a motion to adjourn. The motion was seconded by Ms. Brown and approved by a vote of 5-0 (James Hawthorne absent and one vacancy). The meeting adjourned at 7:23 p.m.

ZBA meeting 4-18-2023
Case Z-2023-10
Submitted by Gary Cangelosi
(Developer)

Landscaping required in 10-foot buffer and 40-foot buffer remains the same



Variance Request

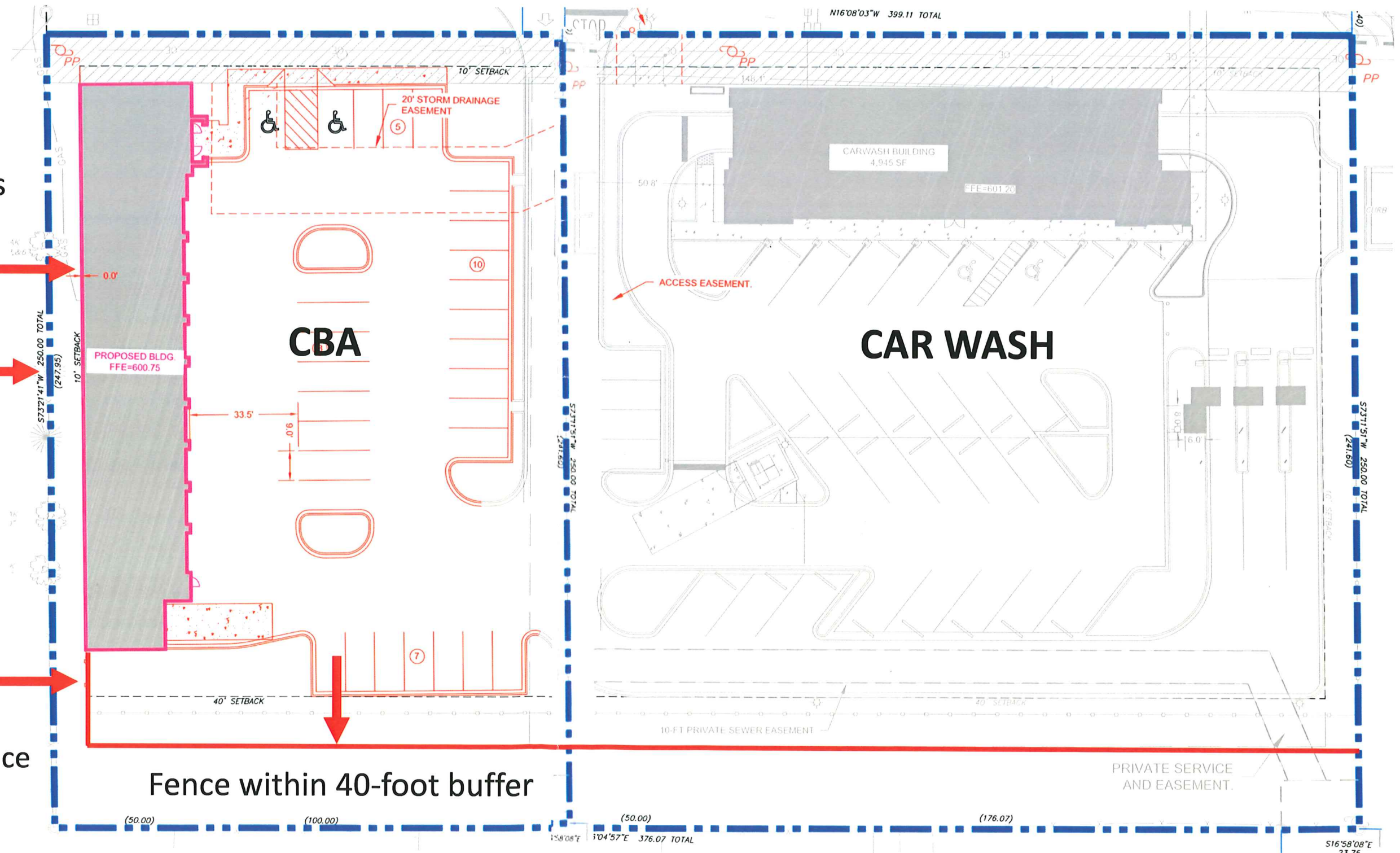
Scanned 4/20/2023
Case Z-2023-10 ZBA
Meeting on 4-18-2023
Submitted by Gary Cangelosi
(Developer)

Brick sidewall serves
as screen wall in
place of fence

Existing 6 ft.
barbed wire fence
would be removed

New solid 6-foot
fence extended from
rear of building to fence
within 40-foot buffer

Fence within 40-foot buffer



ZBA Meeting 4-18-2023
Case Z-2023-11
Submitted by Jessica Cordar (applicant)



ZBA meeting 4-18-2023
Case Z-2023-11
Submitted by Jessica Corder
(Applicant)

ALBRIGHT
SOUR
Evan Williams
SINCE 1793
KENTUCKY DISTILLER
Kentucky
Bourbon
WHISKEY

SAVE YOUR
FIREBALL
TODAY!

1377

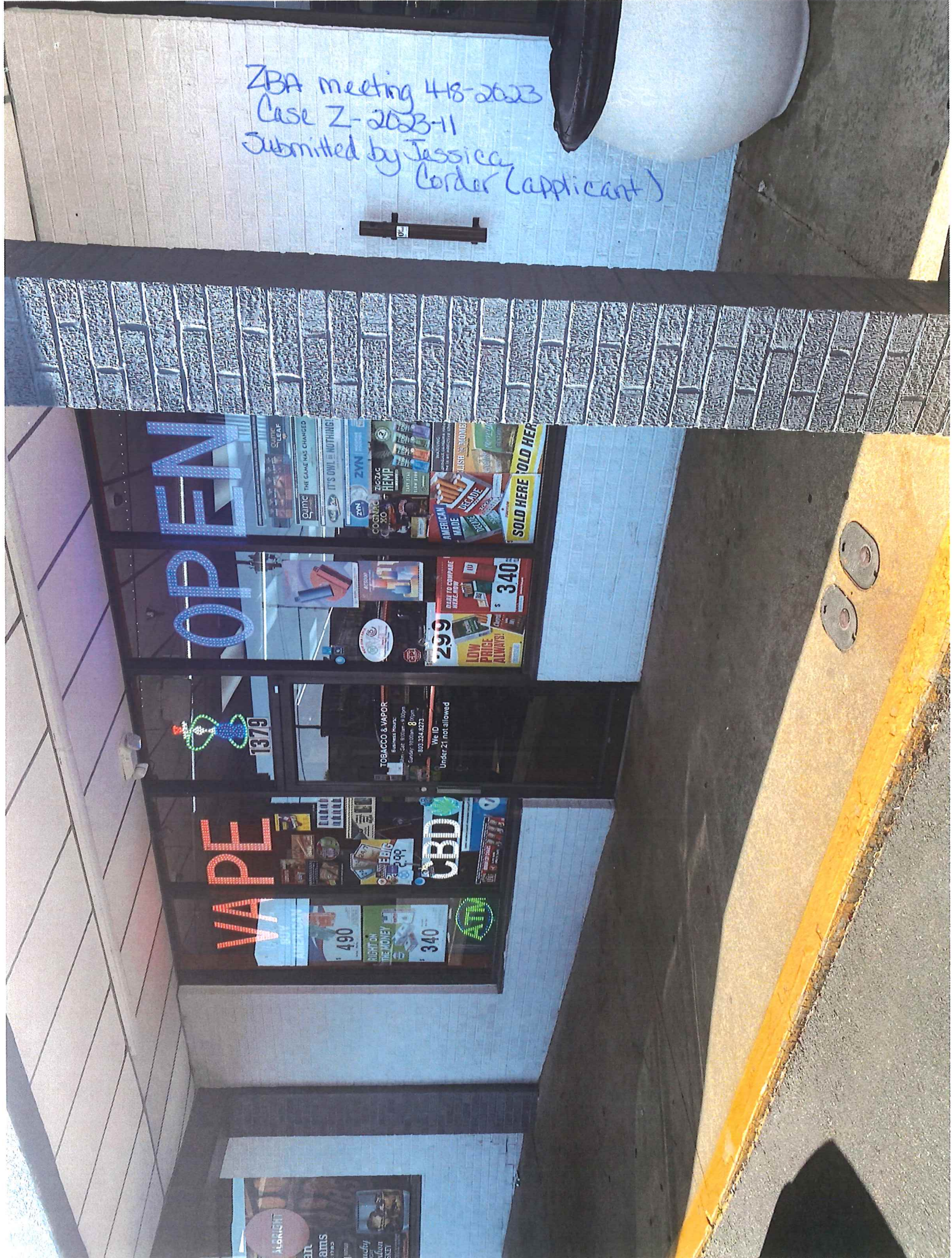
NEW

ALBRIGHT



3

ZBA meeting 4-8-2023
Case Z-2023-11
Submitted by Jessica
Corder (applicant)



ZBA meeting 4-18-2023
Case Z-2023-11
Submitted by Jessica Corder (applicant)

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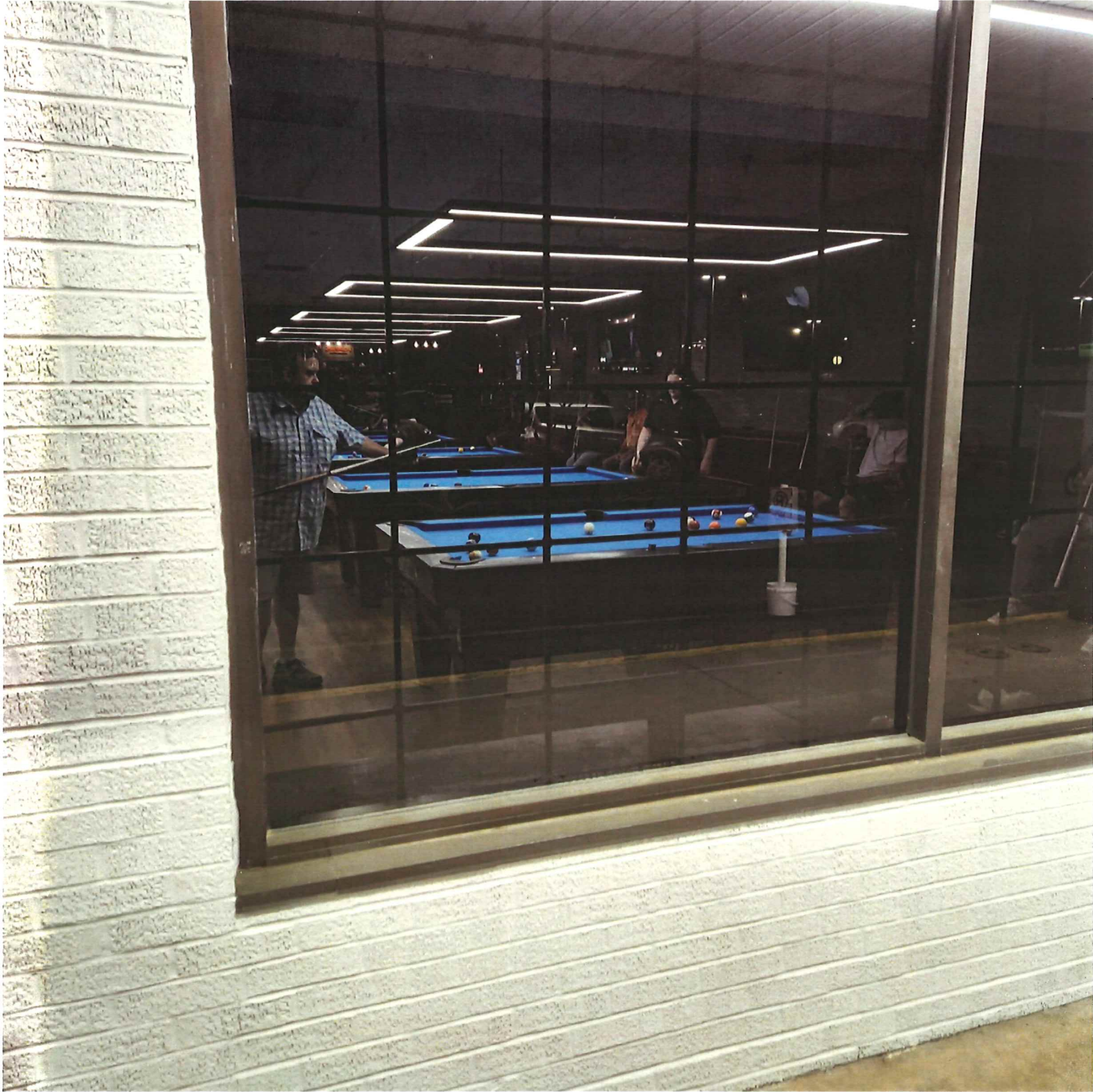
ZBA meeting 4-18-2023
Case Z-2023-11
Submitted by Jessica Gorder (applicant)

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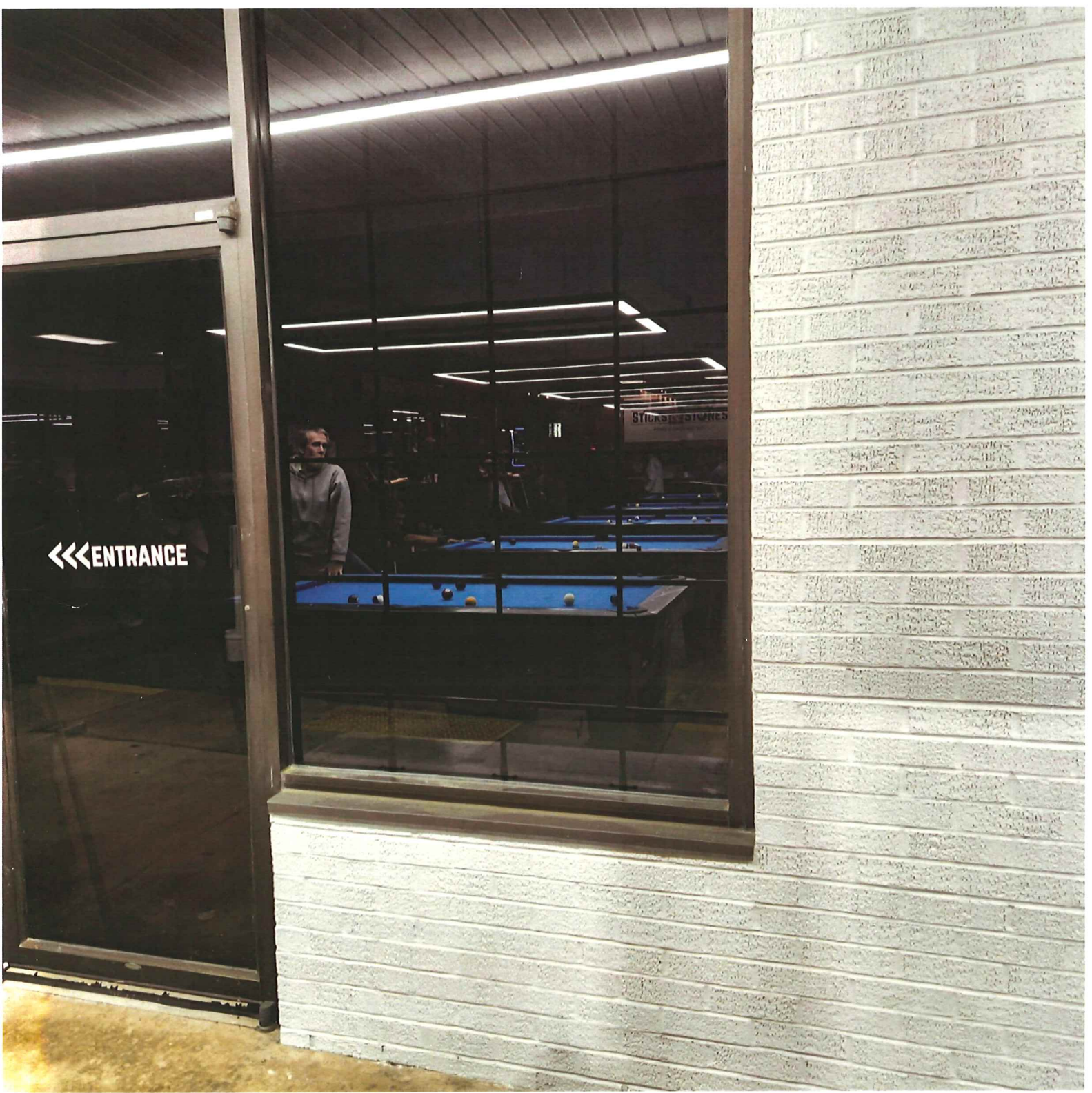


ZBA meeting 4-18-2023
Case Z-2023-11
Submitted by Jessica Corder (applicant)

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ZBA Meeting 4-18-2023
Case Z-2023-11
Submitted by Jessica Corder (applicant) 7



ZBA meeting 4-18-2023
Case Z-2023-11
Submitted by Jessica Corder (applicant)

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ZBA meeting 4-18-2023
Case Z-2023-11
Submitted by Jessica Corder (applicant)

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