

A public hearing of the Zoning Board of Appeals was held Tuesday, May 23, 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, James Hawthorne, Barry Chitwood, Nathaniel Robinson

**MEMBERS ABSENT:** Stacey Reeves

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

Legal notices of the public hearing were published in *The Herald* on Friday, April 28, 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. Introduction of new City Council appointed board member Barry Chitwood.**

**3. Approval of Minutes of the April 18, 2023, meeting.**

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

**4. Approval of Orders of the April 12, 2023, meeting.**

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

**5. Appeal Z-2023-12. Request by Kathryn Eiff for a special exception for a school use at 1041 Sylvia Circle. The property is zoned Single Family Residential-5 (SF-5). Tax map number 625-01-08-012.**

Amy Britz, Zoning Coordinator, presented the staff report.

Mr. Hawthorne asked if the rear of the property is fenced in. Ms. Britz stated it is not fenced in at this time.

Mr. Crawford staff recommends a condition that would limit the number of students to twelve. Ms. Britz stated that they will be limited by the space available and probably won't be able to have many more than 12 students. Ms. Britz stated that the school would have to move to a different location to accommodate a large number of students.

Chair Crawford opened the floor to the applicant. Kathryn Eiff, 3216 Hitching Post Lane, stated they are piloting a program specifically designed for children with intellectual and developmental disabilities and that is why there is a focus on ADA compliance. There will be a low number of students and a high teacher-to-student ratio. The program is an extension of Providence classical school.

Mr. Cullum asked if the program has a security plan for the building since one was not submitted with the application. Ms. Eiff stated they do have a security plan. There is a fire and tornado escape plan for the program. Ms. Eiff stated we are partnering with an architectural designer to make the plans more formal with proper posting in the building.

Mr. Cullum asked if there is a security plan for keeping students safe and intruders out. Ms. Eiff stated there isn't a specific plan yet. She noted that the building has updated locks,

external locks, keycodes, and there will always be someone on site at the church during the time when the school is operating. Providence Classical School has just designated an operations person to oversee the multi-site buildings. Ms. Eiff stated there is a full-time security officer at the main campus and there will be further discussions about safety. Ms. Eiff stated the program will have people from the main campus checking in on the school during the school week.

Mr. Cullum asked where the program will be in three to five years and if the attendance will be the same or increase in numbers. Ms. Eiff stated she unsure what the future holds but the ultimate plan is to have all of the Providence Classical School students under one roof.

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

Mr. Cullum stated he appreciates the program. Mr. Crawford stated this program would be a good fit and a good use of the property during the week. Mr. Hawthorne stated he was initially concerned with traffic being an issue, but with the small number of students and staff, and the size of the parking area, traffic will not be an issue.

Mr. Cullum made a motion to approve the special exception for a school use at 1041 Sylvia Circle. The motion was seconded by Mr. Hawthorne and was approved by a vote of 6-0 (Ms. Reeves absent).

Mr. Cullum presented the findings, noting the location compiles with the use specific standards for road capacity; the location is compatible with the current use; it will have no adverse impact to the area; it will not create any traffic issues; there will be no environmental issues; and the site plan is approved for what it is looking to accomplish.

**6. Appeal Z-2023-13. Request by James Ryerson with Ryerson Brothers Construction, LLC for a variance to the secondary front setback for a fence at 503 W. Main Street. The property is zoned General Commercial (GC). Tax map number 598-13-01-007.**

Shana Marshburn, Planner II, presented the staff report.

Mr. Hawthorne asked if the fence on Wylie Street is on the right-of-way. Ms. Marshburn said yes. Mr. Hawthorne then asked if the other fence on West Main Street was in the right-of-way because he was not able to see it on the map. Ms. Marshburn stated there is a chain link fence along Wylie Street encompassing the backyard of the building and there isn't a fence located along the opposite side of Wylie Street.

Mr. Crawford asked how far the fence would be if it were placed in between the shrubs and the heritage tree. Ms. Marshburn stated the fence would be less than 10 feet from the property line at Wylie Street. Mr. Crawford then asked would it be eight or nine feet. Ms. Marshburn stated she is not sure exactly how many feet it would be because the shrubs and the heritage tree are not shown on the scaled survey. She added the only way to be sure would be to identify the property line in the field and pull a string from the property line to an area in between the heritage tree and the shrubs. Mr. Crawford stated in the application there was a reference to an attachment of pictures, and he did not see the pictures in the staff report. Ms. Marshburn stated the photos used in the presentation were photos she had taken of the location, and she apologized if the photos the applicant referenced were not included in the packet. Mr. Hawkins stated staff could try and locate the photos the applicant referenced, whereas later it was determined no photos were provided. Mr. Hawthorne asked if the height and the change of the character of the fence is a trigger for the variance? Ms. Marshburn stated yes, because the lot is bound by two

streets it is considered a corner lot, whereas it has both a primary and secondary front property line. She went on to add the Zoning Ordinance specifies when a fence is placed on a primary or secondary front property line, it may not be taller than 4 feet and must be decorative. She further clarified because the proposed fence would be 6-foot tall and completely opaque, it would not meet the requirement. Mr. Hawthorne asked whether instead of going with a decorative fence if it could be replaced with a taller chain link fence in the same location. Ms. Marshburn stated the alternative mentioned would be an issue as well, as chain link fencing is not allowed in front yard areas. She added if the location was an interior lot and had structures on either side of it, chain link fencing would be acceptable if it were in the rear yard.

Chair Crawford opened the floor to the applicant. Johnathon Flippen stated he is representing the applicant and is an employee of Ryerson Brothers Construction. Mr. Flippen passed out a packet of photos and a map of the site to the board members and staff. Mr. Flippen explained the site map and photos in the packet. Mr. Flippen stated they would remove the existing fence which is outside of the property line and replace it with a new six-foot fence along the property line. He added they are requesting this for security reasons since company vehicles will be left in the parking area overnight. He added employees are not allowed to park company vehicles in their neighborhoods. Mr. Flippen stated his employer did receive a phone call from the Ms. Marshburn in regards to placing the fence between the shrubs and heritage tree. Mr. Flippen added he was not involved in the conversation, but his employer was indeed agreeable to the location suggested by Ms. Marshburn. Mr. Flippen stated the shrubs are located right along the property line and the intent is to place the fence two to three feet inside the property line which still requires a variance because it would be within 10 feet. Mr. Flippen explained the first and the second photos show the property line location on site. Mr. Flippen explained the third photo shows how the fence would be inside of the shrubs, so there can be some landscaping done on the exterior, and it would be aesthetically pleasing in appearance. Mr. Flippen stated the fourth photo shows the fence his employer would like to propose, which is a standard six-foot fence to be stained and provide privacy.

Mr. Cullum asked if Mr. Flippen agrees to what the city is recommending. Mr. Flippen stated yes and added his employer is also satisfied with the proposal to place the fence in between the heritage tree and bushes, which would be less than 10 feet inside of the property line. Mr. Crawford asked if the shrubs and the heritage tree will remain, and if the fence will be placed between them. Mr. Flippen said yes. Mr. Hawthorne stated it would still need a variance because it'd be setback less than 10 feet from the property line. Mr. Cullum asked for clarification regarding the variance being discussed. Ms. Marshburn interjected stating there must have been some miscommunication with the applicant, and the applicant is agreeable after all was in line with staff's recommendation to the Board. She stated when she contacted a member of Ryerson Brothers Construction, she suggested placing the fence in between the heritage tree and the shrubs. She added even though this placement would result in the fence being less than the required 10 feet from the property line, the City could make a positive recommendation given the difficulty in locating the fence amongst the tree and shrubs. Ms. Marshburn again mentioned the applicant acknowledging its willingness to install the fence in accordance with staff's suggestion was good but the decision on whether to grant the variance was still up to the Board. Mr. Flippen stated he does believe there was a misunderstanding of what the city was proposing, and he apologized. Mr. Cullum asked Ms. Marshburn whether the application needed to be revised? Mr. Hawkins stated the

variance is less of a variance than what was presented, so you can modify it to lessen it. He added that staff would not advise the Board to increase the degree of variance from what was proposed and what was presented was staff's original understanding of where the applicant was willing to place the fence. Mr. Cullum asked whether it would be more efficient if the Board allowed staff to determine the exact placement of the fence. Ms. Marshburn stated unless the Board wants to set a definite amount, simply requiring the fence to be placed in between the heritage tree and the shrubs would be cleaner and guess proof.

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

Mr. Crawford stated he was having difficulty meeting with the extraordinary exceptional condition finding, yet now the heritage tree is an extraordinary condition.

Mr. Hawthorne made a motion to approve for a variance to the secondary front setback for a fence to be placed in between the shrubs and the heritage tree along Wylie Street. The motion was seconded by Ms. Brown and was approved by a vote of 6-0 (Ms. Reeves absent).

Mr. Hawthorne presented the findings, noting there was an extraordinary exceptional condition pertaining to the piece of land, there also were unique conditions in way of the heritage tree to avoid placing the fence and the shrubs, it does not deprive application of the use by approving this variance, and not detrimental to issue this variance as it will not result in substantial detriment to adjacent land or public good.

**7. Appeal Z-2023-14: Request by David Stringer on behalf of Rebel Base Investments, LLC for a special exception for an indoor concert hall use at 161 W. Main St. The property is zoned Downtown (DTWN).**

Amy Britz, Zoning Coordinator, presented the staff report.

Mr. Cullum asked what the difference between a DJ party and a promoted music party? Ms. Britz stated a promoted music party is open to the general public with no set limitation on attendance, whereas a ticketed event or invitation only event, there is limitation to be set on attendance to make sure there is adequate amount of parking for attendants. Mr. Hawthorne asked if an organization wanted to host an event and sell a1000 tickets for a DJ event, is it okay? Ms. Britz stated if the organization rented out the space, and there are limited invitation tickets, no one from the public can just attend. Mr. Cullum asked if the city was okay with events ticketed with a DJ? Ms. Britz said yes. Mr. Hawthorne asked if the organizer of an event can promote the event and not be in violation? Ms. Britz stated it will be more of an artistic atmosphere event than DJ events. The intent is not to have any issues with police, attendance, and noise. Mr. Crawford asked how many parking spaces would this venue require if it was not in the Downtown district? Ms. Britz stated it is based on square footage and depends on the size of the building. This event hall would need 72 spaces, yet because this venue is in the Downtown district, parking can be managed with other sites. Mr. Crawford asked if 72 spaces was what was needed for 1000 people? Ms. Britz said yes. Mr. Hawkins stated it is not necessary based on the attendance numbers yet based on the square footage and the ordinance parking requirements. Ms. Marshburn stated it depends on whether the venue has fixed seats or non-fixed seats, it is one for every three fixed seats and one for every 50 square feet if the venue has non-fixed seats. The 72 parking spaces are based on non-fixed seats. Mr. Hawthorne asked how many fixed seats are at the venue and Ms. Britz said none. Mr. Hawkins stated if you figured one for every three fixed seats then the parking spaces would need to be over 334.

There was a discussion between staff and the board members of the different areas the

public can park for events. The city parking lot and parking deck have 300 spaces, the Herald location has about 700 spaces, the University parking garage A deck has 756 spaces and parking garage B deck has 600 spaces.

Mr. Cullum asked what the time frame of development of the ramp? Ms. Britz stated the city received construction plans and has not seen building plans pertaining to the apartments or the parking deck. There will be a second phase for all the offices and the smaller buildings at the top of the property. The apartments and the parking deck will be built at the same time. Construction has been approved. Mr. Cullum asked if the ramp would start at ground level and be used for pedestrian traffic? Ms. Britz said yes. Mr. Cullum asked if the next closer garage is the Thread? Ms. Britz said yes. Mr. Cullum then asked if the staff feels because of the Downtown district there will be adequate parking? Ms. Britz said yes. Mr. Hawthorne asked how the Two Scoops business had their concerns addressed? Ms. Britz stated the Two Scoops business would benefit from the concert hall activity. Mr. Hawthorne asked if the concert hall will serve food? Ms. Britz stated they will have a food window from Common Market and a bar onsite. Mr. Cullum asked if there is an inside connection to the other two buildings? Ms. Britz said no.

Chair Crawford opened the floor to the applicant. David Stringer (applicant), 153 South Oakland Avenue, Rock Hill, SC stated he is well established in Rock Hill with other business venues. Mr. Stringer spoke about the parking issue raised by the board and stated how past concerts were able to handle the parking in the Downtown area. Mr. Hawthorne asked if VIP parking will have designated parking for the other businesses in the area? Mr. Stringer said yes. Mr. Stringer has had several conversations with the other business owners to work with everyone. There is a good security plan and traffic plan with the City of Rock Hill Police department. The emphasis will be for the public to walk to the venue. Mr. Crawford asked Mr. Stringer often would there be sold out shows verses selling only 200 tickets for an event? Mr. Stringer is looking to sell as many tickets as possible. Mr. Stringer stated there will be 45 headliner shows and 45 regional shows differentiated by the audiences the venue will expect. The 45 regional shows he expects to sell between 600 to 1000 tickets. He stated some shows will sell out and some shows will not. Mr. Cullum asked if Mr. Stringer expects at least 600 people at an event at least one night a week? Mr. Stringer said yes. Mr. Hawthorne asked if shows will be limited to just music or will there be comedians? Mr. Stringer said he is looking to sell tickets. The venue will be all inclusive and have a wide variety of music and have local acts perform. Mr. Cullum asked if Mr. Stringer is acceptable to creating an accessible walk path for the public to get to the venue? Mr. Stringer said the sidewalks are already well maintained and there also is an underpass for the public to use. He stated having traffic enforcement and the Police department assisting will be an advantage for the public. Mr. Crawford asked Mr. Stringer if he was okay with not having promoted parties at the location? Mr. Stringer said yes, and he stated sounds like there is a misunderstanding with the language. Mr. Stringer said the city just does not want a DJ at the venue where it's open to the public and 2000 attending the event and it's unmanageable. His goal is to sell tickets and having promoted parties would not economically benefit his business. Mr. Stringer is not looking to have the venue be a nightclub. Mr. Cullum asked if Mr. Stringer is okay with restricted parking spaces and Mr. Stringer said yes and the common parking lot will be shared among the businesses, and he will enforce the restricted parking in the area. All the logistics still need to be worked out. Mr. Stringer is looking to work with the other business owners and promoting their businesses and since he is a business owner himself, he understands the importance

of working with surrounding owners. Mr. Hawthorne asked if there will be tabletops since food will be served at the concert hall? Mr. Stringer said yes. There has not been a furniture intake plan done yet, although it will be addressed. Mr. Crawford asked when does Mr. Stringer plans to have the first event at the venue? Mr. Stringer said he does not have an answer to that question yet, this project has had a lot of starts and stops and has been in the works for about five years. It depends on construction and how the project moves along and progresses.

Chair Crawford opened the floor for public comment. Graham Moore, 161 West Main Street, Rock Hill, SC stated he is one of the owners of Common Market and he is one of the partners in this building. He stated he met with Mr. Stringer and his team last week and discussed time limited parking spaces for the public and how it would be enforced. The Two Scoops owner was more comfortable after having long conversations pertaining to the limited parking. Mr. Moore stated how the public has options with using Uber and Lift as alternatives. Mr. Moore talked about the economic impact of the concert hall benefiting the whole area of Rock Hill.

Cybil Huskeys, 201 West Main Street, Rock Hill, SC stated she is concerned with the noise coming from the venue and the after flow of the public after the events end.

Mr. Stringer addressed Ms. Huskeys concerns and stated the noise mitigation is a big part of the construction process and in the business plan it shows the noise mitigation will be addressed. Security will be present at events to make sure that the public disburse once the events are done. There will be a detailed security and safety plan put together. Mr. Crawford asked Mr. Stringer if there are noise experts who can be hired to assist with the noise? Mr. Stringer said yes, and the information is included in the business plan. Mr. Cullum asked if the maximum number of tickets that can be sold is 1000 tickets? Mr. Stringer said yes and the number can change based on when the Fire Marshall calculates a specific number, which will be the exact number of how many tickets can be sold at the concert hall.

Mr. Crawford asked for clarification on the recommendation of the DJ language. Mr. Hawthorne stated the way Mr. Stringer explained it made sense as it's not open to the public. Ms. Britz said most past events that had to be shutdown was because of DJ events were open to the general public and it is why the language is included. Mr. Cullum asked what is meant by the phrase promoted parties? Ms. Britz said it means open to the general public and not a ticketed event. Mr. Hawkins said it is a terminology used by staff. It is like events you see advertised on Facebook with a five-dollar cover charge, it's an example of a promoted party.

The board members discussed parking and all the valued points pertaining to parking and how the concert hall will be a great addition to the City of Rock Hill.

Mr. Cullum made a motion to approve a special exception for an indoor concert hall use at 161 W. Main Street with a maximum of 1000 people for ticketed events. The motion was seconded by Mr. Hawthorne and was approved by a vote of 6-0 (Ms. Reeves absent).

Mr. Cullum presented the findings, noting the request compiles with specific standards, compatibility has been reviewed and approved, minimal and adverse impact, no environmental impacts, roads will have a parking plan, no issue of injury to neighboring land or property values, and the site plan has been approved as well.

**8. Other Business.**

a. Vice chair election

Ms. Britz stated a Vice-chair needed to be elected. Mr. Cullum volunteered.

Mr. Crawford made a motion to approve of Mr. Cullum as Vice-chair. The motion was seconded by Ms. Brown and was approved by a vote of 6-0 (Ms. Reeves absent).

**9. Adjourn.**

There being no further business, Mr. Hawthorne made a motion to adjourn. The motion was seconded by Mr. Chitwood and approved by a vote of 6-0 (Ms. Reeves absent). The meeting was adjourned at 7:27 p.m.

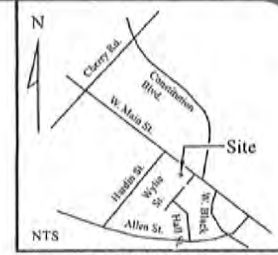
I HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN. THE PROPERTY DOES NOT LIE WITHIN A FLOOD PLAIN.

*William C. White Jr.*  
 WILLIAM C. WHITE JR. P.E.S. #11077

NO NEW PROPERTY LINES CREATED BY THIS SURVEY

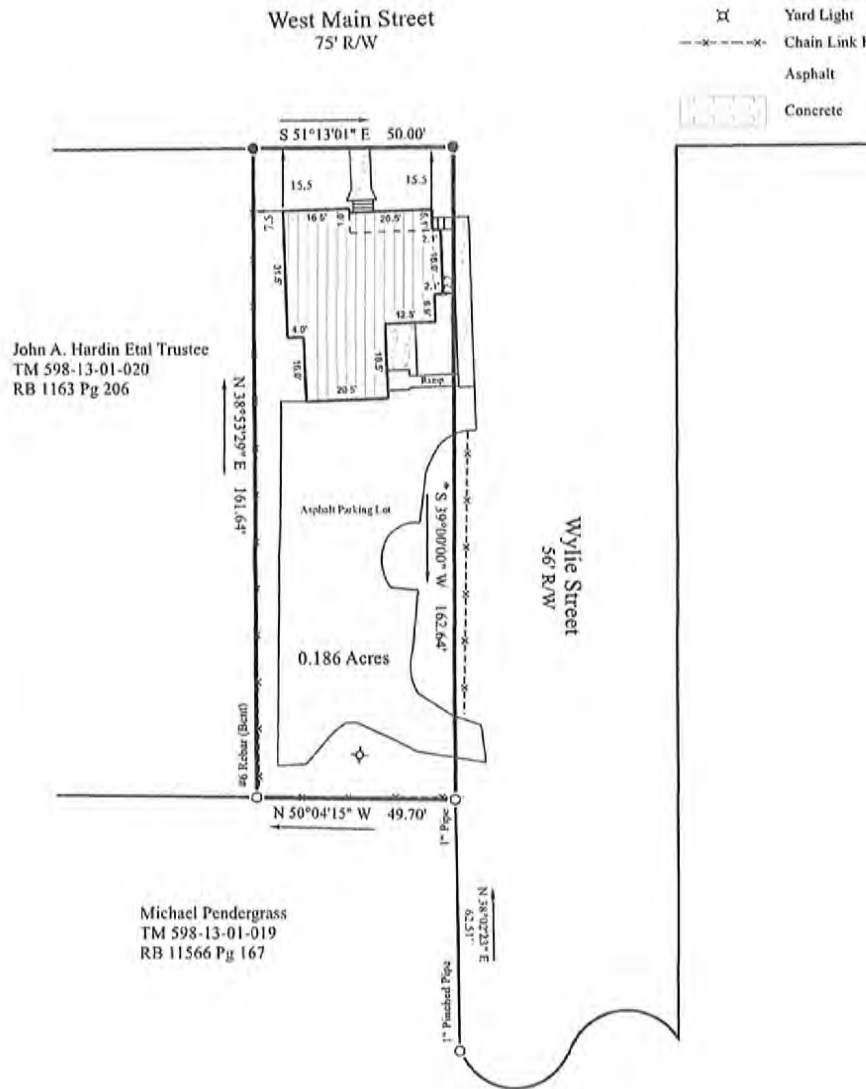
REFERENCES: RECORD BOOK 20172 PAGE 78

TAX MAP - 598-13-01-007



LEGEND

- Old Monument - as noted
- New Monument - #4 Rebar w/ ID Cap
- ⊕ Yard Light
- - - - - Chain Link Fence
- Asphalt
- Concrete



PLAT OF PROPERTY OF  
**RYERSON BROTHERS CONSTRUCTION LLC.**

503 WEST MAIN STREET  
 ROCK HILL, S.C.

AUGUST 15, 2022 SCALE 1" = 30'



WHITE LAND SURVEYING  
 P.O. BOX 685  
 421 E. BLACK STREET  
 ROCK HILL, S.C. 29710  
 803-327-5758

Job: 112038

*ZBA Meeting  
 on 5-23-2023  
 submitted by  
 Johnathan Flippen  
 Representing Ryerson Brothers Construction  
 Z-2023-13*





ZBA Meeting 5-23-2023  
 Case Z-2023-13  
 Submitted by Johnathon Flippen  
 Representing Ryerson Brothers Construction



ZBA Meeting 5-23-2023  
Case Z-2023-13

Submitted by Johnathon Flippen Representing  
Ryerson Brothers Construction

ZBA meeting 5-23-2023  
Case Z-2023-13

Submitted by Johnathon Flippen  
Representing Ryerson Brothers  
Construction

Photo - Google Photos



5/23/23, 12:23 PM

6' Wooden Privacy Fence - PT  
 4x4 posts  
 3/4" thick smooth finish pickets



ZBA meeting 5-23-2023  
 Case Z-2023-13  
 Submitted by Johnathon  
 Flippen representing Ryerson  
 Brothers Construction

Scaled Fence Render