

A public hearing of the Zoning Board of Appeals was held Tuesday, June 20, 2023, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill SC.

**MEMBERS PRESENT:** Charlotte Brown, Matt Crawford, James Hawthorne, Nathaniel Robinson, Barry Chitwood

**MEMBERS ABSENT:** Rodney Cullum, Stacey Reeves

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

Legal notice of the public hearing was published in *The Herald* on Friday, June 2, 2023. Notice was posted on all case properties involved. Adjacent property owners and tenants within 300 feet were notified via postcards.

**1. Call to Order**

Chair Crawford called the meeting to order at 6:01 p.m.

**2. Approval of Minutes of the May 23, 2023, meeting.**

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

**3. Approval of Orders of the May 23, 2023, meeting.**

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

**4. Appeal Z-2023-15. Request by Emily Parrish with Children's Attention Home for a special exception for a type A group home use and variances for minimum lot area, width, buffer, and setbacks at 322 & 328 Kuykendal St. The property is in the process of being rezoned from Single Family Residential-5 (SF-5) to Office and Institutional (OI). Tax map numbers 629-22-07-003 and 629-22-07-004.**

Chair Crawford noted this item has been deferred to a future meeting.

**5. Appeal Z-2023-16. Request by Justin Smith for a variance to the maximum allotment of wall signage at 110 Southern Street. The property is zoned Downtown (DTWN). Tax map number 627-14-01-002.**

Amy Britz, Zoning Coordinator, presented the staff report.

Ms. Brown asked if this is a mural. Ms. Britz stated because the image is in reference to the business, it is considered part of their signage. If the image did not reference the business and its type of operation, then it would be considered a mural and not signage.

Mr. Crawford asked how the front of the store is defined. Ms. Britz stated the main entrance to the building is on Southern Street which is how customers will enter the building. Mr. Robinson asked if the actual address of the building is Southern Street. Ms. Britz stated at one time the address was Dave Lyle Boulevard. Because the main access to the building is on Southern Street, the address was changed to Southern Street for E-911 purposes.

Chair Crawford opened the floor to the applicant. Joe Gullede, 4514 Chestwood Court, stated he is the owner, and Justin Smith (the applicant) was not able to attend the meeting. Mr. Gullede said he was happy with the Staff's findings and believes the additional signage

will bring a lot of value to the building.

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

The board members discussed the findings presented by Staff were on target and the signage will make the business more visible from Dave Lyle Boulevard area because the building is set back, and the curb appearance will be a great improvement as well.

Mr. Crawford made a motion to approve the variance to the maximum allotment of wall signage at 110 Southern Street. The motion was seconded by Mr. Hawthorne and was approved by a vote of 5-0 (Cullum and Reeves absent).

Mr. Crawford presented the findings, noting there are extraordinary and exceptional conditions with the side of the building being larger than the front of the building which would limit the amount of signage, there is a unique condition which is the building itself, the strict application would restrict the use of the land, and authorizing the variance would not be a detriment to surrounding properties.

**6. Appeal Z-2023-17. Request by Inga Carey for a special exception for animal care use and a special exception for the number of animals at 247 E. Mt. Gallant Rd. The property is zoned Limited Commercial (LC). Tax map number 667-01-01-153.**

Amy Britz, Zoning Coordinator, presented the staff report.

Mr. Robinson asked if other businesses in the building had any concerns. Ms. Britz stated there was no feedback from other businesses.

Chair Crawford opened the floor to the applicant. Inga Carey, 705 Atherton Way, stated Dr. Colletto is the landlord of the building, and he as well as other tenants are all in favor of the cat café. Ms. Carey described all the areas of the building with details of each room and its' function. The cat café will partner with the York County Humane Society which will increase the adoptions of cats.

Mr. Hawthorne asked if there would be a veterinarian on site. Ms. Carey stated if a cat needs medical care, it will be quarantined and taken to the York County Humane Society veterinarian.

Ms. Brown asked if there will be 24-hour staffing. Ms. Carey stated there will be staffing through the night, yet since cats are independent, 24-hour staffing is not necessary. There will be staff at the location seven days a week.

Ms. Brown asked if cats will be in the outside area of the café where the public can order food. Ms. Carey stated the outside area is a cat-free zone. The public cannot bring their own cats to the cat café.

Mr. Robinson asked what the difference was between the York County Humane Society and the cat café was with regards to caging. Ms. Carey stated the Humane Society cages their cats, whereas at the cat café, cats are allowed to roam. Mr. Robinson asked if cats are caged in off hours. Ms. Carey stated cats are not caged at all so the public can see a cat's personality.

Mr. Crawford asked if the numbers of cats can be explained in more detail. Ms. Carey stated that the cat café area will have about 12 cats, which is the recommended limit thru the ASPCA. There also will be a corner called the "catio" which will house a litter of kittens. The cat café will educate the public about the different stages of a kitten's growth. Once the

kittens are eight weeks and are spayed and neutered, they will join the rest of the cats in the lounge. There also may be 10 cats in the boarding area. Mr. Crawford asked if the boarding area is a separate part of the business. Ms. Carey stated the boarding cats will never interact with the adoptable cats in the lounge area. Mr. Crawford asked if the adoptions are happening in the cat café. Ms. Carey stated the adoptions are happening in the cat café. The adoptions are not a same day adoption because the Humane Society of York County will handle the paperwork, research, and background checks. Mr. Crawford asked if all the cats are neutered since there will be kittens. Ms. Carey stated that is why there will be a separate area for the kittens since they cannot be neutered until the kittens are eight weeks old.

Mr. Hawthorne asked if the only source of revenue is the café since the business is not taking any monies for the adoption process. Ms. Carey stated the adoption fees will benefit the Humane Society. Anyone wanting to visit the cat lounge will be charged an admission fee of \$10 to \$12 per person. The admission fees will help pay for the food, litter, and housing for the foster cats.

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

Chair Crawford reminded the board they would be voting on two special exceptions which could be combined into one motion. Board members discussed how this would have a low impact in the area and is isolated from the residences.

Mr. Hawthorne made a motion to approve for a special exception for animal care use and a special exception for the number of animals at 247 E. Mt. Gallant Rd. The motion was seconded by Mr. Robinson and was approved by a vote of 5-0 (Cullum and Reeves absent).

Mr. Hawthorne presented the findings for the use, noting that it complies with the use specific standards, the café is compatible with surrounding uses, the design minimizes adverse impact to the building itself, applicant will use odor locking garbage bags to be placed into an onsite dumpster daily to minimize environmental impacts, no traffic issues due to the proximity of Dave Lyle Blvd., the proposed use is not expected to injure property values, the site plans show how the building will be partitioned with separate use of the café, lounge, and boarding, and it complies with all other relevant laws and ordinances. Mr. Hawthorne presented the findings for the number of animals, noting that it complies with use specific standards, it is compatible with surrounding uses, it will have separate spaces designed for separate uses within the interior of the building which minimizes adverse impact, there will be minimal environmental impacts as the animals will be inside the building and the waste will be disposed daily, adequate road capacity to serve the proposed use, the proposed use will increase the number of visitors to the area which will improve the property values, the applicant's site plan shows how the building will provide separate spaces and access based on the intended use of the café, lounge, and boarding, and it also complies with all other relevant laws and ordinances.

7. **Appeal Z-2023-18. Request by Lauren Burleson with Driven Brands, Inc. for a special exception for car wash use at 1263, 1269, 1277 E. Main St. The property is zoned Limited Commercial (LC). Tax map numbers 626-04-01-012, 626-04-01-014, 626-04-01-015.**

Chair Crawford noted this item has been deferred to a future meeting.

8. **Appeal Z-2023-19. Request by Barbara Pendergrass with Hope Fellowship Church for a special exception for commissary use at 95 Bird St. The property is zoned Office**

**and Institutional (OI). Tax map number 630-06-03-007.**

Ryan Hammond, Planner I, presented the staff report.

Ms. Brown asked if the site is going to be used as the commissary kitchen. Mr. Hammond stated that was correct and it is part of the requirement for the food cart thru SCDHEC and her business license. No food prep will be done on site, only storage of items and cleaning of items. Ms. Brown asked if a lot of vendors in the area use churches as commissary kitchens to food prep and are these vendors required to go thru the ZBA as well. Mr. Hammond stated that was correct. If the vendors were within city limits, they would have to go through the same process. The zoning of the property would determine if ZBA review is required.

Mr. Crawford asked if the kitchen needs to be inspected. Mr. Hammond stated it is a question for the applicant since it is not a requirement of the city, yet probably is a requirement of the health department.

Chair Crawford opened the floor to the applicant. Barbara Pendergrass, 1154 Doris Circle stated the health department already gave her the license for the commissary use and the cart.

Mr. Crawford asked if the applicant could explain the process of her operations and how she is going to use the commissary. Ms. Pendergrass stated all the food purchased for the cart is already prepared and packaged. What she would do at the commissary is collect the items, load up the hot dog cart and go out and prep food to sell to customers. At the end of the day, she would return to the commissary, wash the pans and tongs, and then store them away. She would also store any leftover condiments or food items in the refrigerator.

Ms. Brown asked where the hot dog cart operates. Ms. Pendergrass stated she has not started yet.

Mr. Hawthorne asked how many hot dogs she can sell out of the cart. Ms. Pendergrass stated hundreds.

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

Ms. Brown made a motion to approve a special exception for commissary use at 95 Bird Street. The motion was seconded by Mr. Robinson and was approved by a vote of 5-0 (Cullum and Reeves absent).

Ms. Brown presented the findings, noting it complies with use specific standards for a commissary catering kitchen, the use is compatible with surrounding mix use, no outside storage or parking of trucks or trailers, no visual impact on the external portion of the property, the design minimizes environmental impacts, no onsite food preparation, all items on the cart are precooked, the roads are adequate to serve this use without any upgrades, no injury to neighboring lands or property values, photographs of the cart and kitchen were approved on how the kitchen will be used, and complies with all applicable laws and ordinances.

**9. Other Business.** Discussion of Continuing Education with the board members.

**10. Adjourn.**

There being no further business, Mr. Hawthorne made a motion to adjourn. The motion was seconded by Ms. Brown and approved by a vote of 5-0 (Cullum and Reeves absent). The meeting was adjourned at 7:01 p.m.