

A public hearing of the Zoning Board of Appeals was held Tuesday, July 16th, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill SC.

MEMBERS PRESENT: Barry Chitwood, Matt Crawford, Nathaniel Robinson, Chad Williams, and Nancy Templeton

MEMBERS ABSENT: Charlotte Brown, James Hawthorne

STAFF PRESENT: Amy Britz, Ryan Hammond, Telly Shinas, Terese Green-Thomas

Legal notices of the public hearing were published in *The Herald* on Friday, June 28th, 2024. 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. Recite the Pledge of Allegiance.

3. Approval of Minutes of the June 18, 2024, meeting.

- a. Mr. Robinson made a motion to approve the minutes as submitted. Chair Crawford seconded, and the motion carried by a vote of 5-0 (Ms. Charlotte Brown & Mr. James Hawthorne absent).

4. Approval of Orders of the June 18, 2024, meeting.

- b.) Chair Crawford made a motion to approve the orders as submitted. Mr. Williams seconded, and the motion carried by a vote of 5-0 (Ms. Brown & Mr. Hawthorne absent).

5. Public Hearing Items

- a. Appeal Z-2024-16: Request by Patrick Smith for a special exception for residential infill use at **309 S. Confederate Avenue**. The property is zoned Multi-Family-15 (MF-15). Tax map number 625-08-01-014.

Mr. Hammond presented the staff report.

Chair Crawford stated the site plan showed two drives. Chair Crawford asked if Confederate Road was a Department of Transportation road?

Mr. Hammond said it is a city road.

Chair Crawford asked if the City allowed two drives on one parcel?

Mr. Hammond explained the circular drive was not yet approved but there are 10 spaces which could be reduced and parking will work on the lot.

Chair Crawford opened the floor to the applicant.

Mr. Patrick Smith (Patrick@berelaxedcorporatethehousing.com) of 2640 Holbrook Road, Fort Mill, SC came to the podium.

Chair Crawford asked the applicant about their business model.

Mr. Smith explained the business was corporate housing, fully furnished with full kitchens and laundry and common space with people coming and going.

Mr. Robinson asked if applicant if they had success with business model in the past?

Mr. Smith answered he had been successful and had been in the business for ten years.

Chair Crawford opened the floor for public comment.

Donald Hampton (General Contractor) 1479 Quiet Acres Circle, Rock Hill, SC 29732. Mr. Hampton commented he and Mr. Smith did good work, they want to make the property better, and the business model worked.

Mr. Williams made a motion to approve the special exception for residential infill use. The motion was seconded by Mr. Robinson and was approved by a vote of 5-0 (Ms. Charlotte Brown & Mr. James Hawthorne absent).

Mr. Williams presented the findings, noting mix of residential use and this being an appropriate use for the location.

- b.)** Appeal Z-2024-17: Request by Richie Duquette for a special exception for retail use at 112 N. Garrison Road. The property is zoned Industry General (IG). Tax map number 667-02-01-011.

Ms. Amy Britz presented the staff report.

Mr. Williams asked if the board needed to add the condition of the use is only allowed in the office and not in the storage units.

Ms. Britz confirmed.

Chair Crawford asked about the use.

Ms. Britz described the railroad hobby store mostly conducted online. This location would have it set up to show customers and do online videos. The back room would be used for inventory storage.

Chair Crawford opened the floor to the applicant.

Rich Duquette (RDuquette1974@gmail.com) of 596 Burcale Road, Myrtle Beach, SC came to the podium.

Chair Crawford asked Mr. Duquette what type of things would be sold?

Mr. Duquette said model railroad stuff.

Mr. Robinson asked if this was currently home based and would be moving into this location.

Mr. Duquette confirmed the business was home based and now moving to business office. Mr. Duquette explained he wanted his customers to be able to touch items and see them.

Chair Crawford opened the floor for public comment. No one from public spoke.

Mr. Robinson noted it was a good use with a small impact.

Mr. Williams noted it was a good use for a vacant space.

Mr. Williams made a motion to approve with condition: retail use only approved for office, not in storage units. The motion was seconded by Mr. Robinson and was approved by a vote of 5-0. (Ms. Brown & Mr. Hawthorne absent).

Mr. Williams presented the findings; small retail use will have minimal impact in the industrial area.

- c.) Appeal Z-2024-18: Request by Riptide Car Wash (Za'Cori Ross) for a special exception for carwash use at 4816 Old York Road. The property is zoned Limited Commercial (LC). Tax map number 542-07-01-197.

Mr. Telly Shinas presented the staff report.

Mr. Robinson asked if the only concern was noise.

Mr. Shinas affirmed noise and stormwater were the concerns. Mr. Shinas stated applicant would have to hire a noise expert to help them.

Chair Crawford stated the report noted a condition to minimize adverse impact of noise, would that be the noise study or is there something else staff is recommending.

Mr. Shinas stated the noise study would be based on the equipment on site completed by a noise expert while it's in operation. Mr. Shinas stated the study would show the noise contour lines without mitigation, then they would need to show what they would use to mitigate, possibly a wall to make it less than 60 decibels.

Chair Crawford if staff was only asking for two conditions of meeting noise standards and the stormwater mitigation.

Mr. Shinas confirmed.

Chair Crawford asked if the property line was on the railroad tracks.

Mr. Shinas confirmed it was on the other side of the private road.

Chair Crawford noted it was on the south side and would meet the separation from residential.

Mr. Shinas confirmed said the property line to the residential is 100 feet.

Chair Crawford opened the floor to the applicant.

Mr. Matt Lowder (Contractor) of 4006 Barrett Drive, Raleigh, NC 27609. Mr. Lowder said they wanted to be good neighbors and will do the noise study. He believed they could easily meet the 60 decibels and would mitigate noise by pushing it away from residents. The building will be between the building and above the canopy away from the residents.

Chair Crawford asked where were the vacuums on the site plan?

Mr. Lowder indicated the four rows of vacuums under the canopy. He noted most

of the noise would be coming from motor cabinets, which had been moved closer to Old York Road.

Mr. Robinson asked if the vacuums were separate in each row?

Mr. Lowder said yes.

Mr. Williams asked if there were three vacuums generating 73 decibels at the same time.

Mr. Lowder confirmed and added they would look at any additional landscaping enclosures around the canopy instead of along the road due to right of ways. He stated the stormwater pond was installed as part of the Burger King project. He stated they would have to treat what's already there and what was designed to go to the pond. Plus, they would have to treat what additional impervious runoff created. Their plans are to have an underground storm water existing system capturing both and just treat both at the same time. The system will be underneath the vacuums/parking lot and meet all the requirements of the City and County.

Chair Crawford noted the roads have a good capacity and asked what the car count or hours of a day were.

Mr. Lowder felt the impacts would be minimal being stacked on site coming from the private road.

Chair Crawford called up Mr. Kirk, the owner. He had no further comments.

Matt Taggart, (Developer) 2075 Juniper Lake Road, West End, NC 27376. He reiterated Mr. Lowder's input of studying the noise levels and moving equipment more internal to the site. Regarding stormwater, there is already an agreement between the parcels which must be abided by. Three hundred cars daily are usually standard for these locations. Mr. Taggart said the typical hours of operation would be 8:00am – 7:00pm.

Chair Crawford asked if there were any other outside activities making noise other than the vacuums.

Mr. Taggart said no as there is no detailing, and the customers do the servicing.

Ms. Nancy Templeton asked because you stated the parcels have a shared agreement for water retention, is it a recorded declaration?

Mr. Taggart referred question to Mr. Kirk (Owner). Mr. Kirk said there was a recorded declaration, although it has a different owner.

Mr. Taggart said they could provide the maintenance agreement to staff as well if staff wanted to review it.

Chair Crawford opened the floor to the public, though none asked to speak.

Chair Crawford noted the car wash was another auto use for the area.

Mr. Robinson noted there was a collision and oil change services adjacent.

Chair Crawford noted there was also a car wash across the street.

Mr. Williams noted he was on the Planning Commission when the Walmart was approved with an interior traffic flow unlike Cherry Rd. businesses to include

secondary roads. It was nice to see it come together. This use fits in with the plan. The 100-foot right of way with the railroad will help.

Chair Crawford made a motion to approve with conditions: 1. All vacuums and air compressors located outside must be designed showing noise does not exceed 60 decibels at or beyond any property line by submitting noise study with plan submission complying with the above regulatory requirement with any mitigation plans needed. Additionally, it must be prepared and submitted by a noise expert with 5 years professional experience. 2. The proposed underground detention system must continue to meet the original stormwater parameters of the existing pond and account for any increases in impervious area to ensure compliance with all applicable codes throughout design and construction of this site reviewed by infrastructure staff. A minor site plan is required. The motion was seconded by Mr. Robinson and was approved by a vote of 5-0. (Ms. Charlotte Brown & Mr. James Hawthorne absent).

Chair Crawford presented the findings, noting use specific standards they agreed to meet: we've asked for a decibel study; as far as the screening, they will comply with all land use buffers; they'll provide the trash receptacles; the fourth one is about the gasoline is not applicable; the use is compatible with all the surrounding uses. We pointed out it's already auto uses in the area; the design minimizes adverse impacts, will be a full design, full review by staff; the infrastructure of the parking and storm water and any other environmental impacts; it's one of the biggest roads in Rock Hill there's adequate capacity to handle any traffic; not injuring neighboring land values as it's separated by main road; provided a site plan; complies with all other relevant laws and ordinances.

- d.) Appeal Z-2024-19: Request by Anytime Fitness (Ron Feeney) for a variance to sign standards at 4124 Celanese Road, Suite 126. The property is zoned General Commercial (GC). Tax map number 589-01-01-033.

Mr. Telly Shinas presented the staff report.

Mr. Williams asked who the former tenant was, Dollar General?

Mr. Shinas confirmed it was vacant and Dollar General had moved next door.

Chair Crawford stated based on the 55 linear feet of frontage, the Ordinance says they can have 50 ft square feet of sign area. Chair Crawford asked how much the applicant was proposing.

Mr. Shinas replied they were proposing 137.2 linear ft.

Chair Crawford said so 55 ft and the rest 137 and it's measured how? Like does the line go around?

Mr. Hammond answered you use the smallest rectangle to fit around the entire sign. It would also include the artwork, and above the running man's head.

Chair Crawford opened the floor to the applicant.

Ron Feeney (Ron@SBTRockhill.com) 1009 Camping Grove Road, Rock Hill, SC. Mr. Feeney stated there was a contradiction. So, when they went out and measured, they measured 75 ft for frontage of the building all the way from the left to the right. Mr. Feeney said if they were to take out the dead space, which means

all the air below, above and below “Anytime Fitness” and measured it side by side they came up with 73 ½ sq ft. Mr. Feeney added the fitness portion of the sign is 23 sq ft, another portion of the sign was just under 11 sq ft and the running man, the center portion is just under 16 sq ft for a total of 73.5 sq. ft. Mr. Feeney stated there was a contradiction on the width of the building which gave them their linear sq. ft. But when they measured the sign itself, they got 73 ½ sq. ft. and not 137 sq. ft. Mr. Feeney countered when the City did their measurements, they drew a rectangle around it from the highest peak to the lowest peak and left to right. Mr. Feeney said he didn’t agree with how the City did it.

Chair Crawford asked where the building measurement was made from?

Mr. Feeney said all the way from the left of the pillar to all the way to the edge of the blue metal roof. Mr. Feeney stated the monument sign wasn’t part of their scope and wasn’t aware of it.

Mr. Williams said the measurements Mr. Feeney had did not include dead space.

Mr. Feeney explained the space between the letters was not considered dead space, only the space above and below the sign. He further explained the space following the foot of the “running man” all the way to the “A”, all that space in between from the bottom of the ad to the bottom of his foot is considered dead space.

Mr. Williams stated it had to include all according to code.

Chair Crawford again asked Mr. Feeney how they had measured the sign. Chair Crawford questioned where the rectangles were? He asked if they drew a rectangle around “Anytime”?

Mr. Feeney said yes.

Chair Crawford asked if they drew a rectangle around “Fitness”?

Mr. Feeney said yes. Chair Crawford then asked if they had drawn a rectangle around “Training”, “Nutrition”, and “Recovery”? Mr. Feeney said yes. The measurements were 23.26 on “Anytime”, 23.44 on “Fitness” and 10.66 on “Training, Nutrition, Recovery” and 16.15 on the “Running Man” for a grand total of 73.5 approximately.

Chair Crawford surmised there were two differing opinions one is a building width, and the other is how the signs are measured and how the dead space is counted.

Mr. Robinson stated as far as the sign visibility in the plaza, all the businesses in the plaza have the same issue with the cleaners in the front blocking the businesses, the environmental trees around surround the entire plaza. Mr. Robinson then asked Mr. Feeney if the size of the sign is to make the business more visible?

Mr. Feeney said yes.

Chair Crawford then addressed staff and asked was the rectangular measurement relation to squeeze everything down, is it how the zoning code want signs to be measured?

Mr. Hammond answered yes.

Chair Crawford repeated his question for clarity. He asked in the code it stated rectangles?

Mr. Hammond answered yes, by the small rectangle or square around the sign.

Chair Crawford asked the width the is 55 feet, it shows on the sign plan.

Mr. Hammond confirmed with the building plans for the upfit the width is 55 feet. The alley in between the building makes is confusing but shouldn't be included.

Chair Crawford asked if the measurement in the code is based on tenant space only.

Mr. Hammond confirmed. It doesn't include extra portions of the building.

Chair Crawford opened the floor for public comment. There were no public comments.

Mr. Williams said he did not agree with staff all four conditions of the variance had not been met, but he agreed at least one of them had been met. Mr. Williams said further discussion was needed to settle the matter, maybe another time.

Chair Crawford noted it had to be measured by code guidelines.

Mr. Williams made a motion to grant the variance. The motion was seconded by Mr. Robinson and was unanimously not passed by a vote of 0-5 (Ms. Brown & Mr. Hawthorne absent).

Chair Crawford noted the board could not meet all the findings, noting no extraordinary exceptional, the location was not unique. It does not deprive applicant use to operate. If variance was granted, it could be detrimental to the City.

- e.) Appeal Z-2024-20: Request by Paul Smith for a variance to lot standards at 1110 Sanders Street. The property is zoned Multi-Family-15 (MF-15). Tax map number 598-01-09-008.

Ms. Amy Britz presented the staff report.

Chair Crawford note no questions from the board and opened the floor to the applicant.

Mr. Paul Smith (paulsmith@smithlinks.com) 162 Ben Pine Road, McConnells, SC. Mr. Smith added the social economic impact would benefit the community.

Mr. Robinson asked what this meant?

Mr. Smith said project would increase affordable housing in the City.

Chair Crawford noted staff said there was room for two driveways and asked if there would be off street parking?

Mr. Smith answered yes, and the parcel(s) would include two driveways.

Chair Crawford opened the floor for public comment.

Mr. Wendel Crockett (amodernstarhome@gmail.com) 112 Hicks Street, Rock Hill, SC. Mr. Crockett said he was a local realtor working with Mr. Smith and other developers in the area to provide affordable housing.

Chair Crawford asked what the price point would be for the two new affordable homes be?

Mr. Crockett said between \$275,000 and \$300,000. Medium home prices in the area were \$375,000.

Chair Crawford opened the floor for public comment. There being none, he opened the board for discussion.

Chair Crawford noted the large vacant lot makes sense for two affordable houses which is better than one. He assumed the lot would be divided narrowly like others in the area, but the wider side to allow for driveways makes sense.

Chair Crawford made a motion to grant approval for the variance to the lot size standards. The motion was seconded by Mr. Robinson and was approved by a vote of 5-0 (Ms. Brown & Mr. Hawthorne absent).

Chair Crawford presented the findings, noting it was created before current zoning lot standards. Chair Crawford stated it was a unique large lot on the corner allowing for two driveways. Chair Crawford said if the variance was not granted, the people would not be able to construct the two houses. And granting the variance will not be detrimental to the surrounding properties.

6. Other Business.

- a. Welcome to Nancy Templeton
- b. Welcome back to Chad Williams
- c. Reminders will be sent out regarding 2024 Continuing Education requirements.
- d. Amy Britz will roll off as ZBA liaison, replacing Ryan as the new Planner I and new liaison for the BHR.
- e. Diana Fragomeni will be new ZBA liaison.

7. Adjourn.

There being no further business, Chair Crawford made a motion to adjourn. The motion was seconded by Mr. Williams and approved by a vote of 5-0 (Ms. Brown & Mr. Hawthorne absent). The meeting adjourned at 7:56 p.m.