

A public hearing of the Zoning Board of Appeals was held Tuesday, May 21, 2024, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill SC.

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

**MEMBERS ABSENT:** None, two vacancies.

**STAFF PRESENT:** Amy Britz, Ryan Hammond, Telly Shinas, Leah Youngblood

Legal notices of the public hearing were published in *The Herald* on Friday, May 3, 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 March 19, 2024, meeting.**

Mr. Robinson made a motion to approve the minutes as submitted. Mr. Hawthorne seconded, and the motion carried by a vote of 5-0.

**4. Approval of Order of the March 19, 2024, meeting.**

Order was signed by each board member April 25, 2024.

**5. Public Hearing Items**

**a.) Appeal Z-2024-08: Request by April Adair to appeal Planning Director's definition of crematory use.**

Mr. Shinas presented the staff report.

Chair Crawford asked if the site had been selected on prior to the meeting, would they still need to appeal.

Mr. Shinas confirmed.

Chair Crawford asked if the applicant's similar cases were verified by staff.

Mr. Shinas stated staff's information was based on the city's zoning ordinance. The planning director had the authority to make the determination.

Mr. Hawthorne asked if they were under animal care limited use, they would have to notify surrounding properties at the current site.

Mr. Shinas confirmed.

Mr. Hawthorne asked if they would meet all the animal care conditions.

Mr. Shinas confirmed. As they only deal with cremations, some would not apply.

Chair Crawford opened the floor to the applicant.

Ms. Lauren Hancock of 117 E. White Street, Apartment 211, Rock Hill, SC and Ms. April Adair 105 E. White Street, Apartment 217, owner of Gentle Waters Aquamation.

Ms. Hancock stated the appeal was due to lack of knowledge of the new process and

technology. The reasons for appeal were aquamation is a different process than cremation; aquamation has zero adverse impacts to the environment and is a benefit for farmers; we will request animal services part A; other aquamation facilities are not restricted to industrial zoning like a crematory. Crematory use is defined as facility containing furnaces for the reduction of dead bodies into ash by fire. Aquamation does not use furnaces to reduce bodies by fire, not meeting the crematory definition. Aquamation reduces the body to minerals known as bones. The scientific process is alkaline hydrolysis. The system circulates 95% water and 5% alkaline like a flow of a small stream. It is like burial as a non-oxidative reductive process. Aquamation uses 90% less energy, does not burn fossil fuels, nor produces emissions making it ecofriendly. The water and alkaline solution are given to local farmers as fertilizer. Clemson University's Agricultural Service Lab deemed the wastewater 100% nitrogen, a natural fertilizer. The aquamation machine has been patented. Amanda Fever testified in the House and Senate gaining approval of the aquamation technology. The equipment has not restricted to industrial zoning districts in 550 other jurisdictions. We want to be zoned as Animal Services Limited like the other businesses operating in the same way. We usually process about 8 animals at a time, meeting the number of animals under the Limited use. We only meet with one family at a time by appointment, reducing the amount of traffic. Photos provided show similar businesses zoned commercial, wholesale, and veterinary under animal services. Two were near residences and been operating for ten years without issues. We ask to have the ability to locate in a respectful space, not industrial area, for customers experiencing the loss of a pet. Restating aquamation is a different process than cremation; there are no impacts to the environment and beneficial for farmers; we fit better under Animal Services Limited; and no other aquamation facilities have been restricted to industrial zoning. Please grant our appeal to be defined as Animal Services Limited use.

Mr. Hawthorne asked if there are other facilities in South Carolina.

Ms. Adair confirmed they have two.

Mr. Hawthorne asked where they were located.

Ms. Adair confirmed there is one in Charleston and one in Clemson. Charleston have been opened for the last three years. The one in Clemson just opened in the last three months.

Mr. Hawthorne asked how they were zoned.

Ms. Adair stated commercial. Clemson was originally under animal services and wanted to sell the affluent, so he chose industrial.

Mr. Hawthorne asked if he is the franchise owner.

Ms. Hancock confirmed they are individual businesses, not franchised.

Ms. Brown asked how many are in South Carolina.

Ms. Adair stated three.

Ms. Brown asked how many pet crematories are in Rock Hill.

Ms. Adair stated none she was aware of other than human crematories.

Mr. Chitwood asked if they use a 5% solution.

Ms. Adair answered yes.

Mr. Chitwood asked of what.

Ms. Adair stated alkaline potassium. It's the same thing in the earth. The process is just accelerated instead of 25 years later.

Mr. Chitwood asked how the alkaline is received. Is it a solid.

Ms. Adair answered she can order 18 gallons at a time. No, it's a liquid.

Mr. Chitwood asked if testing had been run to find the 5% solution.

Ms. Adair said that would be the most.

Mr. Chitwood asked about safety and storage.

Ms. Adair has a limit of pounds of potassium.

Mr. Chitwood asked if there would be gloves to handle the potassium.

Ms. Adair confirmed.

Mr. Chitwood asked how the affluent would be processed.

Ms. Adair stated a tank truck would remove the fluid and spread at my farm.

Mr. Hawthorne asked if there is standard testing to make sure it meets regulations regularly.

Ms. Adair confirmed.

Mr. Hawthorne asked the if the affluent was land applied.

Ms. Adair confirmed to her own farm.

Mr. Robinson asked if you can give it away.

Ms. Adair said she could sell it. Though it saves her farm \$30,000 a year on fertilizer.

Mr. Robinson asked if she has thought about selling.

Ms. Adair confirmed but have not had time to bottle it.

Ms. Brown asked if there was any marketing research in the Rock Hill area to see if there is a need.

Ms. Adair has not felt the need to though she has worked with veterinarians and different customers.

Mr. Hawthorne asked if fire cremations may be phased out due to technology.

Ms. Adair confirmed due to emissions of smokestacks and mercury.

Mr. Hawthorne asked if they were defined as crematory, would it deter you from operating or using your facility as you intend.

Ms. Adair confirmed they would need 1000 square feet. We need people to drop off pets at the location. This limits our location within the city and opportunity to grow. We don't have emissions and need to be in an industrial area.

Ms. Hancock stated we don't share the same processes as a crematory. It's more educating people.

Chair Crawford asked for staff to read animal care limited uses.

Mr. Hammond read the uses from the zoning ordinance. Animal care, general: Includes animal care uses with either an outdoor facility or an overnight component, or both. Examples may include animal day cares, animal shelters, overnight boarding facilities, veterinary clinics with boarding or nighttime emergency services, kennels, and pet stores that sell cats, dogs, and/or birds as well.

Chair Crawford asked for a motion from the board.

Ms. Brown noted this was new and a lot of information.

Chair Crawford stated that was part of the issue since it is new technology for the zoning ordinance. Where does it go?

Mr. Hawthorne commented especially if current crematory process is phased out as this new technology is used. Figure out how to apply that for businesses similar.

Chair Crawford tonight we need to decide on this case.

Mr. Hawthorne made a motion to use the fourth option to reverse the determination and decide what the use category should be.

Chair Crawford asked what Mr. Hawthorne would want the category to be.

Mr. Hawthorne state he was not sure of what category. With animal care limited doesn't fit either. He chose to withdraw his motion, since category doesn't exist right now.

Chair Crawford noted motion failed for lack of second.

Mr. Robinson made a motion to reverse and remanding the decision for Planning Director to determine another use type for pet cremation other than crematory. Giving Ms. Adair to appeal if desired.

Mr. Chitwood seconded.

Chair Crawford asked for further discussion.

Mr. Hawthorne stated it was more of a determination for the Planning Director as neither of the categories fit the new use.

The motion was approved by a vote of 4 to 1, Chair Crawford opposed (two vacancies).

- b.) Appeal Z-2024-09: Request for Bethel Men's Shelter (Richard Murr) for a special exception to establish a Group Home (Type B) and a reduction in separation to another Group Home at 546 South Cherry Road, Suite S. The property is zoned Limited Commercial (LC). Tax map number 598-07-01-002.**

Ms. Britz presented the staff report.

Mr. Hawthorne asked if the applicant didn't want to wait another two years to use.

Ms. Britz confirmed, they've added sprinklers to the building to continue the use.

Mr. Robinson asked what happens after July 11<sup>th</sup>.

Ms. Britz stated the shelter would have to find another location.

Chair Crawford asked if this was the same use previously approved.

Chair Crawford opened the floor to the applicant.

Mr. Richard Murr Operations Director of Bethel Shelter, who lives at 1317 Winthrop Drive, stated 40 beds should be 46 beds. We have one dedicated space and two dayrooms.

Chair Crawford asked how often locations need overflow.

Mr. Murr stated in years past 40 days for overflow has been sufficient. They saw an uptick last July and needed multiple churches for overflows during the winter times. January 31<sup>st</sup> of this year they had 118 men sheltered due to church support. When we got ready to close our overflows, we were still housing 65-70 men a night. We knew if we closed the overflow, we would send 25-35 men back out on the street. Our mission is to not do that. The reason we did not occupy Pathways was because they were adding sprinklers and we were the last phase of that. We could not occupy it without the sprinkler system. We met all the inspections, and the Planning Director granted us 90-day temporary occupancy. We hope this site won't be needed but would be available for fall back space.

Chair Crawford asked is this the second or third location.

Mr. Murr stated it is the summer overflow, but this would be the third option in the winter for overflow with other churches supporting after the Bethel shelter on Curtis Street is full.

Mr. Hawthorne asked how quickly the space could be used.

Mr. Murr stated there are a couple of modifications with the architect. We put in temporary smoke and CO detectors. The 90 days gives us time to correct that. We have occupied the space with 21 there last night.

Chair Crawford opened the floor for public comment.

Ms. Floree Hooper of 1108 Constitution Boulevard stated she is the president of the Boyd Hill Neighborhood Association. Pathways does good work. I noticed there was notification, but I did not get notified, even though they have my address. I would like you to put off a decision to give us time to discuss. Pathways have not been working with us. We asked them to come our meetings at least once a quarter. They asked for a table at National Night out and didn't show up. I'm asking until we have time to discuss this with them you put it off. I have been there several times to talk to them. The bus area had the cover taken off for security, though they have security. They are supposed to have zero tolerance for loitering, but not responded.

Chair Crawford asked since the use is on the site, would more beds be more impactful.

Ms. Hooper stated no I don't think it would be more impactful.

Mr. Robinson asked what her concern was if they had a meeting.

Ms. Hooper asked they reach out to us about ideas. I have updated them with our concerns. They are not notifying us about issues where we live. If they reach out to us, we can help each other.

Chair Crawford asked for further speakers, there were none. He opened the floor for Mr. Murr's rebuttal.

Mr. Murr offered to introduce her to director of Pathways who was present so they can work together.

Chair Crawford closed the floor and opened the board to discuss.

Chair Crawford noted there is already security on site.

Mr. Hawthorne stated there is a need based on the numbers. They also need some neighborly interaction.

Ms. Brown made a motion to grant the special exception for the Group Home Type B and separation reduction. Mr. Hawthorne second the motion.

Ms. Brown stated it's a valid use in this location.

Mr. Hawthorne stated introducing the Pathways director to the neighborhood association will help future communication improve the security issue.

Chair Crawford stated you could meet the findings as the use is already exist there.

Chair Crawford made a motion to approve. Mr. Chitwood second the motion.

Motion was approved by a vote of five, none opposed (two vacancies).

Ms. Brown presented the findings, noting the use complies with standards; the use is already there; its compatible with other group homes in the area; minimizes adverse impacts; no additions to the building to minimize environmental impacts; the roads are adequate; it will not injure neighboring lands or properties. Findings for separation as it has no greater impacts, and it can't be mitigated by buffering or other mechanisms.

c.) **Appeal Z-2024-10: Request by the Housing Development Corporation of Rock Hill for a special exception for single family use and a variance to the minimum lot dimensions for a single-family detached use in the General Commercial (GC) zoning district for 115 Allen Street. The property is zoned General Commercial (GC). Tax map number 598-13-04-007.**

Mr. Hammond presented the staff report.

Chair Crawford asked if the variance was still included.

Mr. Hammond clarified with updated site plan; the variance is not needed, only the special exception.

Chair Crawford asked to review the map and though it's zoned GC most of the uses appear to be residential.

Mr. Hammond showed the three GC parcels on the corner Mr. Burnett owns.

Chair Crawford asked if the intent is to phase out GC zoning.

Mr. Hammond confirmed yet applicant is not asking for rezoning. It would stay General Commercial.

Chair Crawford opened the floor to the applicant.

Mr. Ryan Powell, Housing Development Supervisor, 672 Goldflower Drive stated our mission is to develop affordable housing. There is a limited pool of available land to work with. When choosing this lot, we found a plan to work. This house could sell to a first-time home buyer. We offer payment assistance for heroes, which are local law

enforcement, fire department, teachers, or first responders. It has helped fill a critical need.

Chair Crawford asked if they do the same thing throughout the city.

Mr. Powell confirmed they came before the board for the duplexes around the corner. We have other lots that have constraints we must get creative on. This is our first attempt for a 16-foot-wide house.

Chair Crawford opened the floor for public comment. There was none.

Chair Crawford opened the board for discussion.

Mr. Hawthorne stated considering there was a house there before, it makes sense to replace it with one even though it's zoned commercial. He understands Mr. Burnette's concern with potential impact of the commercial uses. As they are not requesting re-zoning, this is not spot zoning.

Mr. Hawthorne made a motion to approve the special exception for single family use. The motion was seconded by Ms. Brown and was approved by a vote of five, none opposed (two vacancies).

Mr. Hawthorne presented the findings, noting it means the use specific standards; appropriate for location and with compatible nearby uses; there are no adverse impacts; there are no environmental impacts; there would be no traffic issues; it would not injure neighboring lands or property values.

**d.) Appeal Z-2024-11: Request for Agape International Ministries (Maurice Revell) for a special exception for religious institution use (large) and a variance to the minimum land use buffer standards for 620 Albright Road. The property is zoned Neighborhood Commercial (NC) and Single Family-5 (SF-5). Tax map number 625-04-05-001.**

Ms. Britz presented the staff report.

Mr. Hawthorne asked to review the site plan again. He asked if the City of Rock Hill agree to move the sewer easements.

Ms. Britz confirmed.

Mr. Hawthorne asked about fire sprinkling and water line size.

Ms. Britz stated the interior plans had not been submitted and that would have to be determined then.

Mr. Hawthorne noted the water line doesn't look big enough for fire protection.

Chair Crawford asked about the buffer requirement is 75 feet against residential. They are asking for 20 feet with an 8-foot fence.

Ms. Britz confirmed. With the additional 10-foot alley way.

Chair Crawford asked if fence material had been suggested.

Ms. Britz noted it would be part of the building plan review.

Mr. Hawthorne asked if the dumpster pad was in the bottom right.

Ms. Britz confirmed.

Chair Crawford opened the floor to the applicant.

Mr. Maurice Revell, lead pastor of The Well Church Agape International Ministries at 135 South Oakland Avenue. We have our architect Chris Wood here for questions I can't answer.

Chair Crawford asked staff about the buffer. He asked if you are putting the same number of plantings from the 75-foot buffer now into the 20-foot buffer.

Mr. Wood noted you couldn't put the same number of plantings in the smaller buffer, so the fence had height added to accommodate.

Chair Crawford asked if the fence was located inside the buffer.

Mr. Wood stated the fence would be closer to the parking lot with plantings on the outside.

Mr. Hawthorne asked if there would be a gate for the fence access to the rear.

Mr. Wood clarified the flood zone is not a FEMA flood zone, but a special flood hazard area defined by the city. We can move one sewer line, but not the other. This limits the buildable site location.

Mr. Hawthorne asked if there would be need for retaining wall.

Mr. Wood stated they would be able to grade everything out without retaining wall.

Chair Crawford asked if they would use some of the existing trees.

Mr. Wood stated they would try to retain some but depends on grading.

Mr. Hawthorne asked if there was an expected date to open.

Mr. Revell stated within the next couple of years.

Chair Crawford opened the floor for public comment. There was none.

Mr. Hawthorne stated this is a great use of this land and good for that side of town.

Chair Crawford stated the use is appropriate for the area. He was concerned about the buffer, but there is no opposition.

Ms. Brown made a motion to approve the request for a special exception for the use of religious institution and variance to the buffer standards. The motion was seconded by Mr. Chitwood and was approved by a vote of five, none opposed (two vacancies).

Ms. Brown presented the findings, noting the plan meets use-specific standards with road capacity; it is compatible with the area; design minimizes adverse impacts; no environmental impacts; roads are adequate according to SCDOT report; no injuries to neighboring lands or property value; site plan was provided; complies with all relevant laws.

**6. Other Business.**

- a. Matt Crawford has been reappointed to the board by City Council.
- b. Mr. Hawthorne was elected Vice Chairman.

**7. Adjourn.** There being no further business, Mr. Hawthorne motioned to adjourn. The motion seconded by Ms. Brown and approved by a vote of five. The meeting adjourned at 7:50 p.m.