

Zoning Board of Appeals

City of Rock Hill, South Carolina

April 16, 2019

A public hearing of the Zoning Board of Appeals was held on Tuesday, April 16, 2019, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill, South Carolina.

MEMBERS PRESENT: Matt Crawford, Keith Sutton, Michael Smith, John Antrim

MEMBERS ABSENT: Rodney Cullum, Stacy Reeves, Randy Sturgis

STAFF PRESENT: Melody Kearse, Shana Marshburn, Dennis Fields, Janice Miller

Legal notice of the public hearing was published in *The Herald*, Saturday, March 30, 2019. Notice was posted on all property considered. Adjacent property owners and tenants were notified in writing.

1. Call to Order

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

2. Approval of minutes of the February 19, 2019, meeting.

Mr. Antrim presented the motion to approve the minutes as submitted. Mr. Sutton seconded, and the motion carried unanimously by a vote of 4-0 (Cullum, Reeves, and Sturgis absent).

3. Approval of Orders from February 19, 2019, meeting.

Mr. Antrim made a motion to approve the orders as distributed. Mr. Sutton seconded the motion, and the minutes were approved unanimously by a vote of 4-0 (Cullum, Reeves, and Sturgis absent).

4. Appeal Z-2019-10: Request by J.D. "Jay" Rinehart on behalf of Paul Nigro for a special exception to establish an indoor retail sales use to be located at 1548 Ebenezer Road, zoned Neighborhood Office (NO) Tax map number 594-02-01-001.

Staff member Melody Kearse presented the staff report.

Mr. Crawford asked how long the property had been a non-residential use. Ms. Kearse stated she did not have the exact length of time but that it had been at least 10 years.

Mr. J.D. "Jay" Rinehart, 1339 Ebenezer Road, applicant, stated the building had been a law office for approximately 20 years. He noted the owner, Walter Heinsohn, was looking to relocate his law office from this site. Mr. Rinehart added that the proposed retail use was a low-impact use with no more than two to 10 people in at one time.

No one from the public spoke. There being no further questions or comments, Mr. Crawford closed the floor for Board discussion.

Mr. Sutton made a motion to approve the special exception for an indoor retail sales use as presented by staff. Mr. Smith seconded, and the motion carried unanimously by a vote of 4-0 (Cullum, Reeves, and Sturgis absent).

Mr. Sturgis presented the findings, specifically noting that the use would comply with the use-specific standards, the use would comply with the hours of operation required, the use was compatible with the surrounding uses, the roads were adequate, a site plan had been submitted,

and the use would not adversely impact the surrounding uses.

5. Appeal Z-2019-11: Request by Wade and Lauren McCauley for a variance from the front yard setbacks for the property located at 1211 Hastings Court, zoned Planned Unit Development Residential (PUD-R). Tax map number 537-02-01-006.

Staff member Shana Marshburn presented the staff report. She noted that as a new site plan with more accurate measurements had been submitted after the staff report had been sent to the Board, the variance requested would be three feet as opposed to five feet.

Mr. Sutton asked whether staff received a copy of the approval from the Royal Oaks HOA. Ms. Marshburn stated the City did not require a copy of the approval to be submitted, so staff did not get a copy.

Mr. Sutton asked whether the porch along the front would cover the existing sidewalk. Ms. Marshburn stated that it would, and that the owners would have to reconfigure the sidewalk location.

Mr. Crawford asked whether the reason for the setback requirement was uniformity. Ms. Marshburn agreed that this was one reason, and it is also to keep buildings from being set too close to one another.

Mr. Crawford asked what this neighborhood would be zoned if it were not a PUD. Ms. Marshburn stated that it probably would be zoned the same as the adjacent Single Family 3 (SF-3) zoning.

Mr. Crawford asked about the setback requirements in SF-3. Ms. Marshburn stated that they were 20 feet, adding that the City did not have any residential zoning districts with a 25-foot setback.

Mrs. Lauren McCauley, 1211 Hastings Court, applicant, agreed that she could build just a handicap ramp but stated the reasoning for the porch configuration was in order to place the handicap ramp closer to the driveway for access to vehicles.

Mr. Crawford asked whether the porch would be covered. Mrs. McCauley stated that it would be, and provided a rendering. She added that the front porch would allow her to get her mother closer to the vehicle in the driveway by placing the handicap ramp in that location.

Mr. Crawford asked how she would be deprived if the Zoning Ordinance was strictly enforced, since she would still be able to construct a handicap ramp. Ms. Amanda Cummings, Outdoor Living Brands, project designer, 2225 Coronation Boulevard, Charlotte, stated the builder had placed the structure in a location that would not accommodate an addition, therefore creating a situation depriving the owner of the ability to construct a front porch.

Mrs. McCauley added that while they could build a three-foot-wide or five-foot-wide porch without the variance, this was not enough room to accommodate assisting a handicapped person, and just having a handicap ramp would not allow for the addition of a cover as a porch would.

Mr. Sutton noted several factors that created this situation, including the builder not following the rules stipulated for that development with the 25-foot setback and the existing drop-off in the backyard.

There being no further questions or comments from the floor, Mr. Crawford closed the floor for Board discussion. Discussion centered on the existing drop-off of the backyard as well as the fact the residence did not have a basement to accommodate a handicap entrance, the lack on

the part of the builder to construct within its own required 25-foot setback, and the unreasonable restriction in that only the front entrance could be used for handicap access.

Mr. Sutton made a motion to approve the three-foot variance as presented by staff. Mr. Antrim seconded, and the motion carried by a vote of 3-1, with Mr. Crawford voting against. (Cullum, Reeves, and Sturgis absent).

Mr. Sutton presented the findings, specifically noting that the lot was situated in an odd location within a cul-de-sac; the builder did not adhere to their own rules regarding setbacks; the majority of the houses in the neighborhood are situated in a straight line; the rear was unsuitable for a handicap entrance; and the porch would be an enhancement to the neighborhood.

6. Appeal Z-2019-12: Request by Mohamed Bah for a special exception to establish an automobile sales use to be located at 1103, 1107, & 1115 East Black Street, zoned General Commercial (GC). Tax map numbers 626-09-01-104, -105, & -106.

Staff member Dennis Fields presented the staff report.

Mr. Sutton asked why staff would request a condition of no on-street parking. Mr. Fields stated there were some issues further down East Black Street with on-street parking, and Ms. Kears added that East Black Street and Workman areas currently allow on-street parking.

Mr. Smith asked for confirmation that most of the auto sales would be by internet. Mr. Fields stated this was correct, that there may be some cars brought in for stock as well as those being delivered to new owners.

Mr. Smith asked whether the City had an issue with this type of sales use. Mr. Fields stated they did not.

Mr. Mohamed Bah, 2326 Mirage Place, Fort Mill, applicant, stated he already had a wholesale operation on Albright Road and was looking to expand to this site for retail sales.

Mr. Antrim asked what types of trucks would be sold. Mr. Bah stated only personal trucks and SUVs would be sold, not commercial or panel trucks.

Mr. Smith asked whether car haulers would be delivering to the site. Mr. Bah stated he mainly purchased at auto auctions in North and South Carolina and had a staff of drivers to bring the cars to his location. He noted that on occasions when cars were purchased outside of that area, he may be using a hauler, but not often.

Mr. Crawford asked whether the applicant had any concerns about limiting the number of spaces a condition of approval. Mr. Bah stated that he did not.

Mr. Chad Simpson, 1324 East Black Street, property owner, stated that the current tenant, Mr. Robert Karnilowicz, was looking to sublease part of the property to Mr. Bah, which was similar to an agreement the two men had had previously when Mr. Karnilowicz was in another location. He stated that Mr. Karnilowicz was a good tenant and businessman and would be proactive in following regulations.

There were no further questions or comments. Mr. Crawford closed the floor for Board discussion.

Mr. Smith made a motion to approve the special exception for an automobile sales use as presented by staff. Mr. Crawford seconded. Mr. Antrim asked about the condition of limiting the

number of cars to 11 on the site. Mr. Smith presented the motion to replace the motion to include the limit of 11 cars on the property. Mr. Crawford seconded, and called for a vote. The vote to replace the motion carried unanimously by a vote of 4-0 (Cullum, Reeves, and Sturgis absent).

Mr. Crawford called for a vote on the replacement motion to approve the special exception for an automobile sales with the condition that only 11 cars be allowed on site. The motion carried unanimously by a vote of 4-0 (Cullum, Reeves, and Sturgis absent).

Mr. Smith presented the findings, specifically noting that the applicant agreed to comply with the use specific standards, there would be no display pad or public address system, the applicant had agreed with the condition on the number of spaces, the use was compatible with surrounding uses, a site plan had been submitted, the roads were adequate to serve the site, and there would be no injury to the land.

8. Other Business

There was no other business to be considered by the Board.

10. Adjourn.

There being no other business, the meeting adjourned at 6:51 p.m.