

Zoning Board of Appeals

City of Rock Hill, South Carolina

November 19, 2019

A public hearing of the Zoning Board of Appeals was held on Tuesday, November 19, 2019, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill, South Carolina.

MEMBERS PRESENT: Matt Crawford, Keith Sutton, Stacy Reeves, Michael Smith, Rodney Cullum, Randy Sturgis

MEMBERS ABSENT: None

STAFF PRESENT: Melody Kearse, Shana Marshburn, Dennis Fields, Leah Youngblood

Legal notice of the public hearing was published in *The Herald*, Saturday, November 2, 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 6:01 p.m.

2. Approval of minutes of the September 27, 2019, meeting.

Mr. Sutton presented the motion to approve the minutes as submitted. Mr. Smith seconded, and the motion carried unanimously by a vote of 6-0.

3. Approval of Orders from September 27, 2019, meeting.

Mr. Sutton made a motion to approve the orders as distributed. Mr. Sturgis seconded the motion, and the minutes were approved unanimously by a vote of 6-0.

4. Appeal Z-2019-25: Request by Robert Whitaker for special exceptions for automobile sales use and automobile repair use, and a variance from the rear bufferyard standards at 1207 Saluda Street. The property is zoned Mixed Use Corridor (MUC). Tax map number 625-13-02-001.

Staff member Dennis Fields presented the staff report.

Mr. Sutton asked if the liens on the property had been paid. Mr. Fields stated that they have not been paid yet.

Mr. Sutton asked for clarity on the rear buffer/setbacks. Mr. Fields explained that even though the property to rear is used residentially, which requires a 50-foot buffer or a 40-foot buffer with a screen fence, the likely hood of it remaining a residential use over the long run is unlikely, and that it could be easily converted back to a commercial use. Only a 10-foot buffer would be required against a commercial use, which is why staff supports the variance for a 10-buffer with no screen fence. Mr. Sutton asked whether this 10-foot buffer would require landscaping. Mr. Fields confirmed that landscaping would be required as part of the buffer.

Mr. Smith asked whether paving of the parking lot was required. Mr. Fields confirmed that paving in asphalt or concrete would be required.

Mr. Crawford stated that there appears to be more than 10 feet available on the plan for buffering, maybe 20 to 25 feet. Mr. Fields agreed that there is more than 10 feet shown, but that staff wanted to allow for flexibility in case the site plan needed to be modified.

Mr. Sutton asked about the condition of the building, and whether it would be required to be brought up to code prior to the business opening. Mr. Fields confirmed that was correct. He also stated that the building official had put together a summary of what was needed in terms of building repairs in the feasibility. Mr. Fields described the condition of the building and explained that significant repairs would need to be made.

Mr. Crawford asked for some explanation about code enforcement procedures if there were an issue in the future. Ms. Kears explained the entire process.

The applicant was not available for questions at this time.

Mr. Dale Johnson, 724 Enzo Court, explained that he worked for the Community Medical Foundation that owned and operated several properties and organizations on Saluda Street, and that he was also representing the Saluda Corridor Business Association. He stated that the Association has worked hard over the past year and half to see improvements made to the corridor. Mr. Johnson explained that aesthetics were important to the Association and that they wanted to encourage entrepreneurship that would enhance the image of the corridor. He expressed concerns about the owner's apparent lack of concern about property maintenance. He stated that members of the Association had visited the applicant's other site and were not impressed, and that with the lack of routine yard maintenance of this site already, the Association was worried that the site would not be maintained appropriately. Mr. Johnson agreed with staff's assessment that the site was too small to conduct two businesses on the property.

Mr. Cullum stated that he wished to compliment the Association for the work that has done along the corridor.

Mr. Lawrence Sanders, 604 ½ Saluda Street, stated that he was opposed to the proposed use because he had concerns about it becoming a junkyard. He expressed concern that sight distance could be impacted at the stop sign at the intersection of Saluda and Rockdale if the site were overloaded with cars. Mr. Sanders explained that a lot has improved along Saluda Street, and that the corridor needed to continue to see better-looking businesses instead of car sales and service uses. He also stated that he was representing Mr. Melvin Poole's opposition to the request, too, since he had been unable to attend the meeting.

The applicant had arrived while Mr. Sanders was speaking. He was asked to speak to the Board. Mr. Robert Whitaker explained that he planned to do only minor repairs like brake changes and tune-ups, and that cars would not be kept overnight. Mr. Whitaker explained that for vehicle sales he planned to have around a maximum of 10 vehicles.

Mr. Crawford stated that the site plan only showed six spaces for cars for sale. Mr. Whitaker stated that if it said that if the site plan showed six, he would abide by that.

Mr. Crawford clarified with Mr. Whitaker that he wanted to go through with the request for both special exception applications. Mr. Whitaker confirmed this. Mr. Crawford explained that staff had concerns about future code enforcement issues on the site if both uses were granted because site is too small for both uses, and he asked the applicant how he would ensure that there is not an issue going forward if both uses were approved. Mr. Whitaker stated that he would not do any major repairs and that it would not be a high-volume business. He stated that he would do about three to five repairs a day.

Ms. Reeves asked the applicant whether he want to move forward if he had to choose just one use, and if so which use he would choose. Mr. Whitaker stated that he would probably prefer automobile sales.

Mr. Sutton asked the applicant about the liens on the property for cutting the grass. Mr. Whitaker stated that he planned to pave the whole site. Mr. Sutton explained that the property already has liens on the site, and asked if he planned to pay them and the timeframe for doing so. Mr. Whitaker said that he would pay them, but did not know how much they were. Ms. Reeves asked whether staff knew. Ms. Kearse stated that she did not have the exact amount, but that they were for two to three cuts a summer for the past three summers.

Mr. Sutton asked whether the work to the site would be done all at once. Mr. Whitaker responded that he plans to improve the building if his requests are approved.

Mr. Sturgis asked how the applicant planned to ensure that the business would not become an eyesore for the community. Mr. Whitaker responded that he had to bring the building up to code in order to use it. Mr. Sturgis stated that it is not just about getting it to code but keeping it that way. Ms. Reeves followed by stating that the community did not want the site to look like a junk yard.

Mr. Crawford stated that one issue is that the applicant has not cut the grass in the last few years, and so the Board questioned his ability to properly maintain the property going forward. Mr. Whitaker then re-stated that he did not want any grass and his intention was to pave the entire site so that grass would not be an issue. Mr. Fields explained the requirement for landscaping and the need for continued maintenance.

Mr. Smith asked how many vehicles the applicant thought he could fit inside the garage. Mr. Whitaker stated about 10 vehicles. Mr. Fields stated that based on his recollection, the building had room for about three to four vehicles. Mr. Smith explained that his reason for asking the question had to do with the wait time for parts to arrive for vehicles being serviced, and whether the applicant would have room to store the vehicles inside the building. Mr. Whitaker stated that he planned to do only simple services such as brakes and tune-ups, and that brake pads and spark plugs are always available at any number of local stores.

Mr. Smith asked whether the applicant was allowed to get a bid on the cost of the repairs. Mr. Fields affirmed that would be allowed, and reminded the Board that a licensed contractor would need to do the work. Mr. Smith asked the applicant whether he had received a bid yet. Mr. Whitaker stated that he had talked to contractors about the work.

Ms. Reeves asked the applicant about his vision for the site. Mr. Whitaker stated that he wanted to make it look nice. He explained that he wanted to repaint, pave the parking area, landscape the front, change the flooring, cover the cinderblock inside with drywall, paint inside, and add a new HVAC system. Ms. Reeves asked how long it would take to complete this work. Mr. Whitaker stated probably between three to six months.

Mr. Sutton asked whether this was the first commercial property that the applicant had purchased. The applicant said that it was. Mr. Sutton asked whether this was the applicant's first automobile repair business. The applicant said that it was.

The applicant then showed the Board pictures on his phone of a property in Statesville that he just finished restoring. Mr. Crawford stated to the applicant that he needed to send staff the photos for the record.

Mr. Crawford asked the applicant to walk the Board through the findings that the Board must make to grant the request, explaining that staff is concerned that both of the uses are too intense for such a small space. Mr. Crawford read-through some of staff's findings. Mr. Whitaker responded that tire and brake changes do not require cars to stay overnight.

With no other speakers, Mr. Crawford closed the floor and took the matter before the Board for

discussion.

Mr. Smith restated his concern of having too many vehicles on such a small site. Ms. Reeves asked if they could all agree on approving at least one use. The Board discussed the state of the site, and what the applicant would do to make it look better, as well as staff's recommendation and the concerns of the neighborhood.

Mr. Smith made a motion to deny all of the requests—both uses and the variance—and Mr. Cullum seconded. Ms. Youngblood requested that the motion be phrased in a positive manner in case there is a tie vote, since failure to achieve a majority on a positively-phrased motion means that it does not pass, but failure to achieve a majority on a negatively-phrased motion is confusing as to what it means. Mr. Smith make a motion to withdraw his motion. Mr. Cullum seconded, and the motion to withdraw the original motion passed unanimously with a vote of 6-0.

Mr. Crawford then made a motion to grant the request for the automobile sales use only. Mr. Sutton seconded the motion. The motion failed to pass because of a tie vote of 3-3. Mr. Sutton, Ms. Reeves and Mr. Sturgis voted in the affirmative.

After some additional general discussion, Mr. Sutton made a motion to approve the request for an automobile repair use, and Mr. Smith seconded the motion. The motion failed to pass with a vote of 0-6.

Mr. Sutton presented the findings, specifically noting the concern that the use would have negative impacts on surrounding lands.

Mr. Sutton made a motion to approve the variance request for a reduction the rear landscape buffer yard requirement; Ms. Reeves seconded. There was some discussion over whether it was appropriate to approve the buffer variance without knowing a specific use. The Board then voted; the motion failed to pass with a vote of 1-5, with Ms. Reeves in the affirmative. Mr. Crawford stated that without knowing the use, the Board cannot meet the findings.

5. Appeal Z-2019-26: Request by David Sligh for a variance to the maximum height for a fence, in the rear yard, at 2500 & 2503 Barrington Court. The property is zoned Planned Unit Development – Residential (PUD-R) in the Royal Oaks subdivision. Tax map number 537-02-01-020 and -021.

Staff member Shana Marshburn presented the staff report.

The applicant, David Sligh, 2500 Barrington Court, stated that he agreed with staff's assessment.

With no other speakers, Mr. Crawford closed the floor and took the matter before the Board for discussion.

Mr. Sutton stated that the request seemed very straightforward. Ms. Reeves agreed.

Mr. Sturgis made a motion to approve the request for a variance from the maximum fence height requirement; Ms. Reeves seconded. The motion carried unanimously with a vote of 6-0. Mr. Sturgis presented the findings, specifically noting the unique condition of the woodpile, that it was not detrimental to surrounding properties since the HOA had approved the fence, and that the neighborhood has another property with an eight-foot fence.

6. Appeal Z-2019-27: Request by Mike Pizzelle of Staylock Storage for a special exception to expand a self-storage use onto a portion of 1381 Albright Road. The property is zoned Limited Commercial (LC). Tax map number 623-04-04-001.

Staff member Dennis Fields presented the staff report.

The applicant's engineer, Mr. Zachary Howze, 715 Creekbridge Drive, reiterated that all of the design requirements would be met, and that the new building would be located behind the existing buildings.

With no other speakers, Mr. Crawford closed the floor and took the matter before the Board for discussion.

Mr. Crawford stated that it appeared that the findings were well-presented by staff, and that the use appeared to be compatible with the surrounding land uses.

Ms. Reeves asked about the status of a moratorium on self-storage. Ms. Youngblood stated that the moratorium had ended.

Mr. Sutton stated that the request seemed very straightforward. Ms. Reeves agreed.

Mr. Sutton made a motion to approve the request for a special exception to expand a self-storage use; Mr. Cullum seconded. The motion carried unanimously with a vote of 6-0. Mr. Sutton presented the findings specifically noting that the use complies with the use-specific standards, it is an expansion of an existing use, the design will comply with all regulations and architectural standards, it is compatible with surrounding uses, the use would create no adverse impacts or environmental impacts, and the roads are sufficient for the use.

6. Other Business

a. Continuing Education Opportunities:

Staff stated that a calendar of continuing education opportunities in 2020 will be forthcoming.

b. Calendar for 2020

Mr. Sutton made a motion to approve the 2020 calendar and Mr. Sturgis seconded. The motion carried unanimously with a vote of 6-0.

c. Schedule a Rosenberg's Rules/Findings session for 2020

The Board discussed scheduling this continuing education session. No action was taken.

7. Adjourn

There being no other business, Mr. Sutton made a motion to adjourn. Ms. Reeves seconded, and the meeting adjourned at 7:28 p.m.