

Zoning Board of Appeals

City of Rock Hill, South Carolina

October 15, 2019

A public hearing of the Zoning Board of Appeals was held on Tuesday, October 15, 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, John Antrim, Rodney Cullum

MEMBERS ABSENT: Randy Sturgis

STAFF PRESENT: Melody Kearse, Shana Marshburn, Leah Youngblood

Legal notice of the public hearing was published in *The Herald*, Saturday, September 28, 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 September 27, 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 6-0.

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

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

4. Appeal Z-2019-23: Request by Wayne Price for a special exception for an automobile sales use at 1214, 1218, and 1220 Cherry Road, which is zoned General Commercial (GC). Tax map numbers 631-14-07-001, -002, & -003.

Staff member Melody Kearse presented the staff report.

Mr. Sutton questioned whether the City's Zoning Ordinance required that the curb cut onto MacArthur Street be removed. Ms. Kearse stated that the standard driveway access is 22 to 24 feet and that the closing of the curb cut along the reduction of the curb cut onto to Cherry Road to 28 feet would leave more room for display vehicles. She further explained that this would cut down on the amount of code enforcement violations as cars would be less likely to block the access. She added that the closing of the MacArthur Street curb cut would also prevent vehicles from trying to turn into an access that has display vehicles parked in front of it.

Mr. Sutton asked whether the site would be required to have a second exit. Ms. Kearse stated that it did not, and that there would still be full circulation throughout the site as there is a two-way access when entering the site in addition to being able to circulate around the building.

Mr. Sutton pointed out that the site would be losing the 10-foot buffer against Cherry Road. Ms. Kearse stated that there would be 10-feet but that it would not push the use back so far

that the site would lose circulation, and that there would still be one-way access all the way around. Ms. Kearsse pointed out an area of one-way access and clarified that it could not be used for vehicles.

Mr. Crawford asked whether the asphalt went all the way back to the sidewalk in the area near the 10-foot landscape area. Ms. Kearsse stated that she believed there to be a small strip of grass. Mr. Crawford asked whether the asphalt would be removed in order to accommodate the 10-foot landscape strip. Ms. Kearsse replied that it would and added that a 10-foot landscape strip was a standard requirement around the perimeter of a parking lot.

Mr. Cullum asked whether the proposal was in-line with the City's Comprehensive Plan, more specifically for the Cherry Road area.

Ms. Kearsse pointed out that this particular area of Cherry Rd. is more automobile oriented and that the pedestrian oriented area is more toward the Winthrop University area at which staff would most likely not support an automobile sales use in that area. She added that the site is very limited to being adaptable to other uses because of the difficulty to redevelop and that an automobile use is most likely the best use for the property.

Dennis Wayne Price, 828 Creek Bluff Court, approached the Board. Mr. Price asked whether the required 10-foot planting strip could be reduced to 6 or 7 feet if he could make it look just as nice as a 10-foot strip. He went to briefly explain his background and his additional plans for the building.

Mr. Crawford asked whether staff would be willing to allow for Mr. Price's request. Ms. Kearsse stated that staff was fine with the request. Mr. Crawford explained that should the request be approved, a condition of the approval would be to work with staff's landscape architect to achieve the proper planting strip.

Mr. Price added that he has a landscape architect that works with him daily for various projects and that he would make the site look nice.

With there being no questions for the applicant and no one signed up to speak, the Board closed the floor for discussion.

Mr. Smith stated that he believed the request to be straightforward.

Mr. Antrim stated that usually he would be concerned about there only being one way in and out, but that he didn't believe it to be a problem being that the use is not a high traffic generator.

Mr. Price approached the Board and added that the property had been a car wash for 37 years and that the gentleman that washed cars for him passed away three years ago. He went to explain that the car wash did a tremendous amount of business there, especially in the early 1980s, and though he would rather have the second access, he is agreeable that the site would look much better with landscaping in that area instead.

Mr. Sutton made a motion to approve the request with the condition that the applicant work with City staff designers to accommodate a 6- to 7-foot landscape buffer. Ms. Reeves seconded the motion, and the motion carried unanimously by a vote of 6-0.

Mr. Sutton presented the findings, specifically noting that the use complied with the use-specific standards; the use has historically existed on the property; the site plan shows proposed improvements to the site that would bring it more into compliance with the current development standards; and the use is not expected to have negative impacts on surrounding lands, and staff has not heard from anyone with concerns about it.

5. Appeal Z-2019-24: Request by Ray Olang of Rafa, LLC for a special exception to expand an existing automobile sales use at 1933 Cherry Road onto a portion of 1015 Williams Street, which is zoned General Commercial (GC). Tax map number 634-06-06-014 & -015.

Staff member Melody Kearse presented the staff report.

Mr. Smith asked whether anything was going to be done with the house property. Ms. Kearse stated that there were no known plans for the house property.

Mr. Smith inquired as to the code enforcement issues. Ms. Kearse briefly went over the code enforcement issues such as the applicant not following the original parking plan and the disorganized parking of vehicles, in addition to property maintenance issues. Mr. Smith stated that he noticed the cars parked in the right-of-way in the pictures shown in the presentation and asked whether the parking of vehicles in this fashion was permissible. Ms. Kearse stated that it was not permissible. Mr. Smith asked whether the parking situation would be rectified. Ms. Kearse stated that it would, and that the cars would be required to be in a parking space or in the area of expansion, if granted by the Board. Mr. Smith asked whether the parking of the vehicles was the action that got the City's attention. Ms. Kearse stated that it was.

Mr. Antrim asked whether there were concerns regarding the setbacks for the home once the property line is adjusted. Ms. Kearse stated that there was a shortage of about four inches, but that staff could approve an administrative adjustment that small without bringing a variance request before the Board.

Mr. Cullum mentioned concerns with the conditions such as adding the chip seal, noting that this would require the cars to be displaced. Ms. Kearse stated that she would let the applicant address the Board regarding this issue. She added that staff does have concerns, and that if the applicant failed to meet the conditions, staff would continue to take him through the code enforcement process. She added that the applicant has a nearby car lot now that has helped to alleviate the number of cars parked on this site.

Mr. Smith asked whether the Williams Street property was currently out of compliance, and about the implications of that should the request not be approved. Ms. Kearse stated that staff would work with the applicant to get the issues corrected in a timely fashion and if that were to fail, the applicant would be taken to court.

Ray Olang, 1933 Cherry Road, approached the Board and introduced himself by briefly going over his background. Mr. Olang began by stating that having the extra space on the Williams Street property would alleviate many issues, as well that having the rear section of the property dedicated for employees parking. He added that providing signage might prevent customers from parking on Williams Street, and that having a nearby lot has helped reduce the congestion on the property, but that having an extra area on the subject lot would be even better. Mr. Smith suggested that the applicant move the cars off Williams Street in an effort to show good faith.

Sam Doust, 1933 Cherry Road, approached the Board. Mr. Doust began by stating that cars had always been parked in the areas shown in the photos along with other things that were cited as code violations, even before began using the property. He added that since being at the location, the business had grown. He explained that the fence shown in the pictures had already been removed. Mr. Smith interjected, stating that if the applicant had done due diligence on the property and inquired about the existing conditions he had observed, some of the issues code violations may have been avoided.

Mr. Doust pointed out that when the customer parking area is full, it forces customers and employees to park in unintended areas on the site. He went on to explain that his employees work from 8 a.m. to 5 pm.

Mr. Cullum asked whether the front entrance on Cherry Road is used. Mr. Doust stated that a fence used to be in the area, but that it had been recently removed as requested by the City code enforcement officer.

Mr. Doust explained the current improvements being made and his continuing effort to make future improvements. Mr. Cullum stated that though the business' growth is a good thing, there needed to be a plan to handle parking.

Mr. Crawford asked the applicant if he would have any problem abiding by the conditions listed in the staff report should the request be granted. Mr. Doust stated that more than 80% of the conditions had already been satisfied but that he needed to complete the painting of the canopy and the chip sealing of the parking lot. He added that these items had not been completed due to the recent rain events. Mr. Reeves asked whether the landscaping had been completed.

Mr. Olang asked whether the rear portion could begin to be used if the requested is granted. Ms. Kearse stated that it could and added that staff would work with Mr. Doust concerning the temporary relocation the vehicles while completing the chip sealing of the lot. She concluded with stating that staff tries to be as reasonable as possible when working through these types of situations. Mr. Olang added that there are conditions in place to ensure that everything is completed.

With there being no questions for the applicant and no one signed up to speak, the Board closed the floor for discussion.

The discussion centered around the timeliness of the improvements being made. Mr. Smith added that the applicant would be out of money he already had spent making improvements if the request were not granted.

Mr. Cullum made a motion to approve the request subject to staff's conditions being met in a timely fashion. Mr. Crawford seconded the motion and the motion carried unanimously 6-0.

Mr. Cullum presented the findings, specifically noting that the use-specific standards are being met, and the applicant has agreed to conditions recommended by staff in order to minimize the impacts of the proposed expansion area and to address the code enforcement issues on the primary site, specifically:

- Adding evergreen landscaping to the rear of the proposed expansion area as shown on the provided aerial.
- Removing the nonconforming sections of fencing and replacing them with either vinyl fencing like that along rear edge of proposed expansion or with bollards/posts to delineate property line. The bollards/posts would match those along east side of property, and no cars are allowed to be parked beyond them, i.e. in right-of-way.
- Painting the former gas station canopy and building used by the automobile sales use a light gray.
- Resurfacing gravel areas with chip seal and re-striping all parking on the main Cherry

Road site.

Provided that those changes are made to the property so that the use does not continue to have code enforcement issues, the granting of the special exception is based on the above analysis, especially the following:

- The expanded area for the business to use would help it alleviate parking and circulation issues on the site that are current code enforcement issues.
- The use is not expected to have negative impacts on surrounding lands, and staff has not heard from anyone with concerns about it.

6. Other Business.

a. Continuing Education Opportunities

Ms. Kearse reminded Ms. Reeves that she was still in need of continuing education credits for the year.

b. Calendar for 2020

Mr. Crawford stated that he would rather not meet on March 17, 2020, as this is the St. Patrick's Day holiday. Ms. Youngblood stated that it would be fine if the meeting were held on the rain date instead. Mr. Crawford asked whether the decision should be made now or at the next meeting. It was agreed that the Board would continue to review the proposed calendar, as it was not required to be voted on until the November meeting.

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

Ms. Kearse stated that the session would be especially beneficial for the Board member who would replace John Antrim upon his departure. Mr. Sutton asked whether the Board could be periodically updated as to cases that had gone to court, or be provided with suggestions for how the Board could improve in its overall decision making. Ms. Reeves asked whether any cases had gone to court. Ms. Youngblood stated that there had not been any, although there was a case on Anderson Road that came very close.

5. Adjourn.

There being no other business, Mr. Smith made a motion to adjourn. Mr. Sutton seconded and the meeting adjourned at 7:02 p.m.