

Zoning Board of Appeals

City of Rock Hill, South Carolina

Date: May 21, 2013

A public hearing of the Zoning Board of Appeals was held on Tuesday, May 21, 2013, at 6:30 PM in Council Chambers at City Hall, 155 Johnston Street, Rock Hill, South Carolina.

MEMBERS PRESENT: Matt Crawford, Donovan Steltzner, Wes O'Quinn, Leslie Moma

MEMBERS ABSENT: Justin Smith, Michael Murnane

STAFF PRESENT: Josh Reinhardt, Justin Westbrook, Leah Youngblood, Janice Miller

Legal notice of the public hearing was published in *The Herald*, Saturday, May 4, 2013. Notice was posted on all property considered. Adjacent property owners and residents were notified in writing.

1. Call to Order:

The meeting was called to order at 6:30 PM.

2. Approval of minutes of the April 16, 2013 meeting.

Mrs. Moma made a motion to approve the minutes and Mr. Crawford seconded the motion, which was approved unanimously by a vote of 4-0.

3. Appeal No. Z-2013-11: Request by Chauncy Adams for a Special Exception to re-establish a convenience store (without gasoline or fast food sales) at 455 Green Street. The property is zoned Single-Family Residential-4 (SF-4). A convenience store of this nature is a non-conforming use in the SF-4 district; however, it may be allowed to re-establish by a Special Exception. Tax map number: 600-02-03-037.

Mr. Reinhardt presented the staff report and provided the Board with a copy of the petition Mr. Adams had submitted in support of the convenience store.

Mr. Chauncy Adams, 820 S. Confederate Avenue, applicant, addressed Board regarding the application. He noted that he planned to be open daily from 8 am until 9 pm, and that he would be open on Sundays.

Mrs. Moma asked about the planned improvements for the property. Mr. Adams stated that he would be removing the pay telephone and kerosene pump. He added that he would not be cooking on the premises and would not need to have a grease trap, that the City told him he could sell hot dogs.

Mrs. Moma asked when the store would be open. Mr. Adams stated within 30 days

of the Board's approval.

Mrs. Moma asked about the types of products that would be sold. Mr. Adams stated they would sell grocery items, such as canned goods, beer and wine, small selection of meats, cigarettes, chips, drinks but not fruits or vegetables.

Mr. Steltzner asked if he would have lottery sales. Mr. Adams stated that he may in the future.

Mr. Crawford asked if Mr. Adams had met with the neighbors. Mr. Adams stated that he had not, that he had met only with those listed on the petition.

Mrs. Moma asked about the concerns brought up by the neighbors at the April public hearing regarding the trash. Mr. Adams stated that he would hire a handyman that would take care of the property and keep it cleaned up, that he had no intention of hurting the neighborhood.

Mr. Crawford asked if he was opposed to a trial period. Mr. Adams stated that he would be making an investment in this business and that it would be difficult without knowing what the limitations or determining factors were that the Board would be considering when the trial period was over.

Mr. Lonnie Sims, 467 Green Street, spoke in opposition to the application. He noted that the times were different than when the store originally opened and reiterated his concerns over having to pick up trash, decrease in property values, increase in traffic, and the recent report of a murder that occurred while someone was on their way to Adams grocery at another location. He noted the number of people who had signed the petition in support of the application and how many had not attended the meeting and stated that Green Street had been cleaned up and that the store served no purpose with two other stores a quarter mile away.

Mr. O'Quinn asked Mr. Sims if there was an acceptable compromise. Mr. Sims stated there was not.

Ms. Mary Anderson, 267 E Moore Street, spoke in favor of the application. She stated that she lived behind the park across from the store. She noted that she had not had any issues with the store when it was open, although she did not use it often, and that she would like to see it reopen.

Mr. Charlie Benjamin, 229 Whitgreen Street, spoke in favor of the application, adding that it was most convenient for him as he did not have a car or bike.

Mr. "Brother" David Boone, 902 Crawford Road, spoke in favor of the application. He noted that it was an injustice not to have a neighborhood store in the area as most of the traffic would be by foot, and that Mr. Adams had excellent character and was well-known throughout the area.

Ms. Mary Brown, 462 Green Street, spoke in opposition to the application. She

noted the increase in traffic and the limitations of the area with reference to vehicle movement. She added that there were several stores nearby and that there were no plans to have a handicap ramp for senior citizens to be able to access the store. She added that officers had been patrolling the area frequently and the decrease in drug trafficking.

Ms. Brenda Franklin, 513 Friedheim Road, spoke in favor of the application. She stated that her father, George Franklin, had chosen Mr. Adams to reopen the store. She noted that people had to cross Saluda Street to go to the other convenience stores. She also noted that if the neighbors had an issue with Mr. Adams, they could always call the owners to deal with the issue.

Mr. Crawford asked Ms. Franklin if she had met with the neighbors. Ms. Franklin stated that she tried to meet with Ms. Brown. She noted that Ms. Brown was not at home and left her number with the neighbor in order to speak with her but was not contacted.

Mrs. Tanya Adams, 820 S Confederate Avenue, applicant, spoke in favor of the application. She stated that she had researched property values and noted that these had not changed in the past five years. She added that people decreased property values, not stores. She noted that they were trying to get approved to accept WIC and EBT and therefore were required to sell appropriate items, such as dairy products, cereal and eggs. She stated that they were working to improve the appearance of the store, that the majority of the traffic would be on foot, and that they wanted to help the community.

Mrs. Moma asked about the EBT process. Mrs. Adams stated that they were required to sell foods that were ready to eat at that time, such as dairy, eggs, cereal, bread, as well as some drinks and chips of a certain size. She noted that they could not sell everything like BiLo, but that they would be more convenient.

Ms. Geneva Chisholm, 1434 Greenwood Lane, spoke in opposition to the application, noting that she owned the property located at 842 Jefferson Avenue. She stated that children ran across the street without thinking, that she in fact had had a child run into her car while she was driving down Green Street. She also noted concern over alcohol sales.

Mr. Tony Janetta, 823 Standard Street, spoke in support of allowing the store to be open on a six-month trial basis. He added that the public would be notified and allowed to provide input when the store applied for a liquor license from the state.

Mr. Crawford allowed Mr. Adams an opportunity to address concerns. Mr. Adams stated that he was hoping that the Board would consider that the store would be good for the neighborhood.

Mr. Crawford closed the floor for Board discussion.

There was discussion regarding the six month trial and the measurement criteria the

Board would use to determine if the store could remain open.

Discussion was held regarding contact and outreach to the neighbors that was requested at the April hearing.

Discussion was held regarding compatibility requirements of a business within a residential area.

There was discussion regarding the increase of a police presence in the area.

Mr. Steltzner presented the motion to approve the application as presented with the Board to review the application after a six month trial. Mr. O'Quinn seconded.

There was further discussion regarding the criteria the Board would apply at the end of the trial period.

Mr. Steltzner amended his motion to approve the application to re-establish the convenience store for a trial period of six months that would be evaluated by the Board using but not limited to the following criteria: The number of police incidents reported and the amelioration of community concerns through conversations and affirmative action. Mr. O'Quinn seconded the amended motion.

Mr. Crawford called for a vote. The application failed due to a tied vote of 2-2 with Mr. Steltzner and Mr. O'Quinn voting in favor of the application, and Mrs. Moma and Mr. Crawford voting against.

4. Other Business

There was no other business to be considered.

5. Consideration of a motion to go into executive session in order to receive attorney client privileged information regarding membership on the Board.

Staff requested postponing this agenda item until the entire Board was able to attend.

6. Adjourn

Mrs. Moma presented the motion to adjourn, Mr. Steltzner seconded and the motion carried by a vote of 4-0. The meeting adjourned at 7:34 pm.