

Zoning Board of Appeals

City of Rock Hill, South Carolina

November 15, 2016

A public hearing of the Zoning Board of Appeals was held on Tuesday, November 15, 2016, at 6:30 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill, South Carolina.

MEMBERS PRESENT: Matt Crawford, Michael Smith, Jeff Greene, Keith Sutton, Rodney Cullum, Stacey Reeves

MEMBERS ABSENT: John Antrim

STAFF PRESENT: Melody Kearse, Shana Marshburn, Leah Youngblood, Janice Miller

Legal notice of the public hearing was published in *The Herald*, Saturday, October 29, 2016. Notice was posted on all property considered. Adjacent property owners were notified in writing.

1. Call to Order

The meeting was called to order at 6:30 p.m.

2. Approval of minutes of the October 18, 2016, meeting.

Mr. Greene made a motion to approve the minutes as noted. Mrs. Reeves seconded the motion. The minutes were approved unanimously by a vote of 6-0 (Antrim absent).

3. Approval of Orders from October 18, 2016, meeting.

Mr. Sutton made a motion to approve the Orders as submitted. Mr. Greene seconded the motion. The Orders were approved unanimously by a vote of 6-0 (Antrim absent).

4. Appeal No. Z-2016-25: Request by Tiffany Bradley, Kreative Kreations, for a Special Exception for a hair salon, which is classified as a personal service establishment use at 1029 Charlotte Avenue. The property is zoned Neighborhood Office (NO). Tax map number 629-01-05-009.

Staff member Melody Kearse presented the staff report.

Mr. Sutton asked if a hair salon had existed on the site at one time and, if so, was it the case that if a salon had not been there within six months a Special Exception was still required. Ms. Kearse stated that she did not find any records that a salon had been on that site previously, but that this did not mean that it had not been at one time. She noted that the six month rule did not necessarily apply in this case. She added that the site had been an office and a retail space previously.

Ms. Tiffany Bradley, 5045 Theodore Road, Catawba, applicant, was available to answer questions.

There were no further comments or questions from the audience. Mr. Crawford closed the floor for board discussion.

Mr. Greene presented the motion to approve the Special Exception to for a hair salon to locate at 1029 Charlotte Avenue. Mr. Smith seconded, and the motion carried unanimously by a vote of 6-0 (Antrim absent).

Mr. Greene presented the findings, specifically noting the use was compatible with surrounding uses, the roads were adequate to service the site, the uses would not injure the property value or neighborhood, and the uses would comply with all laws and ordinances.

5. Appeal Z-2016-26: Request by Habitat for Humanity for a variance from the lot width requirements for the subdivision of a lot located at 1635 Pineburr Lane. The property is zoned Single-Family Residential-5 (SF-5). Tax map number 630-04-03-003.

Staff member Shana Marshburn presented the staff report.

Mr. Greene asked how long Habitat had owned the property. Ms. Marshburn stated she did not know the purchase history of the property.

Mr. Greene asked the history of the duplex diagonally across Pineburr Lane from this site. Ms. Marshburn stated she did not know the history of the construction of the duplex.

Mr. Sutton noted there were 50' wide lots in the area and asked if these were marked as 50' wide before the current Single-Family Residential-5 zoning district was established. Ms. Marshburn stated she believed that this was the case based on the number of 50' wide lots in the area.

Mrs. Reeves asked how long the current ordinance had been in effect. Ms. Youngblood stated since 2006.

Ms. Stephanie Barnette, 825 North Anderson Road, representative for Habitat for Humanity, spoke regarding the case. She provided a brief overview of the goals of Habitat in providing housing assistance. She stated that the goal was to keep costs for development low in order to provide affordable mortgages to potential homeowners. She added other 50' wide lots existed in this area and they were confident they could build to meet the City's standards.

Mr. Greene asked how long Habitat had owned this property. Ms. Barnette stated two months.

Mr. Greene noted the same conditions existed when the property was purchased. Ms. Barnette stated Habitat was not able to compete for other properties on the open market and felt this property was a good option for development.

Mr. Greene asked if a duplex was considered. Ms. Barnette stated it was not, that single-family construction was always the first option.

Mr. Crawford asked the size of the proposed houses. Ms. Barnette stated a three bedroom was approximately 1100 square feet and a four bedroom was approximately 1500 square feet. She added their homes always appraised for higher than cost.

Mr. Dane Bayag, 825 North Anderson Road, Habitat representative, stated the homes would be approximately 28' wide. He added the structures built by Habitat on Walnut Street were on 50' wide lots as well, and were approximately 1200 and 1400 square feet.

Ms. Diane Barnes, 475 Pineview Road, stated that she has lived on the street for more than 60 years, and spoke in opposition to the request, noting specifically the flooding and sewer issues, wildlife in the area, and issues with traffic and speeding that the neighborhood already deals with. She stated that it is her belief that everyone is entitled to a home, but this is not the place for it. She said that if the neighborhood could not get help addressing the issues it already has, more homes should not be added there.

Ms. Barnes also expressed that she would fight the addition of more duplexes to the neighborhood. Ms. Marshburn clarified for the Board that duplexes were not allowed in the Single-Family Residential-5 zoning district.

Mr. John Hollingsworth, 445 Pineview Road, spoke in opposition to the request, expressing particular concern over speeding, which he felt was an issue because the street is dead-end. He also stated concern over the lack of police response to calls in the neighborhood, and agreed with Ms. Barnes about the creek flooding and the sewer line running over on the property in question, and the displacement of deer who live on the property.

Ms. Cindy Anderson, 808 South Main Street, Clover, spoke as the property owner of 1624 Pineburr Lane. She expressed concerns about the impacts on wildlife, explaining that when the City was blasting to try to fix the sewer problem, deer ran into the road and got killed. She also explained that sewer back-ups are frequent in the neighborhood, and that plumbers cannot do anything to help toilets that will not flush due to the flooding in the area. She stated that stormwater pools in the cul-de-sac nearby. She stated that she does not care about any potential impacts on her property values, and that she believes in affordable housing programs (further explaining that she purchased her home through a low-income housing program), but that in her opinion it would be detrimental to add more residents to an area that has these problems. She expressed that Habitat should have researched the property more before buying it.

Mr. Sutton asked Ms. Anderson if she understood the request was for a subdivision of an existing lot, that the property owner could still build one house on the lot. Ms. Anderson stated she understood, and that construction would still be detrimental to the neighborhood and water would still be an issue for the future residents.

Ms. Barnes spoke to the neighborhood concerns. She reiterated Habitat's goals to provide affordable housing options, not low income housing. She stated the steps clients were required to complete and added Habitat has the right to take the home back if there were issues. She stated Habitat was more than willing to work with the City to make certain the property built would be sufficient for the neighborhood.

Mr. Cullum asked the thought-process with more than 50% of the property being in a flood zone. Ms. Barnette stated construction would not impact the flood zone area, that it would meet all requirements of the building code. She added buildings within those areas were built to flood zone standards.

Mr. Cullum asked if engineers had been consulted to make certain they could build in that location. Ms. Barnette stated they had and were confident they could. Ms. Youngblood noted flood areas indicated were locally designated as flood prone areas, not FEMA designated flood zones which required flood insurance.

Mr. Smith observed the City would not allow building on the lots if flooding was an issue. Ms. Youngblood stated this was correct, that the City's engineers and planners would address those issues before construction.

Mr. Smith asked about the sewer and flooding issues. Ms. Youngblood stated she was unaware of these issues prior to the meeting, but believed that there likely was a history of them based on the testimony of the adjacent property owners.

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

Mr. Greene presented the motion to approve the variance for the subdivision of the lot as submitted. Mr. Crawford seconded.

Mr. Greene stated it was difficult to make any of the findings required to approve the request since the issues were present when the property was purchased. He stated that while he has respect for what Habitat was doing in providing affordable housing, he was disappointed that they did not research the property fully before buying it—that his opinion was that if Habitat could not financially justify building only one house on the property, they should not have bought it knowing that it was just one parcel.

Mr. Crawford said that he had trouble making the findings but not because the issues were present when Habitat bought the property.

Mr. Sutton stated that whether the requestor was for-profit or even someone who owned the lot and wanted to subdivide it for their children, the analysis would be the same, so the fact that this was a non-profit organization making the request should not factor into the decision.

Ms. Reeves pointed out that most of the other properties nearby were 50 feet in width, but that even so, she could not make all the findings either. Mr. Crawford pointed out that if the Board could not make all of the findings, the size of the surrounding lots did not matter to the analysis.

Mr. Greene pointed out that even the extraordinary and exceptional conditions listed, the sewer easement and flood-prone areas, did not really affect the width of the parcels. There was general discussion about this point, with Mr. Crawford pointing out that the other lots in the area also had those same conditions.

Mr. Greene pointed out that the 50-foot lot issue may come up again if anyone who purchased a smaller lot before the ordinance changed to require a larger width later decided to try to build on it, but that in this case, Habitat knew about the issue when they bought the property.

Mr. Crawford called for a vote, and the motion failed by a vote of 2-4, with Mr. Smith and Mr. Sutton voting in favor of the request, and Mr. Crawford, Mr. Cullum, Mr. Greene, and Mrs. Reeves voting against the request.

6. Other Business.

a. New Appointment

Ms. Kearsse informed the Board of City Council's decision to appoint Mr. Brian Germain to fill Mr. Greene's seat in January.

b. Meeting Date Change

Ms. Kearsse announced the possibility of the Board having to move their next public hearing to Thursday, December 15, with their annual dinner on Tuesday, December 13, or to move the meeting to Room 373 on Tuesday, in the event there were a number of items to be considered. This is due to the Planning Commission's scheduled hearing for December 13 as well.

c. Meeting Time

Mr. Sutton asked for confirmation on the 6PM meeting time to begin in January. Ms. Kearsse stated this was correct.

7. Adjourn

There being no further business, the meeting adjourned at 7:20PM.