

Planning & Development Department

803-326-3893 / Diana.Fragomeni@cityofrockhill.com

Physical (By Appointment Only): 155 Johnston Street, Rock Hill, SC 29730

Mailing: PO Box 11706, Rock Hill, SC 29731-1706

www.cityofrockhill.com



APPLICATION TO REESTABLISH A NON-CONFORMING USE IN A RESIDENTIAL ZONING DISTRICT

WHEN TO USE THIS PROCESS

Use this application to request a special exception to reestablish a non-conforming use in a residential zoning district. A special exception is a use that may or may not be compatible with nearby land uses or appropriate for the location depending on the circumstances. The Zoning Board of Appeals is charged under state law with making decisions regarding whether special exception uses are allowed.

APPLICATION PROCESS

- Contact Amy Britz** to schedule a meeting or phone conversation about the request. (Contact information above.)
- Submit the application and associated documents** in PDF format through the Online Services website at www.cityofrockhill.com/onlineservices. Select the option to **Submit Plans** under the **Project** section of the page.
- We will email you an invoice** for the application fee, which you will pay online.
 - \$100 for residential property; \$300 for non-residential property
 - If you decide to withdraw the application before staff submits the legal advertisement for the public hearing on it, 50% of the fee is refundable; after that time, the fee is not refundable, whether you are successful in obtaining approval for the request or not.
 - If you are also requesting another type of request from the Zoning Board of Appeals during the same meeting, such as a variance request, only one application fee is required.
- The Zoning Board of Appeals will hold a public hearing** where people may speak for or against the request.
 - We are required to advertise the request in accordance with state law. At least 15 calendar days in advance of the hearing, we will post a public hearing sign(s) on the property, mail a postcard to all property owners and tenants within 300 feet, and will place a legal advertisement in *The Herald*.
 - The Zoning Board of Appeals usually meets at 6 p.m. on the third Tuesday of the month in the Council Chambers at City Hall. The calendar for the year is available on our website.
 - Staff will provide a written report about the request to the Board members, which also will be posted on the City's website. The report will include your application and supporting documents.
 - You must attend this meeting to explain your request and answer questions about it.
 - At the conclusion of the public hearing, the Zoning Board will decide whether to approve the application as requested, approve it with conditions, or not approve it.
- If the request is granted**, there is a period after the ZBA meeting (usually approximately 60 days) when anyone may appeal the case to circuit court, so any work done during this time is at your own risk.

Please note: If the application is approved, you may still need to obtain other types of permits, such as a building permit, before you can use the property as desired. These require separate application processes and fees.

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Tax map number	Address(es)	Property owner
<i>Example:</i> 233-21-23-576	420 Example St.	Rock Hill Cars, LLC

APPLICANT

Primary Applicant Name: _____

Mailing Address: _____

Phone: _____ Email: _____

Do any recorded deed restrictions or restrictive covenants apply to this property that would prohibit, conflict with, or be contrary to the activity you are requesting? For example, does your homeowners association or property owners association prohibit the activity or need to approve it first? **Yes** **No**

- If yes, please describe the requirements: _____

Are you the owner of the subject property? Yes No

- If no, what is your relationship the property (e.g., have it under contract to purchase, tenant, contractor, real estate agent)? _____
- If you are not the owner of the subject property, the property owner must complete the gray box below.

I certify that I have completely read this application and instructions, that I understand all it includes, and that the information in the application and the attached forms is correct.

Applicant signature: _____ Date: _____

PROPERTY OWNER

Property owner name (authorized representative, if corporation): _____

Mailing Address: _____

Phone: _____ Email: _____

I certify that the applicant listed above has my permission to represent this property in this application.

Signature: _____ Date: _____

INFORMATION ABOUT REQUEST

What is the type of use that you are requesting to reestablish in a residential zoning district?

Special exception standards

Please explain to the Board why you believe your request meets these standards. These are the standards the Board will consider when deciding whether to approve your request.

1. Is the proposed use allowed by right, conditional use or special exception in the Neighborhood Office (NO) or Neighborhood Commercial (NC) zoning district? If so, please demonstrate how you plan to meet the use-specific standards for the use:
2. Is the existing structure specialized to a non-conforming use, such that conversion to a conforming use would not be economically feasible?
3. Would the non-conforming use be functionally expanded in any way?
4. Is there a demonstrated history of compatibility with the surrounding neighborhood including, but not limited to, a lack of documented complaints, calls for police service, or other operational concerns such as traffic, parking or other similar impacts?
5. If the Board so chooses, reestablishment may be permitted for a possible trial period to determine if impacts are mitigated to the maximum extent possible; is the applicant agreeable to such trial period? Yes No

List any exhibits that you have provided to help explain your request to the Board. Site plans and photographs are usually very helpful.