



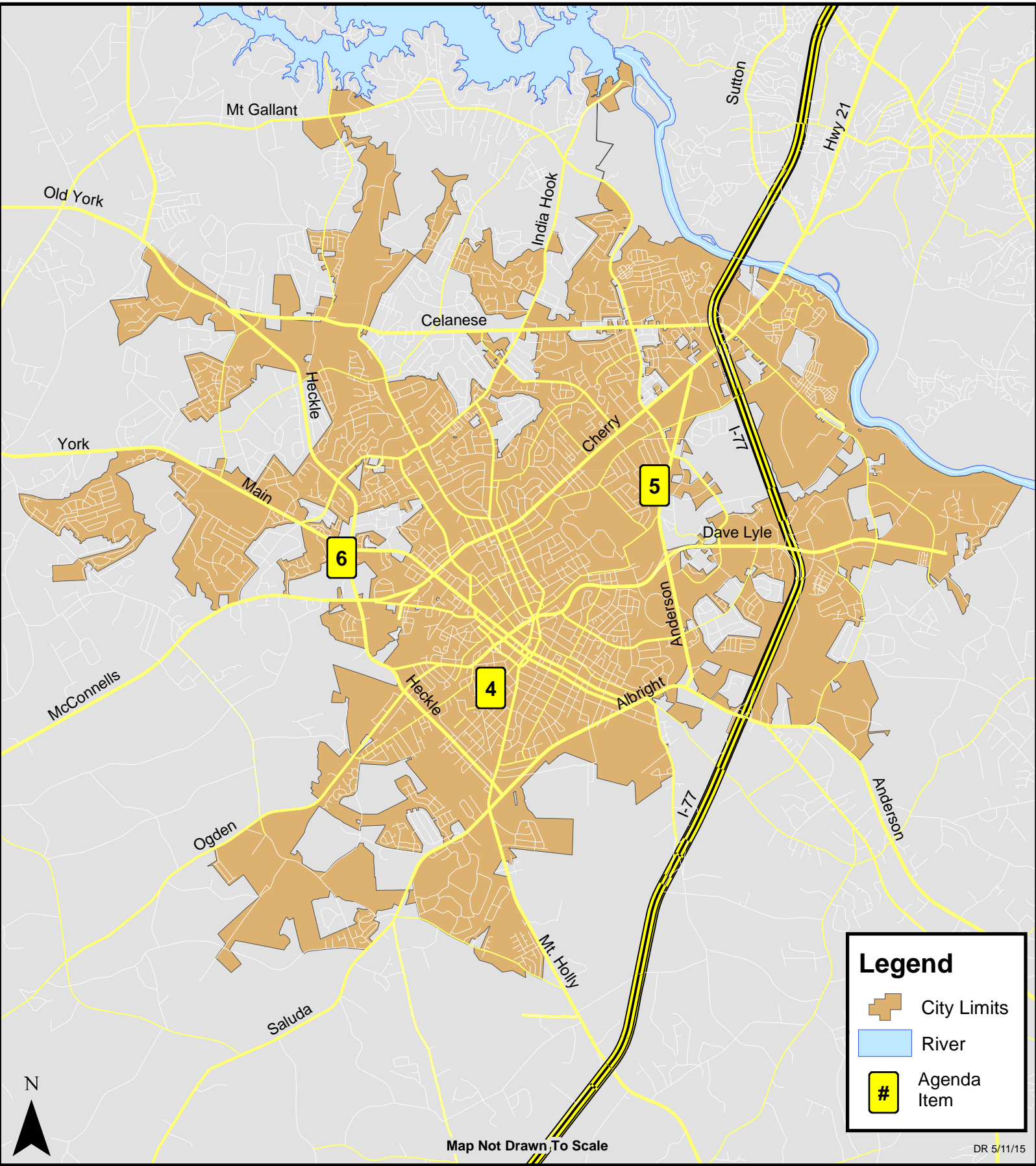
A G E N D A

Rock Hill Zoning Board of Appeals February 16, 2021

1. Call to Order
2. Approval of Minutes from the January 19, 2021 meeting.
3. Approval of Orders from the January 19, 2021 meeting
4. Appeal Z-2021-02: Request by Akisha Nichols for a special exception to establish a non-conforming commercial mixed-use space that will house office and personal service uses at 810 Carolina Avenue, which is zoned Single-Family Residential-5 (SF-5). Tax map number 600-02-03-015.
5. Appeal Z-2021-06: Request by Scott Wallat, Burnout Garage, for a special exception to expand an existing automobile sales use at 609, 625 & 629 N Anderson Road, which is zoned General Commercial (GC). Tax map number 630-04-01-013, -014 & -015.
6. Appeal Z-2021-07: Appeal by Pastor Benard Gill, Taking the City Ministry, of the Director's interpretation of an off-premise advertising sign located at 1715 W Main Street, which is zoned Limited Commercial (LC). Tax map number 595-03-01-001.
7. Other Business
8. Adjourn.

Zoning Board of Appeals Agenda Items

City of Rock Hill, SC
February 16, 2021
Zoning Board of Appeals



Legend

-  City Limits
-  River
-  Agenda Item

Map Not Drawn To Scale

DR 5/11/15

Zoning Board of Appeals

City of Rock Hill, South Carolina

January 19, 2021

A public hearing of the Zoning Board of Appeals was held Tuesday, January 19, 2021, at 6 p.m. in City Council Chambers at City Hall, 155 Johnston Street, Rock Hill SC.

MEMBERS PRESENT: Matt Crawford, Keith Sutton, Stacey Reeves, Rodney Cullum, Chad Williams, James Hawthorne

MEMBERS ABSENT: Randy Sturgis

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

Legal notices of the public hearing were published in *The Herald*, Friday, January 1, and Wednesday, January 6, 2021. 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 6:00 p.m.

2. Approval of Minutes of the December 15, 2020, meeting.

Vice Chair Sutton noted a correction to the minutes. Mr. Williams presented the motion to approve the minutes as amended. Mr. Cullum seconded, and the motion carried unanimously by a vote of 6-0 (Sturgis absent).

3. Approval of Orders of the December 15, 2020, meeting.

Vice Chair Sutton noted several corrections to the orders and presented the motion to approve the orders as amended. Ms. Reeves seconded, and the motion carried unanimously by a vote of 6-0 (Sturgis absent).

4. Appeal Z-2021-01: Request by Marcus Payne, 3 Points Auto Sales, for a special exception to expand an existing automobile sales use at 1227 Saluda Street, which is zoned Mixed Use Corridor (MUC). Tax map number 625-13-02-003.

Staff member Shana Marshburn presented the staff report.

Vice Chair Sutton observed that even if the change in entrance was not required by the City, would the applicant be able to open before the 6-12 months it may take to get South Carolina Department of Transportation (SCDOT) approval for the encroachment. Ms. Marshburn stated the new entrance to Blackmon Road was optional but that the applicant would be required to get an encroachment permit.

Vice Chair Sutton asked if the applicant decided not to pursue the new entrance would this force a change in the site plan. Ms. Marshburn replied there would need to be a bump-out in order for vehicles to turn around on the site.

Vice Chair Sutton asked if staff would be able to provide the applicant with a contact at SCDOT to assist in the encroachment permit process. Ms. Marshburn stated they would.

The applicant's business partner, Larry Young, 1227 Saluda Street, was available to answer questions.

With no questions from the Board, Chair Crawford closed the floor for Board discussion.

Mr. Williams presented the motion to approve the special exception as presented, adding that staff did a good job with the report and that this would be an improvement to the area. Ms. Reeves seconded, and the motion carried unanimously by a vote of 6-0 (Sturgis absent).

Mr. Williams presented the findings, specifically noting the use would comply with use specific standards, no public address system would be in use, no test drives would take place on neighborhood streets, the applicant had agreed to obtain the necessary permits, the use was compatible within the area, site improvements were proposed, a site plan had been submitted and the expansion of the use would not have a negative impact on the neighboring properties.

5. Appeal Z-2021-02: Request by Akisha Nichols for a special exception to establish a non-conforming commercial mixed-use space that will house retail, office, and personal services uses at 810 Carolina Avenue, which is zoned Single-Family Residential-5 (SF-5). Tax map number 600-02-03-015.

Staff member Melody Kears presented the staff report.

Mr. Williams asked if the additional landscaping and fencing requirements would be included by the Board as a condition of approval. Ms. Kears stated this would not be necessary as a condition for approval unless the Board wanted it to be as these were already required by City regulations.

Chair Crawford asked the hours for Single-Family Residential-5 (SF-5) zoning if the hours were 6 a.m. to 10 p.m. in Neighborhood Office (NO) zoning. Ms. Kears stated the hours required in NO were the most restrictive, but the Board could restrict the hours further as a condition of approval.

Mr. Cullum observed the location was in the middle of a large residential area. Ms. Kears stated this was previously used as a church in the community and that another church for which the Board had approved a special exception was being built nearby.

Mr. Cullum asked if there had been any concerns by the residents over the proposed business use in a residential area. Ms. Kears stated two people had contacted staff with concerns about the request.

Mr. Cullum asked if this would be a retail clothing store or a resale operation similar to Goodwill. Ms. Kears stated the applicant wanted to open a retail operation directed to serving the older population in the area.

Chair Crawford asked if the site was currently under-parked for the proposed uses. Ms. Kears stated it was not but that the applicant would be adding an ADA space off the gravel area. She added that the building was small so only 5-6 spaces were needed currently with the ability to have more developed on the site later as needed.

The applicant, Akisha Nichols, 654 Arch Drive, provided a brief overview of the business model, adding that social distancing measures would be in place, including the use of facemasks and the use of one direction movement of customers throughout the building.

Vice Chair Sutton asked if this was Ms. Nichols' first attempt at a micro-business type of operation. Ms. Nichols stated it was not, that she had operated a daycare prior to this. She added she was working on setting up a foundation for her son who had passed away and wanted to find a way to assist the community.

Chair Crawford asked the types of uses proposed. Ms. Nichols stated she wanted to sell items to raise funds for scholarships for her foundation, office space for entrepreneurs, and services such as a barbershop, hair braiding salon, or massage therapist.

Chair Crawford asked if the retail would be the same as the Habitat for Humanity store. Ms. Nichols stated it would be resale like the Hospice Thrift Store where people donated goods for sale with the funds going to the scholarship. She added the other office spaces would be for start-up businesses to begin with occupancy changing as needed.

Mr. Cullum asked the business hours. Ms. Nichols stated 6 a.m. to 10 p.m. but added she did not think the salon area would take appointments that late and that the resale operation would close around 3 p.m.

Chair Crawford asked Ms. Nichols if she would have any issues with the Board placing a condition on the hours of operation as part of the approval. Ms. Nichols stated this would be suitable provided this condition could be revisited in the future. Chair Crawford confirmed with staff that this would be a modification to an existing special exception.

Ms. Djuna McCrorey, 807 Jefferson Avenue, spoke in opposition to the request, specifically noting that the area was primarily residential, and there was no need for a retail operation.

Mr. Lawrence Sanders, 604 ½ Saluda Street, spoke in support of the request but did state his concern over trash in the area, especially as items were dropped off as donations after operating hours.

Chair Crawford closed the floor for Board discussion.

Chair Crawford commented that retail in a residential area created a concern, but that office and personal service uses were more compatible. He also commented on people dropping off donations and leaving trash after hours.

Ms. Reeves commented on the need for a business plan to be submitted to the Board.

Mr. Cullum asked for clarification on how long the building had been vacant. Ms. Kearse stated her research indicated the building had been vacant between 18 and 24 months.

Ms. Reeves asked if the power was still on. Ms. Kearse stated she was not sure.

Mr. Hawthorne referred to the site plan and asked the location of the retail area. Ms. Kearse stated it would be located in the back space at the end of the hall where a common room or sanctuary had been located.

Mr. Williams commented that retail was a concern.

Ms. Reeves commented that 10 p.m. was too late to drop off donations. There was general discussion over the scale of the operation and donation drop off.

Chair Crawford presented the motion to reopen the floor in order to ask the applicant additional questions. Vice Chair Sutton seconded, and the motion carried unanimously by a vote of 6-0 (Sturgis absent).

Ms. Nichols stated items would be for resale and felt that this would give back to the community through the sale of items.

Chair Crawford asked Ms. Nichols if she would be satisfied with approval of the special exception if retail was not included as part of the business. Ms. Nichols stated she would not as she wanted to have a retail component to the business.

Mr. Williams asked if she had any issues with the hours of operation being limited. Ms. Nichols stated she did not, adding that the items for sale would be in the back of the building and that she was interested in feeding those in need as well.

Chair Crawford asked if there was a plan in place for the intake of donations. Ms. Nichols

stated she had a team in place and already had donated items in the building. She added that the majority of the items she had for sale were from her son's estate.

Ms. Reeves asked the number of employees. Ms. Nichols stated three others in addition to herself, including a maintenance person and foundation board members. She added that other businesses in the space would have their own employees.

Ms. Reeves asked the maximum number of people allowed in the retail area or if appointments would be required. Ms. Nichols stated currently it would be by appointment only, and that she was willing to do whatever to make the operation a success.

There was general discussion among the Board members regarding the number of people that could be in the building at one time, with specific mention as to how many would be allowed by the Fire Marshal.

Mr. Cullum observed there were a lot of different uses in the building if the plan was for it to be a community center, non-profit foundation, retail operation, and tax service or business office. He asked the overall plan for the business and where all of the uses would be located in the building. Ms. Nichols stated her desire was to give back to the community in some way and that all of the businesses would be open by appointment. She added that someone would be at the location to manage the traffic flow and that people wouldn't be there without an appointment. Mr. Cullum stated he would like to see a more organized operating plan.

Chair Crawford asked if this would be a place for the community to come to. Ms. Nichols stated she did not mean that it would be a community center in the sense that the community would use the space as a center, only that it would provide for the community overall through scholarships.

Ms. Reeves asked if Ms. Nichols would charge rent. Ms. Nichols stated she would.

Ms. Reeves asked if leases were written for the rental spaces. Ms. Nichols stated they were.

Chair Crawford closed the floor for Board discussion.

Mr. Cullum stated while there were valid points to the request, there needed to be a more organized business plan in place.

Chair Crawford presented the motion to approve the special exception as requested. Vice Chair Sutton seconded. Mr. Hawthorne asked that the proposed hours of operation be placed as a condition on the approval.

Chair Crawford presented the amended motion to approve the special exception as requested with the condition the hours of operation be 6 a.m. to 8 p.m. Vice Chair Sutton seconded, and the motion to approve the amended motion carried by a vote of 6-0 (Sturgis absent).

Chair Crawford called for a vote on the motion, and the motion failed by a vote of 2 to 4, with Mr. Williams and Mr. Hawthorne voting for, and Chair Crawford, Vice Chair Sutton, Ms. Reeves, and Mr. Cullum voting against.

Chair Crawford noted for the record that the Board was not able to make the finding that a retail use would be compatible with the surrounding residential zoning district.

6. Appeal Z-2021-03: Request by Joe Delaney for a special exception to establish a vocational/trade school at 2260 Cherry Road, which is zoned General Commercial (GC). Tax map number 634-01-07-038.

Staff member Dennis Fields presented the staff report.

The applicant, Joe Delaney, 631 Augustus Street, Greenville SC, commented that there were 10 fewer parking spaces that required as they could only fit in 84 spaces in order to meeting the landscape islands requirement. Mr. Fields stated that staff had determined that the use would meet the parking requirements because of how the building would be used.

Vice Chair Sutton asked the target date for opening. Mr. Delaney stated they hoped to open for the fall semester.

Vice Chair Sutton asked if this was the first one he had operated. Mr. Delaney stated it was not, that his company had multiple sites in South Carolina and Texas, and that their main goal was to adaptively reuse existing buildings.

Vice Chair Sutton asked if the school would partner with local industries. Mr. Delaney stated they would as this was part of the business model for the school, providing education and equipment to local businesses.

Mr. Hawthorne asked where signage would be placed. Mr. Delaney stated either at the entrance to the site as part of a group sign or signage on the building itself.

Chair Crawford closed the floor for Board discussion.

Vice Chair Sutton presented the motion to approve the special exception as presented. Ms. Reeves seconded, and the motion carried unanimously by a vote of 6-0 (Sturgis absent).

Vice Chair Sutton presented the findings, specifically noting the use would comply with the use specific standards, it was compatible with the surrounding area, there was no environmental impact as the site was already developed, a site plan had been prepared, and there would be no harm to the adjacent properties.

7. Appeal Z-2021-04: Request by Kyle Hoyt on behalf of Caliber Collision for special exceptions to establish as automobile painting/body shop use and a reduction in the requirement separation from residential uses at 4850 Old York Road, which is zoned Limited Commercial (LC). Tax map number 542-07-01-088.

Staff member Dennis Fields presented the staff report.

Vice Chair Sutton asked if the site would be right in/right out only or allowed full access. Mr. Fields stated there would be full access provided as long as the driveway was aligned with the one directly across Old York Road, adding that full access was allowed due to the access drive to be built at the rear of the site.

Vice Chair Sutton asked if a stormwater pond was required. Mr. Fields stated it was required and that stormwater quality was also required due to the increase in impervious surface.

Vice Chair Sutton asked if the City would be constructing the access road at the rear of the site. Mr. Fields stated it was not, that construction of the access drive was the responsibility of each of the property owners the drive would access.

Vice Chair Sutton asked if the City would approve the street. Mr. Fields stated that as this was not an official street in the City's street system.

Vice Chair Sutton asked if the site would have stormwater allowances. Mr. Fields replied that the applicant was required to show pre- and post-stormwater calculations for the site, and that they were required to do stormwater quality assessments as well.

Chair Crawford asked for clarification that the applicants were required to do these calculations only on this site. Mr. Fields stated this was correct, that other sites were required to do these as well.

Mr. Cullum expressed concern that the access drive would become a shortcut. Mr. Fields stated it did not appear this would be used as a shortcut, only as an option for cars to go to a signalized intersection in order to turn left.

Mr. Hawthorne observed this would lessen the load on the main road. Mr. Fields stated this was correct, that the drive would not necessarily be a time saver. He added this access drive had been envisioned for any development of these sites since 2010.

Mr. Hawthorne asked if the City or SCDOT required the reduction in the number of entrances. Mr. Fields stated both required the reduction.

Chair Crawford asked, in reference to making the findings for the separation reduction, the uses allowed in the zoning district that might have a greater impact on the nearby residences. Mr. Fields stated the adjacent auto repair and restaurant with drive-thru would have greater impact, noting that the applicant for this request had stated that any painting and repairs would be done inside with the doors closed.

The applicant, Kyle Hoyt, 396 Evian Way, Mt Pleasant SC, was available to answer questions. With no questions from the Board, Chair Crawford closed the floor for Board discussion.

Mr. Cullum asked if a motion was necessary for each item or if one motion could be presented. Chair Crawford stated that one motion could be made.

Mr. Cullum presented the motion to approve both the special exception for the use and the separation from residential uses as presented by staff. Mr. Williams seconded, and the motion carried unanimously by a vote of 6-0 (Sturgis absent).

Mr. Cullum presented the findings, specifically noting for the special exception that the use would comply with the use specific standards, it was compatible with other adjacent uses, there would be no adverse impacts or traffic issues, and a site plan had been submitted. With respect to the separation requirements, Mr. Cullum noted there would be screening requirements in place to minimize any impact.

At 7:31 p.m., Mr. Williams presented a motion for the Board to take a short recess. Ms. Reeves seconded, and the motion carried unanimously by a vote of 6-0 (Sturgis absent).

Chair Crawford called the meeting back to order at 7:39 p.m.

8. Appeal Z-2021-08: Appeal by Ina Shtukar of the Director's decision to deny a short-term rental permit for property located at 1687 Saybrook Court, which is zoned Single-Family Residential-3 (SF-3). Tax map number 537-08-01-015.

Staff member Melody Kearse presented the City's case.

Chair Crawford asked for clarification on the Board's responsibility regarding the case, whether to affirm, partially affirm, or reverse the decision. Ms. Kearse stated this was correct.

Mr. Tim Sturgis, 1677 Cunningham Drive, President, Meadow Lakes II Homeowner's Association (HOA), reiterated that the City had reached out to the Meadow Lakes II HOA regarding the covenants with respect to short-term rentals, who in turn reached out to their legal counsel to make certain they were interpreting the covenants correctly that short-term rentals were not allowed.

Chair Crawford called for the applicant, who was not present and therefore did not appear before the Board.

Chair Crawford observed that a short-term rental permit was never approved. Ms. Kearse

stated this was correct.

Chair Crawford asked if the rental could have been in operation until the appeal was heard. Ms. Kearsse stated they could until a short-term rental permit was issued.

Ms. Reeves asked how these would be enforced. Ms. Kearsse stated this would be a joint effort between the Planning & Development Department and Neighborhood Services, with Neighborhood Services eventually taking over the process. She noted that they would be doing regular checks of the various short-term rental websites and would send courtesy notices to those discovered to be without permits, and they would advise them of the City's requirement.

Vice Chair Sutton presented the motion to affirm the Director's decision to deny a short-term rental permit for the property located at 1687 Saybrook Court. Ms. Reeves seconded, and the motion carried unanimously by a vote of 6-0 (Sturgis absent).

9. Other Business

a. Appeal Z-2021-02

Ms. Kearsse approached the Board asking if they would be willing to reopen Appeal Z-2021-02 as Ms. Nichols had indicated she would be willing to drop the retail portion of the operation if the Board would be willing to reopen the case. She advised that this motion would need to be made by someone in the majority.

Chair Crawford presented the motion to reopen Appeal Z-2021-02 as requested. Mr. Hawthorne seconded, and the motion to reopen carried unanimously by a vote of 5-1, with Chair Crawford, Vice Chair Sutton, Mr. Cullum, Mr. Williams, and Mr. Hawthorne voting for, and Ms. Reeves voting against (Sturgis absent).

Chair Crawford noted that the one person speaking in opposition to the request had left. Mr. Williams observed the Board should be provided with an organization plan.

Chair Crawford asked Ms. Nichols if she would agree to defer the case until the February hearing in order to re-advertise for the hearing, and this would also give Ms. Nichols an opportunity to better prepare. Ms. Nichols stated she would.

Chair Crawford presented the motion to defer Appeal Z-2021-02 until the Board's February 16 public hearing. Mr. Williams seconded, and the motion carried by a vote of 6-0 (Sturgis absent).

b. Continuing Education Sessions

Ms. Miller stated staff was looking for online continuing education sessions for the Board. She noted the one initiated by the City was currently being reviewed and she would notify everyone once it was approved.

10. Adjourn.

There being no further business, Vice Chair Sutton called for a motion to adjourn. Ms. Reeves seconded, and the motion carried unanimously by a vote of 6-0 (Sturgis absent). The meeting adjourned at 7:52 p.m.



Zoning Board of Appeals Order

Z-2021-01

The Zoning Board of Appeals held a public hearing on Tuesday, January 19, 2021, to consider a **request by Marcus Payne, 3 Points Auto Sales, for a special exception to expand an existing automobile sales use at 1227 Saluda Street, which is zoned Mixed Use Corridor (MUC). Tax map number 625-13-02-003.**

Board members in attendance included Matt Crawford, Keith Sutton, Stacey Reeves, Rodney Cullum, Chad Williams, James Hawthorne (Sturgis absent).

After consideration of the evidence and arguments presented, the Board voted to grant the request based on the following findings of fact:

1. The site may be identified as 1227 Saluda Street.
2. The property owner is Church of God Unchanged Ministries (COGUM) (Vincent James).
3. This property is zoned Mixed Use Corridor (MUC).
4. The request was for a special exception to expand an existing automobile sales use.
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
 - December 31: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - December 31: Public Hearing notification signs posted on subject property.
 - December 31: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Staff member Shana Marshburn presented the staff report.

Vice Chair Sutton observed that even if the change in entrance was not required by the City, would the applicant be able to open before the 6-12 months it may take to get South Carolina Department of Transportation (SCDOT) approval for the encroachment. Ms. Marshburn stated the new entrance to Blackmon Road was optional but that the applicant would be required to get an encroachment permit.

Vice Chair Sutton asked if the applicant decided not to pursue the new entrance would this

force a change in the site plan. Ms. Marshburn replied there would need to be a bump-out in order for vehicles to turn around on the site.

Vice Chair Sutton asked if staff would be able to provide the applicant with a contact at SCDOT to assist in the encroachment permit process. Ms. Marshburn stated they would.

The applicant's business partner, Larry Young, 1227 Saluda Street, was available to answer questions.

With no questions from the Board, Chair Crawford closed the floor for Board discussion.

Mr. Williams presented the motion to approve the special exception as presented, adding that staff did a good job with the report and that this would be an improvement to the area. Ms. Reeves seconded, and the motion carried unanimously by a vote of 6-0 (Sturgis absent).

Mr. Williams presented the findings, specifically noting the use would comply with use specific standards, no public address system would be in use, no test drives would take place on neighborhood streets, the applicant had agreed to obtain the necessary permits, the use was compatible within the area, site improvements were proposed, a site plan had been submitted and the expansion of the use would not have a negative impact on the neighboring properties.

THE BOARD, THEREFORE, ORDERS:

That the request by Marcus Payne, 3 Points Auto Sales, for a special exception to expand an existing automobile sales use at 1227 Saluda Street is APPROVED.

Section 2.12.1 (C) of the Zoning Ordinance states:

Any person having a substantial interest affected by a decision of the Zoning Board of Appeals may appeal the decision to the Circuit Court in and for York County by filing with the Clerk of the Court a petition setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Zoning Board of Appeals is mailed. For the purposes of this subsection, "person" includes persons jointly or severally aggrieved by the decision of the Zoning Board of Appeals.

AND IT IS SO ORDERED.

Matt Crawford, Chairman

Date the Order Was Approved by the Board: _____

Date the Decision of the Board Was Mailed to the Applicant: _____



Zoning Board of Appeals Order

Z-2021-03

The Zoning Board of Appeals held a public hearing on Tuesday, January 19, 2021, to consider an **appeal by Joe Delaney for a special exception to establish a vocational/trade school at 2260 Cherry Road, which is zoned General Commercial (GC). Tax map number 634-01-07-038.**

Board members in attendance included: Matt Crawford, Keith Sutton, Michael Smith, Stacey Reeves, Rodney Cullum, Chad Williams (Randy Sturgis absent)

After consideration of the evidence and arguments presented, the Board voted to affirm the Director's decision based on the following findings of fact:

1. The site may be identified as 2260 Cherry Road.
2. The property owner is Progress Land Development, LLC.
3. This property is zoned General Commercial (GC).
4. The appeal was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
 - December 31: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
 - December 31: Posted public hearing signs on subject property.
 - January 1: Advertised the Zoning Board of Appeals public hearing in The Herald.

Information about this request was posted to the City's website

5. During the hearing, the following comments were heard by the Board:

Staff member Dennis Fields presented the staff report.

The applicant, Joe Delaney, 631 Augustus Street, Greenville SC, commented that there were 10 fewer parking spaces that required as they could only fit in 84 spaces in order to meeting the landscape islands requirement. Mr. Fields stated that staff had determined that the use would meet the parking requirements because of how the building would be used.

Vice Chair Sutton asked the target date for opening. Mr. Delaney stated they hoped to open for the fall semester.

Vice Chair Sutton asked if this was the first one he had operated. Mr. Delaney stated it was not, that his company had multiple sites in South Carolina and Texas, and that their main goal was to adaptively reuse existing buildings.

Vice Chair Sutton asked if the school would partner with local industries. Mr. Delaney stated they would as this was part of the business model for the school, providing education and equipment to local businesses.

Mr. Hawthorne asked where signage would be placed. Mr. Delaney stated either at the entrance to the site as part of a group sign or signage on the building itself.

Chair Crawford closed the floor for Board discussion.

Vice Chair Sutton presented the motion to approve the special exception as presented. Ms. Reeves seconded, and the motion carried unanimously by a vote of 6-0 (Sturgis absent).

Vice Chair Sutton presented the findings, specifically noting the use would comply with the use specific standards, it was compatible with the surrounding area, there was no environmental impact as the site was already developed, a site plan had been prepared, and there would be no harm to the adjacent properties.

THE BOARD, THEREFORE, ORDERS:

That the request by Joe Delaney for a special exception to establish a vocational/trade school at 2260 Cherry Road, which is zoned General Commercial (GC) is APPROVED.

Section 2.12.1 (C) of the Zoning Ordinance states:

Any person having a substantial interest affected by a decision of the Zoning Board of Appeals may appeal the decision to the Circuit Court in and for York County by filing with the Clerk of the Court a petition setting for plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Zoning Board of Appeals is mailed. For the purposes of this subsection, "person" includes persons jointly or severally aggrieved by the decision of the Zoning Board of Appeals.

AND IT IS SO ORDERED.

Matt Crawford, Chairman

Date the Order Was Approved by the Board: _____

Date the Decision of the Board Was Mailed to the Applicant: _____



Zoning Board of Appeals Order

Z-2021-04

The Zoning Board of Appeals held a public hearing on Tuesday, January 19, 2021, to consider an **appeal by Kyle Hoyt on behalf of Caliber Collision for special exceptions to establish as automobile painting/body shop use and a reduction in the requirement separation from residential uses at 4850 Old York Road, which is zoned Limited Commercial (LC). Tax map number 542-07-01-088.**

Board members in attendance included: Matt Crawford, Keith Sutton, Michael Smith, Stacey Reeves, Rodney Cullum, Chad Williams (Randy Sturgis absent)

After consideration of the evidence and arguments presented, the Board voted to affirm the Director's decision based on the following findings of fact:

1. The site may be identified as 4850 Old York Road.
2. The property owner is CMBH Properties, LLC.
3. This property is zoned Limited Commercial (LC).
4. The appeal was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
 - December 31: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
 - December 31: Posted public hearing signs on subject property.
 - January 1: Advertised the Zoning Board of Appeals public hearing in The Herald.

Information about this request was posted to the City's website

5. During the hearing, the following comments were heard by the Board:

Staff member Dennis Fields presented the staff report.

Vice Chair Sutton asked if the site would be right in/right out only or allowed full access. Mr. Fields stated there would be full access provided as long as the driveway was aligned with the one directly across Old York Road, adding that full access was allowed due to the access drive to be built at the rear of the site.

Vice Chair Sutton asked if a stormwater pond was required. Mr. Fields stated it was required and that stormwater quality was also required due to the increase in impervious surface.

Vice Chair Sutton asked if the City would be constructing the access road at the rear of the site. Mr. Fields stated it was not, that construction of the access drive was the responsibility of

each of the property owners the drive would access.

Vice Chair Sutton asked if the City would approve the street. Mr. Fields stated that as this was not an official street in the City's street system.

Vice Chair Sutton asked if the site would have stormwater allowances. Mr. Fields replied that the applicant was required to show pre- and post-stormwater calculations for the site, and that they were required to do stormwater quality assessments as well.

Chair Crawford asked for clarification that the applicants were required to do these calculations only on this site. Mr. Fields stated this was correct, that other sites were required to do these as well.

Mr. Cullum expressed concern that the access drive would become a shortcut. Mr. Fields stated it did not appear this would be used as a shortcut, only as an option for cars to go to a signalized intersection in order to turn left.

Mr. Hawthorne observed this would lessen the load on the main road. Mr. Fields stated this was correct, that the drive would not necessarily be a time saver. He added this access drive had been envisioned for any development of these sites since 2010.

Mr. Hawthorne asked if the City or SCDOT required the reduction in the number of entrances. Mr. Fields stated both required the reduction.

Chair Crawford asked, in reference to making the findings for the separation reduction, the uses allowed in the zoning district that might have a greater impact on the nearby residences. Mr. Fields stated the adjacent auto repair and restaurant with drive-thru would have greater impact, noting that the applicant for this request had stated that any painting and repairs would be done inside with the doors closed.

The applicant, Kyle Hoyt, 396 Evian Way, Mt Pleasant SC, was available to answer questions.

With no questions from the Board, Chair Crawford closed the floor for Board discussion.

Mr. Cullum asked if a motion was necessary for each item or if one motion could be presented. Chair Crawford stated that one motion could be made.

Mr. Cullum presented the motion to approve both the special exception for the use and the separation from residential uses as presented by staff. Mr. Williams seconded, and the motion carried unanimously by a vote of 6-0 (Sturgis absent).

Mr. Cullum presented the findings, specifically noting for the special exception that the use would comply with the use specific standards, it was compatible with other adjacent uses, there would be no adverse impacts or traffic issues, and a site plan had been submitted. With respect to the separation requirements, Mr. Cullum noted there would be screening requirements in place to minimize any impact.

THE BOARD, THEREFORE, ORDERS:

That the request by Kyle Hoyt on behalf of Caliber Collision for special exceptions to establish as automobile painting/body shop use and a reduction in the requirement separation from residential uses at 4850 Old York Road, which is zoned Limited Commercial (LC) is APPROVED.

Section 2.12.1 (C) of the Zoning Ordinance states:

Any person having a substantial interest affected by a decision of the Zoning Board of Appeals may appeal the decision to the Circuit Court in and for York County by filing with the Clerk of the Court a petition setting for plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Zoning Board of Appeals is mailed. For the purposes of this subsection, "person" includes persons jointly or severally aggrieved by the decision of the Zoning Board of Appeals.

AND IT IS SO ORDERED.

Matt Crawford, Chairman

Date the Order Was Approved by the Board: _____

Date the Decision of the Board Was Mailed to the Applicant: _____

Z-2021-02

Requests: Special exception to establish a non-conforming commercial mixed-use space that will house retail, office and personal services uses.

Address: 810 Carolina Avenue.

Zoning District: Single-Family Residential-5 (SF-5)

Applicant: Akisha Nichols





Request: Special Exception to establish a non-conforming commercial mixed-use space that will house office and personal services uses in a residential district.

Address: 810 Carolina Ave.

Tax Map No.: 600-02-03-015

Zoning District: Single-Family Residential-5 (SF-5)

Applicant/ Owner: Akisha Nichols
PO Box 10174
Rock Hill, SC 29731

Background

The applicant, Akisha Nichols, is seeking to establish a mixed-use commercial space at 810 Carolina Ave. The uses would include office space for a charitable foundation, other rental office space and personal service spaces for community start-up businesses.

This property was developed for commercial use in 1979, and the building was originally used as a church. Since that time, it also has been used as a mental health clinic and then as a day care until recently. Ms. Nichols purchased the property in 2007.

Because the property is zoned SF-5, the uses cannot be established without Zoning Board of Appeals approval to allow these non-conforming commercial uses through a special exception process. The uses also must be able to meet the standards listed in the "Analysis of Request for Special Exception" section below.

The Board heard the original request with a retail component and denied the request. Afterward, Ms. Nichols asked the Board to reconsider her request without the retail sales use, which the Board granted, and the matter was deferred to the February hearing.

Site Description

The site is located on Carolina Avenue near the intersection with Heyward Street. It is mostly surrounded by single-family detached residential uses, with a few religious institutional uses nearby.

Description of Intent for Single-Family Detached Zoning Districts

These residential districts are established to primarily provide for single-family detached residential development. A few complementary uses customarily found in residential zoning districts, such as religious institutions, may also be allowed.

The primary difference between these districts is the minimum lot size for development and other dimensional standards that are listed in full in *Chapter 6: Community Design Standards*. The following chart summarizes the differences in lot sizes for single-family residential development.

Zoning District	Minimum Lot Size for Single-Family Residential Development
SF-2	20,000 square feet
SF-3	14,000 square feet
SF-4	9,000 square feet
SF-5	7,500 square feet

Description of Proposed Uses permitted in NO and NC

Offices
Characteristics
Uses that are conducted in an office setting and that generally focus on business, or professional services.
Use types: examples and definitions
Business or professional office includes offices for business people and professionals, such as but not limited to accountants, financial advisors, insurance agencies, government, sales, law, engineering, architecture, or outpatient medical and dental. It also includes offices for contractors (building, heating, plumbing, electrical, landscaping, and similar trades), provided that they do not have warehouse areas nor outdoor storage areas on site.
Exceptions
<ul style="list-style-type: none"> • In-patient medical services are classified as health care. • Business services such as mailing and packing services, or photocopying and blueprint services are classified as retail sales and service. • Government facilities besides offices are classified as government facilities. • Offices that are part of and located within a principal use in another Use Category are considered accessory to the establishment's primary activity. • Banks/credit unions are a retail sales and service use.
Personal Services, Type A (This falls under Retail use category, but excludes sales)
Characteristics
Small-scale retail uses that provide convenience or personal services

Use Types: examples and definitions
Laundromats; dry-cleaning establishments; clothing alterations; shoe repair; photographic studios; hair, tanning, and nail salons; aesthetician services; weight loss organizations (fitness classes are classified as indoor recreation); and massage therapy and day spas.
Exceptions
Laundry and dry-cleaning plants with operations more extensive than a small-scale operation in a retail storefront are classified as industrial services.

Analysis of Request for Special Exception

Staff will base its recommendation on an analysis of the below standards, and the Zoning Board of Appeals may approve a special exception use only upon a finding that the applicant has demonstrated that the following standards are met.

The applicable standards are shown below in italics, followed by staff's assessment of each standard in non-italicized font.

- (a) The proposed use is permitted by right, conditional use, or special exception in the Neighborhood Office (NO) or Neighborhood Commercial (NC) zoning district, and the proposed use is no more intense than the historical use of the property.*

Within the Neighborhood Office (NO) zoning district and the Neighborhood Commercial (NC) zoning district, the office use is allowed by right, and the personal service use is allowed as a conditional use.

The office use should be less intense than past uses of the property, such as the day care and church, in terms of the amount of traffic to the site, noise, etc.

The personal services use would be substantially limited by the size of the space. This would likely only be a one-on-one service type use such as hair braiding or massage therapy. These uses typically have longer appointment times and minimal traffic.

- (b) The existing structure is specialized to nonconforming use such that conversion to the conforming use would not be economically feasible. Historical nonconforming uses in converted residential structures would generally not be seen as meeting this standard.*

The property was developed originally for commercial use. Converting the building to a conforming, i.e. residential use, would be extremely costly. It would be difficult to meet the residential design standards, which require residential structures to blend with the existing neighborhood or meet the City's current design standards.

- (c) No functional expansion of the use is permitted. Modifications for code compliance and aesthetic enhancement are permitted.*

The use is not being expanded to areas of the site that have not been used in the past. Ms. Nichols plans to remove the play equipment and expand parking to the rear of the property in the future. (While this additional parking is not required to be installed now, other than adding an ADA-accessible space, Ms. Nichols is aware that additional parking would need to meet current standards, such as being paved.) She has provided a sketch of what this would look like.

- (d) *There is demonstrated history of compatibility with the surrounding neighborhood including, but not limited to, a lack of demonstrated complaints, calls for police service, or other operational concerns such as traffic, parking, or other similar impacts.*

The proposed uses are considered less intense than the prior uses of the site, both the day care and church use. Staff looked into past calls for police service, a summary of which is attached to this report, and past code enforcement actions on the property. Neither showed any previous compatibility issues with the surrounding neighborhood.

Moreover, in speaking with Ms. Nichols, she wants to provide an opportunity to the community to use the space to start small businesses. These uses will be low intensity uses that should not generate noise or traffic impacts greater than those already experienced by the surrounding neighborhood, and if the site is managed well, this concept could benefit the community.

Ms. Nichols will operate her charitable foundation from the site, and therefore, she will be available to actively monitor the other uses for any potential issues.

- (e) *Reestablishment of the use may be permitted for a trial period to determine if impacts are mitigated to the extent anticipated.*

Since there have not been any major issues with the commercial use of the site in the past, staff does not believe that a trial period is necessary.

Public Input

Staff has taken the following actions to notify the public about this public hearing:

- January 29: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- January 29: Posted public hearing signs on subject property.
- January 29: Advertised the Zoning Board of Appeals public hearing in *The Herald*.
- Information about this request was posted to the City's website

Staff Recommendation

Staff recommends approval of the request to establish a mixed-use space that will house office and personal services uses based on the above analysis, particularly noting the following:

- The site was developed as a commercial site.
 - The site has operated as commercial site without issue for many years
 - The applicant will be on-site regularly and can monitor any potential issues with the other users.
-

Attachments

- Application and sketches
 - Calls for Service email
 - Zoning map
-

Staff Contact:

Melody Kearse

803-329-7088

melody.kearse@cityofrockhill.com

**SPECIAL EXCEPTION APPLICATION FOR RE-ESTABLISHING
A NON-CONFORMING USE IN A RESIDENTIAL ZONING DISTRICT**

Plan Tracking # 2020291 Date Received: 12/17/20 Case # Z- 2020-02

Please use additional paper if necessary, for example to list additional applicants or properties, or to elaborate on your responses to the questions about the request. You may handwrite your responses or type them. You may scan your responses and submit them by email (see the above fact sheet), since we can accept scanned copies of signatures in most cases.

PROPERTY INFORMATION

Street address of subject property: 810 CAROLINA AVE, Rock Hill, SC 29730

Tax parcel number of subject property: 600-02-03-015

Property restrictions

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: demands in report by city

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
AKisha C. Nichols	P.O. Box 10174 Rock Hill, SC 29731	803-412-9991	achildsheart@yachoo.com

Are you the owner of the subject property? Yes No

If you are not the owner of the subject property, what is your relationship to it (e.g., have it under contract to purchase, tenant, contractor, real estate agent) _____

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.

Signature: A.C. Nichols Date: 12-17-20

If you are not the owner of the subject property, the property owner must complete this box.

Name of property owner: _____

If property owner is an organization/corporation, name of person authorized to represent its property interests: _____

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

Signature: _____ Date: _____

Preferred phone number: _____ Email address: _____

Mailing address: _____

INFORMATION ABOUT REQUEST

What is the type of use for which you are requesting a special exception?

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, although it may find that not all are applicable to 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:

Hours, I will open & close building
center HAS 10AM to 10PM (FALL SEASON)
and 10AM to 8PM (Spring Season) All ACCESS
From Individuals will be Appt. made ^{profit}
MASK & Social Distancing Required at all
times. Only person making Appt. may come.

2. Is the existing structure specialized to a non-conforming use, such that conversion to a conforming use would not be economically feasible?

Yes - Will have rent/lease agreements
for business running out center
- Special rates & dates for people in community.
- Feed needy ^{once} ^{month} ~~one a month~~, by distributing
plates from location. [will prepare all food at home
only]

3. Would the non-conforming use be functionally expanded in any way?

See attach drawing of site plan.
Only adding door to only room in center
w/ out a door to exhibit one direction movement
Enter in Front door & exit out door
adjacent to Appt. room they are in.

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?

Church close by that was
planning on a center across
Street from Church at one
time.

5. If the Board so chooses, re-establishment 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, anything to make this
center happen.

Exhibits

Please list any documents that you are submitting in support of this application. The ones listed below are suggested, but you may provide others that you believe would be helpful, and in some cases, staff or the Zoning Board of Appeals may request other exhibits as well.

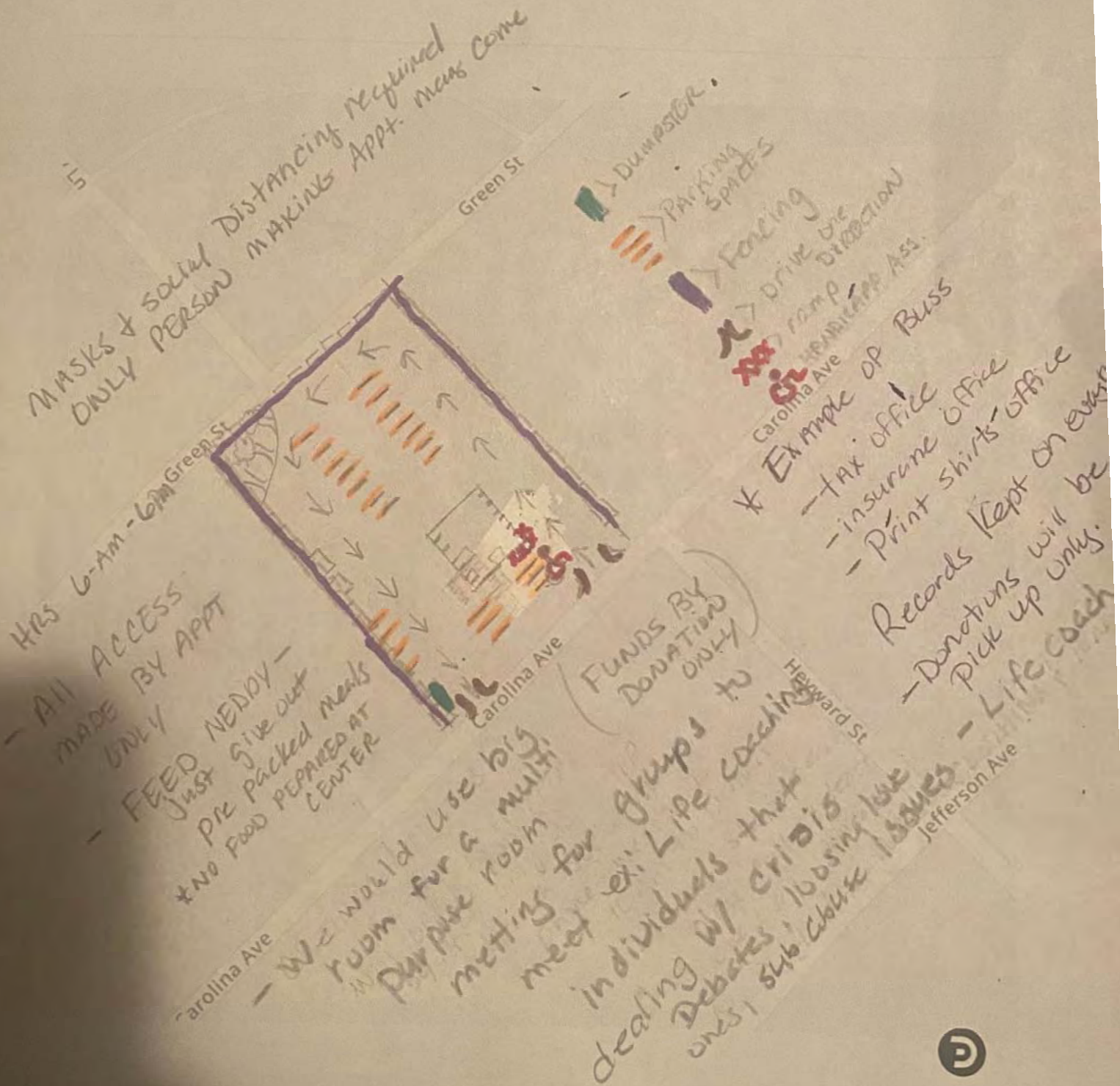
- Site plan
- Photos of property that is the subject of the request

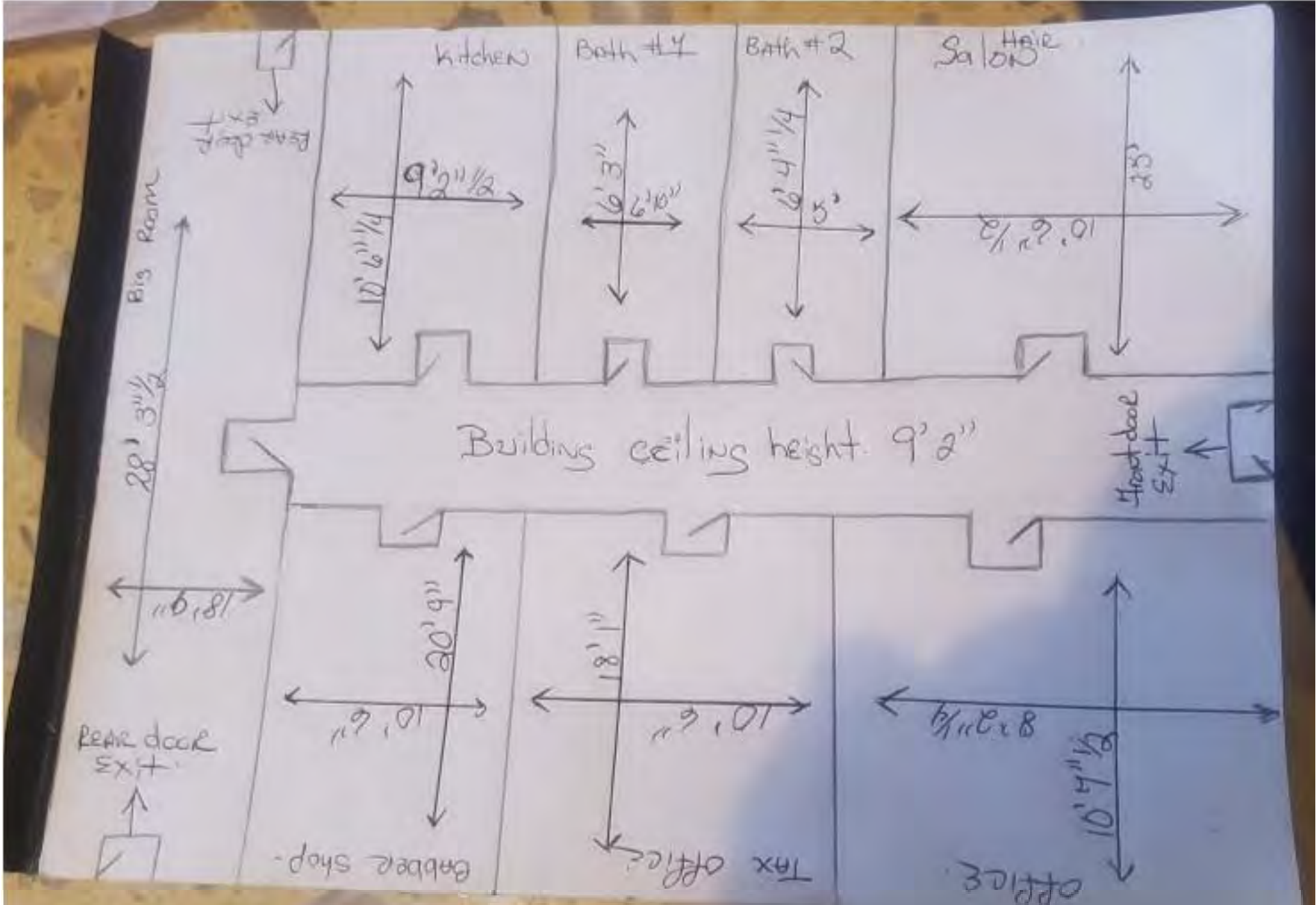
A Child's Heart

810 Carolina Ave, Rock Hill, SC 29730
(803) 328-2920



About This Place





Kearse, Melody

From: Williams, Damien
Sent: Friday, January 8, 2021 9:25 AM
To: Kearse, Melody
Subject: RE: 810 Carolina Ave - Calls for Service

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning Melody! I just went back through our entire system of info that we still have calls for service data on, because I wasn't 100% sure what years they may have been a daycare. Doesn't seem like too many issues over the years.

1998	4
SUSP : Suspicious Person	1
NOIS : Noise Complaint	1
ASTM : Assist Motorist	1
FIRE : Fire	1
2000	3
DOC : Disorderly Conduct	2
DRUG : Drug Investigation	1
2001	5
TRES : Trespassing	1
ABDV : Abandoned Vehicle	1
WARR : Warrant Service Attempt	1
DOM : Domestic	1
HANG : 911 Hangup	1
2002	4
SUSP : Suspicious Person	1
PROC : Property Check	1
BURGB : Burglary - Business	1
LARC : Larceny	1
2003	2
OPEN : Open Door	2
2004	2
INVEST : Miscellaneous Investigation	1
HANG : 911 Hangup	1
2005	4
DRUG : Drug Investigation	2
SUSP : Suspicious Person	1
PROC : Property Check	1
2006	7
ALRM : Alarm	2

SUSP : Suspicious Person	1
OPEN : Open Door	1
LARC : Larceny	1
VAND : Vandalism	1
MISS : Missing Person	1
2007	1
LARC : Larceny	1
2008	15
ALRM : Alarm	6
BURGV : Burglary to Vehicle	2
FOLL : Follow-Up	2
TRES : Trespassing	1
ASSA : Assault	1
WANT : Wanted Person	1
HANG : 911 Hangup	1
HARS : Harassment	1
2009	5
ALRM : Alarm	4
MVC : Motor Vehicle Collision	1
2010	6
INVEST : Miscellaneous Investigation	1
SUSV : Suspicious Vehicle	1
MVC : Motor Vehicle Collision	1
FOLL : Follow-Up	1
ALRM : Alarm	1
HARS : Harassment	1
2011	1
ALRM : Alarm	1
2012	4
LARC : Larceny	1
INVEST : Miscellaneous Investigation	1
FOLL : Follow-Up	1
HANG : 911 Hangup	1
2013	5
ALRM : Alarm	2
LARC : Larceny	1
PROC : Property Check	1
ANIM : Animal Complaint	1
2014	6
ALRM : Alarm	2
JUV : Juvenile Complaint	1
LARC : Larceny	1
HANG : 911 Hangup	1
HARS : Harassment	1

2015	4
ALRM : Alarm	3
DOC : Disorderly Conduct	1
2016	8
MVC : Motor Vehicle Collision	2
ALRM : Alarm	2
TRES : Trespassing	1
ESCT : Escort	1
INVEST : Miscellaneous Investigation	1
FOLL : Follow-Up	1
2017	9
ALRM : Alarm	5
JUV : Juvenile Complaint	1
LARC : Larceny	1
ASSA : Assault	1
FOLL : Follow-Up	1
2018	3
ALRM : Alarm	2
HARS : Harassment	1
Grand Total	98

Damien Williams

Research Data Analyst
Police Department
City of Rock Hill
P.O. Box 11706
120 East Black Street (29730)
Rock Hill, South Carolina 29731-1706
o: 803-326-3753

Damien.Williams@cityofrockhill.com
www.cityofrockhill.com

From: Kearse, Melody <Melody.Kearse@cityofrockhill.com>
Sent: Friday, January 8, 2021 8:42 AM
To: Williams, Damien <Damien.Williams@cityofrockhill.com>
Subject: 810 Carolina Ave - Calls for Service

Damien,

Has the police had any major issues with the 810 Carolina Ave? It was a day care for most of its existence so I would think not, but wanted to double check.

Thanks,

Melody Kearse
Zoning Coordinator

Planning & Development
City of Rock Hill
P.O. Box 11706
155 Johnston Street (29730)
Rock Hill, South Carolina 29731-1706
o: 803-329-7088





Melody.Kearse@cityofrockhill.com

www.cityofrockhill.com

Z-2021-02

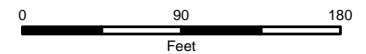
 Subject Property

Zoning Districts

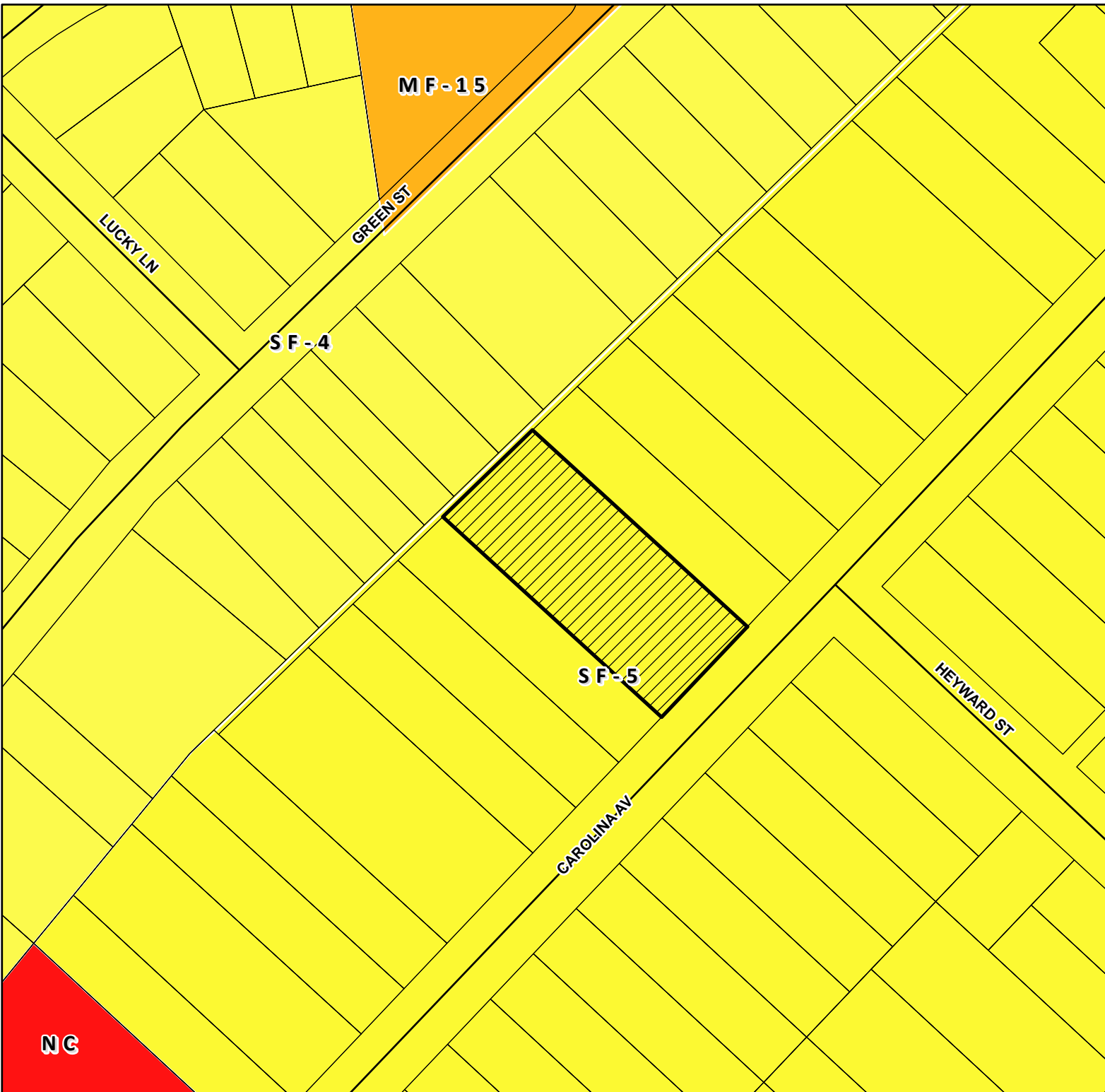
-  Multi-Family 15 (MF-15)
-  Neighborhood Commercial (NC)
-  Single-Family 4 (SF-4)
-  Single-Family 5 (SF-5)

Zoning Data

**Current Zoning
SF-5**



Planning & Development
Department
City of Rock Hill
01/19/21



Z-2021-06

Requests: Special exception to expand an automobile sales use

Address: 609 N Anderson Road

Zoning District: **General Commercial (GC)**

Applicant: SBSW Capital Holdings (Scott Wallat)
Owner of Burnout Garage





Request: Special exception to expand an automobile sales use

Address: 609, 615, 621, 625, and 629 N Anderson Rd.

Tax Map No.: 630-04-02-008 & -013 to -015

Zoning District: General Commercial (GC)

Owner/Applicant: SBSW Capital Holdings (Scott Wallat)
 609 N Anderson Road
 Rock Hill, SC 29730

Background

The applicant recently purchased the property at 609 N Anderson Rd and is seeking to expand the automobile sales use. The property is zoned General Commercial (GC), which allows automobile sales uses only through special exception approval by the Zoning Board of Appeals. The last use on the property was automobile sales; however, since the new owner is looking to expand the inventory parking area, a new special exception is required.

Primary use table excerpt <ul style="list-style-type: none"> • Blank cell = prohibited • S = Special exception • C = Conditional use • P = Permitted use 	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="8">RESIDENTIAL</th> <th colspan="8">BUSINESS</th> </tr> </thead> <tbody> <tr> <td style="background-color: yellow;">SF-2</td> <td style="background-color: yellow;">SF-3</td> <td style="background-color: yellow;">SF-4</td> <td style="background-color: yellow;">SF-5</td> <td style="background-color: orange;">SF-8</td> <td style="background-color: orange;">SF-A</td> <td style="background-color: orange;">MFR</td> <td style="background-color: orange;">MF-15</td> <td style="background-color: grey;">MX</td> <td style="background-color: purple;">NO</td> <td style="background-color: red;">NC</td> <td style="background-color: blue;">OI</td> <td style="background-color: pink;">LC</td> <td style="background-color: red;">GC</td> <td style="background-color: red;">CC</td> <td style="background-color: white;">CI</td> <td style="background-color: white;">DTWN</td> <td style="background-color: cyan;">MUC</td> <td style="background-color: cyan;">IB</td> <td style="background-color: cyan;">IG</td> <td style="background-color: blue;">IH</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="background-color: yellow;">S</td> <td style="background-color: red;">C</td> <td style="background-color: white;">C</td> <td></td> <td style="background-color: cyan;">S</td> <td></td> <td style="background-color: cyan;">C</td> <td></td> </tr> </tbody> </table>	RESIDENTIAL								BUSINESS								SF-2	SF-3	SF-4	SF-5	SF-8	SF-A	MFR	MF-15	MX	NO	NC	OI	LC	GC	CC	CI	DTWN	MUC	IB	IG	IH														S	C	C		S		C	
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Definition of proposed use	<p>Automobile Sales: Uses that offer vehicles on-site for sale or long-term lease to the general public, whether at retail or through an auction. The vehicles must include only those customarily used for personal use, such as automobiles, pick-up trucks, and vans, as well as recreational vehicles that are smaller than automobiles, such as all-terrain vehicles, golf carts, motorcycles and similar. These uses may have any number of vehicles being offered for sale as the site can accommodate under the requirements listed in Chapters 4 and 6 of the Zoning Ordinance.</p>																																																										

The site has several nonconformities including a gravel parking lot, a lack of landscaping along Anderson Road, and inadequate foundation landscaping. The Zoning Ordinance requires all nonconformities to be brought into compliance with current standards as a result of the proposed expansion. The applicant has submitted a site plan that shows these required improvements to the property (see attachment).

Site Description

The site is located on the west side of Anderson Road, north of Langston Street. It is surrounded by auto rental to the south, undeveloped property to the north and west, and a commercial strip center to the east across Anderson Road.

Description of Intent for General Commercial (GC) Zoning District: Although originally established to apply to lands being used commercially that did not fit into one of the other commercial districts, it is now the intent of this ordinance that the GC district be phased out over time by not allowing new rezonings to the GC district.

Analysis of Request for Special Exception

Staff will base its recommendation on an analysis of the below standards, and the Zoning Board of Appeals may approve a special exception use only upon a finding that the applicant has demonstrated that the applicable standards listed below are met. The Board may find that not all of these standards are applicable to every request for a special exception use.

The applicable standards are shown below in italics, followed by staff's assessment of each standard in non-italicized font.

1. *Complies with Use-Specific Standards:* *The proposed use complies with all use-specific standards.*

A. *Vehicle Display Pads:* *Automobile sales uses can have up to one vehicle display pad for every 100 feet of street frontage. The vehicle display pad may be elevated up to two feet above adjacent displays or grade level. Any rack that tilts the vehicles in any way to show the underside must be located inside a showroom.*

No display pads or tilt racks have been shown on the site plan.

B. *Public Address Systems:* *Automobile sales uses cannot have an outdoor speaker or public address system that is audible off-site.*

None are proposed.

C. *Other Materials for Sale:* *Automobile sales uses cannot display any other materials including but not limited to tires, rims, and other parts and accessories for sale between the principal structure and the street.*

No other materials would be sold in this area of the site.

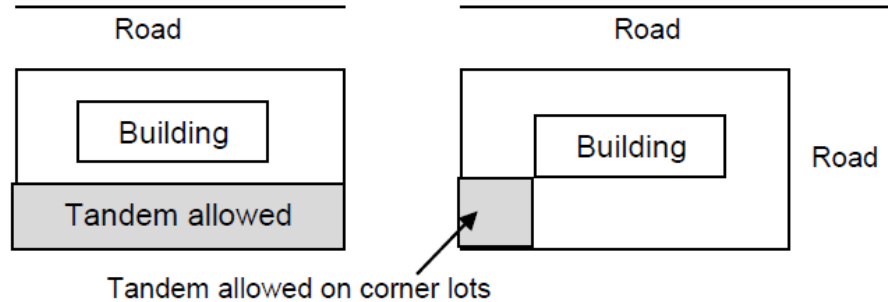
D. *Test Drives:* *Automobile sales uses cannot test drive vehicles on residential streets.*

The business will not test drive vehicles on residential streets.

E. *Off-Street Parking Standards:* *Automobile sales uses must pave vehicle display, vehicle storage, and customer parking, including all access and*

driving surfaces, with concrete or asphalt. These areas must comply with all applicable off-street parking standards in Chapter 8: Development Standards, except for the following.

- *Tandem/valet-style spaces may be allowed behind the building's rear plane, so long as fire access and traffic patterns within the site are maintained according to an approved site plan.*



- *Parking lot islands will not be required for vehicle display and vehicle storage areas located to the rear of the principal structure as long as the principal structure meets all applicable setbacks and the area is not located along a public street.*

As aforementioned, the site currently has a gravel parking lot. The applicant has provided a site plan showing how he plans to meet the parking standards, including installing landscape islands, paving over gravel areas and restriping the entire lot. All vehicles are required to be parked within striped spaces in the paved area. The automobile dealership's inventory spaces and required customer spaces are shown on the site plan.

F. Vehicle Signage: *Automobile Sales uses are allowed to have signage displayed on vehicles, provide that the maximum letter size is 6 inches and the overall area is 10 square feet per vehicle.*

The applicant agrees to the size requirements for vehicle signage.

G. Special Exception: *As part of the special exception process for automobile sales uses in some zoning districts, the Zoning Board of Appeals must evaluate the following.*

- *Compatibility with Land-use Plans: The proposed location conforms with land-use plans prepared for the City, including but not limited to the Comprehensive Plan and the Cherry Road Revitalization Strategy.*

The proposed use is compatible with the 2030 Comprehensive Plan. It is listed in the Community Commercial character area of the Comprehensive Plan, which is intended to provide a mix of retail and other commercial uses that provide jobs, along with shopping and dining opportunities. Stand-alone commercial buildings and commercial retail centers are expected. An automobile sales use in this area is consistent with the Comprehensive Plan.

- *Avoidance of key redevelopment areas and pedestrian-oriented corridors: The proposed location is not in a key redevelopment area of the City, such as Downtown or Knowledge Park. The proposed use is located in automobile-dominated environments and not in pedestrian-oriented environments, such as Oakland Avenue, Charlotte Avenue, and Ebenezer Avenue, nor ones that are planned to become pedestrian-oriented, such as portions of Cherry Road.*

The property is located on Anderson Road, which is an automobile-dominated part of the City and is not designated as a key redevelopment area at this time. Various other automobile uses exist in the area, including automobile sales and retail uses.

- *Site Plan: The applicant must show a site plan to scale that depicts the proposed location of the vehicles that are offered for sale. If the special exception is approved, the parking of cars must be limited to the area shown on the site plan. Any applicant who wants to expand vehicles offered for sale into other areas of the site must return to the Zoning Board of Appeals with a request to modify the original special exception approval.*

The applicant has provided a site plan that shows the improvements they will make to the site, as well as the location of the customer and inventory parking areas.

2. **Compatibility:** *The proposed use is appropriate for its location and compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands.*

Given that this site has historically been used for automobile sales, that it is located within an automobile-centric part of the City, and that several other automobile sales uses already exist in the area, the use is compatible with the surrounding area.

3. **Design Minimizes Adverse Impact:** *The design of the proposed use minimizes adverse effects, including visual impacts on adjacent lands; furthermore, the proposed use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and does not create a nuisance.*

The applicant will pave and stripe the parking lot, and plant additional landscaping within the parking lot islands, along Anderson Road, and around the foundation of the existing building. These improvements will enhance the visual appearance from the street and help shade additional pavement areas.

4. **Design Minimizes Environmental Impact:** *The proposed use minimizes environmental impacts and does not cause significant deterioration of water and air resources, significant wildlife habitat, scenic resources, and other natural resources.*

The plans for expanding the parking lot is currently going through the normal plan review process by City staff. The applicant is showing a proposed stormwater facility that will help mitigate the additional runoff from the expanded parking area.

- 5. Roads:** *There is adequate road capacity available to serve the proposed use, and the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site.*

The proposed use is not a high-traffic generator. The property is located along Anderson Road, which would support traffic from this type of use without any upgrades.

- 6. Not Injure Neighboring Land or Property Values:** *The proposed use will not substantially and permanently injure the use of neighboring land for those uses that are permitted in the zoning district or reduce property values in a demonstrative manner.*

So long as the site is kept clean and attractive, the proposed use is not anticipated to reduce property values. A wide variety of commercial uses exist in the area, including other automobile-related uses.

- 7. Site Plan:** *A site plan has been prepared that demonstrates how the proposed use complies with the other standards of this subsection.*

A site plan has been submitted and is attached to this report.

- 8. Complies with All Other Relevant Laws and Ordinances:** *The proposed use complies with all other relevant City laws and ordinances, state and federal laws, and regulations.*

The applicant agrees to conform to all other relevant laws and ordinances.

Public Input

Staff has taken the following actions to notify the public about this public hearing:

- January 29: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- January 29: Posted public hearing signs on subject property.
- January 29: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff has not received any feedback from the public about the proposed use at this time.

Staff Recommendation

Staff recommends approval of the special exception request because staff believes that it meets the standards for granting the special exception, specifically noting the following:

- An automobile sales use has historically existed on the property and expanding the use on the property is compatible with the long-term vision for the area.
- The applicant will pave and stripe the parking lot and plant additional landscaping. These changes will help bring the site into compliance with current

zoning standards and will improve the appearance of the property from public view.

Attachments

- Application and supporting materials
 - Site plan
 - Zoning Map
-

Staff Contact:

Dennis Fields, Planner II

Dennis.Fields@cityofrockhill.com

803.329.5687

SPECIAL EXCEPTION APPLICATION

Plan Tracking # 20202320 Date Received: _____ Case # Z- _____

Please use additional paper if necessary, for example to list additional applicants or properties, or to elaborate on your responses to the questions about the request. You may handwrite your responses or type them. You may scan your responses and submit them by email (see the above fact sheet), since we can accept scanned copies of signatures in most cases.

PROPERTY INFORMATION

Street address of subject property: 609 N. Anderson Rd, Rock Hill, SC 29730

Tax parcel number of subject property: 6 3 0 - 0 4 - 0 1 - 0 1 5

Property restrictions

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 X

If yes, please describe the requirements: _____

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
SBSW Capital Holdings	609 N. Anderson Rd Rock Hill, SC 29730	803-366-7230	burnoutgarage803@gmail.com

Are you the owner of the subject property? Yes No

If you are not the owner of the subject property, what is your relationship to it (e.g., have it under contract to purchase, tenant, contractor, real estate agent) _____

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.

Signature: [Signature] Date: 1/7/21

If you are not the owner of the subject property, the *property owner* must complete this box.

<p>Name of property owner: _____</p> <p>If property owner is an organization/corporation, name of person authorized to represent its property interests: _____</p> <p>I certify that the person listed in the person listed above has my permission to represent this property in this application.</p> <p>Signature: _____ Date: _____</p> <p>Preferred phone number: _____ Email address: _____</p> <p>Mailing address: _____</p>

INFORMATION ABOUT REQUEST

What is the type of use for which you are requesting a special exception?

Expansion of an existing used car dealership.

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, although it may find that not all are applicable to your request.

1. If your proposed use has any use-specific standards, how do you propose to meet them? (Staff can help you determine whether your use has any use-specific standards.)

The site plan meets the requirements for display pads. A public address system will not be utilized.

Only vehicles will only display vehicles. Test drives will not be conducted on residential streets.

The site plan will meet the off-street parking standards. Signage requirements on vehicles will be met.

2. How is the proposed use appropriate for its location and compatible with surrounding land and uses?

The car dealership is existing and there are other car dealerships and retail stores along N. Anderson Road.

3. What steps are you taking to minimize any adverse impacts on surrounding properties?

We will meet screening and landscaping requirements in coordination with City staff. Stormwater

measures will be added to meet detention and water quality requirements. The facade of the existing

sales office will be upgraded.

4. How would the use impact the environment (water, natural resources, wildlife habitat, etc.)?

Since the site is an existing used car sales facility, the impact would be minimal and is mitigated

by the addition of stormwater facilities for water quality. The current site does not have any existing stormwater mitigation measures.

5. How would the use impact traffic issues (road capacity, safety of those coming into or leaving the site, etc.)?

Traffic impact should also be minimal since the since of the sales office is not be expanded and the

existing driveway will still be utilized. The only increase is in the selection of vehicles that the buyers have to choose.

6. How would the use impact the ability of neighboring land owners to use their properties in a way that is allowed under the Zoning Ordinance, and their property values?

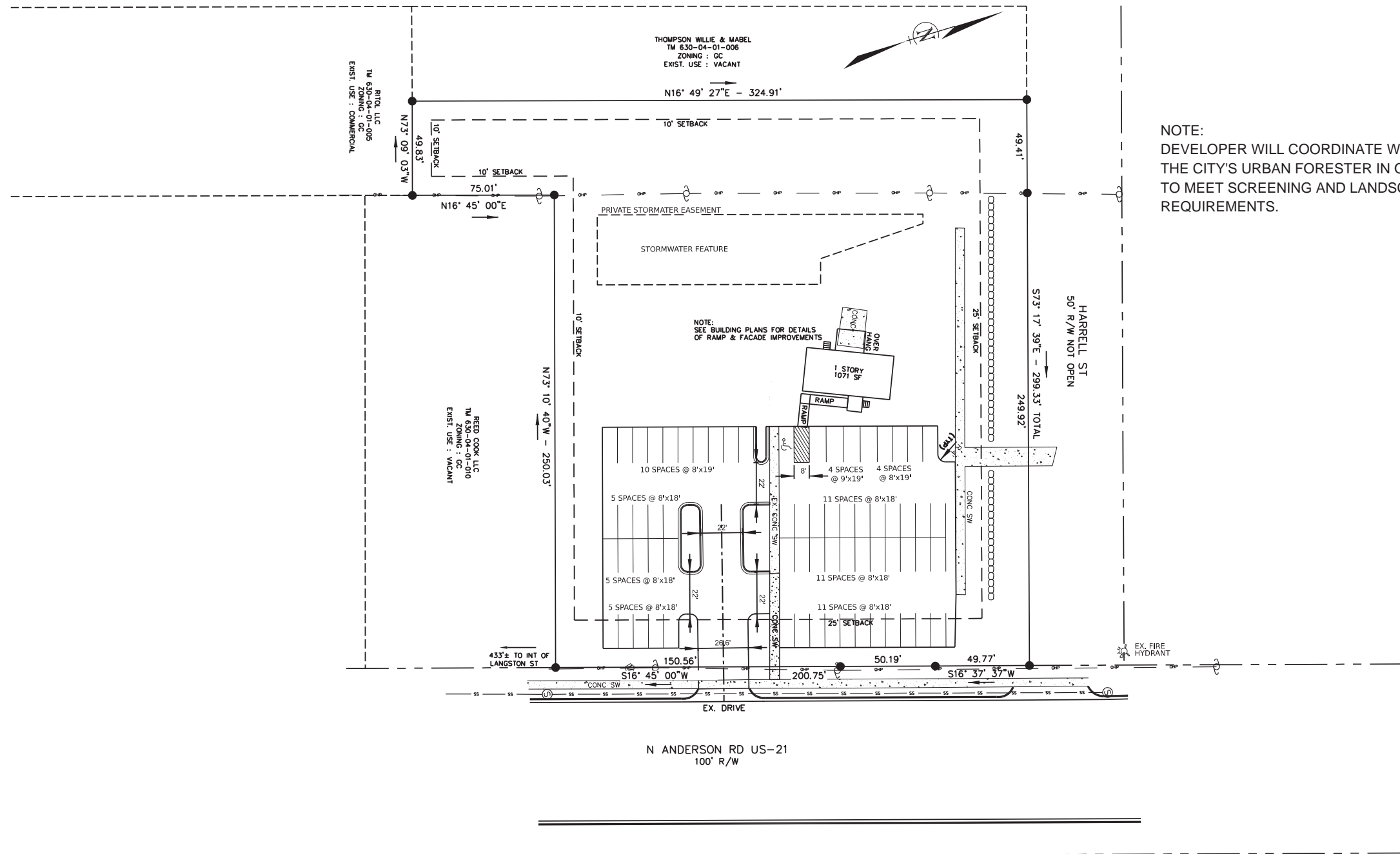
The expanded use should not have any impact on the neighboring properties sine the current use is not changing.

Exhibits

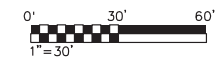
Please list any documents that you are submitting in support of this application. The ones listed below are suggested, but you may provide others that you believe would be helpful, and in some cases, staff or the Zoning Board of Appeals may request other exhibits as well.

Site plan

Photos of property that is the subject of the request




NOTE:
DEVELOPER WILL COORDINATE WITH
THE CITY'S URBAN FORESTER IN ORDER
TO MEET SCREENING AND LANDSCAPE
REQUIREMENTS.



APPROVALS	
Project Engr:	_____
Drawn By:	_____
Checked By:	_____
Review:	_____
Bid:	_____
Construction:	_____

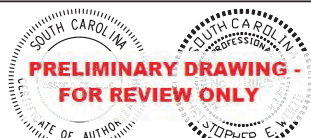
PREPARED BY



JOEL E. WOOD & ASSOCIATES
PLANNING • ENGINEERING • MANAGEMENT

P.O. BOX 296 CLOVER, SC 29710 (803) 684-3390

SEALS



PRELIMINARY DRAWING - FOR REVIEW ONLY

PROJECT

BURNOUT GARAGE

YORK, SOUTH CAROLINA
PREPARED FOR
BURNOUT GARAGE

SHEET TITLE

SITE PLAN

NO.	DATE	REVISIONS	BY







SCALE: 1" = 30'

DATE: OCTOBER 13, 2020

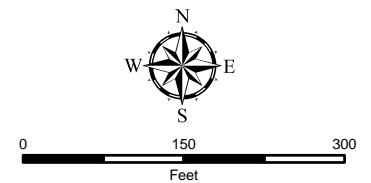
JOB NO.: 200915

SHEET C300

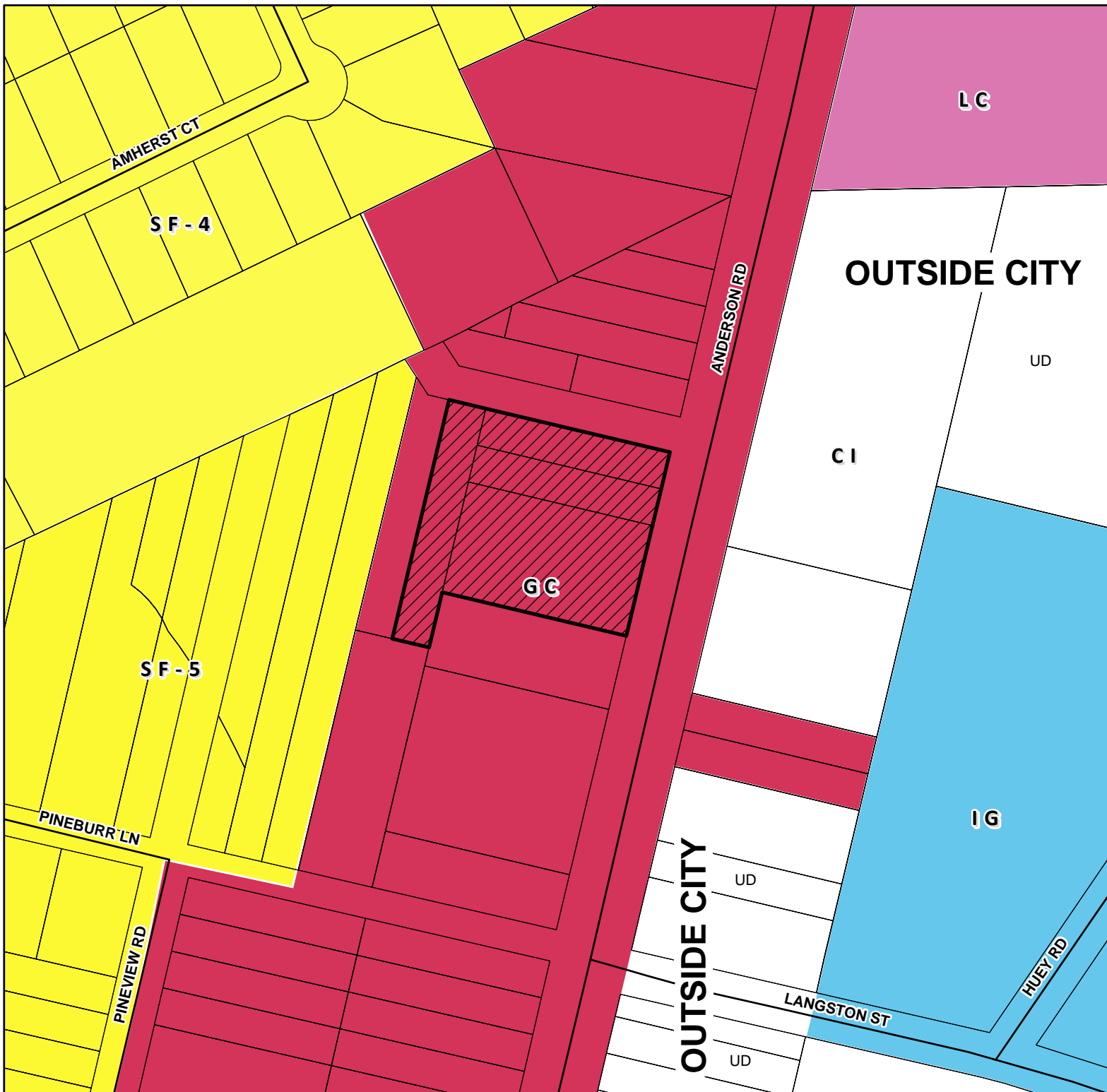
Z-2021-06

-  Subject Property
- Zoning Districts**
-  General Commercial (GC)
 -  Industry General (IG)
 -  Limited Commercial (LC)
 -  Single-Family 4 (SF-4)
 -  Single-Family 5 (SF-5)

Zoning Data
Current Zoning
LC & SF-4



Planning & Development
Department
City of Rock Hill
02/16/21



Z-2021-07

Requests: Appeal of the Director's decision to deny an off-premise sign

Address: 1715 W. Main St.

Zoning District: Limited Commercial (LC)

Appellant: Pastor Bernard Gill (Taking the City Ministry)





Location:	1715 W. Main Street (generally at the southwestern corner of W. Main St. & Heckle Blvd.)
Request:	Appeal of Planning & Development Director’s decision to deny an off-premise sign
Tax Map Number:	595-03-01-001
Zoning District:	Limited Commercial (LC)
Applicant:	Taking the City Ministry (Pastor Bernard Gill) 1765 India Hook Rd. Rock Hill, SC 29732

BACKGROUND

During the summer of 2020, City Code Enforcement staff observed a sign located at 1715 W. Main Street advertising a church identified as being located at 1765 India Hook Road. The sign is considered off-premise signage and is explicitly prohibited by the Zoning Ordinance. The Zoning Ordinance defines off-premise signage as a sign or advertising display that attracts attention to, advertises, or directs persons to a product, service, or business activity located on other than the premises where the sign is erected.

After observing the sign, staff made several attempts to abate the violation. A brief timeline is provided below:

July 2020 – Staff observed the sign and identified the church as being located off-site. An attempt was made to contact Pastor Gill and notify him of the violation and inquire as to any plans to develop the property. A response was not received.

August and September 2020 – Staff made unsuccessful attempts to contact the church’s Pastor.

October 2020 – Staff contacted the Pastor and was informed that the church had eventual plans to develop the property. At this time, the Pastor was verbally notified of the violation and advised to remove the sign.

December 2020 – The Pastor was mailed a letter formally notifying him of the violation.

January 2021 – Staff met the Pastor, reiterating the violation and notified him of the process to appeal the Planning Director’s decision to the Zoning Board of Appeals. Within two weeks of meeting with the Pastor, staff observed a second sign just further south of the original sign and received a written notice of appeal.

APPEALS PROCESS

Staff placed the required legal ad regarding the appeal in *The Herald* on January 27th.

Staff has provided Pastor Gill with copies of this staff report and the attachments that are included in your packets.

The full provisions of the Zoning Ordinance about the appeals process are included as an attachment. Specific provisions to note include the following (paraphrased):

- **Hearing of Appeal:** While both the City and the appellant may call witnesses on their behalf, members of the general public cannot otherwise appear and submit testimony. During the hearing, the appellant must state the grounds for appeal and must identify any materials or evidence from the record to support the appeal.
 - **Decision of the Zoning Board of Appeals:** The Zoning Board of Appeals is charged solely with determining whether the decision of the Planning & Development Director is consistent with the provisions of the Zoning Ordinance that are in question. The Board does not function as a judge of whether the policies in question are or are not wise or beneficial. After the conclusion of the hearing, the Zoning Board of Appeals must affirm, partly affirm, modify, or reverse the decision based on whether it finds the decision to be consistent with the provisions of the Zoning Ordinance in question.
-

Description of Attachments

1. Notice of appeal from the Pastor.

- a. Email from Pastor Bernard Gill appealing the decision to consider the sign at the subject location to be a prohibited off-premise sign.

2. Code Enforcement Notifications

- a. Code Enforcement letter sent to the Pastor on December 7, 2020.
- b. Correction Notice letter hand delivered to the Pastor on January 5, 2021. This letter informed the Pastor of his right to appeal.

3. Time stamped photos of the both signs.

4. Ordinance Provisions:

- a. **Prohibited Signs section of Zoning Ordinance:** Section 8.10.7 (M) Prohibited Signs
 - b. **Appeals Process:** Sections from the Zoning Ordinance regarding the appeals process.
-

Staff Contact:

Shana Marshburn

Planner I

803-326-2456

shana.marshburn@cityofrockhill.com

Kearse, Melody

From: Kearse, Melody
Sent: Wednesday, January 20, 2021 11:14 AM
To: ttc@comporium.net
Cc: Raymes, Dart
Subject: RE: Signs

Pastor Gill,

I am in receipt of your request to appeal. Your appeal will be heard on February 16, 2021, at 6:00pm in Council's Chambers here at City Hall. I will send you further updates as we get closer to the meeting date.

Thank you,

Melody Kearse

Zoning Coordinator
Planning & Development
City of Rock Hill
P.O. Box 11706
155 Johnston Street (29730)
Rock Hill, South Carolina 29731-1706
o: 803-329-7088

Melody.Kearse@cityofrockhill.com

www.cityofrockhill.com

From: Ministry Taking the city <ttc@comporium.net>
Sent: Wednesday, January 20, 2021 10:33 AM
To: Paterniti, Kathy <Kathy.Paterniti@cityofrockhill.com>
Cc: Raymes, Dart <Dart.Raymes@cityofrockhill.com>
Subject: Signs

Good Morning Mrs. Paterniti,

I appreciate you and Mr. Raymes meeting with me concerning our church signs on the property we purchased on Heckle and Main St. I would like to appeal your decision concerning moving the signs and understand your position with following policy. Our city is growing and we need to revisit the polices concerning signs for all that are investing in our city. I'm available to meet with the City Council members also.

Thanks for Understanding,

Bernard Gill
Pastor
Taking The City Ministry
(803) 448-5584



Bernard Gill
Taking the City Ministry
1765 India Hook Road
Rock Hill, SC 2972

December 7, 2020

Pastor Gill,

On or about September 30, 2020, you and I spoke on the phone regarding the two Taking the City Ministry signs on the churches property on Heckle Blvd. at W. Main Street. Since the property is not a developed site, nor is there any actual permitted construction ongoing, there is no provision in the Zoning Ordinance that would allow the signs so, they must be removed.

At such a time as you have approved plans and construction begins, one sign up to thirty-two square feet may be placed along each road frontage. These signs may remain during the time actual construction is in progress.

Please arrange to have the signs removed by December 22, 2020.

Thank you for your cooperation!

Dart Raymes



Planning and Development
155 Johnston St., P.O. Box 11706
Rock Hill, SC 29731-1706
Phone: (803) 329-5590

CORRECTION NOTICE

Benard Gill
Taking the City Ministry
1765 India Hook Road
Rock Hill, SC 29732

Location of Violation:	1715 MAIN ST W
Tax Map ID:	5950301001
Case Number:	CZ-20210003
Inspection Date:	1/5/2021
Inspector:	Dart Raymes
Inspector Phone:	(803) 326-3749

January 05, 2021

This letter serves as official notice that your property listed above is currently in violation of the City of Rock Hill's Zoning Ordinance. The specific violation and remedy is listed below.

- Required Action: Remove the signs that has been placed on the property.**
Compliance by: February 03, 2021

If you feel that we have erred in our interpretation of the code, you may file a written notice of appeal within 20 calendar days of the date of the decision or interpretation with the Planning & Development Department. The written notice of appeal must specify the decision or interpretation that the applicant believes is incorrect, including the date that it was made, and the grounds for the appeal. You may also submit other supporting materials related to the decision.

We hope that you are able to make these corrections as soon as possible. I will visit your property again soon to check on your progress. If you have any questions about this in the meantime, please let me know. You may reach me at the number listed below.

We appreciate your cooperation in making these corrections.

Sincerely,

Dart Raymes
Zoning Inspector
(803) 326-3749
dart.raymes@cityofrockhill.com

TECHNICAL CODE SECTIONS

1. Violation: Zoning - 8.10.7 - M. The following is prohibited: All off-premise advertising signs not specifically permitted herein, including off-premise real estate signs.



Jan 6, 2021 4:16:54 PM



Jan 19, 2021 2:20:00 PM

8.10.7 PROHIBITED SIGNS

The following signs are prohibited:

- A. Flashing, Animated, or Moving Signs:** Flashing, animated, non-stationary, or rotating signs, or appurtenances to signs, or signs that are lighted in violation of the standards of the *Sign Lighting* section below.
- B. Electronic Message Boards:** Electronic message boards (EMB) except as specifically permitted or exempted herein.
- C. Simulation of Warning Lights:** Displays of intermittent lights resembling or seeming to resemble the flashing lights customarily associated with danger, such as are customarily used by police, school, fire or ambulance vehicles, or for navigation purposes.
- D. Signs Obscuring Official Signage/Signals:** Signs located or illuminated to interfere with the effectiveness of or obscure an official traffic sign, device, or signal, such as by providing a background of colored lights blending with traffic signal lights or that might otherwise reasonably confuse a motorist when viewed from a normal approach position of a vehicle at a distance of up to 400 feet.
- E. Signs Inside Sight Triangles:** Signs located in places that would conflict with required sight distance triangles or other standards of applicable traffic ordinances, including signs placed within public street rights-of-way and required sight triangles at street intersections.
- F. Signs in the Public Right-of-Way:** Signs placed in public rights-of-way unless otherwise allowed and specifically permitted.
- G. Roof Signs:** Signs that are not an integral part of the building design but fastened to and supported by (or on) the roof of a building, or projecting over or above the roof line or parapet wall of a building. This includes business signs and merchandise such as but not limited to boats and automobiles that are used as attention-attracting devices by placement on a roof by a business.
- H. Signs Attached to Trees or Utility Poles:** Signs, posters, placards, or other advertising material attached to trees, utility poles, or on other unapproved supporting structures outside of the public right-of-way.
- I. Banners Inconsistent with Standards:** Banners, unless attached in accordance with the standards of this section to the façade of the business using them, to the face of an existing sign structure, or to temporary supports allowed for Temporary Signs. Placement of banners on or between buildings, utility poles, or otherwise outside of the allowed sign face is prohibited.
- J. Obscene Materials:** Obscene pictures or other such advertising matter posted or exhibited on any structure or in any show window or other public place within the City.
- K. Pole or Pylon-mounted Freestanding Signs:** Pylon or pole-mounted on-premise or off-premise freestanding signs.
- L. Billboards:** New billboards in all areas.
- M. Off-premise Advertising Signs:** All off-premise advertising signs not specifically permitted herein, including off-premise real estate signs.
- N. Pennants, Streamers, Inflatable Devices, and Other Attention-Attracting Devices:** Individual or strings of pennants, streamers, flags, balloons and other inflatable devices, searchlights, or other attention-attracting devices, except as specifically permitted herein.
- O. Use of Neon or Similar Materials as an Attention-Attracting Device:** The use of neon tubing, LED light strips, or other lighting technology that gives the appearance of neon to outline buildings, windows or parts of buildings, freestanding signs or other structures is a prohibited attention attracting device. The use of certain neon and LED lighting elements are allowed under the *Special Types of Permanent Signs* section below.
- P. Internally Illuminated Awnings:** The overall internal illumination of awnings is prohibited; however, permitted sign messages on awnings may be internally illuminated as long as such illumination is limited to the immediate sign message area.
- Q. Signs on Vehicles not Used in the Normal Course of Business:** Except as provided for in *Section 8.10.4(G)*, vehicles with signs in excess of 10 square feet per side parked so as to specifically function as a freestanding sign, specifically including vehicles with signs parked within 50 feet of a right-of-way line during business hours. Also specifically prohibited is the parking of vehicles with signs constructed and attached to the roof, truck bed, or other parts of the vehicle which are added to the customary body of the vehicle. This will not preclude the otherwise permitted overnight or weekend parking of regularly used marked company vehicles in parking lots.










2.12.6 APPEALS FROM DECISIONS AND INTERPRETATIONS OF PLANNING & DEVELOPMENT DIRECTOR

- A. Who May Appeal:** Any person who is aggrieved by a decision or interpretation of the Planning & Development Director on any topic that does not fall under the Board of Historic Review's purview may appeal the decision or interpretation to Zoning Board of Appeals.
- B. How to File an Appeal:** The aggrieved party must file a written notice of appeal within 20 calendar days of the date of the decision or interpretation with the Planning & Development Department. The written notice of appeal must specify the decision or interpretation that the applicant believes is incorrect, including the date that it was made, and the grounds for the appeal. The applicant may submit other supporting materials related to the decision.
- C. Effect of Filing an Appeal:** A pending appeal stays all proceedings in furtherance of the action appealed from, unless the Planning & Development Director certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life or property. In such case, proceedings can only be stayed through a restraining order, which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Planning & Development Director, and on due cause shown.
- D. Hearing of Appeal:** A hearing for an appeal is a public hearing according to the standards listed in the section above related to public hearings, except that while both the City and the appellant may call witnesses on their behalf, members of the general public otherwise may not appear and submit testimony. During the hearing, the applicant must state the grounds for the appeal and must identify any materials or evidence from the record to support the appeal.
- E. Decision of the Zoning Board of Appeals:** The Zoning Board of Appeals is charged solely with determining whether the decision or interpretation of the Planning & Development Director is consistent with the provisions of the Zoning Ordinance that are in question. The Board does not function as a judge of whether the policies in question are or are not wise or beneficial. After the conclusion of the hearing, the Zoning Board of Appeals must affirm, partly affirm, modify, or reverse the decision or interpretation based on whether it finds the decision or interpretation to be consistent with the provisions of the Zoning Ordinance in question.

Z-2021-07

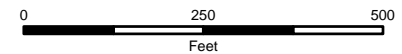
 Subject Property

Zoning Districts

-  MF-R
-  General Commercial (GC)
-  Limited Commercial (LC)
-  Multi-Family 15 (MF-15)
-  Neighborhood Commercial (NC)
-  Office and Institutional (OI)
-  Planned Unit Development (PUD)
-  Single-Family 3 (SF-3)
-  Single-Family 4 (SF-4)

Zoning Data

**Current Zoning
LC & SF-4**



Planning & Development
Department
City of Rock Hill
02/16/21

