



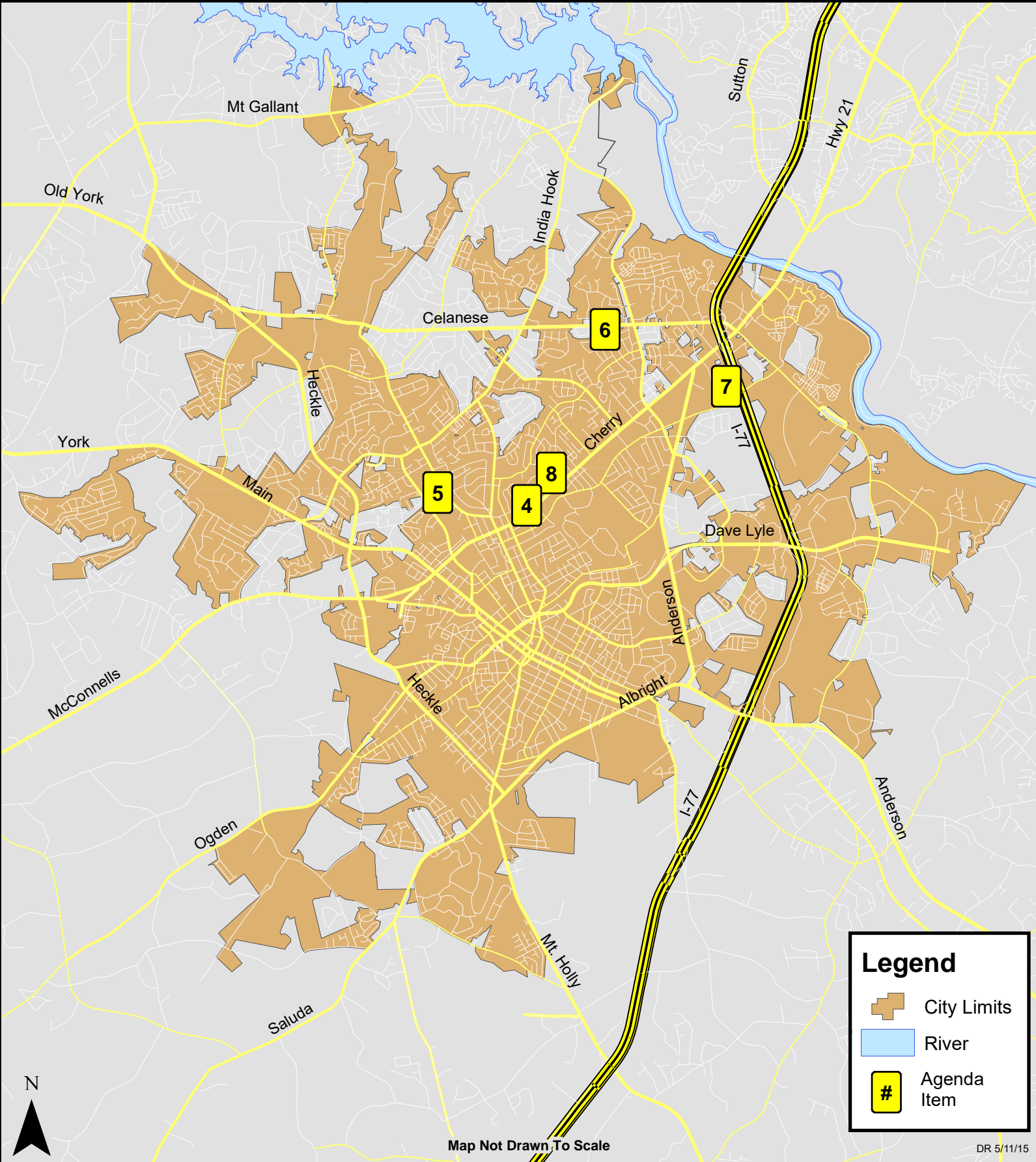
A G E N D A

Rock Hill Zoning Board of Appeals
March 16, 2021

1. Call to Order
2. Approval of Minutes from the February 16, 2021 meeting.
3. Approval of Orders from the February 16, 2021 meeting
4. Appeal Z-2021-08: Request by Jamie Leggett for a special exception to establish a short-term rental use at 957 Cherry Road, which is zoned Single-Family Residential-5 (SF-5). Tax map number 631-07-01-007.
5. Appeal Z-2021-09: Request by Quinn Smith for a variance from the lot width standards for a proposed subdivision of land at 133, 147, & 151 Westwood Drive, which are zoned Single-Family Residential-5 (SF-5). Tax map numbers 596-04-05-002, 003 & -008.
6. Appeal Z-2021-10: Request by Hibco Services, LLC, for a variance from the side and rear buffer yard standards and from the setback for an order window at 2027 Celanese Road, which is zoned Limited Commercial (LC). Tax map number 634-11-06-003.
7. Appeal Z-2021-11: Request by Dr. Eric Setzer, for a special exception to establish RV and trailer sales use at 760 Riverview Road, which is zoned General Commercial (GC). Tax map number 662-07-01-064.
8. Appeal Z-2021-12: Request by Ineice Agate for a special exception to establish a child day care use at 1030 Edwards Street, Suite 105, which is zoned General Commercial (GC). Tax map number 631-06-02-001.
9. Other Business
10. Adjourn.

Zoning Board of Appeals Agenda Items

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



Map Not Drawn To Scale

DR 5/11/15

Zoning Board of Appeals

City of Rock Hill, South Carolina

February 16, 2021

A public hearing of the Zoning Board of Appeals was held Tuesday, February 16, 2021, at 6 p.m. in City Council Chambers at City Hall, 155 Johnston Street, Rock Hill SC.

MEMBERS PRESENT: Keith Sutton, Rodney Cullum, Chad Williams, James Hawthorne

MEMBERS ABSENT: Matt Crawford, Stacey Reeves

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

Legal notices of the public hearing were published in *The Herald*, Friday, January 29, 2021. Notice was posted on all property considered. Adjacent property owners and tenants were notified in writing.

The Board has one vacant seat.

In the absence of Chair Matt Crawford, Vice Chair Keith Sutton presided over the meeting.

1. Call to Order

Vice Chair Sutton called the meeting to order at 6:00 p.m.

2. Approval of Minutes of the January 19, 2021, meeting.

Mr. Rodney Cullum made the motion to approve the minutes as submitted. Mr. James Hawthorne seconded, and the motion carried unanimously by a vote of 4-0 (Crawford and Reeves absent).

3. Approval of Orders of the January 19, 2021, meeting.

Mr. Chad Williams made the motion to approve the orders as amended. Mr. Cullum seconded, and the motion carried unanimously by a vote of 4-0 (Crawford and Reeves absent).

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 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 Kearse presented the staff report.

Vice Chair Sutton commented that the revised request removed the retail component but that the site plan still indicated small business uses, asking how small businesses would operate without retail allowed. Ms. Kearse stated Ms. Nichols had proposed she would be the only one with the retail operation, further explaining that the other uses proposed were considered office and personal services uses.

Vice Chair Sutton asked for confirmation that the thrift shop use had been removed. Ms. Kearse stated it had.

Mr. Cullum asked for information on the non-profit. Ms. Kearse stated this would be the office for the non-profit foundation Ms. Nichols had formed and would not be a thrift shop, adding the foundation would be working to establish youth scholarships and counseling.

Mr. Cullum asked for confirmation that there would be an office for the non-profit and other spaces in the building would be used by independent business owners. Ms. Kearse stated this was correct, that the revenue from those independent businesses would help fund the foundation.

Mr. Hawthorne asked the hours of operation. Ms. Kearse stated Ms. Nichols proposed winter hours of 8 a.m. to 5 p.m. and spring hours of 8 a.m. to 7 p.m., adding that the Board could place a restriction on the hours.

The applicant, Akisha Nichols, 654 Arch Drive, stated she had removed the resale shop from the application as she was only planning on selling items from her son's estate to raise funds for the foundation. She stated the room that was to be used for the resale shop would be used as a meeting and multipurpose room for the community, adding she would like to provide life coaching instead. She noted the other areas of the building would be rented for small business start-ups, such as braiding and barber shops, and once profitable would be expected to relocate so that other small businesses could move in.

Mr. Nathaniel Jagers, 817 Jefferson Avenue, Vice President of the South Central Neighborhood Association, stated the neighborhood association was opposed to the request as the use would increase the traffic, noise, and trash in the area, and would prefer the building remain in its current condition.

Ms. Djuna McCrorey, 807 Jefferson Avenue, spoke in opposition to the request, specifically noting that the area was primarily residential and the concern that people would hang out at the site after hours.

Mr. Perry Sutton, 1002 S Confederate Avenue and owner of 718 Carolina Avenue, spoke in opposition to the request, specifically with regards to the change of the neighborhood from peaceful in the 1960s to current criminal activity. He added issues with crime needed to be addressed without having this type of business in the neighborhood.

Vice Chair Sutton closed the floor for Board discussion.

Mr. Williams commented the building may fall into disrepair if not used but agreed with staff's assessment that the building could not be converted into a residential use, adding that it was better alternative for the building to be in use.

Mr. Cullum observed that it would be difficult to have a community center since the community has been vocal against the proposal, adding another community would be coming into this one to use the building instead.

Mr. Williams made the motion to approve the special exception as presented. Vice Chair Sutton seconded, and the motion failed by a vote of 1 to 3, with Mr. Williams voting in favor, and Vice Chair Sutton, Mr. Cullum, and Mr. Hawthorne voting in opposition (Crawford and Reeves absent).

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 numbers 630-04-01-013, -014 & -015.

Staff member Dennis Fields presented the staff report.

Vice Chair Sutton observed the civil plan was under review by staff, asking if there were any concerns that may change the applicant's mind, such as stormwater issues. Mr. Fields stated there were none, only minor comments to be addressed.

Mr. Hawthorne asked about the sidewalk stubs to the north. Mr. Fields stated the property had been used previously as a mobile home sales lot and that the sidewalks went to each of the display units. He noted the applicant was not planning on removing those, and that as they were not required to be removed as they were flat and not a nuisance.

The applicant, Scott Wallat, 341 N Anderson Road, stated he had nothing to add except that he was waiting on the approved landscape plan.

Vice Chair Sutton closed the floor for Board discussion.

Vice Chair Sutton noted staff had provided a well-written report, the use was compatible with the surrounding area, and the site plan was good.

Mr. Cullum made the motion to approve the special exception as presented. Mr. Williams seconded, and the motion carried unanimously by a vote of 4-0 (Crawford and Reeves absent).

Mr. Cullum presented the findings, specifically noting the use was compatible with the surrounding uses, a site plan had been submitted, and there would be no injury to neighboring properties.

6. Appeal Z-2021-07: Appeal by Pastor Bernard 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.

Staff member Shana Marshburn presented the City's case.

Vice Chair Sutton asked if a sign could be installed as soon as construction began or during construction. Ms. Marshburn stated generally a sign could be put in place during construction or at some point before once construction plans had been submitted.

Vice Chair Sutton asked if they started clearing the land, could the sign remain until the building was constructed. Ms. Marshburn stated it could.

Mr. Hawthorne asked if there was a proposed timeline for development. Ms. Marshburn stated staff had been told it would be developed eventually but that Pastor Gill could advise on this.

The appellant, Pastor Bernard Gill, 561 Cotton Field Road, commented that Taking the City Ministry purchased the property in March 2020 and purchased signs to identify the site as their property. He stated he had met with Ms. Kearse and Mr. Dart Raymes, Zoning Inspector, to discuss the sign. He expressed concern that taxpayers were not allowed to place signs on their own property, especially as realtors could place signs and allow them to deteriorate while they posted properties for sale. Pastor Gill commented he felt the ordinances were wrong as they were written in 2006 and that people couldn't operate today with the same systems in place. He asked that the ZBA use its authority to change the regulations. He stated he was told the reason for the change was in order to decrease the amount of signage the City determined was out of control. He added that he maintained his signs and cleaned up the trash along the street area and believed that the signs kept people from throwing trash on the property.

Vice Chair Sutton stated the Board was not City Council, and that changing the ordinances was a different process. He asked Pastor Gill if they had a timeline for construction. Pastor Gill stated since both properties owned by the Ministry were located in the City and the County, they needed to work with both entities in developing the site and were working on plans to present.

Mr. Williams made the motion to affirm the Director's interpretation of an off-premise advertising sign at 1715 W Main Street. Mr. Cullum seconded.

Mr. Williams commented that Pastor Gill presented good points but the Board was charged with determining whether the sign met the rules currently in place.

Vice Chair Sutton called for a vote and the motion carried unanimously by a vote of 4-0 (Crawford and Reeves absent).

7. Other Business

a. Board vacancy.

Ms. Kearse notified the Board that Mr. Randy Sturgis had been appointed by City Council to serve on the Citizen’s Review Board and would no longer be able to serve on the Zoning Board of Appeals.

b. Continuing Education Sessions

Mrs. Miller stated a calendar of continuing education sessions was in development.

8. Adjourn.

There being no further business, Mr. Williams made a motion to adjourn. Vice Chair Sutton seconded, and the motion carried unanimously by a vote of 4-0 (Crawford and Reeves absent). The meeting adjourned at 6:51 p.m.

DRAFT



Zoning Board of Appeals Order

Z-2021-02

The Zoning Board of Appeals held a public hearing on Tuesday, February 16, 2021, to consider a **request by Akisha Nichols for a special exception to establish a non-conforming commercial mixed-use space that will house 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.**

Members in attendance included Keith Sutton, Michael Smith, Rodney Cullum, Randy Sturgis, and Chad Williams. (Matt Crawford, Stacy Reeves Absent)

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

1. The site may be identified as 810 Carolina Ave.
2. The property owner is Akisha Nichols.
3. This property is zoned Single-Family 5 (SF-5).
4. The request was for a special exception to establish a non-conforming commercial mixed-use space that will house office, and personal services uses in a residential district.
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:
 - 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 the application was posted on the City's website.

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

Staff member Melody Kearse presented the staff report.

Vice Chair Sutton commented that the revised request removed the retail component but that the site plan still indicated small business uses, asking how small businesses would operate without retail allowed. Ms. Kearse stated Ms. Nichols had proposed she would be the only one with the retail operation, further explaining that the other uses proposed were considered office and personal services uses.

Appeal No. Z-2021-02

Akisha Nichols

810 Carolina Ave

Page 1 _____

Vice Chair Sutton asked for confirmation that the thrift shop use had been removed. Ms. Kearse stated it had.

Mr. Cullum asked for information on the non-profit. Ms. Kearse stated this would be the office for the non-profit foundation Ms. Nichols had formed and would not be a thrift shop, adding the foundation would be working to establish youth scholarships and counseling.

Mr. Cullum asked for confirmation that there would be an office for the non-profit and other spaces in the building would be used by independent business owners. Ms. Kearse stated this was correct, that the revenue from those independent businesses would help fund the foundation.

Mr. Hawthorne asked the hours of operation. Ms. Kearse stated Ms. Nichols proposed winter hours of 8 a.m. to 5 p.m. and spring hours of 8 a.m. to 7 p.m., adding that the Board could place a restriction on the hours.

The applicant, Akisha Nichols, 654 Arch Drive, stated she had removed the resale shop from the application as she was only planning on selling items from her son's estate to raise funds for the foundation. She stated the room that was to be used for the resale shop would be used as a meeting and multipurpose room for the community, adding she would like to provide life coaching instead. She noted the other areas of the building would be rented for small business start-ups, such as braiding and barber shops, and once profitable would be expected to relocate so that other small businesses could move in.

Mr. Nathaniel Jagers, 817 Jefferson Avenue, Vice President of the South Central Neighborhood Association, stated the neighborhood association was opposed to the request as the use would increase the traffic, noise, and trash in the area, and would prefer the building remain in its current condition.

Ms. Djuna McCrorey, 807 Jefferson Avenue, spoke in opposition to the request, specifically noting that the area was primarily residential and the concern that people would hang out at the site after hours.

Mr. Perry Sutton, 1002 S Confederate Avenue and owner of 718 Carolina Avenue, spoke in opposition to the request, specifically with regards to the change of the neighborhood from peaceful in the 1960s to current criminal activity. He added issues with crime needed to be addressed without having this type of business in the neighborhood.

Vice Chair Sutton closed the floor for Board discussion.

Mr. Williams commented the building may fall into disrepair if not used but agreed with staff's assessment that the building could not be converted into a residential use, adding that it was better alternative for the building to be in use.

Mr. Cullum observed that it would be difficult to have a community center since the community has been vocal against the proposal, adding another community would be coming into this one to use the building instead.

Mr. Williams made the motion to approve the special exception as presented. Vice Chair Sutton seconded, and the motion failed by a vote of 1 to 3, with Mr. Williams voting in

favor, and Vice Chair Sutton, Mr. Cullum, and Mr. Hawthorne voting in opposition (Crawford and Reeves absent).

THE BOARD, THEREFORE, ORDERS:

That the request by Akisha Nichols for a special exception to establish a non-conforming commercial mixed-use space that will house office, and personal services uses at 810 Carolina Avenue, zoned Single-Family 5 (SF-5) is NOT 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-2021-06

The Zoning Board of Appeals held a public hearing on Tuesday, February 16, 2021, to consider a **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 numbers 630-04-01-013, -014 & -015.**

Board members in attendance included, Keith Sutton, Randy Sturgis, Rodney Cullum, Chad Williams, James Hawthorne (Matt Crawford, Stacey Reeves 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 609, 625, & 629 N Anderson Road
2. The property owner is SBSW Capital Holdings (Scott Wallat).
3. This property is zoned General Commercial (GC).
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:
 - 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 the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Staff member Dennis Fields presented the staff report.

Vice Chair Sutton observed the civil plan was under review by staff, asking if there were any concerns that may change the applicant's mind, such as stormwater issues. Mr. Fields stated there were none, only minor comments to be addressed.

Mr. Hawthorne asked about the sidewalk stubs to the north. Mr. Fields stated the property had been used previously as a mobile home sales lot and that the sidewalks went to each of the display units. He noted the applicant was not planning on removing those, and that as they were not required to be removed as they were flat and not a nuisance.

The applicant, Scott Wallat, 341 N Anderson Road, stated he had nothing to add except that he was waiting on the approved landscape plan.

Vice Chair Sutton closed the floor for Board discussion.

Vice Chair Sutton noted staff had provided a well-written report, the use was compatible with the surrounding area, and the site plan was good.

Mr. Cullum made the motion to approve the special exception as presented. Mr. Williams seconded, and the motion carried unanimously by a vote of 4-0 (Crawford and Reeves absent).

Mr. Cullum presented the findings, specifically noting the use was compatible with the surrounding uses, a site plan had been submitted, and there would be no injury to neighboring properties.

THE BOARD, THEREFORE, ORDERS:

That the request by Scott Wallat, Burnout Garage, for a special exception to expand an existing automobile sales use at 609, 625 & 629 N Anderson Road 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-2021-07

The Zoning Board of Appeals held a public hearing on Tuesday, February 16, 2021, to consider an **appeal by Pastor Bernard 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.**

Board members in attendance included: Keith Sutton, Rodney, Cullum, Chad Williams, James Hawthorne (Crawford and Reeves 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 1715 W. Main Street.
2. The property owner is Taking the City Ministry.
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:
 - January 27: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
5. During the hearing, the following comments were heard by the Board:

Staff member Shana Marshburn presented the City's case.

Vice Chair Sutton asked if a sign could be installed as soon as construction began or during construction. Ms. Marshburn stated generally a sign could be put in place during construction or at some point before once construction plans had been submitted.

Vice Chair Sutton asked if they started clearing the land, could the sign remain until the building was constructed. Ms. Marshburn stated it could.

Mr. Hawthorne asked if there was a proposed timeline for development. Ms. Marshburn stated staff had been told it would be developed eventually but that Pastor Gill could advise on this.

The appellant, Pastor Bernard Gill, 561 Cotton Field Road, commented that Taking the City Ministry purchased the property in March 2020 and purchased signs to identify the site as their property. He stated he had met with Ms. Kearse and Mr. Dart Raymes, Zoning Inspector, to discuss the sign. He expressed concern that taxpayers were not allowed to place signs on their own property, especially as realtors could place signs and allow them to deteriorate while they posted properties for sale. Pastor Gill commented he felt the ordinances were wrong as

they were written in 2006 and that people couldn't operate today with the same systems in place. He asked that the ZBA use its authority to change the regulations. He stated he was told the reason for the change was in order to decrease the amount of signage the City determined was out of control. He added that he maintained his signs and cleaned up the trash along the street area and believed that the signs kept people from throwing trash on the property.

Vice Chair Sutton stated the Board was not City Council, and that changing the ordinances was a different process. He asked Pastor Gill if they had a timeline for construction. Pastor Gill stated since both properties owned by the Ministry were located in the City and the County, they needed to work with both entities in developing the site and were working on plans to present.

Mr. Williams made the motion to affirm the Director's interpretation of an off-premise advertising sign at 1715 W Main Street. Mr. Cullum seconded.

Mr. Williams commented that Pastor Gill presented good points but the Board was charged with determining whether the sign met the rules currently in place.

Vice Chair Sutton called for a vote and the motion carried unanimously by a vote of 4-0 (Crawford and Reeves absent).

THE BOARD, THEREFORE, ORDERS:

That the Director's decision to deny an off-premise advertising sign for the property located at 1715 W. Main Street, is AFFIRMED.

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-2021-08

Requests: Request for Short-Term Rental use

Address: 957 Cherry Road

Zoning District: Single Family-3 (SF-3)

Applicant/Owner: Jamie Leggett
1209 Hermitage Rd.
Rock Hill, SC 29732





Location: 957 Cherry Road
Request: Request for Short-Term Rental use
Tax Map Number: 631-07-01-007
Zoning District: Single-Family Residential-3 (SF-3)
**Property Owner/
 Appellant:** Jamie Leggett
 1209 Hermitage Rd.
 Rock Hill, SC 29732

Background

Short-term rentals are where a residential property is rented for short stays of less than 30 days. This practice has existed for decades in beach and other resort communities, and in recent years has become popular in other locations throughout the world, including in Rock Hill. On October 12, 2020, City Council adopted regulations related to short-term rentals. The full regulations are attached to this report.

Prior to City Council enacting regulations to allow short-term rentals, approximately 50 properties within the City were already been used that way. The regulations require all short-term rental hosts to apply for a permit for the use in one of two ways:

1. If someone applied before December 31, 2020, the use was reviewed at a staff level. There were two main reasons for this: first, Council did not want for existing hosts to immediately be in violation of the regulations upon their adoption, and second, Council did not want to inundate the Zoning Board of Appeals with too many requests at once.

2. For anyone who applied after that date, the process would be through a special exception request to the Zoning Board of Appeals.

The applicant in this case applied for a short-term rental use on February 3, 2021, thus the request is before the Zoning Board of Appeals as a special exception request.

TABLE OF PRIMARY USES																				
P = Permitted Use C = Conditional Use S = Special Exception Blank Cell = Prohibited																				
USE TYPE	RESIDENTIAL								BUSINESS						USE-SPECIFIC STANDARDS					
	SF-2	SF-3	SF-4	SF-5	SF-8	SF-A	MFR	MF-15	MX	NO	NC	OI	LC	GC		CC	CI	DTWN	MJC	IB
Short-term rentals as a primary use	C if apply for a permit on or before December 31, 2020; S otherwise													4.3.3.3.19(D)						

Site Description

The property is located on Cherry Road and is across the street from the future Miracle Park development. Otherwise, it is surrounded by single-family residential uses to the sides and rear that are also zoned Single-Family Residential-3 (SF-3) and used residentially.

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

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.

1. ***Complies with Use-Specific Standards:*** *The proposed use complies with all use-specific standards. In this case, the applicable use-specific standards are shown below in italics, followed by staff's assessment of each standard in non-italicized font.*
 - A. *Short-term rentals as a primary use must follow the processes and meet the standards set forth in the City Code of Ordinances for the use. The host must*

complete a short-term rental application certifying that the following operational requirements are met:

- (a) There are no recorded deed restrictions or restrictive covenants that apply to the property that would prohibit, conflict with, or be contrary to the activity.*

The host stated that there are no known deed restrictions or restrictive covenants, but because staff heard differently from neighbors, staff looked into the issue further and determined that covenants do exist that apply to the property.

Because some of the neighbors have indicated that they believe the covenants prohibit the short-term rental use, staff is providing the following excerpts for the Board's information.

(a) All lots in the tract shall be known and described as residential lots ...

(d) No noxious or offensive trade or activity shall be carried on upon any lot or shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

- (b) If the host is not the owner of the property, that the property owner has authorized the short-term rental use.*

The host is the property owner.

- (c) If the residence is located in a neighborhood that has a Home Owners Association, either the Association has approved the use or does not regulate it.*

There is no known Home Owners Association.

- (d) If the property is located within the Downtown Parking Management Area, that the host has arranged with the City to pay into that system for one parking space.*

The property is not located within the Downtown Parking Management Area.

- (e) If the property is located in any area of the City outside the Downtown Parking Management Area, that the host has provided for the use of short-term rental guests at least one additional on-site parking space beyond what the Zoning Ordinance requires for a residential use. This parking space*

must meet the vehicular use area standards of Chapter 8.8 and 6.3 of the Zoning Ordinance for residential uses. Exceptions exist for:

- i. Properties that have immediately adjacent on-street parking that has been formalized through striping; and*
- ii. Hosts who can demonstrate a viable alternative method of meeting this requirement. Examples may include situations where:*
 - the property is exclusively used as a short-term rental;*
 - a nearby business has given the host written permission for guests to use parking spaces at all hours;*
 - the host is the single occupant of a residence with two off-street parking spaces, and uses only one parking space him/herself.*

The property is to be for the exclusive use of a short-term rental, and sufficient parking exists within the driveway area to accommodate guests.

- (f) That the unit will not be marketed nor used as an event location or a party house. This includes the marketing or use of the unit for “open invite” parties (which are open to anyone and are frequently advertised on social media), as well as for private parties including but not limited to weddings, bachelor/bachelorette parties, birthday parties, holiday parties, and parties for other special events.*

The host agrees to comply with this regulation.

- (g) That rooms will not be rented to different guest groups at same time unless the host is present on the property during the rental.*

The host agrees to comply with this regulation.

- (h) That if the property is not owner-occupied, either:*

- i. The property owner lives within a 15-mile radius of the City limits and is willing to take phone calls at all times if needed to address issues with the short-term rental use; or*
- ii. The host provides the name, mailing address, and telephone number of a designated responsible agent who lives within a 15-mile radius of the City limits, who is willing to take phone calls at all times if needed to*

address issues with the short-term rental use, and who is authorized to accept service of process on behalf of the owner of said unit.

The property will not be owner-occupied; however, the host lives within 15 miles of the property and in the general vicinity of where the use is being proposed.

- (i) That the number of guests will be limited to two per bedroom, plus two.*

The host agrees to comply with this regulation.

- (j) That the residence and yard will be maintained to Property Maintenance Code standards.*

The host agrees to comply with this regulation.

- (k) That the property will not contain any sign advertising the short-term rental use.*

The host agrees to comply with this regulation.

- (l) That the host will keep a current guest register including names, addresses, telephone numbers, and dates of occupancy of all guests.*

The host agrees to comply with this regulation.

- (m) That the host will provide a rental packet containing applicable City rules and restrictions specified in the short-term rental permit application, as well as pertinent safety information and contact information to guests when they book the short-term rental, and shall prominently display the short-term rental permit, rules, safety and contact information within the short-term rental unit.*

The host agrees to comply with this regulation.

- (n) That the host shall list the short-term rental permit number on all advertisements, listings with booking services, and marketing materials, including without limitation, AirBNB, VRBO/Homeaway, Flipkey, and any other online websites and listing or booking platforms or services.*

The host agrees to comply with this regulation.

- (o) That the host shall comply with all business license and revenue collection laws of the City of Rock Hill, York County, and the State of South Carolina.*

The host agrees to comply with this regulation.

- 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.*

The property is located on Cherry Road, a busy commercial corridor of the City. However, the immediate vicinity is residential in nature, and nearby residents have expressed concerns about the transient nature of the activity and how that may be incompatible with the residential setting.

- 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 short-term rental regulations that the host has agreed to (prohibit guests from hosting parties, providing guest parking on site, living nearby to manage any issues that may arise, etc.) should help minimize any adverse impacts. However, neighbors have expressed concerns that this is not enough for the use to not have a negative impact on the neighborhood.

- 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 host has not proposed any site work.

- 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.*

Cherry Road is a principal arterial road and has the capacity to serve the proposed use.

- 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.*

Staff has heard from several neighbors who are opposed to the request. Their concerns generally include:

- There are covenants in place that restrict the proposed use;

- The use would alter the neighborhood feel;
- The use may cause a potential threat to the neighborhood in terms of violence and crime;
- The use is transient in nature;
- The guests may host parties or come in large groups; and
- The guests may not properly keep up the property while they are visiting.

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

The host has provided pictures of the parking area. No other site plan is required at this time as the host does not plan to alter the property for the use.

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:

- February 26: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- February 26: Posted public hearing signs on subject property.
- February 26: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff has been contacted by phone and/or email by 13 neighbors in opposition. Copies of the emails sent by those in opposition are attached to this report.

Staff Recommendation

Although Cherry Road is a busy corridor that is primarily commercial in nature, the immediately surrounding area contains single-family residential uses. Although the host has agreed to meet the conditions of the City Code of Ordinances regarding the short-term rental use, which are designed to minimize impacts to adjacent properties, a sufficient number of residents have voiced legitimate concerns about the use that staff is not able to recommend approval of it at this time.

Attachments

- Regulations for short-term use
 - Application and supporting materials
 - Emails in opposition
 - Zoning map
-

Staff Contact:

Shana Marshburn, Planner I

803.326.2456

shana.marshburn@cityofrockhill.com

Excerpt from Zoning Ordinance

4.3.3.3.19 Visitor Accommodations

D. Short-term rental

1. Short-term rentals as a primary use must follow the processes and meet the standards set forth in the City Code of Ordinances for the use.

Definition:

Visitor Accommodations

Characteristics:

Uses that involve the short-term rental of overnight accommodations.

Use types (examples and definitions):

Short-term rental as a primary use: When a non-owner occupied, residentially-used property is rented in whole or in part for an overnight stay of less than 30 days at a time to one guest party. Exceptions:

When an owner-occupied residentially-used property is rented in whole or in part for an overnight stay of less than 30 days at a time to one guest party, that is considered an accessory use; see *Chapter 5: Land*

Use: Accessory and Temporary Uses.

ARTICLE XI. - SHORT-TERM RENTALS

Sec. 11-362. - Purpose.

City council finds that there is a growing national interest for short-term accommodations in traditional neighborhood settings. City council finds that the provision of such accommodations can be beneficial to the public if potential negative impacts are managed.

When properly regulated, short-term rentals provide a means of assisting property owners with keeping properties in good order and repair, which in turn, assists in stabilizing home ownership, and maintaining property values in neighborhoods. Short-term rentals also serve to bolster the city's sports tourism industry by providing alternatives to traditional hotels and motels for the traveling public.

City council is mindful of the importance of maintaining the residential character of city neighborhoods. Absent appropriate controls on the manner of short-term rentals, neighborhoods stand to be harmed by undue commercialization and disruption to the primary and overarching purpose of a neighborhood being first and foremost a residential community, where people actually live, not a place of transient occupancy.

(Ord. No. 2020-68, § 4(Exh. B), 10-12-2020)

Sec. 11-363. - Definitions.

The following definitions are hereby added to apply specifically to this article. Words not defined in this article shall have the meaning set forth in this chapter, in the zoning ordinance, or their ordinary accepted meaning such as the context implies.

Article means this Article 11 ordinance.

City means the City of Rock Hill, South Carolina.

Planning and development director means the director of the city's planning and development department.

Host means the person offering a residential living unit, or portion thereof, for short-term rental.

Short-term rental means the rental of a residentially-used property in whole or in part for an overnight stay of less than 30 days at a time to one or more guest parties.

Short-term rental permit means a document issued by the planning and development department to the host upon meeting the conditions set forth in section 11-364 or 11-365 herein. Such permit is required for lawful short-term rental of a residential living unit or portion thereof. This permit does not warrant the proper habitability, safety or condition of the residential living unit or portion thereof in any way.

(Ord. No. 2020-68, § 4(Exh. B), 10-12-2020)

Sec. 11-364. - Short-term rental permit for applications made on or before December 31, 2020.

The host of a short-term rental must apply for a short-term rental permit with the planning and development director prior to offering a unit or portion thereof for rent for 30 days or less at a time. The following processes and standards apply if the host applies for a short-term rental permit on or before December 31, 2020.

For each property being offered for short-term rent, the host must complete a short-term rental application certifying that the following operational requirements are met and pay a \$200.00 application fee:

- (a) There are no recorded deed restrictions or restrictive covenants that apply to the property that would prohibit, conflict with, or be contrary to the activity.
- (b) If the host is not the owner of the property, that the property owner has authorized the short-term rental use.
- (c) If the residence is located in a neighborhood that has a home owners association, either the association has approved the use or does not regulate it.
- (d) If the property is located within the downtown parking management area, that the host has arranged with the city to pay into that system for one parking space.
- (e) If the property is located in any area of the city outside the downtown parking management area, that the host has provided for the use of short-term rental guests at least one additional on-site parking space beyond what the zoning ordinance requires for a residential use. This parking space must meet the vehicular use area standards of chapter 8.8 and 6.3 of the zoning ordinance for residential uses. Exceptions exist for:
 - i. Properties that have immediately adjacent on-street parking that has been formalized through striping; and
 - ii. Hosts who can demonstrate a viable alternative method of meeting this requirement. Examples may include situations where:
 - The property is exclusively used as a short-term rental;
 - A nearby business has given the host written permission for guests to use parking spaces at all hours;
 - The host is the single occupant of a residence with two off-street parking spaces, and uses only one parking space him/herself.
- (f) That the unit will not be marketed nor used as an event location or a party house. This includes the marketing or use of the unit for "open invite" parties (which are open to anyone and are frequently advertised on social media), as well as for private parties including but not limited to weddings, bachelor/bachelorette parties, birthday parties, holiday parties, and parties for other special events.
- (g) That rooms will not be rented to different guest groups at same time unless the host is

present on the property during the rental.

- (h) That if the property is not owner-occupied, either:
 - i. The property owner lives within a 15-mile radius of the city limits and is willing to take phone calls at all times if needed to address issues with the short-term rental use; or
 - ii. The host provides the name, mailing address, and telephone number of a designated responsible agent who lives within a 15-mile radius of the city limits, who is willing to take phone calls at all times if needed to address issues with the short-term rental use, and who is authorized to accept service of process on behalf of the owner of said unit.
- (i) That the number of guests will be limited to two per bedroom, plus two.
- (j) That the residence and yard will be maintained to property maintenance code standards.
- (k) That the property will not contain any sign advertising the short-term rental use.
- (l) That the host will keep a current guest register including names, addresses, telephone numbers, and dates of occupancy of all guests.
- (m) That the host will provide a rental packet containing applicable City rules and restrictions specified in the short-term rental permit application, as well as pertinent safety information and contact information to guests when they book the short-term rental, and shall prominently display the short-term rental permit, rules, safety and contact information within the short-term rental unit.
- (n) That the host shall list the short-term rental permit number on all advertisements, listings with booking services, and marketing materials, including without limitation, AirBNB, VRBO/Homeaway, Flipkey, and any other online websites and listing or booking platforms or services.
- (o) That the host shall comply with all business license and revenue collection laws of the City of Rock Hill, York County, and the State of South Carolina.

Upon receiving this complete application, the planning and development director shall verify the following certified statements: (b) (in writing), (c) (in writing), (d), (e), (h), (j), and (k). With respect to (c), if staff does not hear back from the home owners association representative of record within ten business days of attempting to contact them for written verification, the lack of response will not hold up the approval of an application that staff otherwise determines meets all of the standards.

Upon the host certifying the above statements in the short-term rental application and the planning and development director verifying the numbers listed above, the planning and development director will issue a short-term rental permit that will remain valid for one year unless revoked. An annual renewal process is established in section 11-366.

(Ord. No. 2020-68, § 4(Exh. B), 10-12-2020)

Sec. 11-365. - Short-term rental permit for applications made after December 31, 2020.

The host of a short-term rental must apply for a short-term rental permit with the planning and development director prior to offering a unit or portion thereof for rent for 30 days or less at a time. This section sets forth a different application process than in section 11-364 if the host applies for a short-term rental permit after December 31, 2020. All of the standards listed in section 11-364 apply unless explicitly listed otherwise below.

Upon the host certifying the statements listed in section 11-364 in the short-term rental application and the planning and development director verifying the numbers listed in section 11-364 following the process set forth in the preceding section, the application will go before the zoning board of appeals for consideration as a special exception for the use according to the processes set forth in Chapter 2 of the Rock Hill Zoning Ordinance. The application fee will be \$300.00. The zoning board of appeals will consider whether the application meets the standards in chapter 2, section 2.12.2, of the zoning ordinance for the granting of a special exception for the use.

If the special exception is approved, the permit shall be valid for one year from the date of issuance unless revoked. It shall be renewable annually according to the procedures for renewal that are set forth in section 11-366.

If the board of appeals denies the special exception request, the host is subject to the waiting period that is set forth in Chapter 2, Section 2.5.5, of the Rock Hill Zoning Ordinance, before the host may reapply for a short-term rental permit for the same property.

(Ord. No. 2020-68, § 4(Exh. B), 10-12-2020)

Sec. 11-366. - Renewals.

Once a short-term rental permit has been issued, it shall remain valid for one year unless revoked.

Within 30 days prior to the end of this annual period and all subsequent annual periods, the host must reapply for a short-term rental permit if the host wishes to continue the short-term rental use after the end of the current permit period. The host must re-certify all of the statements listed in section 11-364 in a renewal application each year and pay a \$200.00 renewal application fee.

The planning and development director shall approve the renewal application, provided that:

- (a) The permit remains in force at the time of renewal.
- (b) If the property is located within a neighborhood that has an organized and active home/property owners association, that association has re-verified in writing that its board has approved the activity or does not regulate it.
- (c) The following certified statements are verified by the planning and development director: (b) (in writing), (c) (in writing), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), and (o). With respect to (c), if staff does not hear back from the home owners association representative of record within

ten business days of attempting to contact them for written verification, the lack of response will not hold up the approval of an application that staff otherwise determines meets all of the standards.

(Ord. No. 2020-68, § 4(Exh. B), 10-12-2020)

Sec. 11-367. - Violations and penalties.

1. *Violations.* It shall be a violation of this article for a host or his agent to:
 - (a) Advertise or operate a short-term rental unit without a short-term rental permit; or
 - (b) Violate any of the certified statements in the short-term rental application.
2. *Penalties.*
 - (a) *Revocation.* When the planning and development director determines:
 - i. The short-term rental permit has been mistakenly or improperly issued, or issued contrary to law; or
 - ii. A host has obtained the license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; or
 - iii. The host has breached any condition upon which the license was issued, has violated any of the certified statements on the short-term rental permit application, or has failed to comply with the provisions of this article; or
 - iv. The host has been convicted of an offense under a law or ordinance regulating business or a crime involving violence or moral turpitude; or
 - v. The host has engaged in an unlawful activity or nuisance related to the short-term rental, as evidenced by three valid neighbor complaints or police calls per rolling 12 months at the property in question, or one incident at the property in question with widespread community impacts or substantial public safety concerns;

The planning and development director shall give written notice to the host or designated responsible agent by personal service, certified mail, or the posting of the property that the short-term rental permit is revoked. The notice shall contain a brief statement of the reasons for the revocation.

The host or designated responsible agent will have ten days from the date of the written notice to appeal the decision to the city manager, who will render a final decision within 30 days.

If the city manager upholds the revocation, or if the host does not appeal the decision to the city manager, the host is subject to the waiting period that is set forth in Chapter 2, Section 2.5.5, of the Rock Hill Zoning Ordinance before the host may reapply for a short-term rental

permit on the same property. The starting date for this period is the date of the final decision by the city.

If the planning and development director has reason to believe that the issue that led to the revocation of a short-term rental permit has been resolved, the director may reinstate the short-term rental permit.

All applications for short-term rentals after revocation will go through the special exception process before the zoning board of appeals as set forth in section 11-365 above regardless of the original method of approval of the use.

If the permit is revoked, the planning and development director may also undertake the process to revoke the associated business license such that the host may not operate short-term rentals on other properties either. The business license revocation would follow the processes set forth in section 11-46.

(b) *Refusal to issue permits.*

- i. The planning and development director may refuse to issue a short-term rental permit to any host who has had a short-term rental permit revoked, even if for a different property than the one for which the short-term rental permit is being requested.
- ii. The planning and development director may refuse to issue a short-term rental permit to any host who has any outstanding violations related to a short-term rental use until those violations have been remedied.

Appeals related to the refusal of a short-term permit under this section follow the process set forth in the Zoning Ordinance, Chapter 2, Section 2.12.6.

- (c) *Criminal penalties.* Whoever violates any provision of this article shall, upon a first offense, be subject to a fine of \$500.00, or imprisoned not more than 30 days, or both. If, after any conviction for noncompliance with this article or any lawful order issued pursuant thereto, such person continues the noncompliance, then such person shall be liable for further prosecution, conviction, and punishment without any necessity of the code official to issue a new notice of violation or order, and until such noncompliance has been corrected.

3. *Civil remedies.* In addition to the remedies set out in section 11-367(2), the city manager or any duly authorized agent of city may take such civil or equitable remedies in any court having jurisdiction, against any person or property, to effect the provisions of this Code.

(Ord. No. 2020-68, § 4(Exh. B), 10-12-2020)

SPECIAL EXCEPTION APPLICATION

Plan Tracking # _____ 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: 957 Cherry Rd, Rock Hill, SC 29732

Tax parcel number of subject property: 631-07-01-007

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: _____

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
Jamie Leggett	1209 Hermitage Rd RH 29732	704-650-6345	jamiesairbnb2021@gmail

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: Jamie A. Leggett Date: 2/3/21

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?

Air BNB OVERNIGHT GUESTS

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.)

TO ACCOMMODATE OVERNIGHT GUEST WHO TRAVEL
TO R.H. FOR BUSINESS OR PLEASURE.

There are 2 Bedrooms w/ Bed Accommodations.
The 3rd Bedroom will have a couch. Although
the city would allow 8 people. I'm only
allowing 6 capacity.

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

It is located across from Miracle Park
on Cherry Rd. There are sidewalks at
this location as well as adequate parking
on site / premises. I think it is an excellent
location to Miracle Park & Winthrop Lake

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

The property will be used for OVERNIGHT
Guests. They will follow rules specified on
the AIRBNB SITE & POSTED ON THE PROPERTY -
NO PARTIES OR LOUDNESS ALLOWED

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

N/A

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

NO IMPACT - PROPERTY IS A SINGLE FAMILY HOME WHERE 2-3 CARS WOULD TYPICALLY COME & GO AT THE PROPERTY

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?

I AM IMPROVING THE INTERIOR WITH UPDATES AND IMPROVING THE EXTERIOR WITH LANDSCAPING. THIS PROPERTY WAS PREVIOUSLY A LONG TERM RENTAL PRIOR TO MY PURCHASING IN JAN. 2021. MY LONG TERM GOAL IS FOR INVESTMENT PURPOSES SO I WILL CONTINUE TO IMPROVE THE PROPERTY WHILE I OWN IT.

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

Business Application Submitted
License

Planning and Development Department - Permit Application Center

P.O. Box 11706 or 155 Johnston St., Rock Hill, SC 29731-1706

Ph: 803-329-5590

www.cityofrockhill.com

SHORT-TERM RENTAL PERMIT APPLICATION

Complete a separate application for each property that you would like to offer as a short-term rental. We prefer that you submit the application through email to Melody Kearse at melody.kearse@cityofrockhill.com, although you also may mail it to the address above, c/o Melody Kearse, or drop it off in the reception area at City Hall (address above). Questions about the requirements for a short-term rental should be directed to Shana Marshburn, shana.marshburn@cityofrockhill.com or 803-326-2456.

You must complete this application as well as a special exception application, which has been attached for your convenience. The total application fee is \$300. You may mail a check, or we can accept payment by phone or online. The request will go to the Zoning Board of Appeals (ZBA) for consideration. The ZBA will hold a public hearing about the request so that neighbors, Home Owners Association representatives, and other interested parties may give input into the decision. It generally takes about 30 days for a request to be placed onto the next ZBA agenda. More information about that process can be found on the special exception application.

If approved, the short-term rental permit will be valid for one year unless revoked. Additional information regarding the renewal and revocation process is located on the last page of this document.

PROPERTY INFORMATION

Street address of subject property: 457 Cherry Rd, Rock Hill, SC 29732

Tax parcel number: 631-07-01-007 Number of bedrooms: 3

HOST INFORMATION

HOST CONTACT INFORMATION

Host's name: Jamie A. Leggett Phone number: 704-650-6345

Mailing address: 1209 Hermitage Rd 29732 Email address: jamesairbnb2021

Host's Legal Business Name: Ashley Property Ventures, LLC @gmail.com

DBA (Doing Business As) Name: Miracle Cottage on Cherry

HOST OWNERSHIP INFORMATION

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)

If you are not the owner of the subject property, the property owner must complete the information in the gray box.

Name of property owner: _____

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

Phone number: _____ Email address: _____

I certify that the person listed in the person listed above has my permission to use the property as a short-term rental.

Signature: _____ Date: _____

HOST RESIDENCY INFORMATION

Do you live on the property as your primary residence? Yes No

If not, you must do one of the following:

1. Live within 15 miles of the City limits of Rock Hill and be willing to accept phone calls at all times of the day at the above phone number to address any issues with the short-term rental. OR
2. Provide the name, mailing address, and telephone number of a designated responsible agent who lives within 15 miles of the City limits, who is willing to take phone calls at all times if needed to address issues with the short-term rental use, and who is authorized to accept service of process on behalf of the owner of said unit.

Which one of the above do you agree to do? #1 #2

If #2, your *designated agent* must complete the information in the gray box.

Name of designated agent: _____	
Home address: _____	
Phone number: _____	Email address: _____
I am willing to take phone calls at all times of the day if needed to address issues with the short-term rental use, and I am willing to accept service of process of behalf of the host of the short-term rental.	
Signature: _____	Date: _____

What percent do you pay in property taxes? 4% 6% Not sure

If the property owner does not live in the structure, the property tax rate should be 6%. If we discover through our review that you are not living in the structure but are paying the 4% property tax rate, we will ask you to correct that with the York County Tax Assessor's Office before issuing the short-term rental permit. This change typically produces a tax bill that is 3 to 4 % higher.

BUSINESS LICENSE AND STATE ACCOMMODATIONS TAX

A business license is required in addition to the short-term rental permit. Apply for the business license at www.cityofrockhill.com/newlicense. *Applied for online 2/3/21*

Please note: If the host is not the owner of the property, both the owner of the property and the host must obtain separate business licenses.

The local accommodation tax rate is 3%. This is separate from the state accommodation tax. It is due by the 20th of the month for the previous month. We will create a Local Accommodation Tax account for you as and will send you information about remitting the tax if the short-term rental permit is approved.

If you have questions about this part of the process, please contact Matthew Thomas, Open for Business Coordinator, at MatthewC.Thomas@cityofrockhill.com or 803-329-7093.

HOME/PROPERTY OWNERS ASSOCIATION

If the property is located within a neighborhood or community that has a Home Owners Association or a Property Owners Association, you must provide a statement in writing from the President of the Association Board or other authorized representative that says either the Association either allows the use or does not regulate it.

Name of Home Owners Association or Property Owners Association: N/A

PARKING PLAN

The host must provide one parking space for the use of short-term rental guests.

FOR PROPERTIES WITHIN THE DOWNTOWN PARKING MANAGEMENT AREA:

The host must arrange with the City to pay into the Downtown Parking Management System for one parking space. Please contact Demario Ervin, parking management supervisor, at (803) 325-2656 for more information.

FOR PROPERTIES OUTSIDE THE DOWNTOWN PARKING MANAGEMENT AREA:

SINGLE-FAMILY RESIDENCES

Please check the statement that describes how you will accommodate guest parking needs.

- This property is exclusively used as a short-term rental. In other words, no one lives here. My guests will park in the existing driveway or parking pad area that is on the property.
- Two or more drivers live in the home, and the property has enough existing driveway or parking pad area for at least three vehicles to be parked completely on the subject property (meaning not within the road right-of-way area nor overhanging a sidewalk, etc.). One of these spaces will be dedicated for guest parking, and the two others will be available for the residents to use.
- Only one driver lives in the home, and the property has enough existing driveway or parking pad area for at least two vehicles to be parked completely on the subject property (meaning not within the road right-of-way area nor overhanging a sidewalk, etc.). One of these spaces will be dedicated for guest parking, and for the other one will be available for the resident to use.
- I plan to add more driveway or parking pad area to my property so that it has room for at least three vehicles. (If this is the case, please complete the Driveway, Patio or Paving Application.)
- My property is adjacent to a street where formal, striped, on-street parking is provided.
- I have an agreement with a nearby property owner for my guests to park in his/her parking lot or driveway. Please provide a statement in writing from the nearby property owner, and provide the following contact information:
- Name of property owner: _____
- Address of property: _____
- Phone number: _____ Email address: _____
- My situation is different from all of the above situations, so I plan to accommodate guest parking in the following manner:

MULTI-FAMILY RESIDENCES

Please check the statement that describes how you will accommodate guest parking needs.

- An apartment management company representative or my condominium association president has agreed to allow my guests to park in the parking lot of the complex. Please provide a statement in writing from the management company representative or condominium association president, and provide the following contact information:

Name of apartment management or condominium association representative:

Phone number: _____

Email address: _____

- My apartment complex or condominium development is adjacent to a street where formal, striped on-street parking is provided.
- I have an agreement with a nearby property owner for my guests to park in his/her parking lot or driveway. Please provide a statement in writing from the nearby property owner, and provide the following contact information:

Name of property owner: _____

Address of property: _____

Phone number: _____

Email address: _____

- My situation is different from all of the above situations, so I plan to accommodate guest parking in the following manner:

MARKETING

List each online platform that you use or plan to use to market or rent the property (i.e., AirBNB, VRBO, etc.). If you have an associated property number issued by the platform, list that as well.

Platform	Property number	Name of listing
<u>AirBNB</u>	<u>TBD-NEW</u>	<u>Miracle Cottage on Cherry</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Describe any other methods you have of marketing or renting the property.

Social Media

GARBAGE/RECYCLABLES

How will you/your guests take care of garbage and recyclables?

I live 5 minutes AWAY. Owner or Guest will
ROLL to street on Tuesdays.

COMMUNICATION FROM GUESTS

How can your guests reach you during their stay in case they need your help resolving an issue? (check all that apply)

Website platform Email Phone Other: 5nd # 704 200-6649

PHOTOGRAPHS OF PROPERTY

Please attach current photographs of the exterior of the structure, the driveway, and yard areas.

See more PHOTOS ONLINE AT REALTOR.COM
if needed

CERTIFICATIONS BY HOST

Initial by each of the following statements to certify that you will abide by the requirement at all times. If a statement does not apply to this property, put N/A instead of your initials.

1. JAL There are no recorded deed restrictions or restrictive covenants that apply to this property that would prohibit, conflict with, or be contrary to the activity that I am requesting.
2. N/A If I am not the owner of the property, the property owner has authorized the short-term rental use as evidenced by his/her signature on page 1 of this application.
3. N/A If the property is located in a neighborhood or community that has a Home Owners Association or a Property Owners Association, the Association has approved the use or does not regulate it as evidenced by the written statement provided by the President of the Board of the Association or another authorized representative.
4. N/A If the property is located within the Downtown Parking Management Area, I have arranged with the City to pay into that system for one parking space.
5. JAL If the property is located outside the Downtown Parking Management Area, I have arranged to accommodate guest parking as specified above.
6. JAL I will not offer my property for use as, nor allow it to be used as, an event location or a party house. This includes the marketing or use of the unit for "open invite" parties, which are open to anyone and are frequently advertised on social media, as well as for private parties including but not limited to weddings, bachelor/bachelorette parties, birthday parties, holiday parties, and parties for other special events.
7. JAL I will not rent rooms to different guest groups at the same time unless I am present on the property during the rental.
8. JAL If the property is not owner-occupied, the owner lives within a 15-mile radius of the City limits and is willing to take phone calls at all times to address issues with the use. Alternatively, I have provided the name and contact information for a designated responsible agent who lives within the same radius who has agreed to do that and to accept service of process, as evidenced by his/her signature on page 2 of this application.
9. JAL I will not rent to more guests than two per bedroom, plus two.
10. JAL I will maintain the property (all structures, yard areas, etc.) in accordance with Property Maintenance Code standards.
11. JAL I will not post any sign on the property advertising the short-term rental use.
12. JAL I will keep a current guest register including the names, addresses, telephone numbers, and dates of occupancy of all guests.
13. JAL I will provide a rental packet containing the information on the next page, as well as pertinent safety information and contact information to guests when they book the short-term rental, and shall prominently display the short-term rental permit, rules, safety and contact information within the short-term rental unit.
14. JAL I will list the short-term rental permit number for this property on all advertisements, listings with booking services, and marketing materials, including without limitation, AirBNB, VRBO/Homeaway, Flipkey, and any other online websites and listing or booking platforms or services. I understand that the City will assign this number upon the approval of this application.
15. JAL I will comply with all business license and revenue collection laws of the City of Rock Hill, York County, and the State of South Carolina.

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: Samuel A. Rosssett

Date: 2/3/2021







Fresh gravel added to drive



Fresh gravel added to drive



Fresh gravel added to drive



Marshburn, Shana

From: DeWitt Whitten <dwhitten2010@gmail.com>
Sent: Tuesday, March 9, 2021 4:51 PM
To: Marshburn, Shana
Subject: 957 Cherry Road

Ms. Marshburn,

My wife and I live at 1154 Myrtle Drive in Rock Hill. I received the notification of the Public Hearing regarding the request of Jamie Leggett for a special exception to establish a short term rental use of the property located at 957 Cherry Road.

Please be aware that we are opposed to providing the requested exception and request that the City deny the requested change of use for the property.

I greatly appreciate your consideration of our concern with the referenced property.

Thank you, DeWitt Whitten

Marshburn, Shana

From: Turner Communications <turnerco@comporium.net>
Sent: Friday, March 5, 2021 8:05 AM
To: Marshburn, Shana
Subject: Fwd: 957 Cherry Road

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

As a resident of the Beatty Estates we are **DEFINITELY NOT** in favor of a special exception for the property located at 957 Cherry Road as a short term rental/Airbnb. We have been a resident since 1986, my husband as been a part of Beatty Estates dating back to 1957. We would not want the single family homes in our neighborhood to 'open the door' allowing them to be occupied as short term rental or become commercially occupied. The property in question will become a nuisance because of the volume of in-and-out traffic, this could create, uncleanliness, disturbances, etc., that usually accompanies temporary lodging. In addition short term rental/Airbnb would effect our property values and be less desirable for future sales. To make it clear, we are **NOT** in favor of any properties in Beatty Estates being used as short term rental/Airbnb.

Regards,
Frank & Cheryl Turner
1120 Myrtle Drive - Beatty Estates

Marshburn, Shana

From: Marshburn, Shana
Sent: Monday, March 8, 2021 9:29 AM
To: 'Judy Corbett'
Subject: RE: 957 Cherry Road zoning special exception
Attachments: Short-term Rental Ordinance.pdf

Ms. Corbett:

Thank you for your email as I will make sure that the Board receives it and knows that you are in opposition. For your convenience, I have attached the regulations that City Council passed regarding short-term rentals. As you look through them, you will notice that hosts are not to allow guests to host parties and/or events, nor are they allowed to rent to multiple groups at once. Please let me know if you have any questions. Thanks.

Shana Marshburn

Planner I
Planning & Development
City of Rock Hill
P.O. Box 11706
155 Johnston Street (29730)
Rock Hill, South Carolina 29731-1706
o: 803-326-2456

Shana.Marshburn@cityofrockhill.com

www.cityofrockhill.com

From: Judy Corbett <jcorbett2545@gmail.com>
Sent: Saturday, March 6, 2021 5:24 PM
To: Marshburn, Shana <Shana.Marshburn@cityofrockhill.com>
Subject: 957 Cherry Road zoning special exception

Regarding allowing this property to be granted a special exception for rental as an airb&b, I own the property directly behind this house. At first glance, this variance seems harmless. However, the very real truth is that once this exception is granted, there is no going back. Absolutely anyone would have the right to request a special exception for anything one could imagine.

Beaty Estates is a long-established family neighborhood. The general atmosphere is one of quiet, well-maintained residential properties with settled families and relationships. Having an airb&b has the potential for creating many problems. That house is small, but what is to prevent having more than one family staying there at one time? Furthermore, there is nothing to prevent groups of locals, including Winthrop students, from renting the house for parties, etc. This could become an exercise similar to putting the toothpaste back into the tube.

The previous residents of that house were a family with a small child, and there were never any problems. It's hard to take issue with a child's laughter. Loud parties and an endless string of strangers passing through are another matter entirely.

Sincerely,
Judy Corbett

Marshburn, Shana

From: Kears, Melody
Sent: Wednesday, March 3, 2021 6:54 PM
To: Marshburn, Shana
Subject: Fwd: 957 Cherry Road

Shana,

This one came in as well.

Melody

Sent via the Samsung Galaxy S10e, an AT&T 5G Evolution capable smartphone
Get [Outlook for Android](#)

From: Kaitlin Whitesell <kaitlinwhitesell@hotmail.com>
Sent: Wednesday, March 3, 2021 6:42:18 PM
To: Kears, Melody <Melody.Kears@cityofrockhill.com>
Subject: Fwd: 957 Cherry Road

Hello,

This came back as undeliverable to the address on the green card, I received in the mail. I wanted to ensure you received it though.

Thanks,
Kaitlin Whitesell

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From: Kaitlin Whitesell <kaitlinwhitesell@hotmail.com>
Sent: Wednesday, March 3, 2021 6:25 PM
To: shana.marshbum@cityofrockhill.com
Cc: melody.kears@cityofrockhill.com
Subject: 957 Cherry Road

Hello,

I would like to express my concerns regarding the possibility of the home located at 957 Cherry Road becoming an Airbnb. My house is located at 1148 Myrtle Drive. The house located at 957 Cherry Road is

indirectly behind my home and within seeing/hearing distance of my backyard. We have had numerous renters in and out of the 957 Cherry Road home, as well as the one directly beside it that has recently sold. We see and hear the loud chaos with renters who rent for a year plus and couldn't imagine the noise and destruction that could come with a short term rental. As a mother of two daughters, I have had to place a privacy fence up due to the late night noises, parties, and in and out guest a rental home brings. I believe this would be magnified if an Airbnb was located 2 houses down. I purchased this home approximately 10 years with hopes of having a quiet and safe place to raise my daughters, not a heavily trafficked and loud neighborhood. I feel a short term rental located so closely to our home with a high turnover rate would be a constant disturbance, based off of our personal experience with long term rentals. I am not in support of this home becoming an Airbnb.

Sincerely,

Kaitlin Whitesell
1148 Myrtle Drive

Rock Hill, Sc 29732

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Marshburn, Shana

From: Kearse, Melody
Sent: Wednesday, March 3, 2021 4:53 PM
To: Marshburn, Shana
Subject: Fwd: 957 Cherry Road

Follow Up Flag: Follow up
Flag Status: Completed

Do you want to reach out to them? Make sure they are ok with this email going into report.

Melody

Sent via the Samsung Galaxy S10e, an AT&T 5G Evolution capable smartphone
Get [Outlook for Android](#)

From: Karen Helms <karenhelms13@comporium.net>
Sent: Wednesday, March 3, 2021 4:03:22 PM
To: shana.marshbum@cityofrockhill.com <shana.marshbum@cityofrockhill.com>
Cc: Kearse, Melody <Melody.Kearse@cityofrockhill.com>
Subject: 957 Cherry Road

Good afternoon,

We would like to voice our concerns about the proposed use of the property located at 957 Cherry Road as an Airbnb. As you are aware, Beatty Estates is a single family residential neighborhood that does not allow short-term rentals or commercial use. This is the main reason we purchased our home in this neighborhood in 1997, to have neighbors not transients or businesses. We are concerned that, even with the strictest guidelines, the property in question will become a nuisance because of the volume of in-and-out traffic this could create, uncleanliness, disturbances, etc., that usually accompanies temporary lodging. Also, we do not want our neighborhood to 'open the door' for any of the properties, especially the ones on Cherry Road, to become commercially occupied. To make it clear, we are **NOT** in favor of any properties in Beatty Estates being used in this manner as it could also result in a decrease in our property values.

Regards,
Scott & Karen Helms
1030 Ridge Road - Beatty Estates

Marshburn, Shana

From: Kears, Melody
Sent: Tuesday, March 9, 2021 10:14 AM
To: Marshburn, Shana
Cc: Pender, Kathy
Subject: Fwd: Zoning Boar of Appeals, 465 Cherry Road

Shana, can you call this gentleman back for Kathy since I am out of the office.

Thank you,
Melody

Sent via the Samsung Galaxy S10e, an AT&T 5G Evolution capable smartphone
Get [Outlook for Android](#)

From: Pender, Kathy <Kathy.Pender@cityofrockhill.com>
Sent: Monday, March 8, 2021 5:02:58 PM
To: Kears, Melody <Melody.Kears@cityofrockhill.com>
Subject: Zoning Boar of Appeals, 465 Cherry Road

Hi Melody, I received a call from Henry Agurs (957 Cherry Road) asking about the variance requested next door at 965 Cherry Road and what impact it might have on his property. Instead of me acting as the go between would you mind giving him a call and mentioning that I received his call but asked you to speak with him as you are most able to answer his questions about the project and how to speak about it if he desires? Thanks so much. Please let me know if you think it would be best for me to call him instead.
Thanks.

Kathy Pender
City Council
Legislative
City of Rock Hill
P.O. Box 11706
(29730)
Rock Hill, South Carolina 29731-1706
o:

Kathy.Pender@cityofrockhill.com

Marshburn, Shana

From: Wonderlich, Kristen <wonderlichk@winthrop.edu>
Sent: Saturday, March 6, 2021 8:06 AM
To: Marshburn, Shana
Subject: 957 Cherry Road Public Hearing

Hello.


I am a resident of the Beaty Estates neighborhood and am writing to voice my concerns over the intended use as an Airbnb at 957 Cherry Road.

This is not in our covenant as a neighborhood to have short term rentals or to have homes used for commercial use.









I do not support the petition by the homeowner of 957 Cherry Road to convert her property to this type of rental and have great concerns for our neighborhood regarding safety and other issues if this is allowed.

-Kristen Wonderlich

Z-2021-08

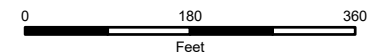
 Subject Property

Zoning Districts

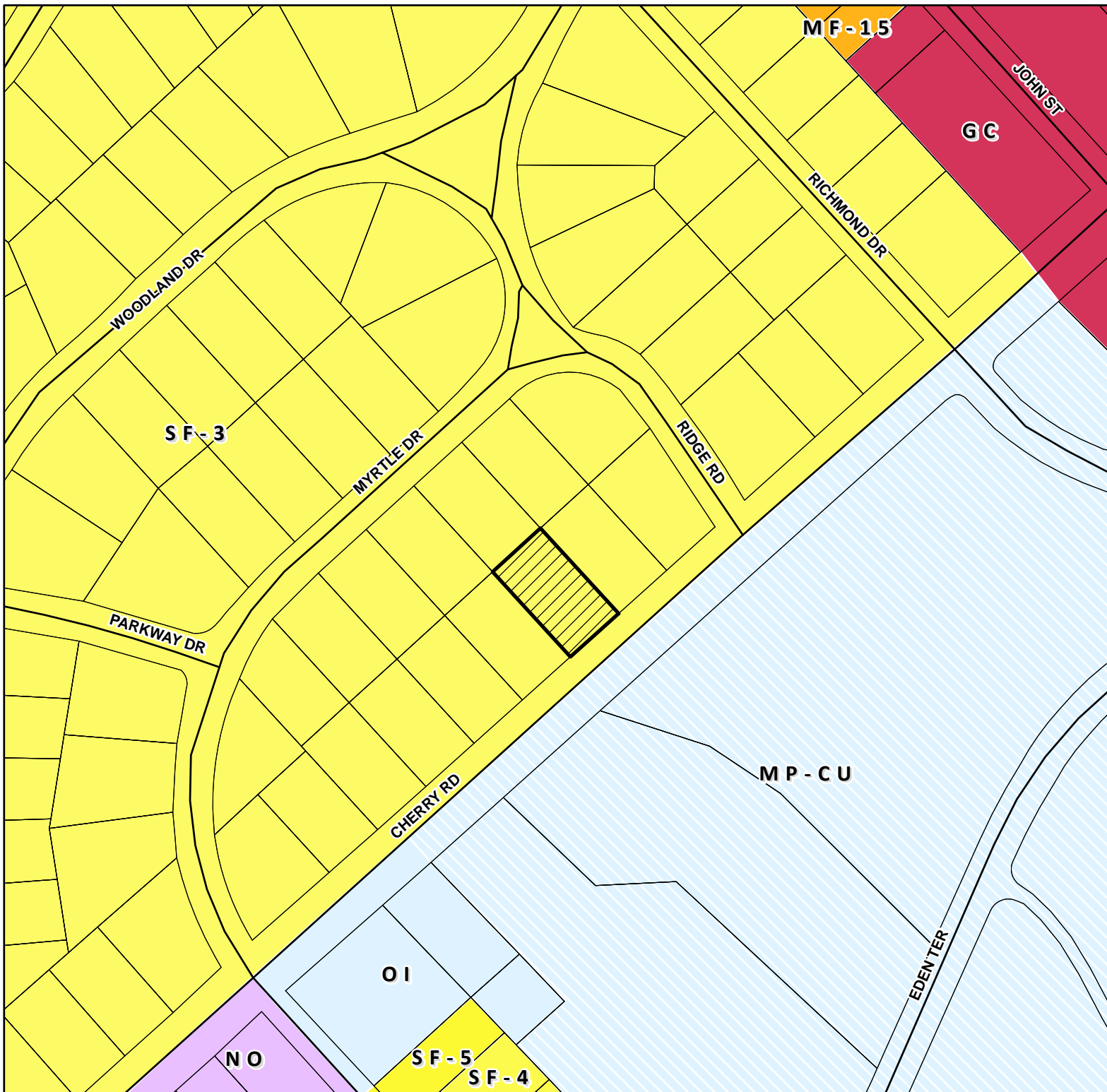
-  General Commercial (GC)
-  Multi-Family 15 (MF-15)
-  Neighborhood Office (NO)
-  Office and Institutional (OI)
-  Master Planned College University (MP-CU)
-  Single-Family 3 (SF-3)
-  Single-Family 4 (SF-4)
-  Single-Family 5 (SF-5)

Zoning Data

**Current Zoning
SF-3**



Planning & Development
Department
City of Rock Hill
03/16/21



Z-2021-09

Requests: Variance from the minimum lot width standards in the Single Family-5 (SF-5) zoning district

Address: 133, 147, & 151 Westerwood Drive

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

Applicant: Quinn Smith
6121 Charlotte Hwy.
York, SC 29745

Owner: Teresa B. Alexander
P.O. Box 37328
Rock Hill, SC 29730





Request: Variance from the minimum lot width standards in the Single Family-5 (SF-5) zoning district

Address: 133, 147, & 151 Westerwood Drive

Tax Map No.: 596-04-05-002, -003 & -008

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

Applicant: Quinn Smith
6121 Charlotte Hwy.
York, SC 29745

Property Owner: Teresa B. Alexander
P.O. Box 37328
Rock Hill, SC 29730

Background

The subject area currently includes three vacant, wooded lots. Two of the lots are landlocked and the other lot has frontage along Westerwood Drive. The applicant, Quinn Smith, would like to recombine the lots into just two, with both of them having frontage along Westerwood Drive. Mr. Smith would like to do this in order to build a single-family home onto each lot.

The required lot width in the Single-Family 5 (SF-5) zoning district is 60 feet (measured at the building setback line, which in this case is 20 feet).

The proposed lot width measurement for one lot is 53.09 feet, and for the other, 51.86 feet. Therefore, the applicant is requesting a 6.91-foot lot width variance, and an 8.14-foot lot width variance, respectively.

It is important to note that staff does have the ability to make minor adjustments to dimensional standards such as to minimum required setbacks, lot widths, etc. In this case, a 10% adjustment is available, but that would only provide relief of 6 feet for each lot, which is not enough.

TABLE OF DIMENSIONAL STANDARDS FOR RESIDENTIAL DISTRICTS						
USE	MIN. LOT AREA (SQ FT)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE	
					MAX HT (FT)	REQUIRED SETBACKS (FT)
Single-Family 5 (SF-5)						
Single-family detached	7,500	60; 50 if lot was legally platted before March 1, 2006, as long as lot area ≥5,000 sf.	75%	N/A	35	<p>15 15 6 6 Front 15 (but at least 20 for garage area)</p>

Site Description

The property is located on Westerwood Drive between Constitution Boulevard and Ebenezer Avenue. The property is bound to the east by the Norfolk Southern Railway, to the west by other single-family homes, and to the south by a self-storage facility. Across the railway, and onto Ebenezer Avenue, the nearby uses begin to transition to office and institutional.

Description of Intent for the 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

Analysis of Requests for Variance

Required Findings of Fact

Staff will base its recommendation on an analysis of the below findings. The Zoning Board of Appeals may approve a variance only upon finding that the applicant has demonstrated that **all four** of the below findings are met.

The required findings are shown below in italics, followed by staff's assessment of each finding in non-italicized font.

1. *Extraordinary and Exceptional Conditions*

There are extraordinary and exceptional conditions pertaining to the particular piece of land.

The current lot configuration would allow only one house to be built, with the other land being landlocked and undevelopable.

2. *Unique Conditions*

These conditions do not generally apply to other property in the vicinity.

While there are at least three properties along this stretch of Westerwood Drive that remain undeveloped, they do not have the same conditions as the subject lots, as they both have frontage on Westerwood Drive and could have homes built on them. (The Zoning Ordinance allows non-conforming lots to be developed in residential zoning districts, provided that the lots are at least 5,000 square feet in area and have at least 50 feet of lot width, which these other lots do.)

3. *Strict Application Deprives Use*

Because of the conditions, the application of this Ordinance to the land would effectively prohibit or unreasonably restrict the utilization of the land.

If the variance were not granted, the applicant would still be able to build one house; however, the subject area is rather large at nearly 4 acres, and so the building of one house could be seen as an underutilization of the property. In addition, the fact that two of the lots lack road frontage prevents the property from being developed to a fuller potential.

4. *Not Detrimental*

The authorization of the Variance Permit will not result in substantial detriment to adjacent land, or to the public good, and the character of the district will not be harmed by the granting of the variance.

If the variance is granted, the use of the property would be the same as most of the surroundings uses, which are residential.

However, staff has received feedback from two nearby neighbors, with one expressing concerns regarding increased storm water runoff and the other questioning the proposed size of the homes.

The neighbor concerned with water runoff stated that the two homes built on the lots adjacent to the subject area have caused increased water runoff onto his property since being built in 2017. The City's stormwater engineer has looked at the situation, and believes that the new homes proposed by the applicant would not create any runoff issues onto adjacent properties. If the variances are approved, the applicant must undergo a site plan review before building permits for the two houses could be issued, and potential infrastructure issues would be required to be addressed at that time.

In response to the concern surrounding the size of the homes, the proposed homes would be approximately 1,700 square feet, which would be in keeping with the size of homes in the neighborhood. The Zoning Ordinance requires single-family residences to be have at least 850 square feet of heated floor area when they have two or fewer bedrooms, and 1,000 square feet when there are three or more bedrooms.

Not Grounds for Variance

Variance requests cannot be based on the ability of the land to be used more profitably if the requests are granted. In this case, the granting of the variance request would allow the property to be used for a single-family residence, which is not a use that is expected to generate profit.

Public Input

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

- February 26: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- February 26: Posted public hearing signs on subject property.
- February 26: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff was contacted by four neighboring property owners. Two neighbors requested more information, while the other two neighbors voiced the concerns explained above.

Staff Recommendation

Staff was able to make all of the findings in this instance and so recommends approval of the variance request.

Finding No. 1: The current lot configuration only allows for one house to be built, as the other two lots have no frontage and therefore are landlocked and undevelopable.

Finding No. 2: There are other undeveloped lots in the general vicinity of the subject area, but the Zoning Ordinance allows them to be developed because they are existing, have at least 50 feet of lot width, and are at least 5,000 square feet in area.

Finding No. 3: If the variance were not granted, the applicant would still be able to build one house; however, the subject area is rather large at nearly 4 acres, and so the building

of one house could be seen as an underutilization of the property. In addition, two of the lots lack road frontage, which prevents the property from being developed to a fuller potential.

Finding No. 4: If the variance is granted, the use of the property would be the same as the majority of the surroundings uses in the neighborhood, which are residential. Staff does not have any concerns regarding stormwater, and the size of the homes would be required to meet the City's standards.

Attachments

- Application and supporting materials
 - Proposed recombination plat/site plan
 - Zoning map
-

Staff Contact:

Shana Marshburn, Planner I

803.326.2456

shana.marshburn@cityofrockhill.com

VARIANCE APPLICATION

Plan Tracking # 20210306 Date Received: 2/15/2021 Case # Z- 2021-09

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: 133 Westwood Dr, Rock Hill, SC 29732

Tax parcel number of subject property: 596.0405003

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
Quinn Smith	6121 Charlotte Hwy York, SC 29745	803-810-4744	qsmith@g.clemson.edu

Are you the owner of the subject property? Yes ___ No (X)

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) Land Developer

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: Quinn Smith Date: 2/11/2021

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

Name of property owner: Alexander Realty & Construction LLC
 If property owner is an organization/corporation, name of person authorized to represent its property interest:
Michael Alexander
 I certify that the person listed in the person listed above has my permission to represent this property in this application.
 Signature: Michael Alexander Date: 2/18/2021
 Preferred phone number: 803-487-3271 Email address: rhomebuilder@yahoo.com
 Mailing address: 1935 Abby Ln, York, SC 29745

INFORMATION ABOUT REQUEST

General description of your request

We are requesting a lot width variance regarding the 15ft setback requirement. In SF-5 zoning, you must have 60ft lot width at the 15ft setback. The city can adjust up to 10%. To subdivide the property into two lots, you need 108ft of width at the 15ft setback. This tract has roughly 106ft at the setback. We are asking for a lot width variance to make up for being short a few feet.

Findings of fact

Under state law, in order to grant a variance, the Zoning Board of Appeals must find that all four of the following statements are true about your request. Please explain why you believe your request is true regarding these four statements.

1. Your land has extraordinary and exceptional conditions that pertain to it.

The shape/configuration of the property limits the opportunity of the tract. The limited lot width substantially penalizes the use of the total acreage. Because there is only one access point to the property, lot width is essential in the use of this land.

2. Other property in the vicinity of your land does not generally have those same extraordinary and exceptional conditions.

Lots surrounding this land do not have any limiting factors regarding lot width. The surrounding lots have traditional lot shapes. Their access points do not open to larger acreage. The surrounding lots do not have the majority of their acreage tucked behind one access point.

3. If the City applied its regular zoning requirements to your property, your use of the land would be unreasonably restricted or effectively prohibited.

The current ordinance prohibits the ability to subdivide this property into two lots. Under current ordinances, being a few feet short regarding lot width would completely eliminate the ability to create two lots. Under current conditions, you would not be able to build two homes across the total acreage with small driveways accessing off Westwood Dr.

4. If the Zoning Board of Appeals grants the variance request, it will not harm adjacent land or the public good.

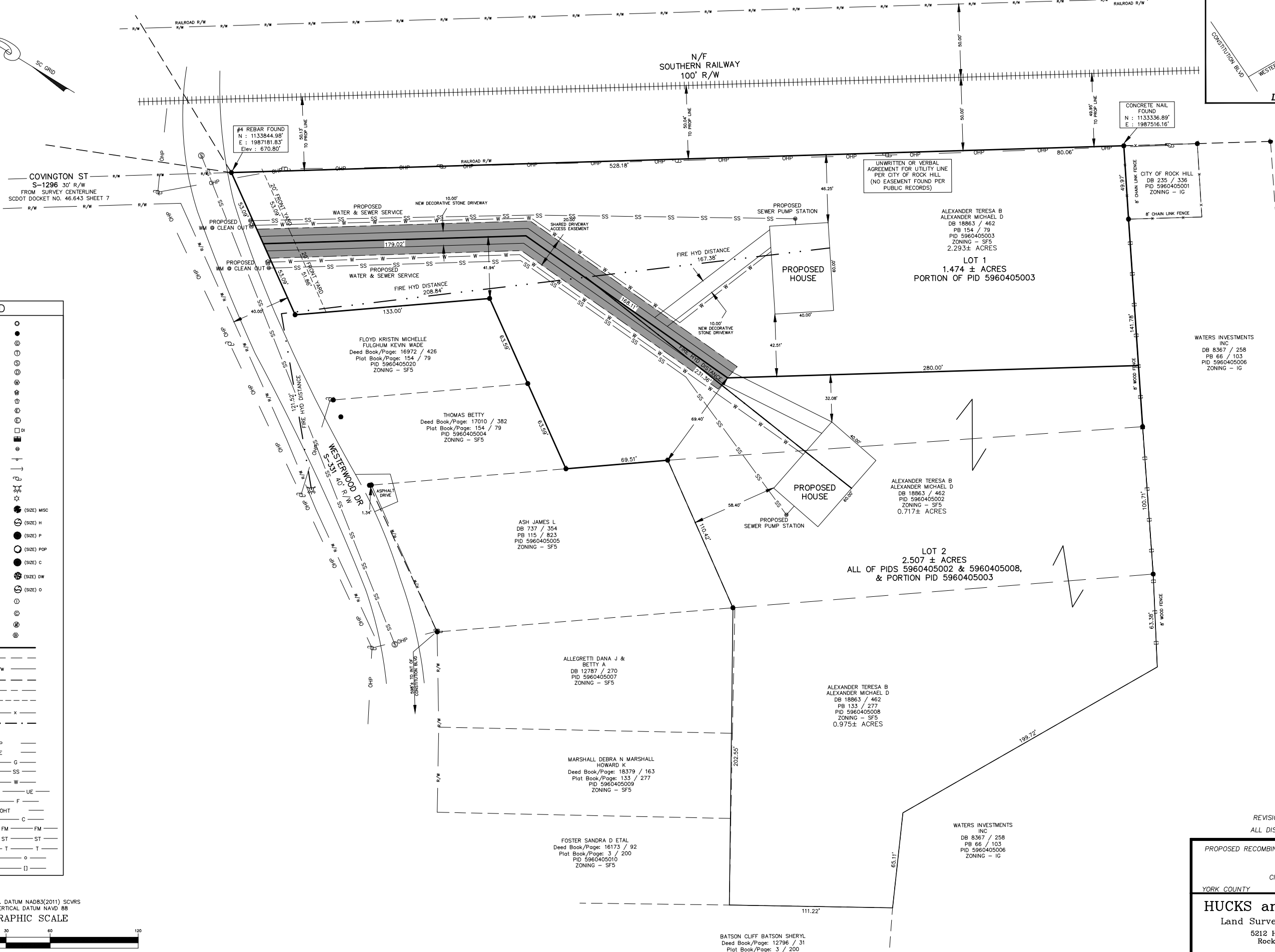
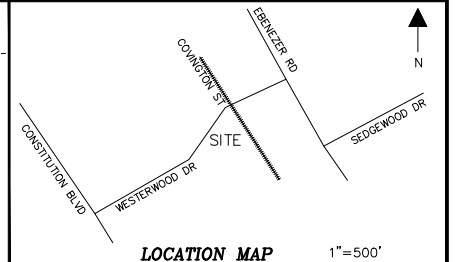
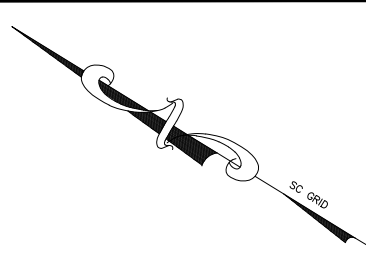
We plan to build two 1,400-1,700 sqft single family detached homes. The homes will be set back far off the road. We plan to keep as much vegetation as possible to protect the privacy of existing homeowners. All we would like to do is build two homes very similar in size to others homes on that street, set back in the woods on this large acreage tract.

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.

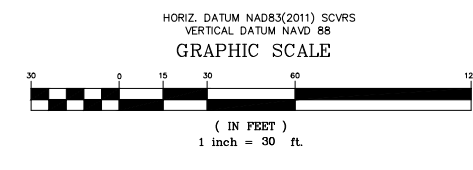
Site plan (preliminary plat)

Photos of the area of the property that is the subject of the request



LEGEND

PROPERTY CORNER	○
IRON PIN SET (#4 REBAR)	⊙
GAS VALVE	⊕
TELEPHONE MANHOLE	⊕
SANITARY SEWER MANHOLE	⊕
STORM SEWER MANHOLE	⊕
WATER VALVE	⊕
WATER METER	⊕
TELEPHONE PEDESTAL	⊕
ELECTRIC PEDESTAL	⊕
ELECTRIC MANHOLE	⊕
DROP INLET	⊕
CATCH BASIN	⊕
CLEAN OUT	⊕
SIGN	⊕
GUY POLE	⊕
POWER POLE	⊕
FIRE HYDRANT	⊕
LIGHT POLE	⊕
MISCELLANEOUS TREE	⊕ (SIZE) MSC
HICKORY TREE	⊕ (SIZE) H
PINE TREE	⊕ (SIZE) P
POPLAR TREE	⊕ (SIZE) POP
CEDAR TREE	⊕ (SIZE) C
DOGWOOD TREE	⊕ (SIZE) DW
OAK TREE	⊕ (SIZE) O
IRRIGATION VALVE	⊕
CABLE PEDESTAL	⊕
ELECTRICAL TRANSFORMER	⊕
BLOW OFF VALVE	⊕
SURVEY LINE	---
ADJOINER LINE	---
RIGHT OF WAY LINE	R/W
TIE LINE	---
EASEMENT LINE	---
SETBACK LINE	---
FENCE LINE	x x
FLOOD LINE	---
CENTERLINE CREEK	---
OVERHEAD POWER	OHP
OVERHEAD ELECTRIC	OHE
GAS LINE	G G
SANITARY SEWER	SS SS
WATER LINE	W W
UNDERGROUND ELECTRIC	UE UE
UNDERGROUND FIBER	F F
OVERHEAD TELEPHONE	OHT
UNDERGROUND CABLE	C C
UNDERGROUND FORCE MAIN	FM FM
UNDERGROUND STORM PIPE	ST ST
UNDERGROUND TELEPHONE	T T
FENCE LINE SPLIT RAIL	o o
FENCE LINE WOOD	[]



REVISION: 3-5-21 PER ROCK HILL COMMENTS.
ALL DISTANCES ARE PLUS OR MINUS.

PROPOSED RECOMBINATION AND SUBDIVISION SURVEY FOR

QUINN SMITH
CITY OF ROCK HILL
YORK COUNTY SOUTH CAROLINA

HUCKS and ASSOCIATES, PC.
Land Surveyors and Land Planners
5212 Hampton Ridge Road
Rock Hill, SC 29732

803-366-4677 803-366-4128

SCALE: 1" = 30'	DATE: FEB. 11, 2021	FILE NO: 17092	CHK BY: TWH
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Marshburn, Shana

From: Marshburn, Shana
Sent: Wednesday, March 3, 2021 4:25 PM
To: Jay Allegretti
Subject: RE: Z-2021-09
Attachments: Rock Hill Property Preliminary Plat Proposed House Sites.pdf

Mr. Allegretti:

The site plan that has been submitted to us is attached. Please note that staff has provided the applicant with comments regarding this plan, and anticipates that it will be updated to reflect those comments fairly soon. In the meantime, I will reach out to Housing & Neighborhood Services regarding the condition of the property at 145 Westerwood Drive. I hope that this helps. Please let me know if you have any questions. Thanks.

Shana Marshburn

Planner I
Planning & Development
City of Rock Hill
P.O. Box 11706
155 Johnston Street (29730)
Rock Hill, South Carolina 29731-1706
o: 803-326-2456

Shana.Marshburn@cityofrockhill.com

www.cityofrockhill.com

From: Jay Allegretti <djay1705@yahoo.com>
Sent: Tuesday, March 2, 2021 7:17 PM
To: Marshburn, Shana <Shana.Marshburn@cityofrockhill.com>
Subject: Z-2021-09

Hello My name is Dana J Allegretti.

I received a notice regarding Z-2021-09. I own the home at 149 Westerwood Dr. . Since the proposed subdivision would be "in my back yard." I would like some more info.


I see that the applicant is asking for a variance in regards to a set back restriction. As to the lots, where is the applicant asking for the variance? Is there a proposed plot plan regarding how this subdivision will be laid out? I would like to see the proposed subdivision, and how the access road and the houses will be arranged. Is it possible to stop by your office and see the proposal? If there are Covid restrictions, I would understand.

Thank you.

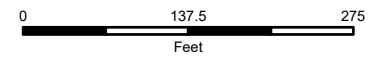
Dana J Allegretti 704-644-9155



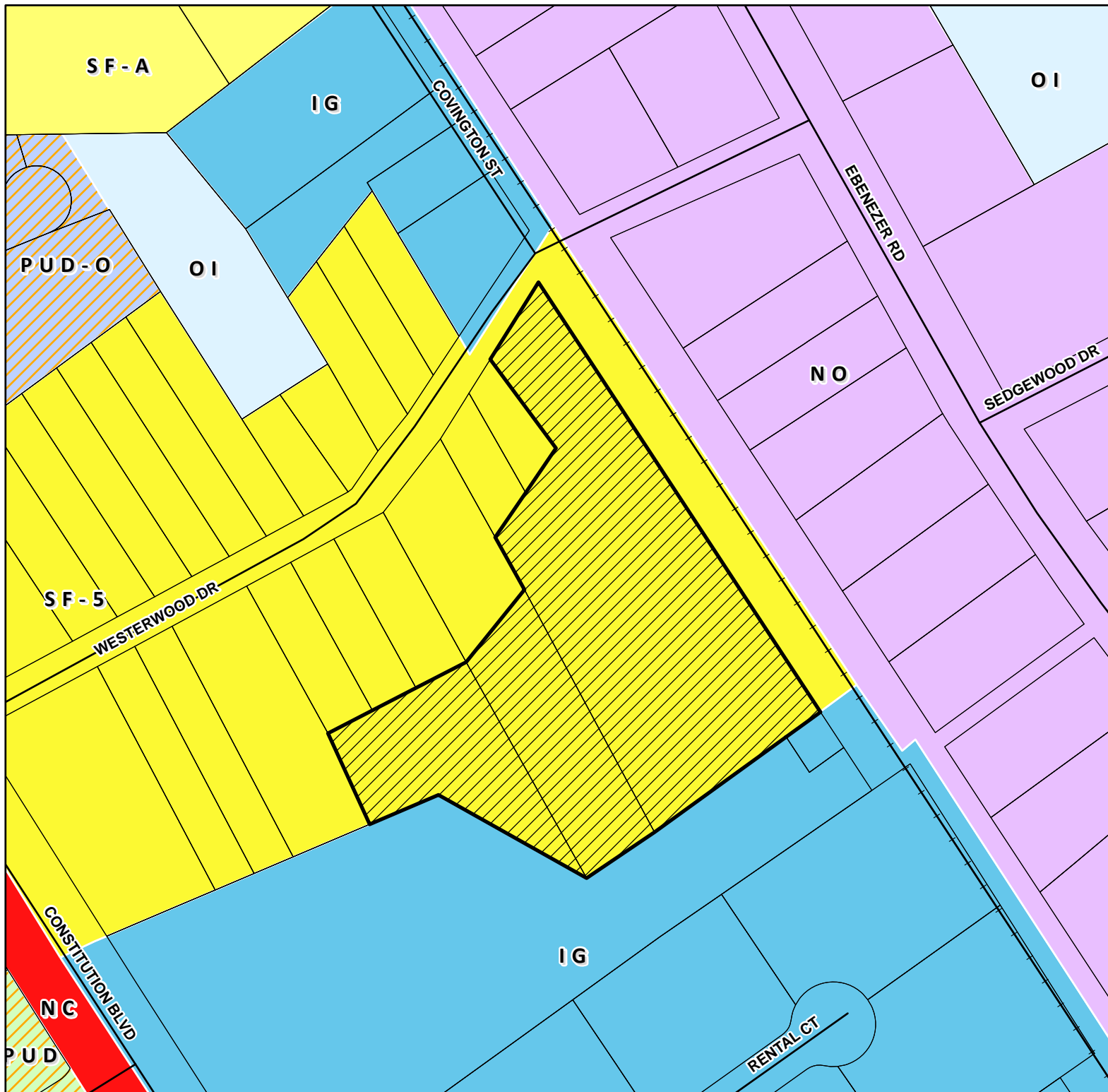
Z-2021-09

-  Subject Property
- Zoning Districts**
-  SF-A
-  Industry General (IG)
-  Neighborhood Commercial (NC)
-  Neighborhood Office (NO)
-  Office and Institutional (OI)
-  Planned Unit Development (PUD)
-  Planned Unit Development Office (PUD-O)
-  Single-Family 5 (SF-5)

Zoning Data
Current Zoning
SF-5



Planning & Development
Department
City of Rock Hill
03/16/21



Z-2021-10

Requests: Variance from the side & rear buffer yards, and setback for order window.

Address: 2027 Celanese Road

Zoning District: Limited Commercial (LC)

Applicant: Hibco Services LLC

Owner: John B Reeves Jr D.M.D.





Request: Variance from the side and rear buffer yard standards and setback for an order window.

Address: 2027 Celanese Road

Tax Map No.: 634-11-06-003

Zoning District: Limited Commercial (LC)

Applicant: Hibco Services, LLC
510 N Polar Street, Unit B
Charlotte, NC 28202

Property Owner: John B. Reeves, Jr., D.M.D.
1692 Huntmoor Drive
Rock Hill, SC 29732

Background

City Council approved the annexation and rezoning of this property to Limited Commercial (LC) on March 8, 2021. The applicant intends to build a small drive-through coffee shop on the property. That use is considered a specialty eating establishment, which is a conditional use in the LC zoning district, meaning that it would be allowed at a staff level if the associated use-specific standards can be met.

The proposed building would be one story and approximately 622 square feet in size.

Variance Requests

Reduction in Required Setback for Order Window

One of the use-specific standards for uses with a drive-through is a 100-foot setback from the order box and order window to residential uses. This setback would apply to both the vacant home to the east, and the single-family homes to the south.

The proposed site plan shows the order window located approximately 93 feet from the residential property line to the south (variance of 7 feet), and 25 feet from the residential property line to the east (variance of 75 feet).

Reduction in Buffer Yards

The required buffer yard from the detached residential uses to the commercial use is 40 feet (or 30 feet with installation of a 6-foot-tall solid fence). This applies to both the south and east property lines, which are adjacent to single-family homes. Given the small lot size, the applicant is proposing a 10-foot buffer width along both the south and east property lines, with a 6-foot-tall solid fence along the south property line. Each buffer would include vegetation which will also help mitigate visual and noise impacts.

Site Description

The subject property is currently undeveloped. It is located along the south side Celanese Road between Madison Street and Monterey Drive. Surrounding uses include a commercial shopping center to the west, a vacant single-family home to the east, and single-family residences to the south. The properties along Celanese Road, including the vacant home, are zoned for commercial uses, while properties to the south are zoned for residential uses.

Description of the Limited Commercial (LC) Zoning District

The LC district is established as a mid-level intensity commercial district that allows a wider range of non-residential uses at increasing intensities than the NC district. The uses allowed in this district include a wide range of general retail, business, and service uses, as well as professional and business offices as allowed in the NC district. Uses in this district are intended to serve groups of neighborhoods instead of individual neighborhoods.

Analysis of Requests for Variance

Required Findings of Fact

Staff will base its recommendation on an analysis of the below findings. The Zoning Board of Appeals may approve a variance only upon finding that the applicant has demonstrated that **all four** of the below findings are met.

The required findings are shown below in italics, followed by staff's assessment of each finding in non-italicized font.

1. *Extraordinary and Exceptional Conditions*

There are extraordinary and exceptional conditions pertaining to the particular piece of land.

The property is a former single-family home lot, which is narrow in both depth and width compared to other commercial lots in the area. For example, the adjacent commercial retail strip center is more than three times the size of the subject property.

2. *Unique Conditions*

These conditions do not generally apply to other property in the vicinity.

Although other small lots exist in the area, many former single-family home lots along Celanese are much deeper and could provide a greater buffer from uses to the rear. In addition, this property has single-family homes on two sides, which is unique to this property and not generally found on other properties surrounding this site.

3. Strict Application Deprives Use

Because of the conditions, the application of this Ordinance to the land would effectively prohibit or unreasonably restrict the utilization of the land.

Given the small existing site size, redevelopment of the property to any commercial use will likely require variances to the rear and side buffer yards. Because the property is located on a busy commercial thoroughfare, commercial uses are more likely to want to locate here, rather than residential.

4. Not Detrimental

The authorization of the Variance Permit will not result in substantial detriment to adjacent land, or to the public good, and the character of the district will not be harmed by the granting of the variance.

The site plan that shows the building pushed close to Celanese Road, which, along with the installation of a 6-foot-tall solid fence within the rear buffer yard, should help mitigate any potential impacts to the residential uses to the south. There is also a high probability that the vacant single-family home to the east could be redeveloped or reused for a commercial use in the future.

Commercial uses currently exist on most of the properties along Celanese Road surrounding this property, and it is expected that any vacant property would develop for commercial uses. Given the small building proposed, and limited uses that could locate here, the proposed use should not be detrimental to the surrounding area.

Additionally, staff has not heard from any residents or others with concerns about the proposal.

Not Grounds for Variance

Variance requests cannot be based on the ability of the land to be used more profitably if the requests are granted.

In this case, the property is already zoned for commercial uses. The request to reduce the buffer yards and setback from the order window, allows the site to be laid out in a more appropriate way. Allowing the building to address the street and creating better vehicle circulation within the site.

Public Input

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

- Feb 26: Sent public hearing notification postcards to property owners within 300 feet of the subject property.
- Feb 26: Posted public hearing signs on subject property.
- Feb 26: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

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

Staff Recommendation

Staff was able to make all of the findings in this instance and so recommends approval of the variance request.

Finding No. 1: The property is a former single-family home lot, which is narrow in both depth and width compared to other commercial lots in the area.

Finding No. 2: Other commercial lots along Celanese are much deeper and could provide a greater buffer from uses to the rear. In addition, this property has single-family homes on two sides, which is unique to this property and not generally found on other properties surrounding this site.

Finding No. 3: Given the small existing site size, redevelopment of the property to any commercial use will likely require variances to the rear and side buffer yards.

Finding No. 4: Given the small building proposed, and limited uses that could locate here, the proposed use should not be detrimental to the surrounding area.

Attachments

- Application
 - Site plan
 - Conceptual renderings
 - Zoning map
-

Staff Contact:

Dennis Fields, Planner III

Dennis.Fields@cityofrockhill.com

803.329.5687

VARIANCE APPLICATION

Fact sheet for applicants

Primary staff contact: Melody Kearse, Zoning Coordinator
803-329-7088
melody.kearse@cityofrockhill.com

What is a variance?

Every use of property in the City of Rock Hill has certain requirements that go along with it in terms of the number of parking spaces needed, the distance a building must be placed from the property line and how tall it can be, and so forth. When the owner of a piece of property would like to use it for a certain use but, for some reason, cannot meet one of these associated standards, the owner can request a variance from the requirement from the Zoning Board of Appeals (ZBA) if the standard is one for which seeking a variance is an option. If the Zoning Board of Appeals grants the variance, the property no longer has to meet that particular requirement.

What types of zoning standards are eligible for the consideration of a request for a variance?

- Standards that can be measured (quantitative standards), such as dimensional standards or numbers of a certain requirement. Examples include height, setbacks, yard areas, lot coverage, parking spaces, number of trees required, etc.
- Locational standards, such as where on a property a building is allowed to be placed.
- Relative to signs, variance requests are allowed only for non-residential signs located in business zoning districts on the topics of sign face area size, height, or setbacks.
- Relative to the Airport Overlay District, variance requests are allowed only for height of structures or the planting of trees that would grow taller than the District allows.

When should I use this form?

Use this form if you would like to request a variance from the Zoning Board of Appeals. A meeting with City staff is required before you submit the form so that we can help you determine whether a variance request is actually needed and answer your questions about the process of applying for one when it is necessary. To schedule a pre-application meeting, please call Melody Kearse.

What is the cost?

The application fee is \$100 for a variance request on residential property and \$300 for a variance request on commercial property. Other information about fees includes the following:

- If you decide to withdraw the application before staff submits the legal advertisement for the public hearing on it, 50% of the fee is refundable; after that time, the fee is not refundable, whether you are successful in obtaining approval for the variance or not.
- If you are also requesting another type of request from the Zoning Board of Appeals during the same meeting, such as a special exception request, only one application fee is required.
- Lastly, be aware that if our review determines that a zoning or building permit is required, a fee may be required for that as well.

How can I submit this request?

- Send the form by e-mail to melody.kearse@cityofrockhill.com
- Mail the form to the Planning and Development Department at the address listed above, attention “Zoning Division.”
- Submit the form in person at the Planning and Development Department offices at City Hall (155 Johnston Street).

What happens after I submit this request?

Before the meeting: Staff will place your request on the agenda of the next eligible meeting of the Board of Zoning Appeals, which usually will take place about 30 days from when you submit the application. Generally, the meetings take place at 6 p.m. on the third Tuesday of the month in the Council Chambers at City Hall—be sure to ask staff for the exact day and time that your request will go to the Board.

Staff will give public notice about your request as required by state law and the Zoning Ordinance by placing a legal ad in the newspaper about the request, posting the property with a public hearing notice sign for 15 days, and sending out postcards about the request to property owners and tenants within 300 feet of the property.

Staff will provide a written report about the request to the Board members and will make the report available to the public through the City’s website. This report will contain an analysis about whether the request meets the elements that the Board is required by state law to consider (which are paraphrased in the questions you will answer in this application) as well as a recommendation from staff about whether to approve, approve with conditions, or not approve the request. The report also will include your application and supporting documents.

During the meeting: During the Zoning Board of Appeals’ meeting, staff will give a presentation about the request and answer any questions that the Board members may have about it. Then you will be given a chance to speak about why you are making the request and to explain why you believe it meets the required findings of fact. Members of the public also will be allowed to speak about the request, so it usually is a good idea if you speak with your neighbors about what you are trying to do before the meeting. At the conclusion of the public hearing, the Zoning Board will make a decision about whether to approve the application as requested, approve the application with conditions placed on it, or not approve the application. After that, there is a period of time after the ZBA meeting (usually approximately 60 days) when anyone may appeal the case to circuit court, so any work done during this time is at your own risk.

Please note: If the variance is approved, you may still need to obtain other types of permits, such as a building permit, before you can use the property as desired.

VARIANCE APPLICATION

Plan Tracking # _____ 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: 2027 Celanese Road, Rock Hill, SC 29732

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

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
Hibco Services, LLC	510 N. Polar Street, Unit B, Charlotte, NC 28202	(432) 238-7406	jonhibler@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) under contract to purchase

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: Jon Hibler Date: Feb 11, 2021

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

Name of property owner: John B. Reeves JR., D.M.D

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: John B. Reeves Date: 2-12-21

Preferred phone number: 803-517-2029 Email address: kjohnbreck@yahoo.com

Mailing address: 1692 Hunt Moor Dr Rock Hill SC 29732

INFORMATION ABOUT REQUEST

General description of your request

(1) Reduction of rear buffer yard from 30' to 10'

(2) Reduction of side buffer yard (west) from 10' to 0'

(3) Reduction of 100' setback from order window to for vacant home to the east

(4) Reduction of 100' setback from order window for single-family homes to the south

Findings of fact

Under state law, in order to grant a variance, the Zoning Board of Appeals must find that **all four** of the following statements are true about your request. Please explain why you believe your request is true regarding these four statements.

1. Your land has extraordinary and exceptional conditions that pertain to it.

The subject property is ±0.38 acres, ±100' wide, with a varying depth of ±140' to ±189'.

The parcel was originally subdivided for single family residential which was the use prior to the demolition of the home in the early 2000's.

2. Other property in the vicinity of your land does not generally have those same extraordinary and exceptional conditions.

Most properties of similar size in the vicinity are either still being used as single family residential, have been demolished and redeveloped, or have been converted to a commercial use.

3. If the City applied its regular zoning requirements to your property, your use of the land would be unreasonably restricted or effectively prohibited.

(1) 30' buffer would restrict the depth to a point that adequate vehicle stacking could not be achieved for the proposed use

(2) 10' buffer would restrict the width and would not allow the proposed improvements

(3) 100' buffer would restrict building location (order window)

(4) 100' buffer would encompass nearly the entire site

4. If the Zoning Board of Appeals grants the variance request, it will not harm adjacent land or the public good.

(1) There is an existing vegetative buffer that would remain in place with supplemental landscaping that would be installed with this development

(2) Plan would propose a cross access easement with shared drive and parking

(3) No order box proposed. Building proposed as far away from rear property as feasible. Additional landscaping should offset effect to adjacent properties.

(4) Current use is vacant. Restriction is in place since last use was residential. BZA approval would be needed for residential use since zoning is LC.

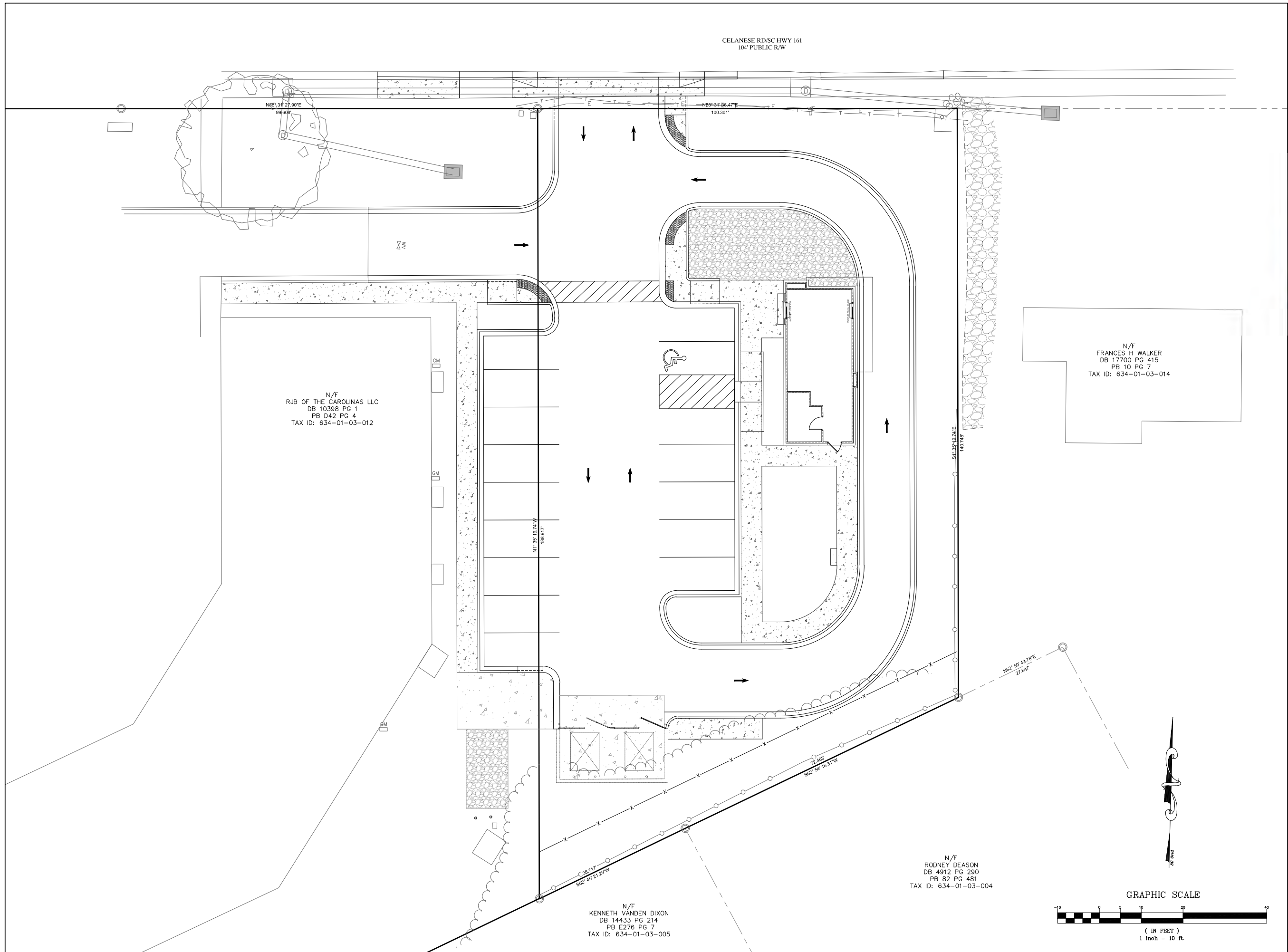
Exhibits

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 the area of the property that is the subject of the request





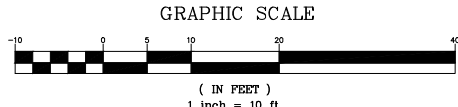
CELANESE RD/SC HWY 161
104' PUBLIC R/W

N/F
RJB OF THE CAROLINAS LLC
DB 10398 PG 1
PB D42 PG 4
TAX ID: 634-01-03-012

N/F
FRANCES H WALKER
DB 17700 PG 415
PB 10 PG 7
TAX ID: 634-01-03-014

N/F
RODNEY DEASON
DB 4912 PG 290
PB 82 PG 481
TAX ID: 634-01-03-004

N/F
KENNETH VANDEN DIXON
DB 14433 PG 214
PB E276 PG 7
TAX ID: 634-01-03-005



DATE	ISSUED FOR	REV



R. Joe Harris & Associates, Inc.
Engineering • Land Surveying • Planning
Management

www.rjoharris.com

This drawing shall not be used for construction purposes until the seal and signature of the responsible registrant appears on the drawing, and proper permit forms and related fees are transmitted by the Owner, Owner's Agent or Contractor to the Authority having jurisdiction.

FOR INFORMATION ONLY

Project Manager J. Murdock	Drawn By
Department Manager P. Murphy	Checked By
Print/Plot Date March 4, 2021	

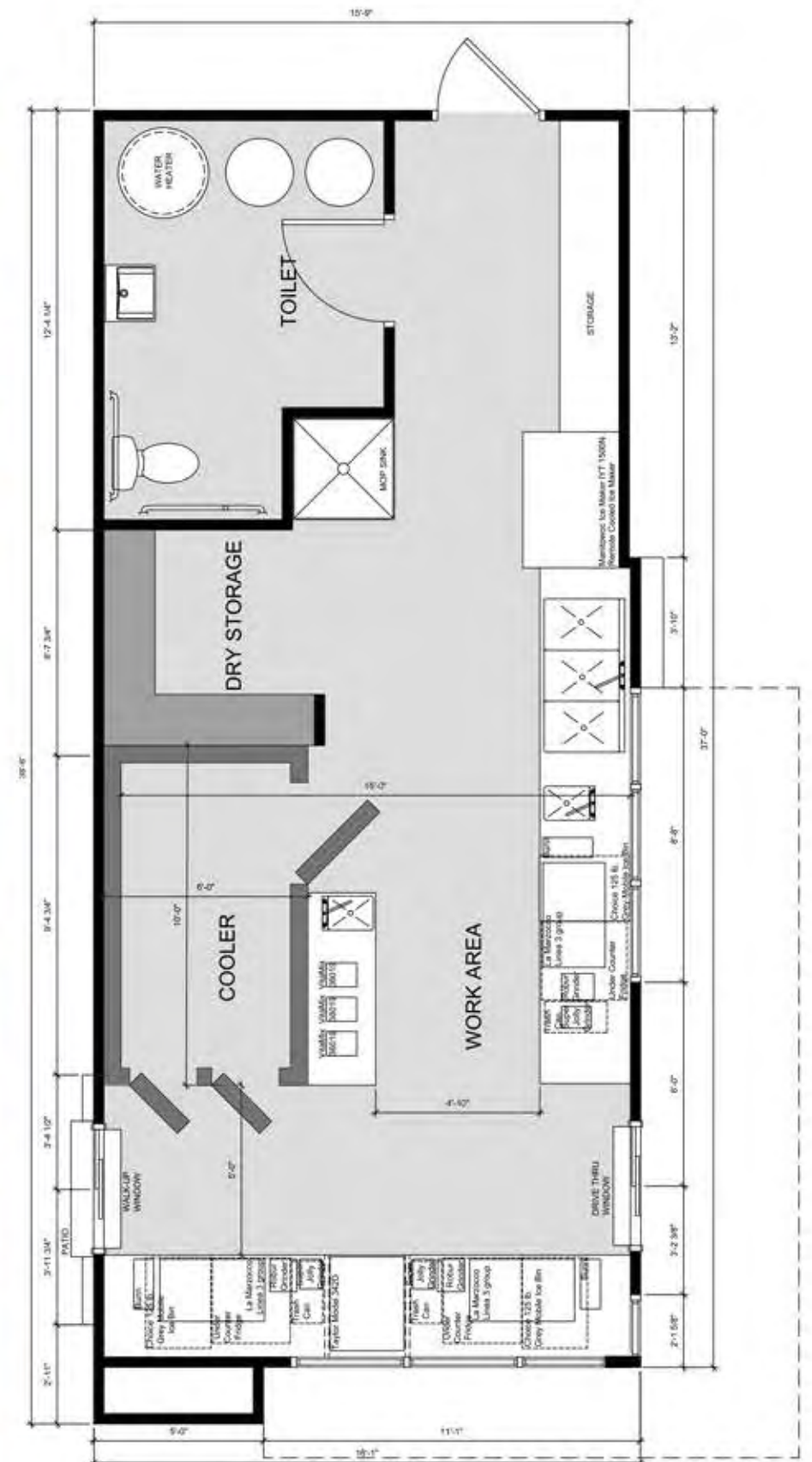
Asbuilt Drawn 	Asbuilt Date
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Client
HIBCO SERVICES, LLC
510 N. POPLAR ST, UNIT B
CHARLOTTE, NC 28202
P: (910) 799-3006

Project:
Clutch Coffee Bar

Drawing Title:
Site Plan

Project No. 4087	Drawing No. C1.00
DWG File Name: 4087 - Site	



REVISED FLOOR PLAN PER 2.3.2021 MEETING
 -SHORTENED BUILDING 3 FEET
 -REMOVED BUMP-OUT AND LARGE CANOPY ON DRIVE THROUGH SIDE
 - LOWERED PARAPET HEIGHT
 -ADDED COLUMN AT CORNER AND REMOVED CORNER WINDOW











CLUTCH COFFEE BAR
 ROCK HILL, SC
 2-5-2021

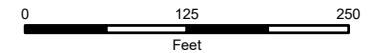




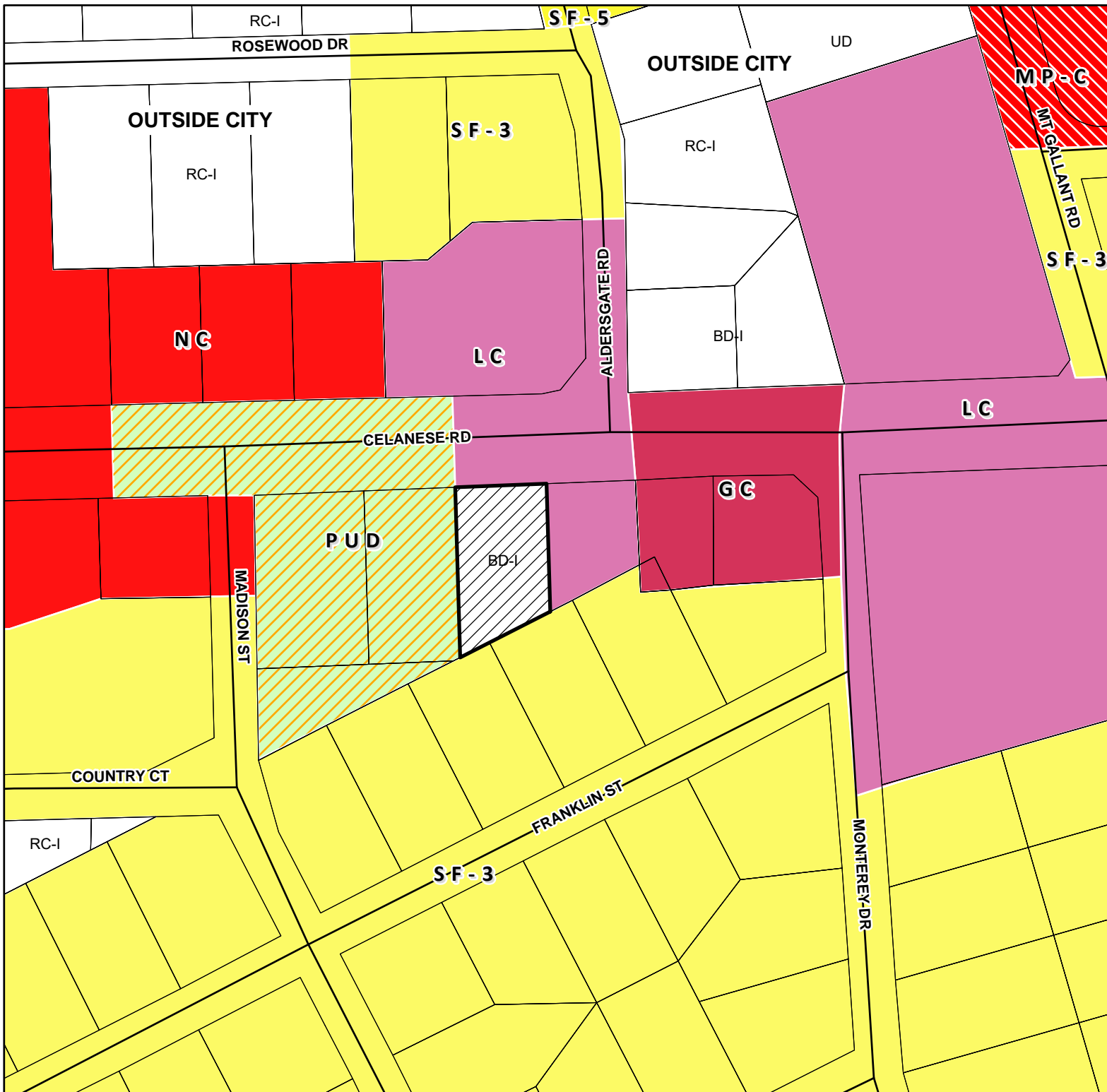
Z-2021-10

-  Subject Property
- Zoning Districts**
-  General Commercial (GC)
-  Limited Commercial (LC)
-  Neighborhood Commercial (NC)
-  Master Planned Commercial (MP-C)
-  Planned Unit Development (PUD)
-  Single-Family 3 (SF-3)
-  Single-Family 5 (SF-5)

Zoning Data
Current Zoning
LC



Planning & Development
Department
City of Rock Hill
03/16/21



Z-2021-11

Requests: Special Exception to establish a Recreational Vehicle and Trailer sales use

Address: 760 Riverview

Zoning District: General Commercial (GC)

Applicant: Dr. Jonathan Eric Setzer and Robert Lawson





Request: Special exception to establish a recreational vehicle and trailer sales use

Address: 760 Riverview Road

Tax Map No.: 662-07-01-064

Zoning District: General Commercial (GC)

Owner/Applicant: Setzer, LLC (Johnathan Setzer)
 Robert Larson
 760 Riverview Road
 Rock Hill, SC 29730

Background

In August 2020, the Zoning Board of Appeals approved a special exception for an automobile sales use at 760 Riverview Road. The applicant, Dr. Johnathan Setzer, is now seeking a new special exception to sell a small number of recreational vehicles and trailers at the site. Recreational vehicle and trailer sales is a different use type, and therefore requires a new special exception.

The property also has Dr. Setzer’s animal hospital within the main building. The automobile and RV sales use would use a small office within the main building, which has an exterior door that oversees the parking area to the north.

The property is zoned General Commercial (GC), which allows recreational vehicle and trailer sales uses only through special exception approval by the Zoning Board of Appeals.

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"> <thead> <tr> <th colspan="7">RESIDENTIAL</th> <th colspan="7">BUSINESS</th> </tr> <tr> <th>SF-2</th> <th>SF-3</th> <th>SF-4</th> <th>SF-5</th> <th>SF-8</th> <th>SF-A</th> <th>MFR</th> <th>MF-15</th> <th>MX</th> <th>NO</th> <th>NC</th> <th>OI</th> <th>LC</th> <th>GC</th> <th>CC</th> <th>CI</th> <th>DTWN</th> <th>MUC</th> <th>IB</th> <th>IG</th> <th>IH</th> </tr> </thead> <tbody> <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>S</td> <td>C</td> <td>C</td> <td></td> <td></td> <td></td> <td></td> <td></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						
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Definition of proposed use	Recreational vehicle/travel trailer rental and sales: Uses that offer recreational vehicles (RVs), travel trailers, and other similar products for sale, lease, or rental.																																																																						

Site Description

The site is located between Riverview Road and Interstate 77, north of Eden Terrace. The property is surrounded by other automobile uses, such as recreational vehicle sales to the north and automobile repair uses to the west. A vacant restaurant building also is located across Riverview Road to the west, and undeveloped property is located to the south.

Description of Intent for Zoning District

General Commercial (GC): 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 the GC district be phased out over time by not allowing new rezoning 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 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.*

4.3.3.3.17(B). Automobile Rental; Commercial Truck or Equipment Rental or Sales; Recreational Vehicle Rental or Sales.

These uses must follow use-specific standards Nos. 1-4 and 7 of the automobile sales uses. They also must follow use-specific standard No. 5 for automobile sales, except that the parking spaces must be sized according to the parking standards of Chapter 8: Development Standards.

1. ***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.

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

None are proposed.

3. ***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.

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

The business would not test drive vehicles on residential streets.

- 5. 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.*

A site plan has been provided showing an area in the rear portion of the lot where the recreational vehicles and trailers would be stored. All inventory vehicles/trailers would be required to be parked in the striped spaces.

Given the current striping on this portion of the lot, staff has added a suggested condition of approval that no more than 10 recreational vehicles or trailer units combined can be stored on the property at any time.

- 7. 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 recently adopted 2030 Comprehensive Plan. The site is listed in the Community Commercial subarea of the Comprehensive Plan, which is intended to provide a mix of retail uses that serves several neighborhoods. Stand-alone commercial buildings and commercial retail centers are expected.

Changes are expected to the area with a planned road project that will help make the area more pedestrian-friendly, and the Panthers training facility project should bring many new businesses to the area, including several corporate headquarters. The existing auto dealership adding RVs and trailers could fit with this vision if the number is limited, and the owner maintains a clean, attractive site. The aesthetics of the use is particularly important given the visibility of the site from I-77 and one of the main entrances that would feed into the Panthers project.

- *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 site is within a mostly automobile-dominated part of Riverview Road with a variety of automobile-dominated uses nearby, including automobile repair, ATV sales and other automobile sales uses.

While the applicant has not indicated that this is in his plans, staff believes that as property values in the area increase, this site is likely to be subdivided, with the automobile sales/RV sales area redeveloping into a different use one day. Adding RV and trailer sales to the existing auto sales use would not hinder the future redevelopment of this property.

- *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.*

A site plan has been provided showing the existing parking lot, which includes landscaping and customer parking areas.

- 8. 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.*

While several other automobile uses exist in the area today, and staff has not heard concerns from any adjacent neighbors about the proposed use, the long-term compatibility of the use only makes sense for the vision of the area if the automobile/RV sales lot is kept clean and attractive, and does not become a nuisance to the City from a code enforcement standpoint, as several other automobile sales uses have been.

- 9. 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 site is fully developed and landscaped. In addition, the RV parking is to the rear of the site, where it will have the least visual impact from the street.

- 10. 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 site is fully developed, and no improvements are proposed.

11. 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 Riverview Road, which would support traffic from this type of use without any upgrades.

12. 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.*

As 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.

13. 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.

14. 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:

- Feb 26: Sent public hearing notification postcards to property owners within 300 feet of the subject property.
- Feb 26: Posted public hearing signs on subject property.
- Feb 26: 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 already been approved on the property, and as long as the site is kept clean and attractive, adding the RV and trailer sales use on the property should be reasonably compatible with the long-term vision for the area. Because the use would take place in the existing parking lot and building, it also would not hinder any future development on the site that staff believes is likely to occur one day, given this corridor's role in feeding into one of the entrances to the Panthers project.
- The site plan shows how it will meet the use will meet the City's development standards. Additionally, the RV and trailer inventory will be located to the rear of the site, which minimizes the visual impact from the street.

However, staff recommends the following conditions of approval:

1. No more than 10 recreational vehicles or trailers combined can be stored on the property at any time.

Attachments

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

Staff Contact:

Dennis Fields, Planner III

Dennis.Fields@cityofrockhill.com

803.329.5687

SPECIAL EXCEPTION APPLICATION

Plan Tracking # _____ 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: 760 Rivernew Road, Rock Hill, SC 29730

Tax parcel number of subject property: 662-07-01-064

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: _____

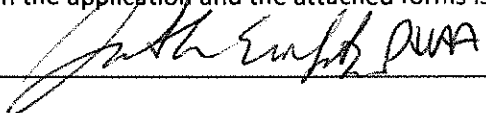
APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
Jonathan Ertz Setzer	770 Rivernew Road Rock Hill SC 29730	803-230-4965	Setzer six pack@aol.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:  Date: 2/10/2021

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?

Recreational Vehicle Sales and Utility trailers

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.)

IF I AM asked to park the RV's or utility trailers in a specific location I will do that. Any other use-specific standards I will meet upon request.

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

All surrounding areas are commercial and the lot that I am proposing selling them out of is already zoned for car sales.

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

I will be parking the RV's for sale close to the back of the lot.

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

None

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

None

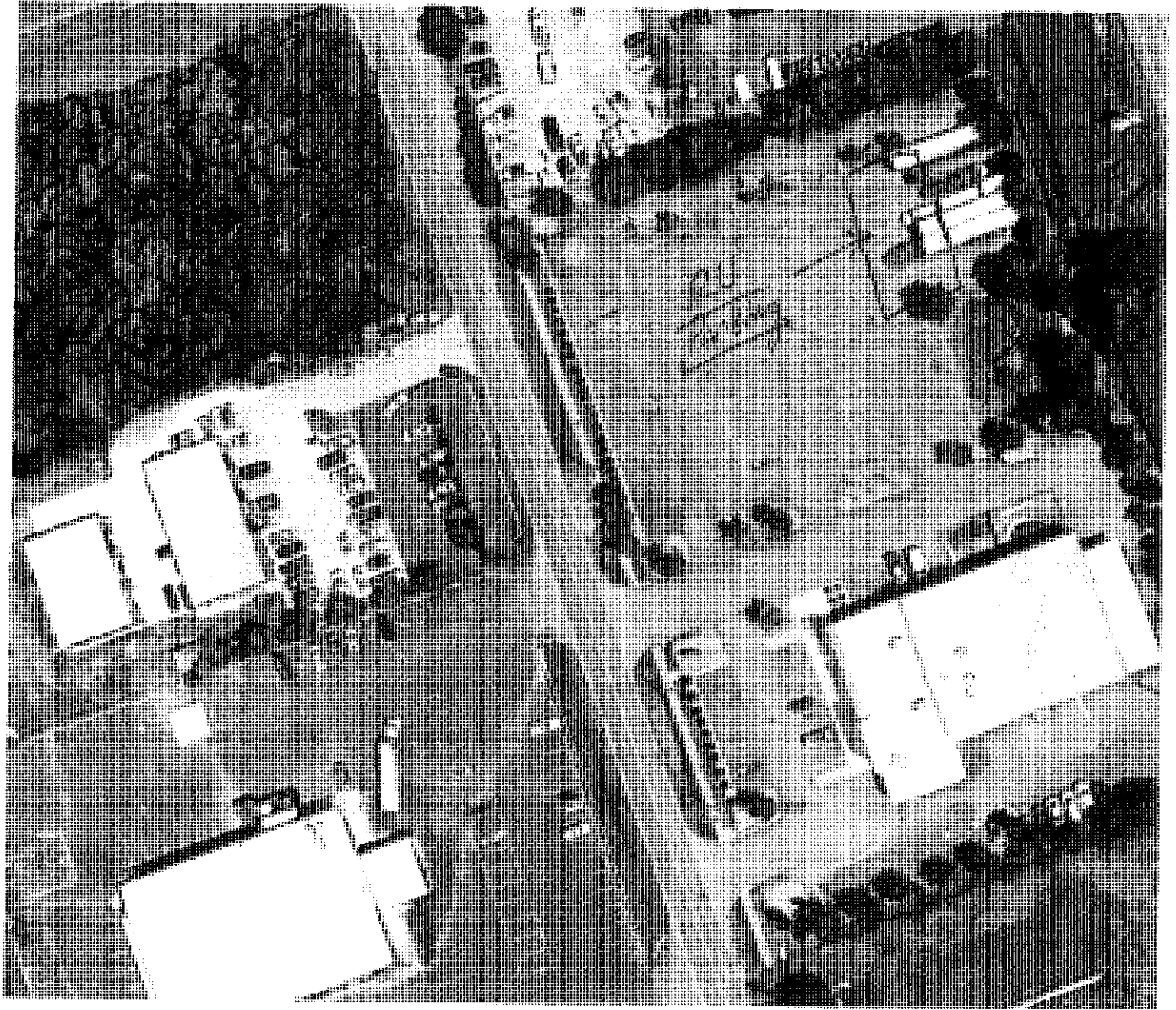
6. How would the use impact the ability of neighboring land owners to use their properties in a way that is allowed under the Zoning Ordinance, and their property values?

None

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



100%

Camera: 449 m 34°58'03"N 80°59'09"W 199 m



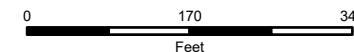
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Subject Property

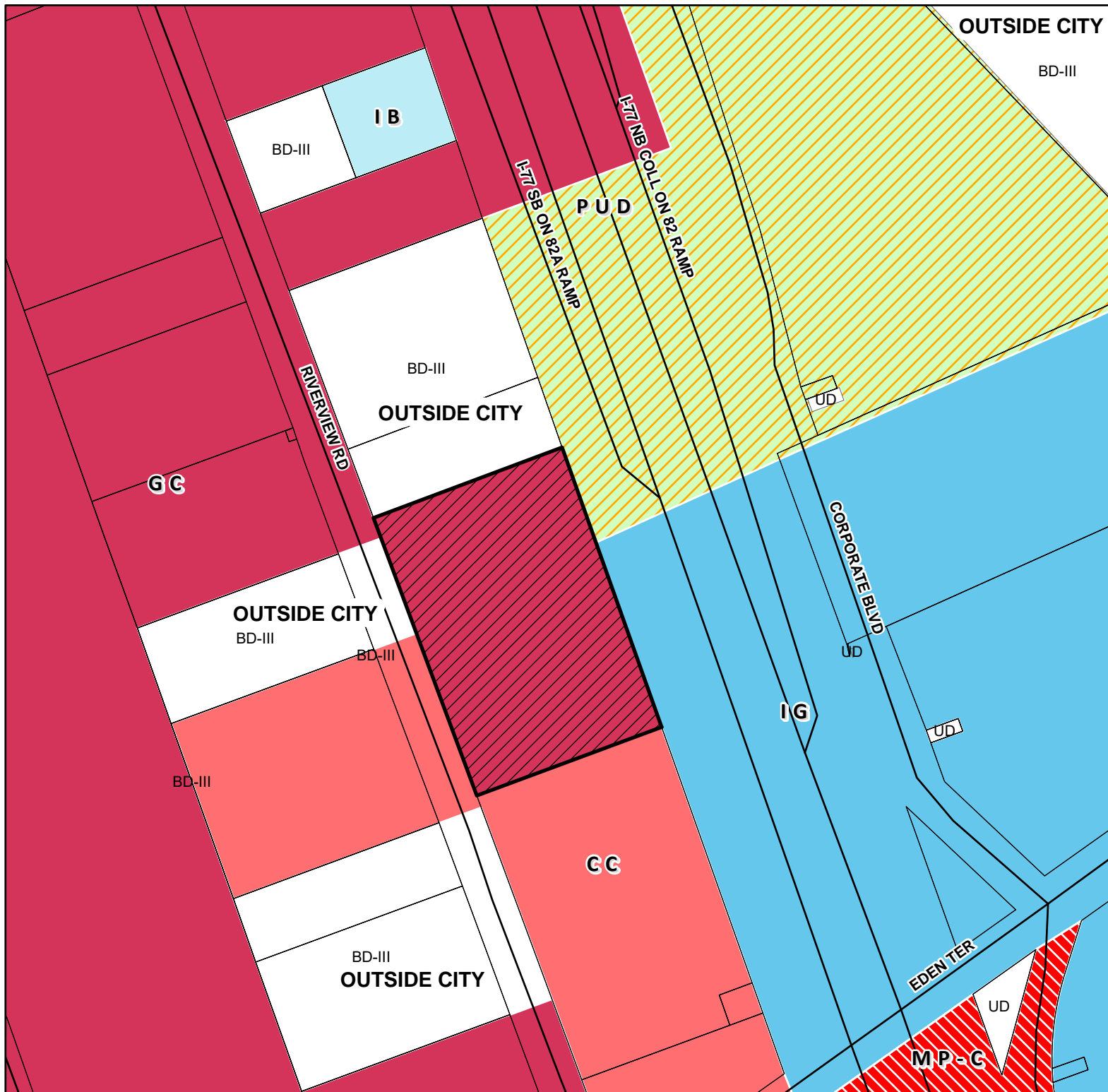
Zoning Districts

- CC
- General Commercial (GC)
- Industry Business (IB)
- Industry General (IG)
- Master Planned Commercial (MP-C)
- Planned Unit Development (PUD)

Zoning Data
Current Zoning
GC



Planning & Development
Department
City of Rock Hill
03/16/21



Z-2021-12

Requests: Special Exception to establish a child day care use

Address: 1030 Edwards Street, Ste. 105

Zoning District: General Commercial (GC)

Applicant: Ineice Agate
1463 Hollythorne Drive
Rock Hill, SC 29732

Property Owner: Placo, LLC
14644 Heritage Way
Poway, GA 92064





Request: Special Exception to establish a child day care use

Address: 1030 Edwards Street, Ste. 105

Tax Map No.: 631-06-02-001

Zoning District: General Commercial (GC)

Applicant: Ineice Agate
 1463 Hollythorne Drive
 Rock Hill, SC 29732

Property Owner: Placo, LLC
 14644 Heritage Way
 Poway, GA 92064

Background

The applicant would like to operate a day care use within one of the suites of an existing multi-tenant building, which is zoned General Commercial (GC). The Zoning Ordinance allows a day care use only through special exception approval by the Zoning Board of Appeals in the General Commercial zoning district.

Primary use table excerpt <ul style="list-style-type: none"> • Blank cell = prohibited • S = Special exception • C = Conditional use • P = Permitted use 	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			
								C	C	C	C	C	S	C	s	C	S	S						
Definition of proposed use	<p><i>Child day care centers/preschools:</i> A facility licensed by the State to provide day care of preschool services for more than 5 children under the age of 18 other than members of the family.</p>																							

Site Description

The property is located off of Cherry Road in between Dorchester and Edwards Streets. Surrounding uses include large retail (Wal-Mart Neighborhood Market) to the east, an animal day care to the west, a financial institution to the south, and a vacant parcel to the north. Surrounding zoning districts include General Commercial (GC) and Multi Family-15 (MF-15).

Description of Intent for the General Commercial 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 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.

1. **Complies with Use-Specific Standards:** *The proposed use complies with all use-specific standards. In this case, the applicable use-specific standards are shown below in italics, followed by staff's assessment of each standard in non-italicized font.*

- A. Outdoor Play Areas:** *If an outdoor play area is provided, it must include a fence that is at least 4 feet tall that completely encloses the play area. The play area must not be located within any required yard or land-use buffer area. The center must not conduct outdoor play activities after 8 p.m.*

The applicant is not proposing to have an outdoor play area.

- B. Parking:** *Parking areas and vehicular circulation patterns must be designed to support the safety of children at the facility. Depending on the size and type of facility, the design should include features such as a flow-through instead of a dead-end parking lot traffic pattern, provision of sidewalks to allow foot traffic to stay out of the vehicular areas, and the design and reservation of as many customer parking spaces as possible adjacent to a sidewalk directly accessing the building entrance.*

The day care use would exist within a 1,500-square-foot suite within a multi-tenant building.

Parking already exists, and no additional spaces are proposed to be needed or added. Though the parking lot includes 90-degree, two-way parking, the building being situated between two streets allows for traffic to flow through in a loop, and those visiting the day care have the option of entering the site from one street, and exiting the site through another.

C. 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.*

The proposed day care use is compatible with the surrounding uses, as it is adjacent to retail and employment areas. Though the day care would share a parking lot with other uses, the uses are expected to have low impacts on one another.

D. 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.*

Given the uses on the surrounding lands being commercial in nature, the day care use is not expected to have any negative impacts on the surrounding properties.

E. 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 use is not expected to create any environmental impacts as the applicant does not plan to make any changes to the site.

F. 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.*

Edwards and Dorchester Streets could be used for access into the site. Both streets have adequate capacity to accommodate the proposed use without additional upgrades as they are bound to the north by Bose Avenue, a state-maintained local road; and Cherry Road, a state-maintained principal arterial road. Staff would normally encourage a one-way loop travel path for a day care use, however, given the size of the space proposed to be used, a two-way, 90-degree configuration is adequate.

G. 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.*

The proposed use is not expected to injure property values. This use is complimentary to employment areas.

H. 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 not been submitted as the applicant has no plans of making changes to the site.

I. 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:

- February 26: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- February 26: Posted public hearing signs on subject property.
- February 26: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff has not received any feedback from the public about the application.

Staff Recommendation

Staff recommends approval of the special exception request based on the above analysis, particularly noting that the proposed use is compatible with surrounding uses and staff has not heard any negative feedback from the public about the request.

Attachments

- Application
- Zoning Map

Staff Contact:

Shana Marshburn, Planner I
803.326.2456
shana.marshburn@cityofrockhill.com

SPECIAL EXCEPTION APPLICATION

Plan Tracking # _____ 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: _____ 1030 Edwards St Suite 105 _____, Rock Hill, SC _____ 29732

Tax parcel number of subject property: _____ - _____ - _____ - _____

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: _____

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
Ineice Agate	1463 Hollythorne Dr Rock Hill, SC 29732	973-955-7890	theagates@icloud.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) _____ Tenant

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: _____ Date: 2/16/21

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: _____



SPECIAL EXCEPTION APPLICATION

Plan Tracking # _____ 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: 1030 Edwards St, Rock Hill, SC 29732

Number of subject property: 0310602001

Restrictions

Do any 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: _____

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address

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.

Date: _____

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

Name of property owner: Placo LLC

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

Stephen Blanks - Property Manager

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

Signature: [Signature] Date: 2/19/2021

Preferred phone number: 803-517-3118 Email address: stephen.blanks@svn.com

Mailing address: 116 E Main St, S201 Rock Hill, SC 29730

INFORMATION ABOUT REQUEST

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

Child Day Care. (caring for children 2.5 years to 5 years of age) Hours:
Monday thru Friday~6:30am to 6:00pm

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.)

According to the report results : None of the ordinary use-specific standards are relevant to the proposed business in this location since they are not proposing an outdoor play area, and the parking lot has adequate spaces and circulation.

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

The proposed special exception for a child day care center is appropriate as it will be used for high quality affordable child daycare services that'll benefit the surrounding communities.

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

To minimize any adverse impacts on surrounding properties, I/We plan to improve self-concept in a multicultural environment, maintain a reputable-untarnished reputation in the community, while offering high quality child day care at an affordable rate.

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

The business will only be in use during normal business hours for the most part, the use will not impact the environment.

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

The proposed special exception will not affect the way consumers of any surrounding businesses enter/exit Royal Plaza strip center where the proposed business will be located. There are adequate parking spaces and circulation for all businesses, owners and it's consumers (front & back parking). Daycare Center will staff about 5 employees, DSS requires 1 parking spot for every 5 children enrolled. The space can hold 30 people (staff & children). Located in front of Suite 105 where the center will be held are 4-5 parking spaces, with Landlord's written permission, I can designate these spaces for convenient parent pick up and drop off.

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 use of the daycare center would have a positive impact on neighboring landowners both commercial and residential. Surrounding commercial properties will gain more visibility and financial gains from daycare clients, for example, Wal-mart Neighborhood Mart. Surrounding residential property owners will have an opportunity to send their child(ren) to a high quality affordable child care day center that operates from 6:30 am to 6pm weekdays. This center is considered safe in walking distance to neighboring residence and My Ride rock hill offers free public transportation and has numerous bus stops on cherry road/riverwalk line. The business will not create any nuisance conditions detrimental to the public interest.

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

Property Summary / Overview

Floor Plan

Mission Statement

Property Summary



OFFERING SUMMARY

Lease Rate:	\$11.50 SF/yr (NNN)
Building Size:	14,300 SF
Available SF:	1,200 - 1,500 SF
Zoning:	GC
Market:	Charlotte Metro

PROPERTY OVERVIEW

Office, Retail, or Flex space located at busy intersection along Cherry Rd. Royal Plaza is centrally located along a major business corridor in Rock Hill. You are minutes away from I-77, Winthrop University, the Winthrop Coliseum, and the planned Carolina Panthers Headquarters.

PROPERTY HIGHLIGHTS

- Ample Parking
- Office, Retail, or Flex Space
- Centrally Located
- Located off Cherry Rd

Floor Plan - Suite 105

[Not to Scale]

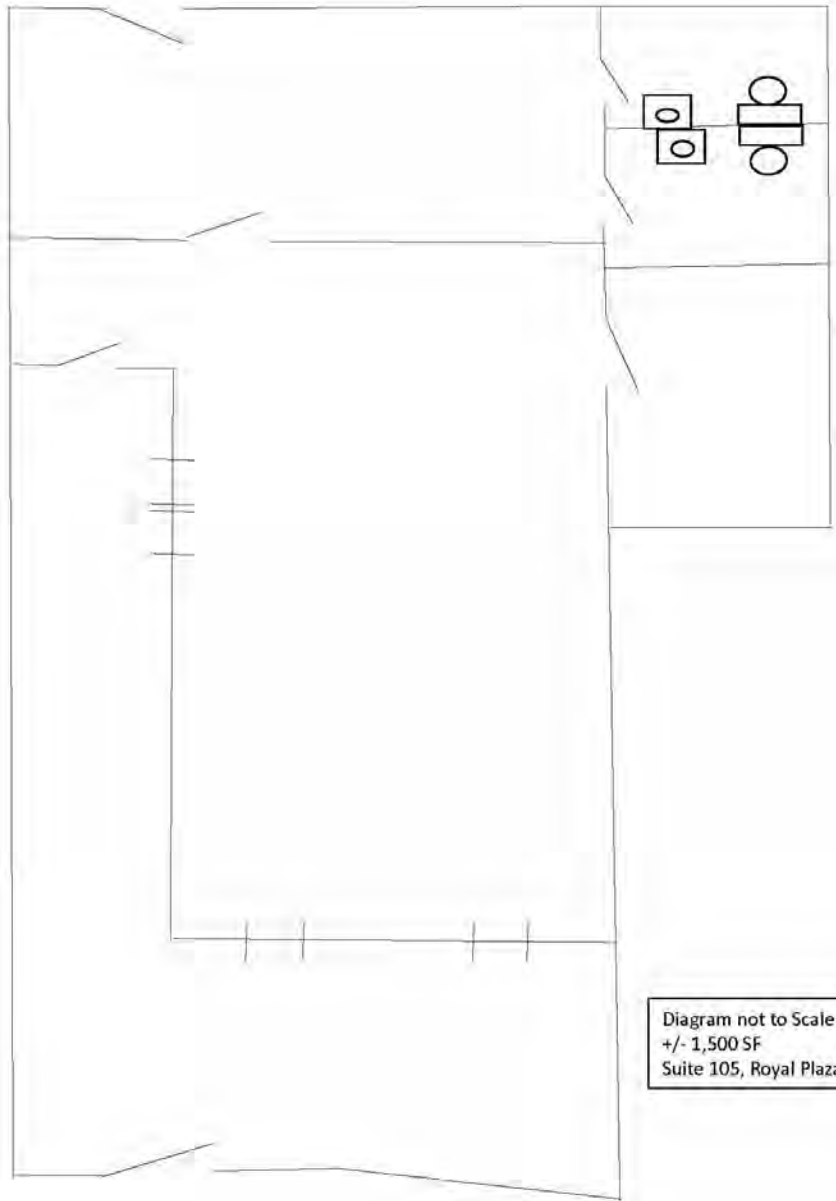


Diagram not to Scale
+/- 1,500 SF
Suite 105, Royal Plaza

Mission Statement

The mission of the Alphabets and Smiles Child Development Center is to provide affordable high quality child care and learning experiences for children in a safe and caring environment, helping them develop socially, creatively, emotionally, physically and intellectually. The Alphabets and Smiles Child Development Center will strive to work cooperatively with the community, In doing so, we support families in their efforts to reach their goals.

We take pride in our highly qualified teachers and in our communications throughout the center. We provide a home-like environment where children are encouraged to develop at their own pace and children can express their individuality, while we provide them with a variety of experiences, **high scope curriculum learning** and enhance their development. The Alphabets and Smiles staff is committed to the families we serve, providing support and encouragement.

Goal Statement

It is our number one goal to provide the kind of environment where children aren't frustrated during learning, but SMILING through their difficulties, the kind of influences that encourage all children to become creative, independent, responsible, well rounded, self-directed future adults who can make decisions for themselves. Our desire is for excellence in meeting the needs of children and their families for nurturing, growth and development, relationships and understanding.

Philosophy Statement

We believe in the value of human diversity and the fair treatment of all people. Our values and beliefs about children are deeply rooted in the history of Early Childhood Education.

We believe -All children have the right to feel good about themselves and it is the responsibility of all teachers to nurture the child's self esteem.

We believe -The home is the most important factor in a child's development. We will always strive to support and complement the family in order to promote the healthy development of children and parents.

We believe -Loving, trusting and respecting each child enables that child to love, trust and respect others. Each child and family is due the respect for personal privacy demanded by professional ethics.








We believe -It is important to meet each child's needs for physical, social, emotional and intellectual growth by providing diverse experiences in a supportive environment.

We believe -Each person is a unique individual and has his or her own needs. Each person has a right to meet this need their own way and in their own time. However, one of the responsibilities of having rights is recognizing and respecting the rights of others.

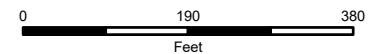
We believe -Children deserve to have teachers who are capable and caring and whose values enable them to be excellent role models. Our educational and guidance decisions must be based on our knowledge of child development.



Z-2021-12

-  Subject Property
- Zoning Districts**
-  General Commercial (GC)
-  Multi-Family 15 (MF-15)
-  Office and Institutional (OI)
-  Master Planned College University (MP-CU)
-  Single-Family 3 (SF-3)
-  Single-Family 5 (SF-5)

Zoning Data
Current Zoning
GC



Planning & Development
Department
City of Rock Hill
03/16/21

