



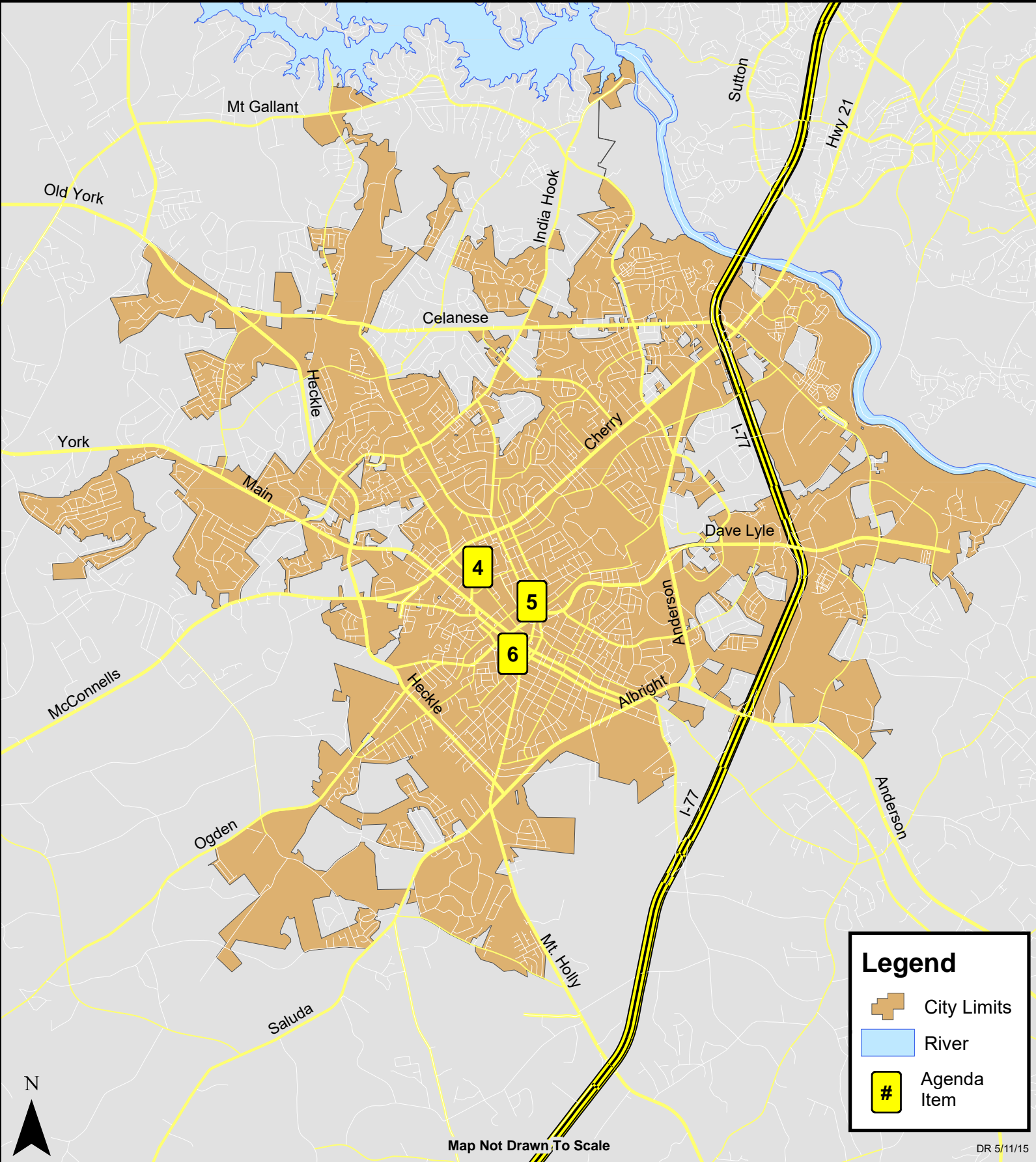
## **A G E N D A**

Rock Hill Zoning Board of Appeals  
May 18, 2021

1. Call to Order
2. Approval of Minutes from the April 20, 2021 meeting.
3. Approval of Orders from the April 20, 2021 meeting
4. Appeal Z-2021-17: Request by MHAK Holding LLC on behalf of Craft Axe for a special exception to establish an indoor recreation use at 274 Columbia Ave., which is zoned Industry Business (IB). Tax map number 598-04-02-001.
5. Appeal Z-2021-18: Request by Bryan Ghent and Jennifer Sandler for a variance from the secondary front setback standards for a privacy fence on a corner lot located at 234 College Ave., which is zoned Single-Family Residential-5 (SF-5). Tax map number 629-08-02-001.
6. Appeal Z-2021-19: Request by Dan Robertson for a special exception to establish a residential in-fill use at 249 Johnston St., which is zoned Downtown (DTWN). Tax map number 627-17-01-007.
7. Appeal Z-2021-20: Request by Timothy Garland of Garland and Garland Real Estate Investments, LLC for a special exception for single-family residential dwelling uses at 486 & 488 Pineview Rd., which is zoned General Commercial (GC). Tax map numbers 630-04-02-006 & -007. **Deferred by staff till June.**
8. Other Business.
9. Adjourn.

# Zoning Board of Appeals Agenda Items

City of Rock Hill, SC  
May 18, 2021  
Zoning Board of Appeals



**Legend**

- City Limits
- River
- Agenda Item

Map Not Drawn To Scale

# Zoning Board of Appeals

City of Rock Hill, South Carolina

April 20, 2021

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

**MEMBERS PRESENT:** Matt Crawford, Rodney Cullum, Stacey Reeves, Chad Williams, James Hawthorne, Charlotte Brown

**MEMBERS ABSENT:** Keith Sutton

**STAFF PRESENT:** Melody Kearse, Shana Marshburn, Janice E Miller, Eric Hawkins

Legal notices of the public hearing were published in *The Herald*, Sunday, April 4, 2021. Notice was posted on all property considered. Adjacent property owners and tenants were notified in writing.

## 1. Call to Order

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

## 2. Approval of Minutes of the March 16, 2021, meeting.

Mr. Chad Williams made the motion to approve the minutes as submitted. Mr. James Hawthorne seconded, and the motion carried unanimously by a vote of 6-0 (Sutton absent).

## 3. Approval of Orders of the March 16, 2021, meeting.

Mr. Williams made the motion to approve the orders as submitted. Mrs. Stacy Reeves seconded, and the motion carried unanimously by a vote of 6-0 (Sutton absent).

## 4. Appeal Z-2021-13: Request by Susan Fullerton of Truck of Love for a variance from the fence location for a required buffer located at 1568 W Main Street, which is zoned Neighborhood Office (NO). Tax map number 595-02-01-001.

Staff member Shana Marshburn presented the staff report.

Mr. Hawthorne asked if the property encroached on the South Carolina Department of Transportation (SCDOT) easement or right-of-way. Staff member Melody Kearse stated the boundary survey submitted would include any SCDOT easements or rights-of-way.

Mr. Rodney Cullum referred to the applicant's statement on the application that if the fence was not built in the way requested, transients would occupy the area, asking if the police had been called to address this. Ms. Marshburn stated she had not researched police calls within that area.

Chair Crawford referred to the staff drawing observing if the applicant built the fence along that line, they would meet the standards of the Zoning Ordinance and would not need a variance. Ms. Marshburn stated this was correct.

The applicant, Mrs. Susan Fullerton, 1455 George Dunn Road, representing Truck of Love, addressed Mr. Cullum's question regarding transients, stating they had noted evidence of people camping in the area where the buffer would be required, which had a great deal of vegetation. She stated the goal was to make sure the women staying at the site would feel protected.

Ms. Charlotte Brown asked if there was an existing fence. Mrs. Fullerton stated there was fencing on the west side of the property and the fence across the front was in disrepair. She also stated that there was a fence along the north, but it wasn't on their property. Mrs. Fullerton added they would be happy to agree to not have the fence extend to Main Street on the west side of the lot. She stated if they were required to locate the fence inside the buffer area, the utility access for the rear cottage would be located within the buffer area and not easily accessible.

Chair Crawford asked if it would be acceptable if the fence was located 10' from the property line. Mrs. Fullerton stated there was not a lot of area behind the cottage to allow for access to the utility services.

Chair Crawford asked if it would be acceptable if the fence was located directly in line with the rear of the cottage. Mrs. Fullerton stated the utilities would still be located in the buffer zone.

Mr. Hawthorne asked the types of utilities located behind the cottage. Mrs. Fullerton stated electrical and gas. She added that having the fence located in any other place than indicated on the submitted site plan was not practical, stating that the neighbor to the east was far away from the site and the neighbor to the west indicated they would be happy to have a fence along that side of the property.

Mr. Hawthorne asked if she would be satisfied to not have the fence on the west side up to the street. Mrs. Fullerton stated she would, that her issue was primarily of safety.

Chair Crawford asked the type of fence. Mrs. Fullerton stated a 6' opaque vinyl. Chair Crawford asked if the fence would be white. Mrs. Fullerton stated it would.

Mr. Hawthorne asked if it would be a privacy style fence. Mrs. Fullerton stated it would.

Chair Crawford asked if the property to the north was vacant. Mrs. Fullerton stated it was, but there were trailers and the cemetery past those.

Chair Crawford indicated the aerial view provided, asking if the empty lot was a platted lot. Ms. Kearse stated it was, that the mobile homes located along the back were vacant units from a mobile home park with the fence located about 30' back. Ms. Marshburn stated the previous owners of this site also owned the adjacent property and put in the current fence.

Chair Crawford asked if the proposed fence line along the east side of the property followed an existing vegetation. Mrs. Fullerton stated there is a gully there, adding that it was not practical to follow the property line along that side.

Chair Crawford asked if the area would remain wooded. Mrs. Fullerton stated it would.

Chair Crawford closed the floor for Board discussion.

Chair Crawford expressed hesitancy due to the lack of vegetation to break up the appearance of the fence. Mrs. Reeves commented on the need for additional space on the property for residents. Mr. Williams stated concern over making findings to approve the request. There was further discussion regarding the alternative fence location presented by staff.

Chair Crawford made the motion to approve the variance as presented. Mrs. Reeves seconded, and the motion failed by a unanimous vote of 0-6 (Sutton absent).

Chair Crawford stated the Board was unable to approve the request as they could not make the findings of extraordinary and exceptional conditions, and the denial did not deprive the applicant of the proposed use of the property.

**5. Appeal Z-2021-14: Request by J M Cope, on behalf of Bobcat, for a modification of an existing special exception to increase the display area for a commercial equipment sales use located at 939 S Anderson Road, which is zoned General Commercial (GC). Tax map number 669-04-01-019.**

Staff member Melody Kearse presented the staff report.

Chair Crawford asked the difference between dedicated inventory space and display area. Ms. Kearse stated dedicated inventory spaces could be gravel as there were not strict standards, but that display areas had standards and were required to be hard surfaced, adding that inventory areas could be used for storage while display areas were used to display vehicles for sale.

Mr. Williams asked if the difference between the special exception granted and this request was the additional paved area. Ms. Kearse stated this was correct, adding the plan presented was a more formalized development plan of the site.

The applicant's representative, David Converse, 1069 Bayshore Drive, stated Bobcat was excited to locate to this area and have products for sale on this site.

Chair Crawford asked the types of products that would be for sale. Mr. Converse stated there would be a variety of products, including excavators, skidders, track hoes, and other heavy equipment.

Mr. Hawthorne asked if the site was currently being graded. Mr. Converse stated it was, that the previous building had been demolished and work was beginning on the site.

Chair Crawford asked if the equipment sold would be new or used. Mr. Converse stated most likely later models of cleaned-up used equipment would be for sale.

Mr. Hawthorne asked about lighting of the site. Mr. Converse stated a photometric study had been submitted with building plans for review by staff and they would comply with the City's regulations regarding site lighting, adding most of the lighting would be located along the southern side of the display area.

Chair Crawford closed the floor for Board discussion.

Mr. Williams made a motion to modify the special exception as requested. Mr. Cullum seconded. Mr. Williams commented that the plan presented was an improvement over the original plan.

Chair Crawford called for a vote and the motion carried unanimously by a vote of 6-0 (Sutton absent).

Mr. Williams presented the findings, specifically noting the plan submitted met all the City's requirements, there would be a dedicated display area, and the use was compatible with the surrounding area.

**6. Appeal Z-2021-15: Request by Dorothy Neely for a special exception to establish a vocational school, cosmetology, use at 1707 Cherry Road, Suites 101-102, which is zoned General Commercial (GC). Tax map number 632-01-02-004.**

Staff member Shana Marshburn presented the staff report.

Mr. Hawthorne asked for confirmation the school would not be open on Sunday. Ms. Marshburn stated it would not.

Chair Crawford referred to staff's recommendation on communicating with the church about

parking during weekday church services, asking how this would be enforced. Ms. Marshburn stated the only way to ensure this was to restrict the school from operating during church events.

Chair Crawford asked if staff believed there could be parking issues if church services and school sessions occurred at the same time. Ms. Marshburn stated this was possible.

Mr. Hawthorne asked the number of parking spaces. Ms. Marshburn stated 50.

Mr. Hawthorne observed that the number of spaces used by the school would be 16. Ms. Marshburn stated the applicant proposed 10-15 people at the school when classes were held. Mrs. Reeves observed students would not likely ride together.

Mrs. Reeves asked if the church had Wednesday services. Ms. Marshburn stated staff believes it may have services on Tuesday.

Mrs. Reeves asked Ms. Marshburn if she knew the number attending the church. Ms. Marshburn stated she did not.

Mr. Cullum observed that like Anderson Road having a concentration of car dealerships there seemed to be a number of vocational schools in this particular area, asking if this was a vision of what the City wants Cherry Road to become. Ms. Marshburn stated she believed this was just a coincidence.

Ms. Kearse noted she was familiar with the area and Sundays were very busy for the church, adding that the photograph presented during the staff report was taken at lunchtime on a Friday.

Ms. Brown asked if it was fair to say that if the church believed there would be an impact, they would have contacted the City. Ms. Marshburn stated the City would have been contacted only if members of the church lived nearby and received notification. Staff member Janice E Miller stated that all property owners, residents, and tenants within 300' were sent postcards and the church would have received one if a mail receptacle was available. Ms. Kearse added the property was posted as well and anyone can contact the City based on that notice.

Mr. Williams observed that the former retail use was required to have the same number of parking spaces. Ms. Brown stated this was a shared parking situation. There was general conversation regarding necessary communication between the proposed school and church. Mrs. Reeves questioned the wisdom of placing a condition of approval on requiring communication between the two if the City would not be able to enforce this.

The applicant, Dorothy Neely, 1707 Cherry Road, Suite 102, provided the Board information on her background and mission statement for the school. She stated she was aware of possible issues with parking but planned on moving to a larger location once the school grew in size. She stated she knew one of the tenants had moved out so there would be additional parking from that use available.

Chair Crawford asked if she had had communication with the owner about the parking. Ms. Neely stated she had.

Chair Crawford asked if classes would be held on Mondays. Ms. Neely stated they would not.

Chair Crawford asked if she was aware of any church events on other evenings. Ms. Neely stated the owner stated he only knew about Sunday services.

Chair Crawford asked if Ms. Neely found out the church had services on other evenings, would she be willing to change the class schedules. Ms. Neely stated it would really depend upon

her students' schedules as classes were designed to fit their needs with their work schedules. Ms. Brown asked the timeline for opening. Ms. Neely stated she hoped to open within 3 months.

Ms. Brown asked if she had tried to figure out when the church parked on the site to avoid any conflicts. Ms. Neely stated she had, that she drove past the site frequently and had never seen any more than 5 cars in the lot during the week. She noted other uses included a salon, driver's education school, and massage therapist, and she had not seen the parking lot crowded.

Chair Crawford closed the floor for Board discussion.

Chair Crawford noted this was a good use for the building although there did seem to be some potential for parking conflicts. Mr. Hawthorne stated the barbershop closing helped with adding parking. Mr. Williams stated he would like to encourage a discussion between the proposed school and church in order to be good neighbors, adding the landlord will at some point want to fill the empty suite. Mr. Hawthorne stated the communication about parking should come from the landlord, not the tenants. Mr. Cullum observed that a conflict may occur on a rare occasion.

Mr. Cullum made a motion to approve the special exception as presented. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 6-0 (Sutton absent).

Mr. Cullum presented the findings, specifically noting the use would comply with the use specific standards, the use was compatible to the surrounding area, there would be no adverse impacts, and the roads were adequate to serve the use.

**7. Appeal Z-2021-16: Request by Mark Walker of Eden Terrace Self Storage for a special exception for a self-storage use in order to relocate boat and RV storage to 2266 Eden Terrace, which is zoned General Commercial (GC). Tax map number 634-07-01-031.**

Staff member Melody Kearse presented the staff report.

Mr. Hawthorne asked if a sidewalk was available to tie into this site. Ms. Kearse stated there was not currently but would be required once adjacent properties were developed.

Mr. Cullum asked if the property would be paved. Ms. Kearse stated it would in order to meet the City's regulations.

Chair Crawford asked the width of the buffer area. Ms. Kearse stated 40' between this site and the Hutchinson Place subdivision.

Chair Crawford asked the type of fence to be built. Ms. Kearse stated a stockade type.

Chair Crawford asked if it would be located on the inside of the buffer area. Ms. Kearse stated it would.

Chair Crawford asked if plantings would be added to the existing vegetation in the buffer area. Ms. Kearse stated they would, and the applicant would work with the City's landscape architect to determine the plantings needed to meet standards.

Chair Crawford asked if a fence would be placed along the front of the property. Ms. Kearse stated there would be a fence located on all sides, adding a fence and shrubs used to be on the site but were removed during utility work.

Chair Crawford asked if the fence would be solid. Ms. Kearse stated that they are proposing a stockade style fence.

Mr. Cullum asked if this was a specialized lot where employees would be parking the vehicles or if owners would be responsible for parking. Ms. Kearsse stated she assumed owners would be parking vehicles, but the applicant could best answer.

Chair Crawford noted the shared drive onto the site at Eden Terrace. Ms. Kearsse stated staff had requested the fence and gate be moved further into the site in order to allow for adequate space for vehicles to pull in and be completely out of the right-of-way.

The applicant, Mr. Mark Walker, 2038 Hempstead Road, was available to answer questions.

Mr. Cullum asked if this was a specialized lot with employees parking vehicles. Mr. Walker stated the owners would park themselves, adding renters would have a code for access.

Chair Crawford asked the fence materials. Mr. Walker stated he did not know at this point, that he had wanted chain-link, but this was not allowed.

Mr. Hawthorne asked if any signs would be located on the site. Mr. Walker stated the only sign would be located on the gate with all business conducted across the street.

Mrs. Diana Myers, 2263 Blossom Drive, expressed several concerns including the hours of operation, lighting bleeding onto her property, and the foot traffic from the apartments across the street using the current lot as a cut-through to access services further down Anderson Road.

Chair Crawford stated the City would review the photometric plan for lighting and would meet with the applicant regarding appropriate landscaping in order to meet regulations. Ms. Kearsse added that the City's landscape architect would advise as to what would be needed to increase the landscape buffer between the site and the adjacent residential properties.

Mrs. Myers asked if landscaping was required even with a fence. Chair Crawford stated it was.

Mr. Cullum asked if Mrs. Myers required a noise buffer. Mrs. Myers stated the concern was over the foot traffic that would occur as the buffer requirement would create an alley for people to use.

Mr. Walker stated the hours of operation would be controlled as the gate codes would only access the site during operating hours. He noted people would still walk through the alley area created because he would not be allowed to have a fence to block access.

Mr. Hawthorne asked if the adjacent neighbors had fences. Mr. Walker stated there was only a line of trees separating the properties.

Ms. Kearsse stated that in conversation with other staff, they would be okay with a fence constructed to block the access from foot traffic.

There was general discussion on whether to fence or leave the area open. Mr. Walker stated it would be better to plant something that would deter foot traffic, such as blackberry bushes.

Chair Crawford noted there was nothing that could be done to stop foot traffic. Ms. Kearsse stated plantings could be installed as well as additional fencing to deter.

Mr. Cullum asked if Hutchinson Place had an HOA in place. Mrs. Myers stated it did not.

Chair Crawford asked Mr. Walker if he would accept a motion that included working with staff on landscaping and fencing. Mr. Walker stated he would, adding that he was required to build a sidewalk and hoped people would use that instead.

Mr. Hawthorne asked if landscaping would be installed at the property line to the northeast. Mr. Walker stated this was required. Chair Crawford stated holly bushes might be an



alternative.

Chair Crawford closed the floor for Board discussion.

There was general discussion over the conditions for approval, including working with staff on the landscaping and buffer.

Mr. Cullum presented the motion to approve the special exception as requested with the conditions that the boat and RV storage cease at the existing location once moved to this location, and the applicant is to work with staff to find a solution for the landscape buffering to deter people from cutting-through. Mr. Williams seconded.

Mr. Hawthorne noted that if the north end of the site was designed to deter foot traffic, the south end would still have an issue. Mr. Williams expressed concern of the use of the area if it was designed in such a way as to create hiding spaces. There was general discussion over possible issues.

Chair Crawford called for a vote and the motion carried unanimously by a vote of 6-0 (Sutton absent).

Mr. Cullum presented the findings, specifically noting the use would comply with the use specific standards, it was compatible with the surrounding area, and there would be no adverse environmental impacts.

## **8. Other Business.**

### **Continuing Education Sessions.**

Ms. Kearse stated Mrs. Miller would contact those in need of orientation and continuing education requirements.

## **9. Adjourn.**

There being no further business, Mr. Hawthorne made a motion to adjourn. Mrs. Reeves seconded, and the motion carried unanimously by a vote of 6-0 (Sutton absent). The meeting adjourned at 7:34 p.m.



## Zoning Board of Appeals Order

Z-2021-13

The Zoning Board of Appeals held a public hearing on Tuesday, April 20, 2021, to consider a request by Susan Fullerton of Truck of Love for a variance from the fence location for a required buffer located at 1568 W Main Street, which is zoned Neighborhood Office (NO). Tax map number 595-02-01-001.

Members in attendance included Matt Crawford, Rodney Cullum, Stacy Reeves, Chad Williams, James Hawthorne, and Charlotte Brown (Sutton absent).

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

1. The site may be identified as 1568 W. Main Street.
2. The property owner is Susan Fullerton (Truck of Love).
3. This property is zoned Neighborhood Office (NO).
4. The request was for a variance from the fence location for a required buffer at 1568 W. Main Street.
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:
  - April 2: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
  - April 2: Posted public hearing signs on subject property.
  - April 4: 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 Shana Marshburn presented the staff report.

Mr. Hawthorne asked if the property encroached on the South Carolina Department of Transportation (SCDOT) easement or right-of-way. Staff member Melody Kearse stated the boundary survey submitted would include any SCDOT easements or rights-of-way.

Mr. Rodney Cullum referred to the applicant's statement on the application that if the fence was not built in the way requested, transients would occupy the area, asking if the police had been called to address this. Ms. Marshburn stated she had not researched police calls within that area.

Chair Crawford referred to the staff drawing observing if the applicant built the fence along that line, they would meet the standards of the Zoning Ordinance and would not need a variance. Ms. Marshburn stated this was correct.

The applicant, Mrs. Susan Fullerton, 1455 George Dunn Road, representing Truck of Love, addressed Mr. Cullum's question regarding transients, stating they had noted evidence of people camping in the area where the buffer would be required, which had a great deal of vegetation. She stated the goal was to make sure the women staying at the site would feel protected.

Ms. Charlotte Brown asked if there was an existing fence. Mrs. Fullerton stated there was fencing on the west side of the property and the fence across the front was in disrepair. She also stated that there was a fence along the north, but it wasn't on their property. Mrs. Fullerton added they would be happy to agree to not have the fence extend to Main Street on the west side of the lot. She stated if they were required to locate the fence inside the buffer area, the utility access for the rear cottage would be located within the buffer area and not easily accessible.

Chair Crawford asked if it would be acceptable if the fence was located 10' from the property line. Mrs. Fullerton stated there was not a lot of area behind the cottage to allow for access to the utility services.

Chair Crawford asked if it would be acceptable if the fence was located directly in line with the rear of the cottage. Mrs. Fullerton stated the utilities would still be located in the buffer zone.

Mr. Hawthorne asked the types of utilities located behind the cottage. Mrs. Fullerton stated electrical and gas. She added that having the fence located in any other place than indicated on the submitted site plan was not practical, stating that the neighbor to the east was far away from the site and the neighbor to the west indicated they would be happy to have a fence along that side of the property.

Mr. Hawthorne asked if she would be satisfied to not have the fence on the west side up to the street. Mrs. Fullerton stated she would, that her issue was primarily of safety.

Chair Crawford asked the type of fence. Mrs. Fullerton stated a 6' opaque vinyl. Chair Crawford asked if the fence would be white. Mrs. Fullerton stated it would.

Mr. Hawthorne asked if it would be a privacy style fence. Mrs. Fullerton stated it would.

Chair Crawford asked if the property to the north was vacant. Mrs. Fullerton stated it was, but there were trailers and the cemetery past those.

Chair Crawford indicated the aerial view provided, asking if the empty lot was a platted lot. Ms. Kearse stated it was, that the mobile homes located along the back were vacant units from a mobile home park with the fence located about 30' back. Ms. Marshburn stated the previous owners of this site also owned the adjacent property and put in the current fence.

Chair Crawford asked if the proposed fence line along the east side of the property followed existing vegetation. Mrs. Fullerton stated there is a gully there, adding that it was not practical to follow the property line along that side.

Chair Crawford asked if the area would remain wooded. Mrs. Fullerton stated it would.

Chair Crawford closed the floor for Board discussion.

Chair Crawford expressed hesitancy due to the lack of vegetation to break up the appearance of the fence. Mrs. Reeves commented on the need for additional space on the property for residents. Mr. Williams stated concern over making findings to approve the request. There was further discussion regarding the alternative fence location presented by staff.

Chair Crawford made the motion to approve the variance as presented. Mrs. Reeves seconded, and the motion failed by a unanimous vote of 0-6 (Sutton absent).

Chair Crawford stated the Board was unable to approve the request as they could not make the findings of extraordinary and exceptional conditions, and the denial did not deprive the applicant of the proposed use of the property.

**THE BOARD, THEREFORE, ORDERS:**

**That the request by Susan Fullerton of Truck of Love for a variance from the fence location for a required buffer located at 1568 W Main Street, which is zoned Neighborhood Office (NO) 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-2021-14

The Zoning Board of Appeals held a public hearing on Tuesday, April 20, 2021 to consider a **request by J M Cope, on behalf of Bobcat, for a modification of an existing special exception to increase the display area for a commercial equipment sales use located at 939 S Anderson Road, which is zoned General Commercial (GC). Tax map number 669-04-01-019.**

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

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 939 S. Anderson Road.
2. The property owner is SRT Properties LLC.
3. This property is zoned General Commercial (GC).
4. The request was for a modification to an existing special exception to increase the display area for a commercial equipment 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:
  - April 2: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
  - April 2: Public Hearing notification signs posted on subject property.
  - April 4: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
  - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Staff member Melody Kearse presented the staff report.

Chair Crawford asked the difference between dedicated inventory space and display area. Ms. Kearse stated dedicated inventory spaces could be gravel as there were not strict standards, but that display areas had standards and were required to be hard surfaced, adding that inventory areas could be used for storage while display areas were used to display vehicles for sale.

Mr. Williams asked if the difference between the special exception granted and this request was the additional paved area. Ms. Kearse stated this was correct, adding the plan presented was a more formalized development plan of the site.

The applicant's representative, David Converse, 1069 Bayshore Drive, stated Bobcat was excited to locate to this area and have products for sale on this site.

Chair Crawford asked the types of products that would be for sale. Mr. Converse stated there would be a variety of products, including excavators, skidders, track hoes, and other heavy equipment.

Mr. Hawthorne asked if the site was currently being graded. Mr. Converse stated it was, that the previous building had been demolished and work was beginning on the site.

Chair Crawford asked if the equipment sold would be new or used. Mr. Converse stated most likely later models of cleaned-up used equipment would be for sale.

Mr. Hawthorne asked about lighting of the site. Mr. Converse stated a photometric study had been submitted with building plans for review by staff and they would comply with the City's regulations regarding site lighting, adding most of the lighting would be located along the southern side of the display area.

Chair Crawford closed the floor for Board discussion.

Mr. Williams made a motion to modify the special exception as requested. Mr. Cullum seconded. Mr. Williams commented that the plan presented was an improvement over the original plan.

Chair Crawford called for a vote and the motion carried unanimously by a vote of 6-0 (Sutton absent).

Mr. Williams presented the findings, specifically noting the plan submitted met all the City's requirements, there would be a dedicated display area, and the use was compatible with the surrounding area.

**THE BOARD, THEREFORE, ORDERS:**

**That the request by J M Cope, on behalf of Bobcat for a modification of an existing special exception to increase the display area for a commercial equipment sales use, is APPROVED.**

Section 2.12.1 (C) of the Zoning Ordinance states:

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

AND IT IS SO ORDERED.

\_\_\_\_\_  
Matt Crawford, Chairman

Date the Order Was Approved by the Board: \_\_\_\_\_

Date the Decision of the Board Was Mailed to the Applicant: \_\_\_\_\_



## Zoning Board of Appeals Order

Z-2021-15

The Zoning Board of Appeals held a public hearing on Tuesday, March 16, 2021 to consider a **request by Dorothy Neely for a special exception to establish a vocational school, cosmetology, use at 1707 Cherry Road, Suites 101-102, which is zoned General Commercial (GC). Tax map number 632-01-02-004.**

Members in attendance included Matt Crawford, Rodney Cullum, Stacy Reeves, Chad Williams, James Hawthorne, and Charlotte Brown (Sutton 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 1707 Cherry Road, Suites 101-102.
2. The property owner is Guy Properties, LLC.
3. This property is zoned General Commercial (GC).
4. The request was for a special exception to establish a vocational school, cosmetology, use at 1707 Cherry Road, Suites 101-102.
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:
  - April 2: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
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Staff member Shana Marshburn presented the staff report.

Mr. Hawthorne asked for confirmation the school would not be open on Sunday. Ms. Marshburn stated it would not.

Chair Crawford referred to staff's recommendation on communicating with the church about parking during weekday church services, asking how this would be enforced. Ms. Marshburn stated the only way to ensure this was to restrict the school from operating during church events.

Chair Crawford asked if staff believed there could be parking issues if church services and school sessions occurred at the same time. Ms. Marshburn stated this was possible.

Mr. Hawthorne asked the number of parking spaces. Ms. Marshburn stated 50.

Mr. Hawthorne observed that the number of spaces used by the school would be 16. Ms. Marshburn stated the applicant proposed 10-15 people at the school when classes were held. Mrs. Reeves observed students would not likely ride together.

Mrs. Reeves asked if the church had Wednesday services. Ms. Marshburn stated staff believes it may have services on Tuesday.

Mrs. Reeves asked Ms. Marshburn if she knew the number attending the church. Ms. Marshburn stated she did not.

Mr. Cullum observed that like Anderson Road having a concentration of car dealerships there seemed to be a number of vocational schools in this particular area, asking if this was a vision of what the City wants Cherry Road to become. Ms. Marshburn stated she believed this was just a coincidence.

Ms. Kearse noted she was familiar with the area and Sundays were very busy for the church, adding that the photograph presented during the staff report was taken at lunchtime on a Friday.

Ms. Brown asked if it was fair to say that if the church believed there would be an impact, they would have contacted the City. Ms. Marshburn stated the City would have been contacted only if members of the church lived nearby and received notification. Staff member Janice E Miller stated that all property owners, residents, and tenants within 300' were sent postcards and the church would have received one if a mail receptacle was available. Ms. Kearse added the property was posted as well and anyone can contact the City based on that notice.

Mr. Williams observed that the former retail use was required to have the same number of parking spaces. Ms. Brown stated this was a shared parking situation. There was general conversation regarding necessary communication between the proposed school and church. Mrs. Reeves questioned the wisdom of placing a condition of approval on requiring communication between the two if the City would not be able to enforce this.

The applicant, Dorothy Neely, 1707 Cherry Road, Suite 102, provided the Board information on her background and mission statement for the school. She stated she was aware of possible issues with parking but planned on moving to a larger location once the school grew in size. She stated she knew one of the tenants had moved out so there would be additional parking from that use available.

Chair Crawford asked if she had had communication with the owner about the parking. Ms. Neely stated she had.

Chair Crawford asked if classes would be held on Mondays. Ms. Neely stated they would not.

Chair Crawford asked if she was aware of any church events on other evenings. Ms. Neely stated the owner stated he only knew about Sunday services.

Chair Crawford asked if Ms. Neely found out the church had services on other evenings, would she be willing to change the class schedules. Ms. Neely stated it would really depend upon her students' schedules as classes were designed to fit their needs with their work schedules.

Ms. Brown asked the timeline for opening. Ms. Neely stated she hoped to open within 3 months.



Ms. Brown asked if she had tried to figure out when the church parked on the site to avoid any conflicts. Ms. Neely stated she had, that she drove past the site frequently and had never seen any more than 5 cars in the lot during the week. She noted other uses included a salon, driver's education school, and massage therapist, and she had not seen the parking lot crowded.

Chair Crawford closed the floor for Board discussion.

Chair Crawford noted this was a good use for the building although there did seem to be some potential for parking conflicts. Mr. Hawthorne stated the barbershop closing helped with adding parking. Mr. Williams stated he would like to encourage a discussion between the proposed school and church in order to be good neighbors, adding the landlord will at some point want to fill the empty suite. Mr. Hawthorne stated the communication about parking should come from the landlord, not the tenants. Mr. Cullum observed that a conflict may occur on a rare occasion.

Mr. Cullum made a motion to approve the special exception as presented. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 6-0 (Sutton absent).

Mr. Cullum presented the findings, specifically noting the use would comply with the use specific standards, the use was compatible to the surrounding area, there would be no adverse impacts, and the roads were adequate to serve the use.

**THE BOARD, THEREFORE, ORDERS:**

**That the request by Dorothy Neely for a special exception to establish a vocational school, cosmetology, use at 1707 Cherry Road, Suites 101-102 zoned Neighborhood Office (NO) 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-2021-16

The Zoning Board of Appeals held a public hearing on Tuesday, April 20, 2021 to consider a **request by Mark Walker of Eden Terrace Self Storage for a special exception for a self-storage use in order to relocate boat and RV storage to 2266 Eden Terrace, which is zoned General Commercial (GC). Tax map number 634-07-01-031.**

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

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 2266 Eden Terrace.
2. The property owner is Mark Walker.
3. This property is zoned General Commercial (GC).
4. The request was for a special exception for a self-storage use in order to relocate boat and RV storage.
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:
  - April 2: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
  - April 2: Public Hearing notification signs posted on subject property.
  - April 4: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
  - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Staff member Melody Kearse presented the staff report.

Mr. Hawthorne asked if a sidewalk was available to tie into this site. Ms. Kearse stated there was not currently but would be required once adjacent properties were developed.

Mr. Cullum asked if the property would be paved. Ms. Kearse stated it would in order to meet the City's regulations.

Chair Crawford asked the width of the buffer area. Ms. Kearse stated 40' between this site and the Hutchinson Place subdivision.

Chair Crawford asked the type of fence to be built. Ms. Kearse stated a stockade type.

Chair Crawford asked if it would be located on the inside of the buffer area. Ms. Kearse

stated it would.

Chair Crawford asked if plantings would be added to the existing vegetation in the buffer area. Ms. Kearse stated they would, and the applicant would work with the City's landscape architect to determine the plantings needed to meet standards.

Chair Crawford asked if a fence would be placed along the front of the property. Ms. Kearse stated there would be a fence located on all sides, adding a fence and shrubs used to be on the site but were removed during utility work.

Chair Crawford asked if the fence would be solid. Ms. Kearse stated that they are proposing a stockade style fence.

Mr. Cullum asked if this was a specialized lot where employees would be parking the vehicles or if owners would be responsible for parking. Ms. Kearse stated she assumed owners would be parking vehicles, but the applicant could best answer.

Chair Crawford noted the shared drive onto the site at Eden Terrace. Ms. Kearse stated staff had requested the fence and gate be moved further into the site in order to allow for adequate space for vehicles to pull in and be completely out of the right-of-way.

The applicant, Mr. Mark Walker, 2038 Hempstead Road, was available to answer questions.

Mr. Cullum asked if this was a specialized lot with employees parking vehicles. Mr. Walker stated the owners would park themselves, adding renters would have a code for access.

Chair Crawford asked the fence materials. Mr. Walker stated he did not know at this point, that he had wanted chain-link, but this was not allowed.

Mr. Hawthorne asked if any signs would be located on the site. Mr. Walker stated the only sign would be located on the gate with all business conducted across the street.

Mrs. Diana Myers, 2263 Blossom Drive, expressed several concerns including the hours of operation, lighting bleeding onto her property, and the foot traffic from the apartments across the street using the current lot as a cut-through to access services further down Anderson Road.

Chair Crawford stated the City would review the photometric plan for lighting and would meet with the applicant regarding appropriate landscaping in order to meet regulations. Ms. Kearse added that the City's landscape architect would advise as to what would be needed to increase the landscape buffer between the site and the adjacent residential properties.

Mrs. Myers asked if landscaping was required even with a fence. Chair Crawford stated it was.

Mr. Cullum asked if Mrs. Myers required a noise buffer. Mrs. Myers stated the concern was over the foot traffic that would occur as the buffer requirement would create an alley for people to use.

Mr. Walker stated the hours of operation would be controlled as the gate codes would only access the site during operating hours. He noted people would still walk through the alley area created because he would not be allowed to have a fence to block access.

Mr. Hawthorne asked if the adjacent neighbors had fences. Mr. Walker stated there was only

a line of trees separating the properties.

Ms. Kearse stated that in conversation with other staff, they would be okay with a fence constructed to block the access from foot traffic.

There was general discussion on whether to fence or leave the area open. Mr. Walker stated it would be better to plant something that would deter foot traffic, such as blackberry bushes.

Chair Crawford noted there was nothing that could be done to stop foot traffic. Ms. Kearse stated plantings could be installed as well as additional fencing to deter.

Mr. Cullum asked if Hutchinson Place had an HOA in place. Mrs. Myers stated it did not.

Chair Crawford asked Mr. Walker if he would accept a motion that included working with staff on landscaping and fencing. Mr. Walker stated he would, adding that he was required to build a sidewalk and hoped people would use that instead.

Mr. Hawthorne asked if landscaping would be installed at the property line to the northeast. Mr. Walker stated this was required. Chair Crawford stated holly bushes might be an alternative.

Chair Crawford closed the floor for Board discussion.

There was general discussion over the conditions for approval, including working with staff on the landscaping and buffer.

Mr. Cullum presented the motion to approve the special exception as requested with the conditions that the boat and RV storage cease at the existing location once moved to this location, and the applicant is to work with staff to find a solution for the landscape buffering to deter people from cutting-through. Mr. Williams seconded.

Mr. Hawthorne noted that if the north end of the site was designed to deter foot traffic, the south end would still have an issue. Mr. Williams expressed concern of the use of the area if it was designed in such a way as to create hiding spaces. There was general discussion over possible issues.

Chair Crawford called for a vote and the motion carried unanimously by a vote of 6-0 (Sutton absent).

Mr. Cullum presented the findings, specifically noting the use would comply with the use specific standards, it was compatible with the surrounding area, and there would be no adverse environmental impacts.

#### **THE BOARD, THEREFORE, ORDERS:**

**That the request by Mark Walker of Eden Terrace Self Storage for a special exception for a self-storage use in order to relocate boat and RV storage, is APPROVED WITH CONDITIONS.**

#### **The following conditions apply:**

- The boat and RV storage cease at the existing location once moved to this location.
- The applicant is to work with staff to find a solution for the landscape buffering to deter people from cutting-through.

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-2021-17**

**Requests:** Special exception to establish an indoor recreation use greater than 3,000 square feet.

**Address:** 274 Columbia Ave.

**Zoning District:** Industry Business (IG)

**Applicant:** MHAK Holdings, LLC





**Request:** Special exception to establish an indoor recreation use greater than 3,000 square feet

**Address:** 274 Columbia Ave.

**Tax Map No.:** 598-04-02-001

**Zoning District:** Industry Business (IB)

**Applicant/Owner:** MHAK Holdings, LLC on behalf of Craft Axe  
 254 Fair Street  
 Kingston, NY 12401

**Background**

The applicant, MHAK Holdings, LLC would like to lease an existing space in an industrial building for an axe throwing venue at 274 Columbia Ave., which is zoned Industry Business (IB).

The axe throwing business is similar to a bowling alley, where guest can rent a lane and throw small hand axes at a wooden target. In addition, they would have a bar where people could purchase beer and wine while they play. The floor plan submitted with the application shows the facility having eight lanes, a small bar area, and photobooth.

The entire building was previously used by a small engine repair business. They used this portion of the building as their showroom/office space. The Zoning Board of Appeals (ZBA) approved a special exception for a craft brewery use, and variance of 17 parking spaces in December 2017. The brewery use converted approximately half the building, which was the former shop area for the small engine repair business.

<b>Primary use table excerpt</b>  <ul style="list-style-type: none"> <li>• Blank cell = prohibited</li> <li>• S = Special exception</li> <li>• C = Conditional use</li> <li>• P = Permitted use</li> </ul>	<table border="1"> <thead> <tr> <th colspan="8">RESIDENTIAL</th> <th colspan="10">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>S</td> <td>S</td> <td>S</td> <td>S</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td>S</td> <td>S</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	S	S	S	P	P	P	P	P	P	S	S	
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<b>Definition of proposed use</b>	<p><b>Indoor recreation:</b> An indoor (entirely within an enclosed structure) use providing for sports and recreational activities. Examples may include gymnasiums; fitness centers; dance/gymnastics/martial arts' studios; swimming pools; skating rinks; bowling alleys; "bounce houses"; climbing centers; trampoline centers; and billiards' halls. These are divided into two types:</p> <ul style="list-style-type: none"> <li>• Indoor recreation uses of 3,000 square feet or less;</li> <li>• Indoor recreation uses of more than 3,000 square feet.</li> </ul>																																																												

The Zoning Ordinance classifies indoor recreation in two categories based on size. Those of more than 3,000 square feet are allowed only by special exception in the IB



zoning district, so that the Zoning Board of Appeals can help evaluate whether the use meets the intent of the Zoning Ordinance for it to be in the requested location. This intent manifests itself in two ways: first is to ensure that specialized industrial buildings remain available for industrial use (since most commercial uses can more easily be located elsewhere), and the second is to ensure that the location of a commercial use in an industrial area would not negatively impact the nearby industrial business' ability to operate.

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### **Site Description**

The subject property is located on Columbia Avenue near the intersection with West White Street. Surrounding properties are in a mix of Industrial General (IG), Multi-Family Residential (MF-R) and Single-Family Residential-5 (SF-5) zoning districts, with some property zoned Master Planed – College/ University (MP-CU) also nearby. The area is a mix of commercial uses such as a brewery, offices and fleet maintenance yard, and multi-family and single-family detached residential uses.

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### **Description of Intent for the Industry Business (IB) Zoning District**

The IB District is established and intended to accommodate a wide range of employment-generating office, institutional, research and development, and light manufacturing uses and associated commercial uses that serve the employment-generating uses. Such uses must take place entirely inside buildings, or must be developed in a manner compatible with surrounding land uses, so as to minimize potential nuisances or damage to the environment. In addition, by allowing a wide range of permitted uses, the IB District is intended to accommodate the development of “flex space” arrangements, where the developer can establish different combinations of allowable uses on a site over time, as the market dictates, as long as all uses and development conform to the standards established by this ordinance.

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### **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.*

#### **4.3.3.3.12 Recreation**

##### **A. Indoor Recreation Uses of >3,000 Square Feet**

*1. Specialized Building: As part of the application for a special exception for indoor commercial recreation uses in the IB (Industry Business) and Industry General (IG) zoning districts, the Zoning Board of Appeals must evaluate whether a specialized industrial building is required for the use. Applicants must provide information about the nature of the proposed activity and the need for an industrial-scale building, such as but not limited to specialized equipment needs, noise impacts, or high ceiling height.*

Prior to redevelopment, the building was used as an equipment repair shop and retail center for lawn equipment, and it is subdivided into three main areas. The left side of the building is more industrial in scale in terms of ceiling height, and it is used for a craft brewery. The right side of the building is divided into offices on the second floor and vacant office/retail space on the ground level. Given that the venue is seeking to use this retail space for the axe throwing venue, it appears that it does not require the use of a specialized industrial building.

**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 area surrounding the site is a mix of industrial, commercial and residential uses. The proposed use would be less intense than many industrial uses that would be permitted by right at this location, and it is similar to the existing brewery use next door with the exception that this use would not have an outdoor area. However, while the proposed axe throwing business may be compatible with the craft brewery, they share the same peak operating hours and staff has concerns about the ability to park all the uses together on the site.

**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 site is currently occupied by a brewery, a residential contractor's office (type A) and a health care training office. The latter two uses do not create a parking issue since they typically operate during daytime hours on weekdays, which is opposite of the brewery, which operates from 4p-10p Tue-Thu, 4p-11p Fri, 12p-11p Sat and 12p-8p Sun. The axe throwing venue's operating hours would likely be similar to the hours of the brewery. During the 2017 parking variance request hearing, the parking was calculated with the assumption that the remaining space in the building would be used for office and/or retail, which is parked at 1 parking space per 250 square feet. Staff explained to the ZBA that future uses would be

limited based on the available parking and that future tenants would need to meet the required parking for their proposed use.

The City recently approved the owner to construct 13 additional parking spaces on the site, partially within the City’s right-of-way for White Street. This would bring the total parking spaces on site to 48. These spaces have not yet been constructed.

The brewery currently utilizes every available space on the site, with patrons regularly parking in the grass area. and often overflowing to the Winthrop University fleet maintenance yard across the street. Lack of a formal parking agreement with Winthrop University is what prompted the variance request in 2017. The brewery’s patrons frequently utilize the parking across the street as the parking lot fills quickly. Staff feels that even with the additional 13 parking spaces, this will continue to be the case, and the proposed axe throwing venue will only add to the parking demand.

The following chart outlines the parking counts for all the proposed and existing uses.

Parking Calculations		SF of use	SF per Space	Spaces
<u>Slow Play</u>				
Brew Pub		1,678	75	23
Manufacturing		2,578	250	10
Outside Area		2,100	75	28
<u>Craft Axe</u>				
Lane Hangout area		558	40	14
Office/counter/reception		670	250	2
Bar		290	75	4
*Note walkways, hallways and restrooms are not used for calculations				
<u>Second Floor</u>				
Offices	Nonpeak (weekday hrs)	5,050	0	0
	Code Requirement			81
	20% old Town Reduction			16

	Net			65
	Remaining Variance	17-13 new		-4
	<b>Total Parking Needed</b>			<b>61</b>
	Current Spaces			48
	Proposed New			13
	<b>Total Available</b>			<b>61</b>

While the parking numbers appear to work on paper, staff feels that with both the axe throwing venue and the brewery operating at the same time, parking will be an issue. In addition, if Winthrop were to enforce no parking on its property, overflow parking could potentially be pushed into the adjacent residential areas.

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

The building is existing, and the new site work has been reviewed by staff for compliance with the ordinance. Should the ZBA approve the special exception, staff suggests adding a condition of approval requiring the additional 13 parking spaces to be installed prior to certificate of occupancy.

- 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.*

While traffic in and out of the site is currently manageable, the proposed use would create more traffic into and out of the site at the same times and it could potentially push parking and traffic into the adjoining residential areas.

- 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.*

The proposed use could potentially push parking into to the residential neighborhoods nearby and harm the quality of life for the residents.

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

A site plan has been developed that shows where the proposed new parking would be located. This additional parking has been approved, but not constructed. Since the parking is within the City's right-of-way, an encroachment permit has been approved but has yet to be issued for the additional parking.

- 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.

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### Public Input

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

- April 29: Sent public hearing notification postcards to property owners within 300 feet of the subject property.
- April 30: Posted public hearing signs on subject property.
- April 30: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff has not received any feedback about this application.

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### Staff Recommendation

Staff is unable to make the required findings for granting the special exception, specifically #3 regarding minimizing adverse impacts. Although the proposed use may demonstrate how they can meet the parking requirement as listed in the City's Zoning Ordinance, staff believes there is already a real-world parking shortage on the site. Staff does not feel that both the axe throwing venue and the brewery can operate at the same time without impacting neighboring properties and neighborhood streets.

Should the ZBA feel that they are able to make these findings, staff recommends a condition of approval requiring the construction of the 13 additional spaces and parking lot repairs as shown on their site plan.

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### Attachments

- Application including site plan and aerials of the property
  - Zoning Map
- 

### Staff Contact:

Melody Kearse, Zoning Coordinator  
803.329.7093

[Melody.Kearse@CityofRockHill.com](mailto:Melody.Kearse@CityofRockHill.com)

## SPECIAL EXCEPTION APPLICATION

Plan Tracking # 20210606 Date Received: 3/29/21 Case # Z-2021-17

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: 274 Columbia Avenue N, Rock Hill, SC \_\_\_\_\_

Tax parcel number of subject property: 5 9 8 - 0 4 - 0 2 - 0 0 1

#### 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: N/A

### APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
MHAK Holding LLC	254 Fair Street Kingston NY 12401	845-339-1776	Paul@PioneerCRE.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: 03-25-21

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

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

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

We are Requesting Special Exception to allow a recreational use in the IB Zone

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### Special exception standards

Please explain to the Board why you believe your request meets these standards. These are the standards the Board will consider when deciding whether to approve your request, although it may find that not all are applicable to your request.

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

The building was previously used for a tractor and machine repair shop. The First floor is partially occupied by Slow Play Brewery (50%) and the Second floor is shared office Space. We are proposing a lease to Craft Axe, An indoor Axe throwing venue. We just recieved approval to expand out parking lot by 13 Spaces and are working toward aquiring additional adjacent spaces. Under the current inerior floorpaln proposal we meet the required parking standard. The Special Expection is our last hurdle to allow this tenant To occupy this long vacant space.

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

As the Density increases inthe neighborhood, other type of neighborhood venues within walking distance will be warranted and also compliment the sucessful Slow Play Brewery.

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

We are adding additonal landscaping around the new parking spaces. All direct neighbors are commercial or parking lot.

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

There will be minimal site disturbance to expand the parking. All customer activity for this use will be inside.

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

Minimal increase in traffic from current is anticipated as both first floor uses will have cross over business. Ingress and egress was improved when the rotary was installed.

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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?

This is an adaptive reuse of an existing building and will only improve from its current state.

All residential uses are at least 2 parcels away and are protected by a stream and thick vegetation

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in that direction

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**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

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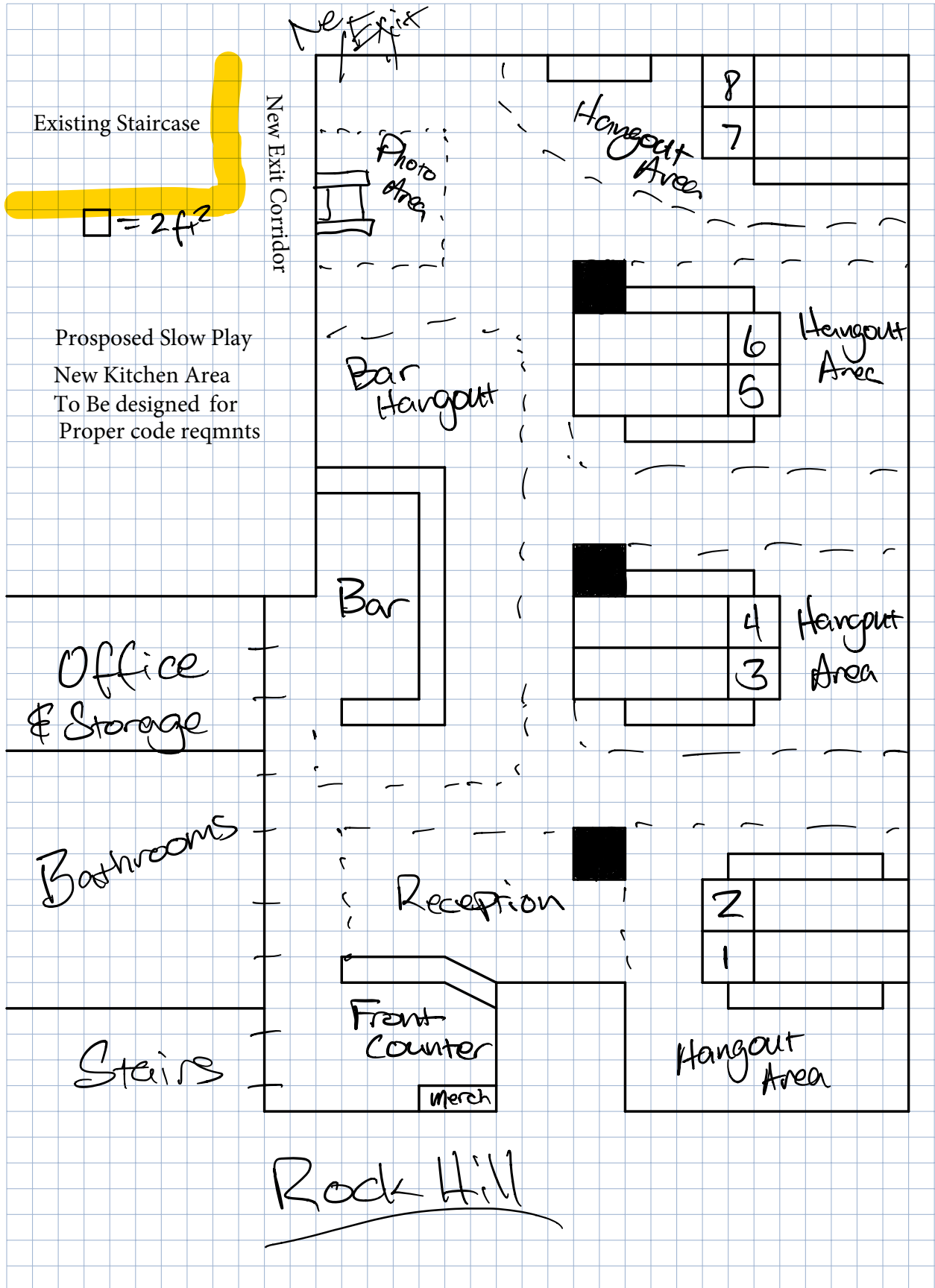
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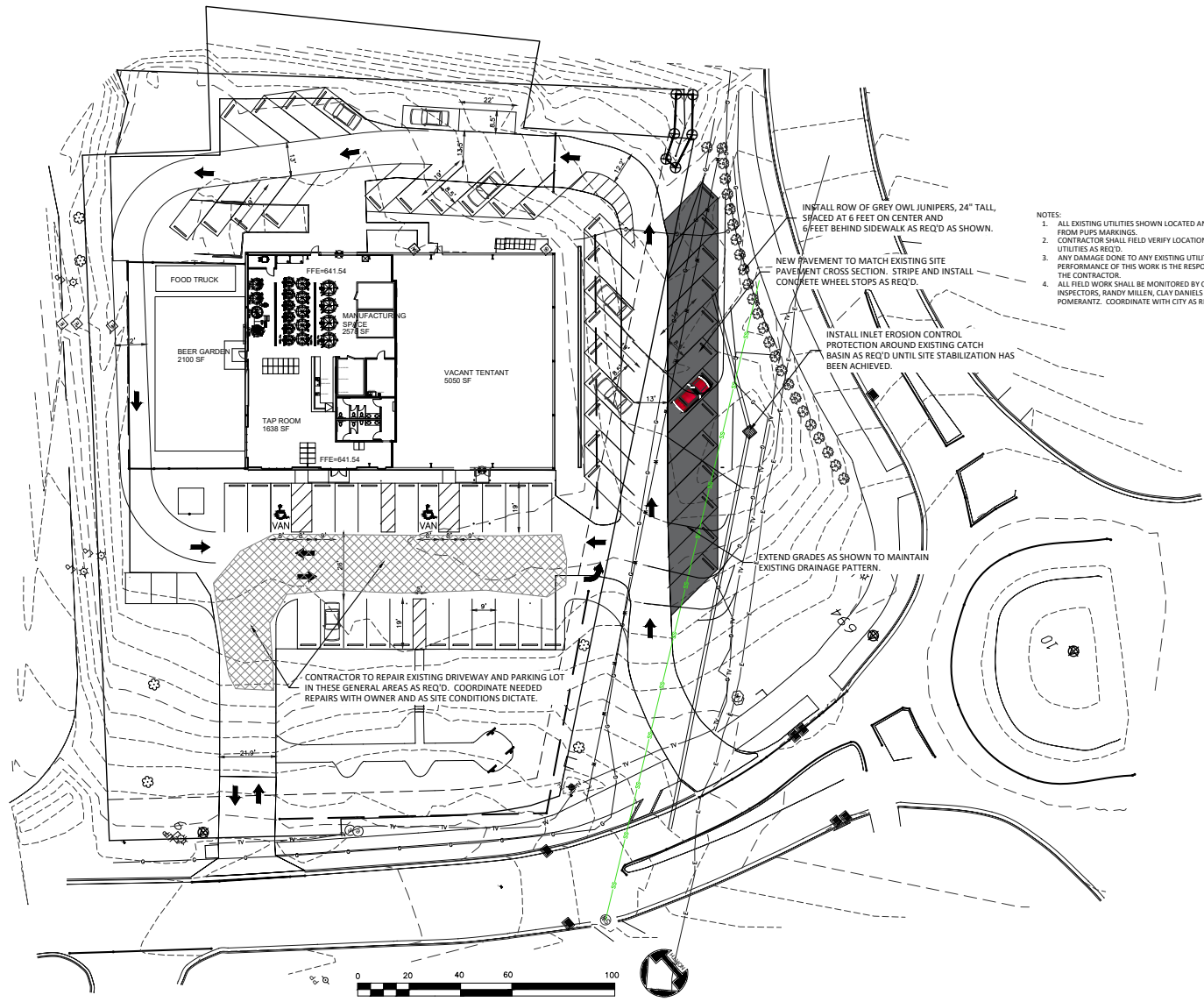
# 274 Columbia



Add New Exits for  
 Craft Axe and  
 kitchen

Slow Play Common Wall





- NOTES:
1. ALL EXISTING UTILITIES SHOWN LOCATED AND SURVEYED FROM PUPS MARRINGS.
  2. CONTRACTOR SHALL FIELD VERIFY LOCATIONS OF ALL UTILITIES AS REQ'D.
  3. ANY DAMAGE DONE TO ANY EXISTING UTILITIES IN THE PERFORMANCE OF THIS WORK IS THE RESPONSIBILITY OF THE CONTRACTOR.
  4. ALL FIELD WORK SHALL BE MONITORED BY CRH INSPECTORS, RANDY MILLEN, CLAY DANIELS AND/OR KEN POMERANTZ. COORDINATE WITH CITY AS REQ'D.



1069 Bayshore Drive  
 Rock Hill, SC 29734  
 803-329-3150  
 www.jcopeng.com

NO.	DATE	DESCRIPTION
1	10/12/2020	ISSUE UTILITIES PER CITY

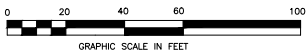
PREPARED FOR:  
**Paul Hakim**  
 845-339-1776  
 254 Fair Street  
 Kingston, NY 12401  
 paul@pioneercre.com

PROJECT:  
**SLOW PLAY BREWING - PARKING ADDITIONS**  
 274 Columbia Avenue  
 Rock Hill, SC 29730









TAX MAP NO. 598-04-02-001	COUNTY YORK
ZONED IB	DATE 10/12/2020

**SITE PLAN**

SHEET NO.  
**C1.0**



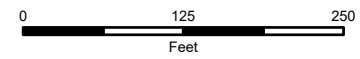
## Z-2021-17

-  Subject Property
- Zoning Districts**
-  MF-R
-  Industry Business (IB)
-  Industry General (IG)
-  Office and Institutional (OI)
-  Master Planned College University (MP-CU)
-  Master Planned Residential (MP-R)
-  Single-Family 5 (SF-5)

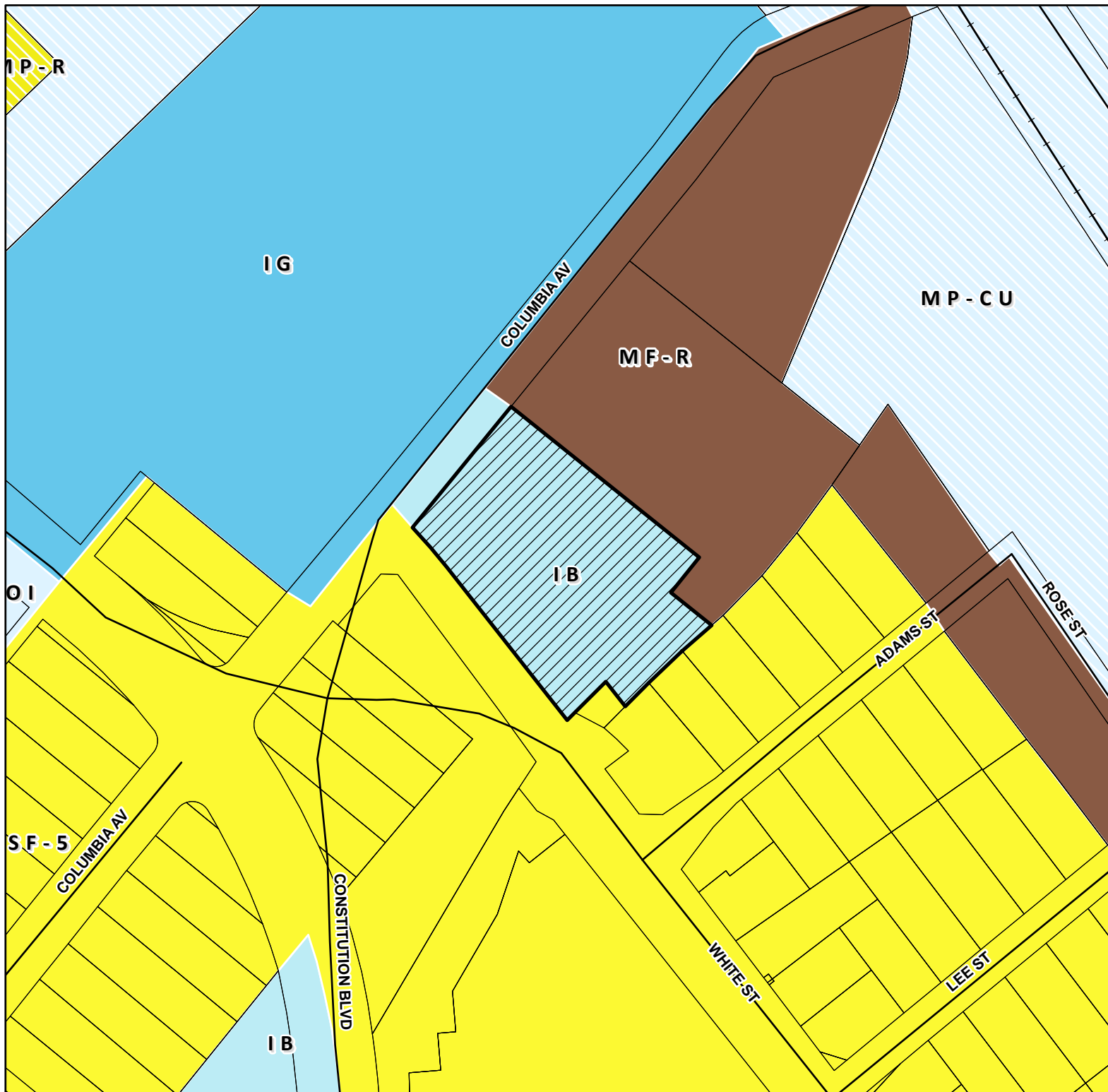
## Zoning Data

### Current Zoning

### IB



Planning & Development  
Department  
City of Rock Hill  
05/18/21





**Z-2021-18**

**Requests:** Variance from the secondary front setback standards for a fence on a corner lot

**Address:** 234 College Avenue

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

**Applicant/Owner:** Bryan Ghent & Jennifer Sandler  
234 College Ave.  
Rock Hill, SC 29730





**Requests:** Variance from the secondary front setback standards for a fence on a corner lot

**Address:** 234 College Avenue

**Tax Map No.:** 629-08-02-001

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

**Applicant / Property Owner:** Bryan Ghent & Jennifer Sandler  
234 College Ave.  
Rock Hill, SC 29730

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### **Background**

The applicants currently have a 4-foot galvanized chain link fence that starts at the back corner of their home and runs along their property line parallel to Park Drive. In order to ensure the safety and security of both their dog and small child while in the rear yard, they'd like to install a 6-foot wooden, opaque fence. The fence would start at the back corner of the home, come out to the property line at Park Avenue, run for approximately 110 feet along that property line, and run approximately 30 feet along the rear property line before stopping at the back corner of the lot.

Because this is a corner lot, the Zoning Ordinance considers it as having two front yards, and the fence setback standards apply along both road frontages. The Zoning Ordinance also specifies that for corner lots, the required setback for fence and walls on the secondary front is half the distance for the front yard, or 10 feet, whichever is less. In this case, the required setback for the proposed fence is 7.5 feet from the secondary front property line. Because the applicant is proposing to place the fence on the secondary front property line, a variance is needed.

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### **Site Description**

The property is in the Pecan Grove Park neighborhood area on College Avenue at the intersection of Park Avenue. It is mainly surrounded by single-family homes that are zoned SF-5, along with some multi-family uses zoned MF-15.

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### **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

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## 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 subject property is located on a corner, so the Zoning Ordinance does not allow it to have a six-foot privacy fence encompassing its entire rear yard the way that it allows interior lots to have. However, because this is a corner lot as opposed to an interior lot, the rear yard is completely exposed to those passing by along either the street or sidewalk. Because of this, the applicants are worried of the safety and security of their child and dog when in the rear yard of the home. In addition, the home is over 100 years old and the location of the steps that lead onto the deck, together with the location of the home itself, greatly restricts the placement of a fence 7.5 feet off the property line at Park Avenue. Lastly, the lot is rather narrow at the rear, at which a 7.5-foot setback causes an even greater hardship. If the fence were not required to be setback from the property line at Park Avenue, the applicants could enclose approximately 3,450 square feet of their rear yard. If the fence were required to meet the 7.5-foot setback, they would only be able to enclose approximately 2,588 square feet of their rear yard, which is a loss of 862 square feet.

#### **2. *Unique Conditions***

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

While other corner lots exist in the area, they may not have the same site restrictions in regard to where permanently placed site improvements are located. In this case, placing the fence 7.5 feet from the property line as required, would greatly restrict access into the back of the home as the fence would come into conflict with the stairs leading onto the deck. In addition, the rear portion of this lot is narrower in comparison to others in the area. The general reason behind why the Zoning Ordinance does not allow fences of this nature (over foot tall and opaque) to run along the property line is mainly due to aesthetics and sight distance concerns. Allowing these types of fences along front and secondary property lines has the potential to create a "walled off" and unwelcoming look along the street frontage. Particularly along the secondary property line, having a break between the property line and fence of this nature, softens the appearance of the fence. However, staff does not view not setting the fence back the required 7.5 feet as being an issue, as there are street trees present along Park Avenue that help to soften its appearance.

In regards to any sight distance concerns, staff does not view this as being an issue as the fence would not affect the sight distance of vehicles turning east onto Park Avenue from College Avenue, or those turning south onto College Avenue from Park Avenue, as the fence will not be located at the corner. In addition, the residents located directly behind the applicants should not experience any sight distance issues.

**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 have a fence along the property line at the secondary street so long as it does not exceed 4 feet and is at least 50% opaque. However, this type of fence would fail to address the applicants' stated security concerns.

**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 property would still be used as a residence.

Additionally, a nearby residence located at the corner of College Avenue and Strait Street has a 6-foot privacy fence running along the secondary front property line, so the presence of the proposed fence would not be out of character with the neighborhood.

Finally, staff has heard from six neighbors in support of the request and hasn't heard from anyone with concerns.

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### **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.

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### **Public Input**

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

- April 29: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- April 29: Posted public hearing signs on subject property.
- April 30: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff has heard from six neighbors in support of the request and hasn't heard from anyone with concerns.

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### **Staff Recommendation**

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

**Finding No. 1:** The subject property is located on a corner, so the Zoning Ordinance does not allow it to have a six-foot privacy fence encompassing its entire rear yard the way that it allows interior lots to have. However, because this is a corner lot as opposed to an interior lot, the rear yard is completely exposed to those passing by along either the street or sidewalk. Because of this, the applicants are worried of the safety and security of their child and dog when in the rear yard of the home. In addition, the home is over 100 years old and the location of the steps that lead onto the deck, together with the location of the home itself, greatly restricts the placement of a fence 7.5 feet off the property line at Park Avenue. Lastly, the lot is rather narrow at the rear, at which a 7.5 foot setback causes an even greater hardship.

**Finding No. 2:** While other corner lots exist in the area, they may not have the same site restrictions in regards to where permanently placed site improvements are located. In this case, placing the fence 7.5 feet from the property line as required, would greatly restrict access into the back of the home as the fence would come into conflict with the stairs leading onto the deck. In addition, the rear portion of this lot is narrower in comparison to others in the area.

**Finding No. 3:** If the variance were not granted, the applicant would still be able to have a fence along the property line at the secondary street so long as it does not exceed 4 feet and is at least 50% opaque. However, this type of fence would fail to address the applicants' security concerns.

**Finding No. 4:** If the variance is granted, the property would still be used as a residence.

Additionally, a nearby residence located at the corner of College Avenue and Strait Street has a 6-foot privacy fence running along the secondary front property line, so the presence of the proposed fence would not be out of character with the neighborhood.

Finally, staff has heard from six neighbors in support of the request and hasn't heard from anyone with concerns.

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### **Attachments**

- Application and supporting materials
- Site Plan
- Zoning map

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### **Staff Contact:**

Shana Marshburn, Planner II

803.326.2456

[shana.marshburn@cityofrockhill.com](mailto:shana.marshburn@cityofrockhill.com)

## VARIANCE APPLICATION

Plan Tracking # 20210684 Date Received: 4/19/21 Case # Z-2021-18

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:** 234 College Ave, Rock Hill, SC 29730

**Tax parcel number of subject property:** 629- 08- 02 - 001

#### 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: N/A

### APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
Bryan Ghent & Jennifer Sandler	234 College Ave. Rock Hill 29730	803-412-2136	jensandler@yahoo.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: Bryan R Ghent J. Sandler  
Date: 4/19/2021

<p>_____ <b>Name of property owner:</b> <u>Bryan Ghent and Jennifer Sandler</u></p> <p>If property owner is an organization/corporation, name of person authorized to represent its property interests: _____</p> <p><b>I certify that the person listed in the person listed above has my permission to represent this property in this application.</b></p> <p>Signature: _____ Date: _____</p> <p>Preferred phone number: <u>803-412-2136</u> Email address: <u>jensandler@yahoo.com</u></p> <p>Mailing address: <u>234 College Ave., Rock Hill, SC 29730</u></p>
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## INFORMATION ABOUT REQUEST

### General description of your request

We wish to replace our existing 4-foot chain-link fence on the current fence line with a 6-foot wooden privacy fence.

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We have had numerous uncomfortable incidents whereby strangers have interacted with our dogs and small child as they played in the backyard. A privacy fence would allow our family to be in the backyard without the gaze of passersby.

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The 7.5' setback requirement would hinder us from fully accessing our deck stairs, crawlspace, garbage bins, and raised garden bed and walkway.

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Our only request is to be allowed to place a wooden privacy fence where a chain-link fence currently exists.

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### 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.

Our house is almost 105 years old and is built close to the property line. We would like to put a new privacy fence in the exact same place as our existing chain-link fence. A 7.5' setback would put the privacy fence too close our existing stairs to open door properly, access our crawlspace, and hide our garbage cans. Additionally, this setback would be right in the middle of our existing brick walkway and would hinder access to our raised vegetable garden beds.

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Due to the historic nature of our home and narrow lot, the 7.5' setback prevents us from safely and aesthetically using our yard.

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

We are on the corner with an existing fence line along Park Drive. Our lot is long and narrow, and a 7.5' setback would remove access to close to 1/4 of our backyard. Other corner lots in our vicinity already have existing privacy fences without a setback, face forward, or only have narrow side yards. Our backyard is long and narrow with our entire backyard exposed to public view. This is our son's main outdoor play space, and it is currently very visible and accessible to passersby. Other neighbors with backyards on corner lots already have a privacy fence.

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

As stated above, a 7.5' setback would hinder access to our existing deck stairs, and fully accessing our crawlspace

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where we store our lawn care supplies, and access our gas and HVAC units. Additionally, this setback

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would restrict access to our existing brick walkway and raised garden beds.

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

Due to an already existing chain-link fence, a privacy fence along our property line would actually improve

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the public good as we have two barking dogs that can be aggressive along the fence, and adding a wooden

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privacy fence would hopefully curb excessive barking and reduce the visibility of our garbage bins, as other

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privacy fences in the neighborhood do, and give us peace of mind as our child plays in the backyard.

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**Exhibits**

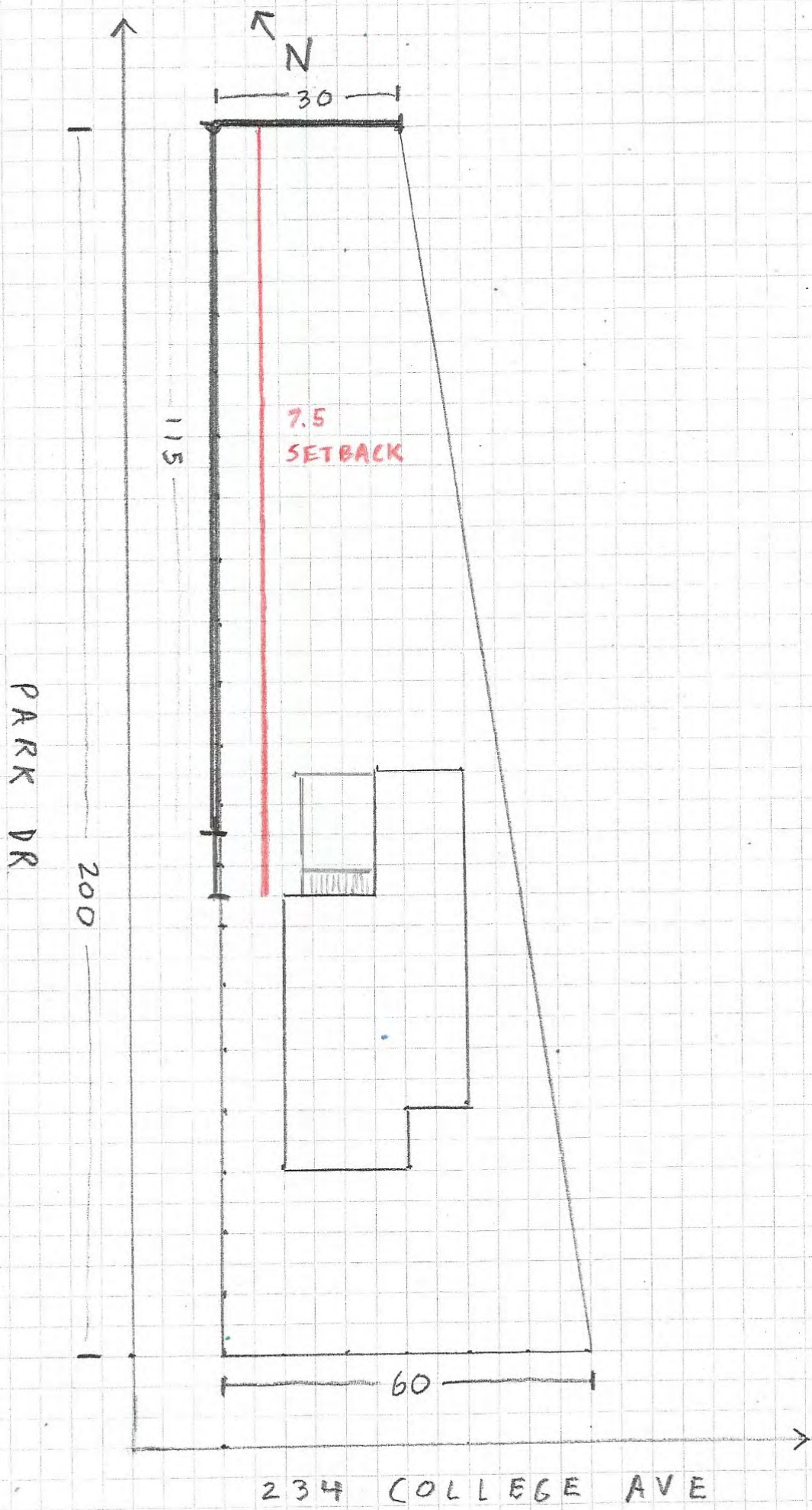
Please list any documents that you are submitting in support of this application. The ones listed below are suggested, but you may provide others that you believe would be helpful, and in some cases, staff or the Zoning Board of Appeals may request other exhibits as well.

Site plan

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

request - three photos showing the placement of fence with

proposed 7.5' setback.



234 COLLEGE AVE

PARK DR

7.5  
SETBACK

30

60

115

200

N












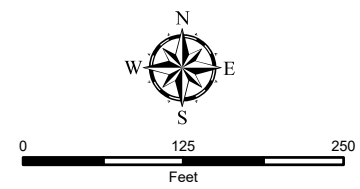


## Z-2021-18

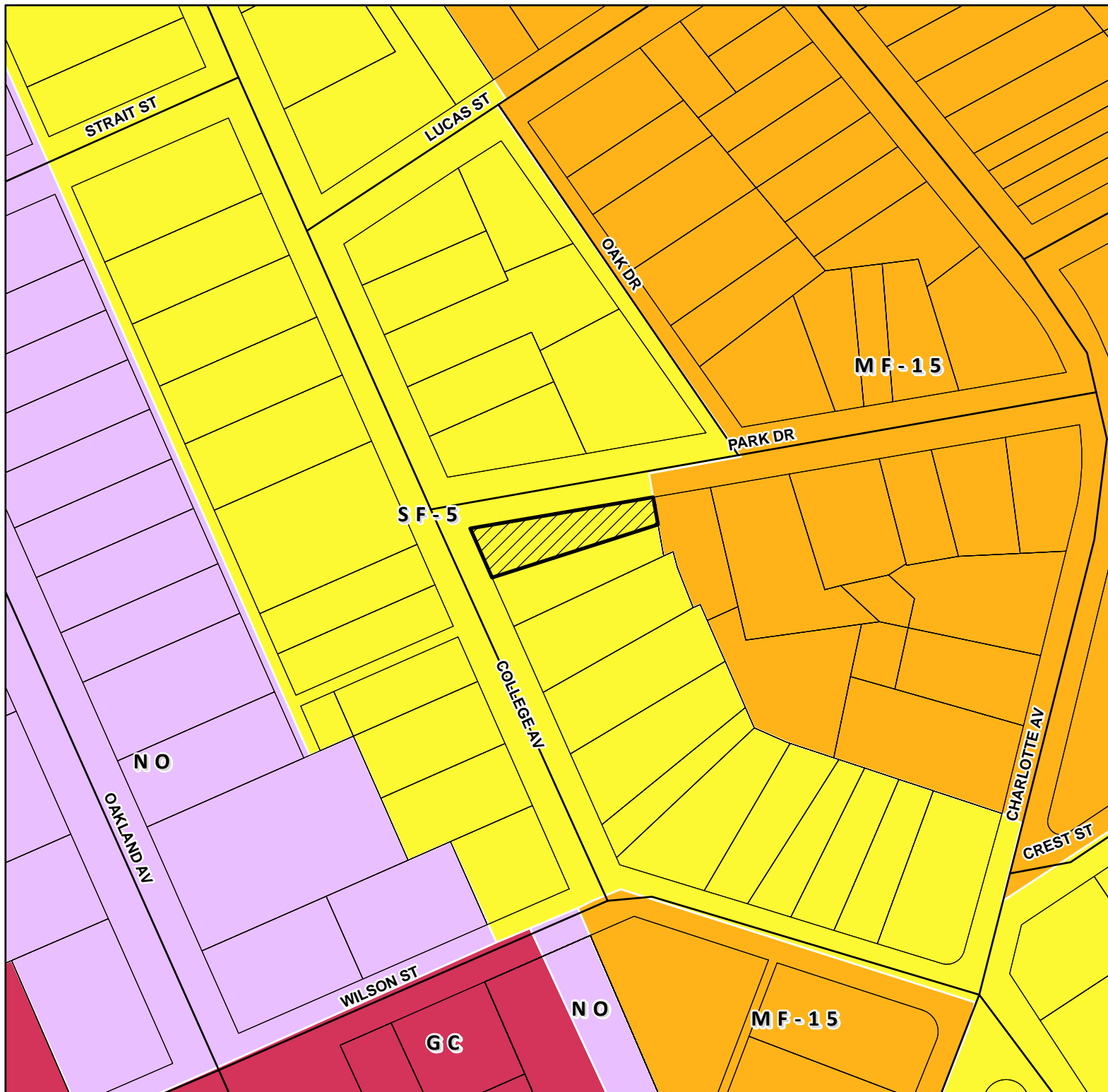
-  Subject Property
- Zoning Districts**
-  General Commercial (GC)
-  Multi-Family 15 (MF-15)
-  Neighborhood Office (NO)
-  Single-Family 5 (SF-5)

## Zoning Data

Current Zoning  
**SF-5**



Planning & Development  
Department  
City of Rock Hill  
05/18/21





## Z-2021-19

**Requests:** Special Exception to a establish a residential infill use

**Address:** 249 Johnson Street

**Zoning District:** Downtown (DWTN)

**Owner:** Ella J. Wells  
1950 Eastover Drive  
Rock Hill, SC 29732

**Applicant:** Daniel Robertson  
2390 Hilldale Drive  
Rock Hill, SC 29732





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**Requests:** Special exception to establish a residential infill use

**Address:** 249 Johnston Street

**Tax Map No.:** 627-17-01-007

**Zoning District:** Downtown (DWTN)

**Owner:** Ella J. Wells  
1950 Eastover Drive  
Rock Hill, SC 29732

**Applicant:** Daniel Robertson  
2390 Hilldale Drive  
Rock Hill, SC 29732

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## **Background**

The applicant, Daniel Robertson, would like to convert a single-family dwelling into a duplex.

This is a rather new use type in the Zoning Ordinance that was created to allow for small rental housing projects, such as one quadruplex on a lot or a small grouping of duplexes on a lot. Affordable housing advocates and homebuilders alike had expressed an interest in seeing a modification of the Zoning Ordinance to allow for small-scale multi-family projects like that.

Although single-family attached and multi-family uses are allowed within the Downtown zoning district, the existing building would not meet modern day standards for either of those uses. Due to the unique nature of the property, this project is more suited to be placed into the Residential Infill use category, which requires a Special Exception in the Downtown zoning district. The Residential Infill use has its own standards of review that the Board will need to evaluate.

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## **Site Description**

The property is located at the corner of Johnston Street and Green Street, in between Hampton and Saluda Streets. It is surrounded by a mix of uses including single-family residential, multi-family residential, commercial, and institutional uses in the Downtown zoning district. The lots across Johnston Street are zoned Mixed Use Corridor (MUC) and Neighborhood Office (NO) and also contain a mix of uses. The property is within both the Historic District Overlay and the Old Town area.

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### **Downtown (DWTN) Zoning District Description of Intent**

The DTWN district is established and intended to encourage the development of the City's downtown as the focal point in Rock Hill with an intense mix of office, retail, service, restaurant, entertainment, cultural, government, civic, and residential uses, with no density or intensity limitations. More specifically, the district is intended to:

1. Provide services to persons shopping, working, or living in the downtown area;
  2. Provide for a range of downtown business uses, as well as residences above the street-level as by-right uses;
  3. Encourage retail and restaurant uses on the street-level to support and encourage greater foot traffic;
  4. Encourage infill of vacant lands, and redevelopment of existing and under- utilized lands in the downtown area;
  5. Require new development to be consistent with the existing template of development in the downtown;
  6. Support uses and activities which add to the hours of use of the downtown; and
  7. Promote the economic and investment potential of downtown Rock Hill.
- 

### **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. *When the Zoning Board of Appeals is considering special exception requests for residential infill uses, the Board must evaluate the following criteria in addition to the other standard questions regarding special exception uses from Chapter 2: Administration:*

- i. *Does the surrounding area have a mix of commercial and residential uses, or a mix of residential use types of varying densities?*

Yes, the area has a mix of commercial and residential uses. The immediate area includes single-family residential, multi-family residential, commercial, and institutional uses.

- ii. *Does the proposed residential infill use meet a sufficient number of the standards of Chapter 9.4: Design Standards for Residential Infill Uses for it to be compatible with its surroundings?*

The design standards, and examples contained within an appendix to the Zoning Ordinance, are attached in full for your reference. Staff's assessment regarding whether this proposal meets each standard follows here. Staff views the proposal to meet all of the standards where they can apply as the lot is already developed.

- a. Form of Structure- The structure is a duplex, which is classified as a residential infill use type.
- b. Architectural Standards- The structure is existing whereas any substantial changes to the exterior will require review and approval by the Board of Historic Review. Staff views the building to be compatible with the architectural style of other structures in the area. The structure takes on the look of a single-family dwelling, as do others in the area even if they are not being used residentially. Examples of similarities include multiple roof line changes, full front porches, having one to two stories, and being situated closer to the street.
- c. Orientation of Buildings to Streets- The structure is situated on a corner lot and is proposed to have two units. Because this is an existing building, the potential floorplan is somewhat restricted. Because of this, the second unit will not have an entrance that directly addresses the street. Instead, the first unit will have operable entrances at both the Johnson Street and Green Street frontages, while the entrance for the second unit will face the rear yard area. Staff does not view this as being an issue, as the structure is already developed, and the unit will have a connection to the public sidewalk system. In addition, the applicant is proposing to enhance the second unit's entrance by adding landscaping along the sidewalk leading up to it.
- d. Building Scale- The building is in scale with residentially designed structures along the same block face as these structures typically are of a similar size to the subject structure.
- e. Setbacks- The structure's distance from all property lines is similar to that of the existing structures along the same block face. In the Downtown zoning district in general, lot sizes are more compact, requiring buildings to be set closer to property lines, and addressing street frontages as with this case.
- f. Off-Street Parking- Residential Infill use types are required to provide two spaces per unit unless the ZBA determines that a lesser amount is called for during the special exception process. The site plan included with the application proposes to provide four paved vehicle spaces which is viewed as being sufficient.



- g. Pedestrian Walkways- Currently, the Green Street frontage has a sidewalk that connects the entrance to the public sidewalk system while the Johnston Street frontage does not. However, the applicant proposes to install a sidewalk in order to make this connection. As a result, this unit will have two connections to the public sidewalk system. The second unit faces what is considered to be the rear yard area and will have a sidewalk leading from its entrance to the parking area, which automatically connects to the public sidewalk system.
- h. Garages and Carports- This standard is not applicable, as no garage or carport is being proposed.
- i. Outdoor Areas- One of the units will have access to two front porches, at which they together equal to 234 square feet in area. The second unit is proposed to have a 90 square foot outdoor lounge in close proximity to its entrance, that will include garden benches.
- j. Landscaping- Street trees are not being provided as the site is already developed and so space to put them is limited. There are other large trees on the property as well as some foundation plantings. Overall, the amount of existing foundation plantings is at a similar rate to other existing buildings on the block. However, the applicant has identified overgrown areas of the property and areas that include plants invasive to the area. The applicant plans to remove these areas of vegetation, in addition to an understory tree that is located on the Green Street frontage. The applicant would then replace these areas with new plantings including azaleas, bulbs such as iris, tulips, daffodils, and other perennial plantings. The applicant will work with the City's Landscape Architect to adjust the landscape plan where needed.
- k. Fencing- No fence is required as the adjacent lots do not contain single-family dwellings.
- l. Outdoor Storage- A storage area will be provided in order for occupants to store their items. Because this would either be attached to the existing structure or be a freestanding structure, it would require a Certificate of Appropriateness on either a staff level, or from the Board of Historic Review. This will help to ensure that the design is compatible with the architecture of the home, especially since this is a corner lot at which the public has an increased view into areas of the lot. The applicant has agreed to work with the Zoning reviewer as well as the Historic Preservation Specialist to a determine an area of the site best suited to meet this requirement as well as the architecture to be provided.
- m. Roof Penetrations and Equipment- This is an existing structure. However, if added, any roof penetrations and equipment will be located on the rear of the structure so as to minimize visual impact. Any wall-

mounted equipment will be of a similar color as the home so as to minimize visual impact.

n. Signage- No signage is being proposed.

- 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.*

A duplex is generally compatible with the area, which already contains a mix of uses such as single-family residential, multi-family residential, commercial, and institutional. The Downtown zoning district is typically not an area of single-family residential living as many single-family residential structures have been converted to commercial over time with only a few remaining as single-family today.

- 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.*

This is an existing residential structure, whereas the design is already seen as being computable with others in the area. Furthermore, it is located within the Downtown zoning district which is characteristic of containing a mix of uses. Aside from the small number of single-family residential uses, the district contains uses that are of the same or higher intensity than what is being proposed.

- 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 design would be reviewed, and inspections would be performed, by staff for compliance with all environmental regulations to minimize any impacts to neighboring properties, stream, creeks and storm water systems.

- 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.*

Johnston Street is classified as an SCDOT maintained minor arterial road while Green Street is classified as a City maintained local road. Both streets have the capacity to support a duplex.

- 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.*

The proposed use is compatible with the existing mix of uses in the neighborhood, so it should not injure neighboring land or property values.

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

A site plan has been provided.

- 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.

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### **Public Input**

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

- April 29: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- April 30: Posted public hearing signs on subject property.
- April 30: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff received a phone call from a neighboring business owner requesting more information as well as inquiring as to what potential impacts the request would have on their property.

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### **Staff Recommendation**

This is an existing lot with an existing home whose architecture and scale fit with the surrounding area. Furthermore, the proposal is located within the Downtown zoning district, an area characteristic of containing a mix of uses with many of them being in very close proximity to the proposed. Staff has determined that the proposal can meet the use-specific standards as outlined above. Therefore, staff sees this conversion of single-family to a duplex as compatible; and recommends approval of the request with the condition that the applicant work with staff to determine the best placement and style for the required outdoor storage area.

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### **Attachments**

- Residential infill standards and appendix
  - Application and supporting materials
  - Site Plan
  - Zoning map
- 

### **Staff Contact:**

Shana Marshburn, Planner II

803.326.2456

[shana.marshburn@cityofrockhill.com](mailto:shana.marshburn@cityofrockhill.com)

## ZONING STANDARDS FOR RESIDENTIAL INFILL USES

### USE-SPECIFIC STANDARDS

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When the Zoning Board of Appeals is considering special exception requests for residential infill uses, the Board must evaluate the following criteria in addition to the other standard questions regarding special exception uses from *Chapter 2: Administration*:

- Does the surrounding area have a mix of commercial and residential uses, or a mix of residential use types of varying densities?
- Does the proposed residential infill use meet a sufficient number of the standards of *Chapter 9.4: Design Standards for Residential Infill Uses* for it to be compatible with its surroundings?

### DESIGN STANDARDS

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#### 9.4.1 APPLICABILITY AND INTENT

These standards apply to all residential infill uses. However, this section recognizes that each residential infill use situation will be unique. Therefore, not every standard below must be met in every situation, but instead, the Zoning Board of Appeals must determine that enough of the standards below are met for the use to be compatible with its surroundings during the Board's review of special exception requests for the use at a particular location. The intent of these design standards is to collectively help ensure that the residential infill use will be carefully designed to complement the surrounding neighborhood in terms of scale, architecture, site design, and other features.

When the request for a residential infill use is located within a Historic Overlay District, the Historic Design Guidelines must be applied as well as these.

Examples of structures that meet the intent of this section are shown in *Appendix 9-B: Design Intent for Residential Infill Uses*.

#### 9.4.2 FORM OF STRUCTURE

Residential infill structures may take several forms, which are explained below.

Structures must be designed to mimic the architecture of a single-family detached dwelling or a single-family attached dwelling with a small number of units. This design intent is shown in the photographs of this section as well as in those within *Appendix 9-B: Design Intent for Residential Infill Uses*.

- A. Single-family detached dwellings:** Residential infill uses may consist of a single-family detached dwelling that is located on a lot with other single-family detached dwelling units or with other types of dwelling units. All of these dwelling units may be approximately the same size; neither is required to be accessory to another.



Two single-family dwellings on one lot

Multiple single-family detached dwellings on one lot also may take the form of a “bungalow court,” which contains several such dwellings built around a common courtyard, with vehicles parked in a common parking area.



Bungalow court

- B. Accessory dwelling unit (ADU):** The residential infill use allows accessory dwelling units on a lot with other dwelling units of any type. The difference between an accessory dwelling unit and having multiple single-family detached dwelling units on one lot is that an accessory dwelling unit is subordinate to and smaller than the primary residence. The difference between an accessory dwelling unit and a duplex is that the accessory dwelling unit is not attached to the primary structure.

Note that a property with a single-family detached residence on it may have one accessory dwelling unit as a conditional accessory use provided that the standards in *Chapter 5: Land Uses: Accessory and Temporary Uses* are met.

When the use of the property is residential infill instead of single-family residential detached, the standards for accessory dwelling units in *Chapter 5* must be met, with the following exceptions:

1. The property owner is not required to live on the property.
2. Any number of accessory dwelling units can be built, provided that the overall density of this section is met.
3. The required number of parking spaces must follow the standards set forth in this section.
4. Accessory dwelling units are not required to comply with all other applicable standards for the principal dwelling unit in the zoning district in which the accessory dwelling is located.



- C. Duplexes:** Two units per structure. A residential infill use may consist of one or more duplexes located on a lot, and the lot may contain other types of dwelling units as well. Each duplex may be side-by-side, in which

case the dwelling units are located next to each other, or stacked, in which case one dwelling unit is located on top of another. The units typically are about the same size, but that is not required.



Side-by-side duplex

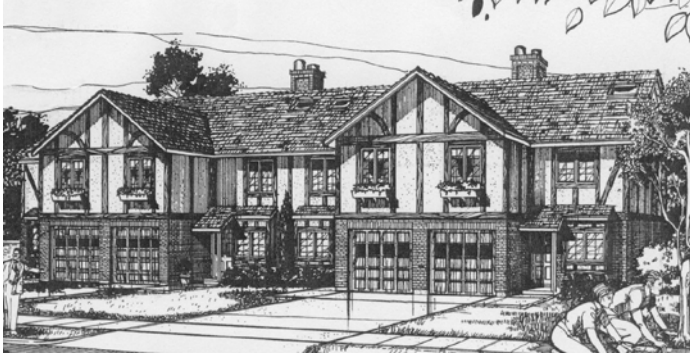


Stacked duplex

- D. Triplexes:** Three units per structure. A residential infill use may consist of one or more triplexes located on a lot, and the lot may contain other types of dwelling units as well. The units may all be the same sizes, or of difference sizes. Due to sprinkling requirements in the building code that apply when more than two units are involved in a stacked formation, triplexes are most commonly designed with the units adjacent to each other.



- E. Quadruplexes (also called fourplexes):** Four units per structure. A residential infill use may consist of one or more quadruplexes located on a lot, and the lot may contain other types of dwelling units as well. The units may be all the same sizes, or of different sizes. Due to sprinkling requirements in the building code that apply when more than two units are involved in a stacked formation, quadruplexes are most commonly designed with the units adjacent to each other.



### 9.4.3 ARCHITECTURAL STANDARDS

The building architecture should show a high level of architectural design, evidenced through use of high-quality building materials and detailed architectural features. The building should be designed to mimic a general appearance of a single-family dwelling, or a single-family detached dwelling with a small number of units.

The buildings should be generally compatible with surrounding residential structures with respect to general architectural style and individual architectural components such as but not limited to foundations (whether raised or not, and materials used on them), roof slopes, front and side façade materials, and front porches (whether they exist or not).

### 9.4.4 ORIENTATION OF BUILDINGS TO STREETS

Residential infill buildings that front a street must be oriented so that a primary entrance of buildings that are adjacent to the street face the street. A primary entrance is defined by the entrance's function, scale, and/or design detail.

An exception exists for buildings that are placed behind the front plane of a street-facing structure. In that case, the buildings to the rear are not required to face the street.

### 9.4.5 BUILDING SCALE

Except for accessory dwelling units, the residential infill buildings should generally be in scale with residential structures on the same block face, particularly those closest to the residential infill location, with respect to height and number of stories, and overall square footage and building footprint.

### 9.4.6 SETBACKS

Residential infill buildings should generally be consistent with residential structures on the same block face, particularly those closest to the residential infill location, with respect to setbacks from property lines (front, sides, and rear).

### 9.4.7 OFF-STREET PARKING

The general parking standards of *Chapter 8: Development Standards* apply to this use in addition to the following standards. For the purposes of determining a minimum number of parking spaces, the residential infill use will follow the standards for multi-family uses.

The specific design criteria for parking for infill residential uses include the following:

- A. Parking spaces should be placed according to the predominant location of existing parking spaces along the block. For example, if the existing structures predominantly have parking that is located to the rear of the structures, then the residential infill use should also locate the parking to the rear of any street-facing structures. However, if the existing structures predominantly have parking that is located to the side or to the front of the structures, then the residential infill use also may locate the parking to the side or front of any street-facing structures, respectively.

- B. Parking spaces for this use cannot be used to store trailers, boats, recreational vehicles, or other major recreational equipment, as well as box trucks, cabs from tractor trailers, trailer beds from tractor trailers, and other specialized commercial vehicles.

#### 9.4.8 PEDESTRIAN WALKWAYS

Pedestrian walkways must be provided to the public sidewalk(s) or street(s) that are adjacent to the structure.

#### 9.4.9 GARAGES AND CARPORTS

Garages and carports should be placed according to the predominant location of existing garages and carports along the block. For example, if the predominant pattern on the block is for residences to either not have garages/carports or to place them to the rear of the structures, then the garages/carports on any street-facing residential infill structure should also be placed to the rear of the structure. If the predominant pattern on the block is for garages/carports to be located along the side or rear of the primary structure, then the residential infill use also should locate garages/carports to the side or rear of any street-facing structure, respectively.

#### 9.4.10 OUTDOOR AREAS

Instead of meeting the standards for open space in Section 8.6, residential infill uses must provide at least 50 square feet per unit of functional outdoor space for residents' recreation and enjoyment. This space may consist of areas shared by others in the project, or they may be private to each unit. The areas may include features such as but not limited to an outdoor lounge area with a fire pit and grills or an outdoor kitchen, a residential-grade children's play set, a community vegetable and flower garden, or balconies, patios, or porches. The Planning & Development Director also may approve alternative spaces, whether indoor or outdoor, that meet the intent of this section.

#### 9.4.11 LANDSCAPING

Unless they already exist on the property, street trees meeting the standards of Section 6.7.20 must be provided, and foundation plantings meeting the multi-family standards of Section 8.7.8 must be provided on street-facing facades. Service areas must also be screened according to the standards of Section 8.7.9. Additional landscaping should be provided of a scale and type that is characteristic of the surrounding area.

#### 9.4.12 FENCING

Fences are required between residential infill uses and existing single-family detached dwellings on adjacent lots. These fences must be at least six feet tall and solid unless a significant natural buffer exists between the uses. They must be constructed of a material other than wood. Otherwise, they must meet the fencing standards of *Chapter 5: Land Use: Accessory and Temporary Uses*.

#### 9.4.13 OUTDOOR STORAGE

The storage of items outside units except for items traditionally stored outside, such as bicycles, grills, and outdoor furniture, is not allowed. Outdoor items that are allowed must be located to the unit's patio or balcony area and not on adjacent grass, sidewalks, or other areas. Developers are encouraged to build storage capacity for items traditionally kept outside (such as, but not limited to, outdoor toys and bicycles) into the design of each unit to ensure that this requirement is met.

#### 9.4.14 ROOF PENETRATIONS AND EQUIPMENT

- A. To the degree practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) must be located on the rear elevations or configured to have a minimal visual impact as seen from the street.
- B. Where wall mounted equipment is visible from the street or any public area, it should be of similar color to the façade on which it is located and be integrated into the overall design.

#### 9.4.15 SIGNAGE

Residential infill uses are allowed only the types of signs that are allowed for individual single-family residential detached residences.



## APPENDIX 9-B: DESIGN INTENT FOR RESIDENTIAL INFILL USES

### Examples of structures that meet design intent

These examples are provided in addition to the photographs in *Section 9.4: Design Standards for Residential Infill Uses* to show architectural designs that would meet the design standards for the residential infill use type. Whether a particular design would be approved for a particular location depends on the architectural styles of the surrounding properties and the other compatibility criteria listed in Section 9.4.

#### A. Duplexes



- Structure positioned close to street
- Multiple roof planes and angles
- Both entrances off center stoop as focal point under primary central architectural feature of structure
- Landscaped entrance
- Parking to rear
- No visible garages
- Footpath to sidewalk



- Structure positioned close to street
- Architectural detailing in columns, transoms, windows, shingles, and porch lights
- Parking to rear
- No visible garages



These are images of the same design from different angles. The floorplans are about 1,500 square feet on each side.

- Multiple rooflines
- Masonry detailing on chimneys and portion of façade
- Separate entry porches with architectural detailing
- Parking to rear



- This floorplan is about 1,125 square feet on each side.
- Multiple rooflines
  - Masonry detailing on focal point (feature window) and other areas of the facade
  - Columns setting off separate entry areas
  - Abundant windows

## B. Triplexes



- Mimics modern suburban single-family residence
- Individual entrances on different sides of structure
- Parking to rear
- No visible garages



- Modern design
- Multiple materials repeated for cohesion of design
- Individual balconies (two per unit)
- Parking in front and garages visible, but garage doors have architectural interest

## C. Fourplexes



- Mimics traditional single-family detached residence
- Architectural interest through varied rooflines and story height
- Architectural detailing present in features such as porch columns



- Modern townhouse-style design
- Varied architectural materials create visual interest
- Cohesive overall appearance

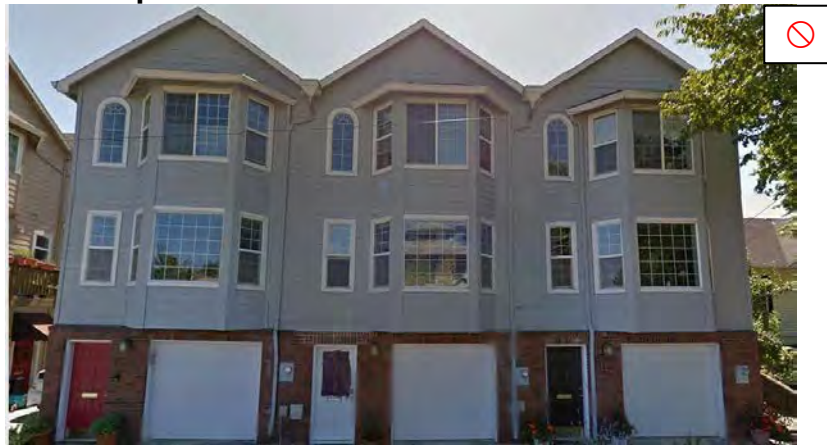
**Examples of structures that do not meet design intent**

**A. Duplex**



- Plain architectural design
- Pillars are visually insubstantial given mass of above structure
- No landscaping in front of structure
- Doors to sides of structure; uninviting in this context
- Parking in front
- Visible garages with no architectural detail

**B. Triplexes**



- Plain architectural design
- No integration of the materials
- Few architectural details
- Streetscape view dominated by garage doors
- Bay windows make structure appear top-heavy



- Garage doors and parking pads dominate front façade—front door gets “lost” to the sides of the units instead of being their primary focal points
- Minimal landscaping area to soften the appearance of the abundant driveway area

## C. Quadruplexes



- Units positioned side-by-side and back-to-back in this layout offers little architectural variability
- No material changes to create interest
- No entry features
- Little landscaping



- Overall mass of structure too large for use type
- Plain architectural design
- Stoops appear insubstantial given the mass of the structure overall
- Large commercial-looking parking area in front
- No landscaping in front of structure



- Mass of structure too large for use type
- Changes in material for each unit creates inconsistent overall appearance
- Garages in front, with parking pad too small to be very useful
- Little landscaping



- Overall mass of structure too large for use type; four stories is too tall

## SPECIAL EXCEPTION APPLICATION

Plan Tracking # 20210812 Date Received: 4/23/21 Case # Z-2021-19

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: 249 Johnston St, Rock Hill, SC 29730

Tax parcel number of subject property: 6 2 7 - 1 7 - 0 0 - 1 0 7

#### 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
Daniel Robertson	2390 Hilldale Dr Rock Hill, SC 29732	501-658-9191	RobertsonResidential85@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) Have it 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: Daniel Robertson Date: 4/23/2021

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

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

**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

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.

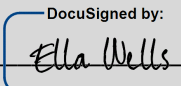
Signature: \_\_\_\_\_ Date : \_\_\_\_\_

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

**Name of property owner:** Ella wells

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: 4/23/2021 | 4:30 PM EDT

Preferred phone number: 8034171028 Email address: ewel@comporium.net

Mailing address: 1950 Eastover Dr, Rock Hill SC 29732

## INFORMATION ABOUT REQUEST

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

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**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.)

See attached

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

See attached

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

See attached

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

See attached

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

See attached

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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?

See attached

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**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

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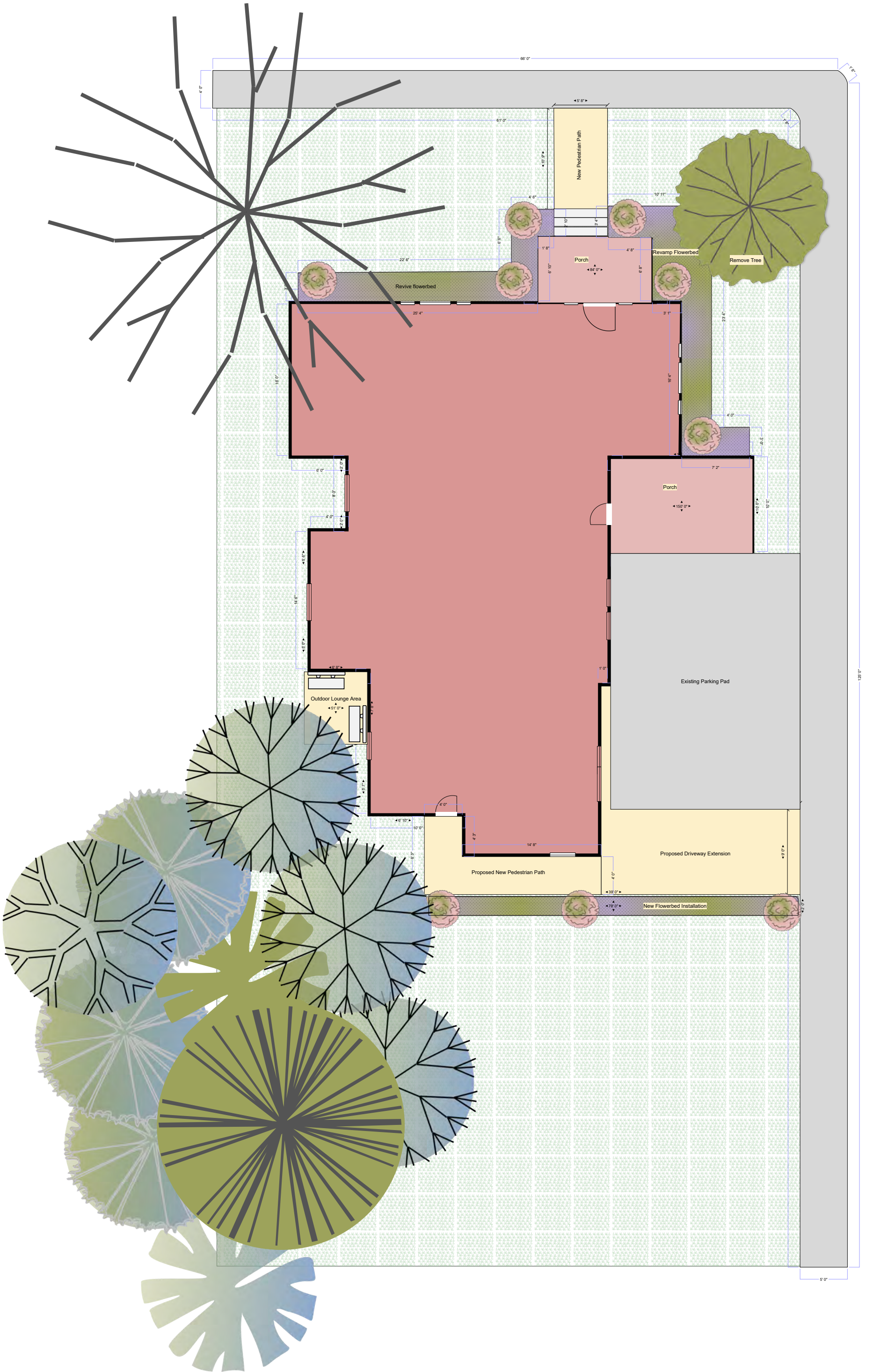
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1. If your proposed use has any use-specific standards, how do you propose to meet them? (Staff can help you determine whether your use has any use-specific standards.)
  - a. I am proposing the subject property be converted from a single family detached unit to a side-by-side duplex under the Residential Infill Special Exception  
Architectural Standards – There are no proposed changes to the current architectural design. The property is in a historic district and the intent is to keep as much of the existing architecture the way it is, just to repair it where needed.  
Orientation of Buildings to Streets: There will be no modification to the building orientation to the street.  
Building Scale: No proposed modification to building scale.  
Setbacks: No proposed modification to setbacks  
Off-Street Parking: Two spaces per unit are required under the Residential Infill Special Exception. The existing parking pad is currently 27' wide, which can fit 3 parking spaces. There is currently on-street parking along Green St. The Multiple-family parking requirement is 1.5 spaces per 1 or 2-bedroom unit. This would be two 2-bedroom units, only requiring 3 parking spaces under the multiple family parking requirement. Given the compact nature of this site, I would request that only 3 spaces be required.  
Pedestrian Walkways: A new pedestrian walkway will be built to connect the front of the house to the sidewalk.  
Garages and Carports: No garage or carport is being proposed  
Outdoor Areas: The Residential Infill Special Exception calls for 50 square feet per unit of functional outdoor space which may include features such as but not limited to an outdoor lounge area with a fire pit and grills or an outdoor kitchen, a residential-grade children's play set, a community vegetable and flower garden, or balconies, patios, or porches. The house currently has 230 square feet of porches. In addition to this, an outdoor lounge area with a flower/vegetable garden and garden bench will be added to the northeast area of the lot.  
Landscaping: The landscaping required for Residential Infill calls for the same standards set out for multi-family standards of section 8.7.8 which are 1 understory tree, 4 shrubs, 20 square feet of flowerbed with a minimum width of 15 feet for every 10 feet of public area building perimeter. As this project is a corner lot, it has approximately 110 linear feet of public area building perimeter. It is unlikely that this requirement will be able to be met. For one, if garden beds were to be installed along the entire public perimeter of the house, as is common, it would still be 50% short of the necessary width of planting. Also, 11 trees and 44 shrubs seem not only impractical for this property but would also be too crowded and aesthetically unpleasing. I would instead propose that no understory trees be required as there are several large established trees on the property already, 8-9 shrubs, and approximately 75 square feet of garden beds along Johnston & Green St. as well as a flowerbed to run along the side of the driveway extension and pedestrian path, in addition to the outdoor lounge area above.  
Fencing: There are no single-family detached dwellings on adjacent lots therefore no fencing should be necessary.  
Outdoor Storage: A storage area will be provided for occupants to store grills/bikes etc. Location and design will be worked out with planning staff and historic preservation specialist.  
Roof Penetrations and Equipment: To the degree practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) will be located on the rear elevations or configured to have a minimal visual impact as seen from the street. Where wall mounted equipment is visible from the street or any public area, it will be of similar color to the façade on which it is located and be integrated into the overall design.  
Signage: No signs are being proposed.







2. How is the proposed use appropriate for its location and compatible with surrounding land and uses?
  - a. The surrounding area has a mix of commercial and residential uses as well as a mix of residential use types and densities. The parcel to the southeast is a gas station, the next three houses along Green St. are all duplexes, and the homes across Green St. are single family detached. Green Street Plaza is about 50' from the subject property and is an apartment complex. It is appropriate and compatible because that use is already in place on adjoining parcels.
3. What steps are you taking to minimize any adverse impacts on surrounding properties?
  - a. There will be no adverse impacts on surrounding properties.
4. How would the use impact the environment (water, natural resources, wildlife habitat, etc.)?
  - a. It would have a beneficial impact on the environment as it helps provide a more densely populated urban core. It provides more housing in an area that is already impacting the environment. By increasing housing in the urban core, it helps prevent further sprawl into more pristine natural area. It also provides additional housing that is in downtown Rock Hill, so the future inhabitants have the option to walk to multiple employers as well as retail and worship space. The future occupants of this house could conceivably not *have* to drive anywhere as a part of their daily routine. Walking or biking has the benefit of reducing one's carbon footprint.
5. How would the use impact traffic issues (road capacity, safety of those coming into or leaving the site, etc.)?
  - a. As discussed above, the traffic impact would be negligible or potentially even reduce the number of vehicle trips if someone who currently drives to a job in downtown Rock Hill into one of these units and doesn't have to drive into Rock Hill anymore.
6. How would the use impact the ability of neighboring landowners to use their properties in a way that is allowed under the Zoning Ordinance, and their property values?
  - a. It would not change how neighboring landowners are able to use their properties. It would increase the property values as it will be taking a house that is currently run-down and repairing/restoring it, improving the overall desirability of the area.

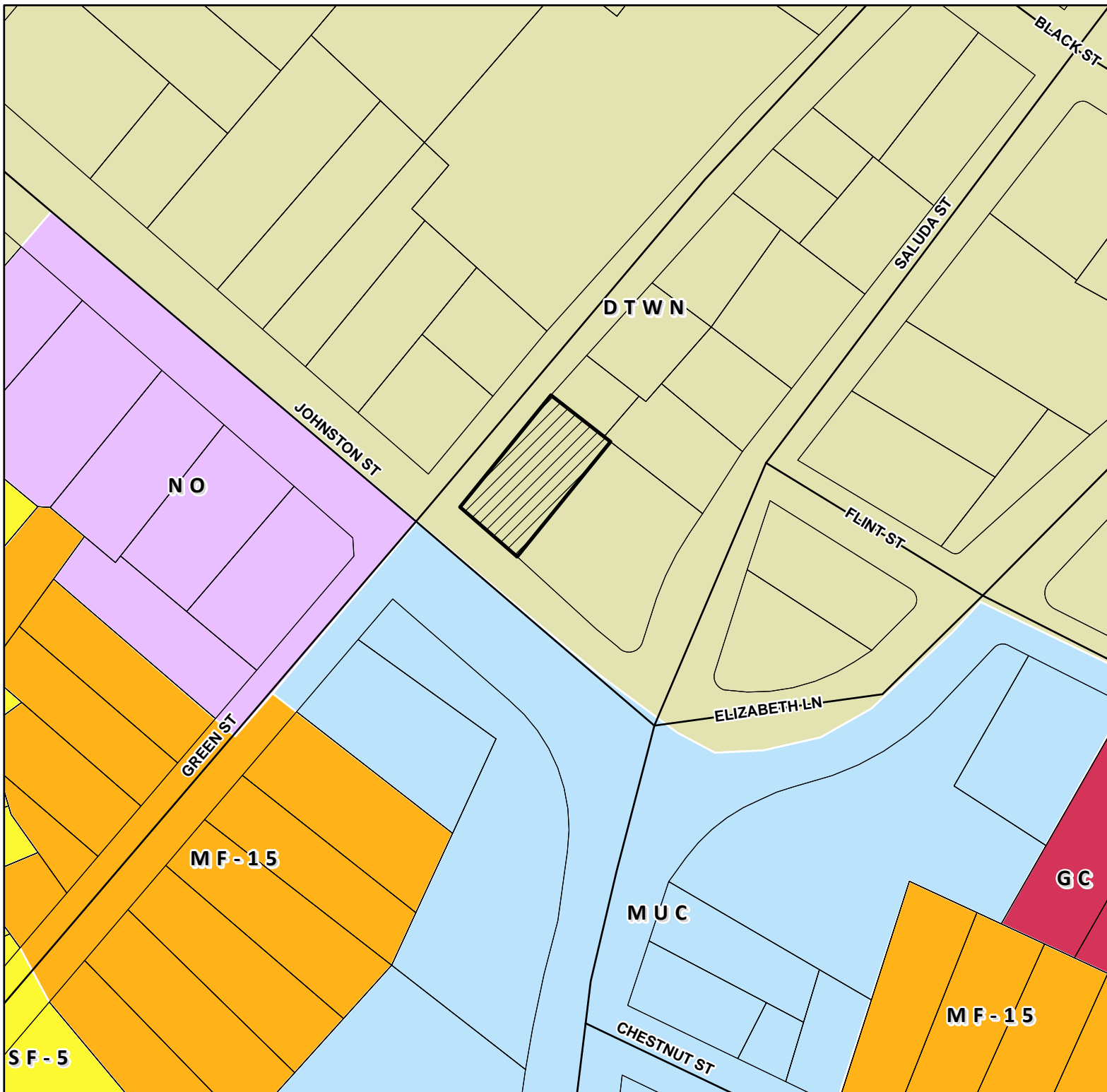


**Z-2021-19**

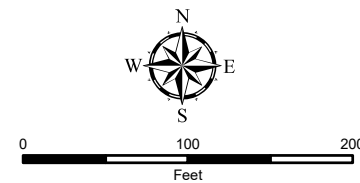
 Subject Property

**Zoning Districts**

-  Downtown (DTWN)
-  General Commercial (GC)
-  Multi-Family 15 (MF-15)
-  Mixed Use Corridor (MUC)
-  Neighborhood Office (NO)
-  Single-Family 5 (SF-5)



**Zoning Data**  
**Current Zoning**  
**DTWN**



Planning & Development  
Department  
City of Rock Hill  
05/18/21