



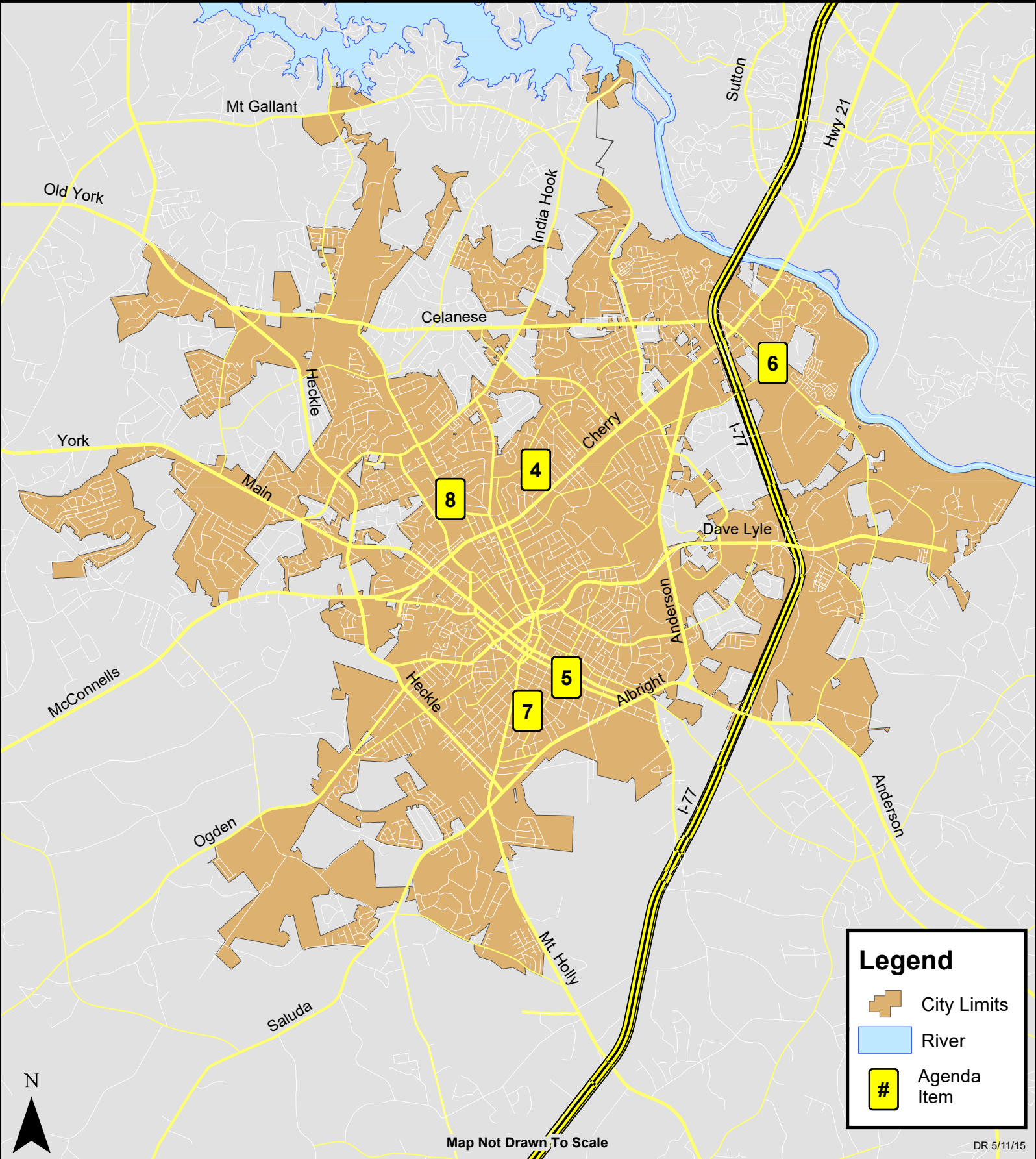
AGENDA

Rock Hill Zoning Board of Appeals
August 17, 2021

1. Call to Order
2. Approval of Minutes from the July 20, 2021 meeting.
3. Approval of Orders from the July 20, 2021 meeting
4. Appeal Z-2021-35: Request by Rick Neary and Katie Clamp for a variance from the side yard setback for a proposed addition at 1147 Richmond Dr., which is zoned Single-Family Residential-3 (SF-3). Tax map number 631-07-06-013.
5. Appeal Z-2021-36: Request by Tara McKee for a special exception to establish a short-term rental use at 654 E. Black St., which is zoned Multi-Family Residential-15 (MF-15). Tax map number 625-05-04-028.
6. Appeal Z-2021-37: Request by PDM Real Estate LLC for a variance from the side yard setback requirements for a proposed addition at 640 Cel-River Rd., which is zoned Industry Heavy (IH). Tax map number 662-07-01-320.
7. Appeal Z-2021-38: Request by Michael Ashley for a variance from the rear yard setback for an accessory structure located at 732 S Spruce St., which is zoned Single-Family Residential-5 (SF-5). Tax map number 625-10-02-021. **Deferred until September.**
8. Appeal Z-2021-39: Request by Jennifer Lewis for a special exception to establish an indoor recreation use, less than 3,000 sq. ft., for a yoga studio at 1348 Ebenezer Rd. Ste. 102, which is zoned Neighborhood Office (NO). Tax map number 596-05-01-030.
9. Other Business.
10. Adjourn.

Zoning Board of Appeals Agenda Items

City of Rock Hill, SC
August 17, 2021
Zoning Board of Appeals



Map Not Drawn To Scale

Zoning Board of Appeals

City of Rock Hill, South Carolina

July 20, 2021

A public hearing of the Zoning Board of Appeals was held Tuesday, July 20, 2021, at 6 p.m. in City Council Chambers at City Hall, 155 Johnston Street, Rock Hill SC.

MEMBERS PRESENT: Matt Crawford, Keith Sutton, Chad Williams, Stacey Reeves, James Hawthorne, Charlotte Brown

MEMBERS ABSENT: Rodney Cullum

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

Legal notices of the public hearing were published in *The Herald*, Friday, July 2, 2021. Notice was posted on all property considered. Adjacent property owners and tenants were notified in writing.

1. Call to Order

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

2. Approval of Minutes of the June 15, 2021, meeting.

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

3. Approval of Orders of the June 15, 2021, meeting.

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

4. Appeal Z-2021-24: Request by Reed Cook for a special exception to establish a commercial truck rental use at 515 North Anderson Road, which is zoned General Commercial (GC). Tax map number 630-04-01-010.

Staff member Melody Kearse presented the staff report.

The applicant, Reed Cook, 515 North Anderson Road, stated there would be no storage of gas or oil products on the site, and they would use a mobile oil service to for vehicle maintenance.

Chair Crawford closed the floor for Board discussion.

Chair Crawford made the motion to grant the special exception for a commercial truck rental use as presented by staff. Vice Chair Sutton seconded, and the motion carried unanimously by a vote of 6-0 (Cullum absent).

Chair Crawford presented the findings, specifically noting the use specific standards would be met, a site plan showing the proposed parking arrangement had been submitted, the proposed use was compatible with the current use, and the use had existed before.

5. Appeal Z-2021-25: Request by Jeff Johnson for a special exception to establish a short-term rental use at 742 North Confederate Avenue, which is zoned Single-Family Residential-5 (SF-5). Tax map number 627-02-02-037.

Staff member Shana Marshburn provided the Board with an email from a nearby resident in support of the request and presented the staff report.

Vice Chair Sutton asked if the residence was currently being used as a long-term rental. Ms. Marshburn stated she believed that it was, but the applicant would be the best one to answer.

Chair Crawford asked the applicant to step forward; the applicant was not present.

No one from the audience spoke with reference to this item.

Chair Crawford closed the floor for Board discussion.

Vice Chair Sutton made a motion to grant the special exception for a short-term rental use as requested. Mrs. Stacey Reeves seconded.

Chair Crawford observed that the use may not be 100% compatible with the surrounding area but there did not appear to be anyone present to speak one way or the other. Mr. Williams commented that the use would be compatible if the applicant followed the regulations.

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

Chair Crawford presented the findings, specifically noting the applicant agreed to comply with the use specific standards, there was no HOA in place to regulate the use, there would be no environmental impacts, the property was already developed as a residence, and the applicant agreed to comply with all other laws and ordinances with respect to short-term rentals.

6. Appeal Z-2021-26: Request by Sara Hutto for a special exception to establish a short-term rental use at 315 Catawba Street, which is zoned Multi-Family Residential-15 (MF-15). Tax map number 629-13-02-015.

Staff member Shana Marshburn presented the staff report.

Vice Chair Sutton referred the photos presented showing the construction of the front deck, asking if the deck was completed or if this was an old picture. Ms. Marshburn stated this was a older photograph, and that the deck had been completed.

The applicant's representative, Mr. Tom Hutto, 1820 Sharonwood Lane, provided additional photos of properties he and the applicant, Mrs. Sara Hutto, managed for short-term rental use. He noted that while there was not an HOA for this particular neighborhood, it appeared that the City's regulations did not require neighborhood associations to supply the City with information on restrictive covenants regulating this use. He added they had received positive comments from neighbors at their other locations.

Mr. James Hawthorne asked if there was plenty of parking. Mr. Hutto stated there were spaces for three cars at the top of the driveway, which was steep.

Mr. Williams asked if the photos presented by Mr. Hutto were of this property or others. Mr. Hutto stated these were other properties, that he wanted to give the Board examples of what their properties looked like.

Chair Crawford asked how many properties were in operation. Mr. Hutto stated seven with one more under renovation, adding that they owned 17 permits for short-term rentals obtained before the end of the previous year, that this particular property was missed so this was the reason for the request.

Mr. Pedro Gaston, 316 Catawba Street, spoke in opposition to the request, specifically with respect to renters parking in the street and what he believed would be essentially turning the house into a hotel. He added that no one in the neighborhood attended the meeting because they were not aware of what the proposed use was to be.

Mr. Daniel Sanchez, 310 Catawba Street, spoke in opposition to the request, stating that a car driving through the neighborhood had crashed into this car and expressing concern over the safety of his family as he traveled for his business.

Chair Crawford allowed Mr. Hutto to respond to these concerns. Mr. Hutto stated the property had been used as a long-term rental for years, that the activities of the short-term rental clients was proposed to be no more than a long-term resident would be. He noted there was plenty of parking, that as many as five cars could possibly park at the top of the hill, adding that he doubted anyone would want to park at the bottom of the hill and walk up the steep driveway to the house.

Mr. Hawthorne asked if any of the long-term renters had used the street for parking. Mr. Hutto replied none had parked on the street, stating that he had constructed additional plateaus to create parking for three vehicles.

Chair Crawford asked for clarification that the requirement of one additional off-street parking space was met. Mr. Hutto stated it was.

Chair Crawford closed the floor for Board discussion.

Mr. Williams made a motion to grant the special exception for a short-term rental use as presented. Vice Chair Sutton seconded.

Mr. Williams commented that just like a single-family residential use, there may be a bad tenant that affects the neighborhood but with short-term rentals, there was a rating system in place for those clients that didn't exist for long-term renters.

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

Mr. Williams presented the findings, specifically noting the applicant would meet the use specific standards as required, there was no HOA in place to regulate the use, the applicant agreed to follow the rules and regulations the City had developed, staff verified there was ample parking, and there was a park nearby.

7. Appeal Z-2021-27: Request by Tania Ayubi for a special exception to establish a short-term rental use at 418 Hampton Street, which is zoned Multi-Family Residential-15 (MF-15). Tax map number 598-25-01-032.

Staff member Shana Marshburn presented the staff report.

The applicant, Ms. Tania Ayubi, 611 Barcroft Lane, Fort Mill, was available to answer questions. She stated the property manager for the property had full knowledge of the City's regulations and had experience in managing short-term rental properties.

Chair Crawford closed the floor for Board discussion.

Mrs. Reeves made the motion to grant the special exception for short-term rental use as presented. Vice Chair Sutton seconded, and the motion carried unanimously by a vote of 6-0 (Cullum absent).

Mrs. Reeves presented the findings, specifically noting the applicant would meet the required specific use standards, the use was compatible with the surrounding area, there would be no site work, and no environmental impact.

8. Appeal Z-2021-28: Request by The Life House Women's Shelter for a special exception to establish a Group Home (Type A) use, a reduction in the required separation from other group home uses, and variances from the side and rear setback

standard, minimum lot width and lot size standard, and the side buffer-yard requirement at 313 North Wilson Street, which is zoned Neighborhood Office (NO). Tax map number 627-22-02-030.

Staff member Melody Kearse presented the staff report.

Vice Chair Sutton asked how the investigation into the alley abandonment would be resolved. Ms. Kearse stated there were documents that showed the alley had been abandoned per a court order in 1989 and split among the adjacent property owners, but was not showing on the plat of record, which was a survey done in 1998. The information was given to the owners and their agents for them to work towards resolution, and this issue of ownership of the 10-foot portion of the alley would need to be resolved before they could begin using that particular area for any reason.

Vice Chair Sutton asked if the issue would lie with York County Clerk of Court and Register of Deeds. Ms. Kearse stated that it was, and there were several options to resolve the issue including the possibility of a quit claim process.

Vice Chair Sutton asked if the unresolved alley issue impacted this request, that if the Board granted the special exception and variances as requested, would these be null and void if the alley issue was not resolved. Ms. Kearse stated the variances had been computed based on the assumption the alley was still in place.

Mr. Hawthorne asked the timeframe for the project. Ms. Kearse stated they were currently working on the main building with the intention to begin construction on the new structure within the next two years.

Mr. Hawthorne asked if the stop sign would be at the street or on the property. Ms. Kearse stated it would likely be on the property, but that it was not necessarily required as this was not a dedicated street.

Chair Crawford asked the reasoning for the large separation between group homes. Ms. Kearse stated this was to prevent the oversaturation in any one area of group homes. She added that The Life House currently had a facility across the street that was seen as an expansion of an existing use, and it was not believed that there would be any issues.

The applicant, Ms. Courtney Denton, 535 Cotton Field Road, provided information about the purpose of The Life House, noting specifically that there was a need for providing shelter facilities for homeless women and, in some cases, children. She stated they received between four to seven calls each day from women needing to find shelter, adding that they were able to accommodate ten to twelve women in their current facility at 314 North Wilson Street. Ms. Denton noted the goals were to provide shelter, stability, and safety on a 30/60/90-day plan to give women the opportunity to put their life back together and become self-sufficient. She stated in the short time since the facility had opened in December 2020, they had helped 44 women. She introduced Susan, a former client, who provided the Board with her history and how The Life House had helped her.

Chair Crawford asked staff if the Board could vote on all items at one time or separately. Ms. Kearse stated the Board could handle this as one item since the variances were dependent on the approval of the special exception and the reduction in separation.

Chair Crawford closed the floor for Board discussion.

Mr. Williams presented the motion to grant the special exceptions for a Group Home (Type A) use and for the reduction in separation from other group homes as requested, and to grant the

variances from the side and rear setback standards, minimum lot width and lot size standard, and side buffer-yard requirements as requested. Vice Chair Sutton seconded.

Mr. Williams stated he had small concern about the separation from other group home uses but realized that the railroad tracks on either side help provide a measure of separation as well as the fact that the uses are not located next to each other.

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

Mr. Williams presented the findings, specifically noting the applicant agreed to meet the use specific standards and that the variances alleviated any use specific standards that could not be met, the structure was a historic home, the site had exceptional conditions not experienced by other properties in the area, the lot was long and narrow which made meeting the required setbacks difficult, and the strict application of the regulations would be prohibitive.

9. Appeal Z-2021-29: Request by First Presbyterian Church for a special exception to establish a columbarium use at 234 East Main Street, which is zoned Downtown (DTWN). Tax map number 627-18-06-001.

Staff member Melody Kearse presented the staff report.

Applicant's representative, Mr. Robert Ballard, 234 East Main Street, was available to answer questions.

Chair Crawford closed the floor for Board discussion.

Mr. Hawthorne made a motion to grant the special exception for a columbarium use as presented. Mrs. Reeves seconded.

Chair Crawford noted staff was able to make all the findings and that the use would have no impact on the surrounding area.

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

Mr. Hawthorne presented the findings, specifically noting the applicant would comply with all the use specific standards, the use was compatible with the current use, and a site plan had been submitted.

10. Appeal Z-2021-30: Request by John and Chandra Chavez for a variance from the side yard setbacks and the setback from the primary structure for a detached accessory structure at 895 Eastwood Drive, which is zoned Single-Family Residential-5 (SF-5). Tax map number 628-08-02-018.

Staff member Shana Marshburn presented the staff report.

Mr. Williams asked if the 3-foot 9-inch measurement was to the eave of the house or side of the carport. Ms. Marshburn stated this was to the carport.

Chair Crawford asked the reason for the setback from the primary structure if this was for safety or design. Ms. Marshburn stated it was mainly for safety.

Chair Crawford asked if the carport currently met the City's design standards or would encasing the rafters meet those standards. Ms. Marshburn stated it would meet the design standards.

Mr. Williams asked if the Board would need to require conditions for encasing the rafters as part of the motion. Ms. Marshburn stated the condition could be made part of the motion, but that this would be required anyway.

Chair Crawford asked how far the carport was from the other property. Mr. Williams stated that he had driven by the site and observed it was about two or three feet, adding that there was a significant slope to the rear of the property.

The applicant, Mr. John Chavez, 898 Eastwood Drive, was available to answer questions.

Mr. Williams asked if there was any issue with meeting the design standards. Mr. Chavez stated there were no issues, that once they received approval they would get a general contractor to complete the project.

Chair Crawford closed the floor for Board discussion.

Ms. Charlotte Brown made the motion to grant the variances from the side yard setbacks and the setback from the primary structure with the condition that that the trusses be hidden. Vice Chair Sutton seconded, and the motion carried unanimously by a vote of 6-0 (Cullum absent).

Ms. Brown presented the findings, specifically noting that the land had a slope that could not accommodate the accessory structure, and this slope did not apply to other properties in the area.

11. Appeal Z-2021-31: Request by Gospel Light Baptist Church for a variance from the side yard setback requirements for an accessory structure and from the lot width requirement for a lot containing a residence in a commercial district so as to be subdivided at 212 Lancaster Avenue, which is zoned Office and Institutional (OI). Tax map number 598-05-04-025.

Staff member Shana Marshburn presented the staff report.

Chair Crawford asked if the variance requested was for 3.39 feet. Ms. Marshburn stated this was correct, that the accessory building is 3.39 feet away from the proposed property line, adding that the home would be on a 50-foot wide lot.

Chair Crawford asked if the new property line could be shifted in order to meet this requirement without the need for a variance. Ms. Marshburn stated it could not because it would create a setback issue for the residential structure. It was discussed that either way, variances would still be needed.

The applicant's representative, Mr. Joe Smith, 4890 Railroad Avenue, Catawba, church deacon, stated the church wished to sell the residential property in order to fund the establishment of a new church, adding other residential structures in the area had the same lot width as this one would have.

Mr. Williams observed that Mr. Smith was correct as it appeared other lots had the same size as this one would be.

Chair Crawford closed the floor for Board discussion.

Vice Chair Sutton made the motion to grant the variances from the side yard setback requirements for an accessory structure and from the lot width standards for a residential structure as presented. Mr. Williams seconded.

Chair Crawford stated he had had a concern over the lot width request but as other properties nearby were the same, this alleviated his concern.

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

Vice Chair Sutton presented the findings, specifically noting the regulations at the time these

structures were built allowed for separate uses, the lot width requested meets the same as others in the area, no other properties would allowed to be recombined in this manner, and the variances correct an existing nonconforming issue.

12. Appeal Z-2021-32: Request by Jimmy Dunn of June Engineering Consultants Inc for a special exception to establish a self-storage use at 2253 Cherry Road; 2260 Farlow Street; 1102, 1106, 1110, 1204, 1216, 1220, 1236, & 1302 Burton Street; and two adjoining unaddressed parcels, which are being considered by City Council for annexation and rezoning to Limited Commercial (LC) and Office and Institutional (OI). Tax map numbers 634-00-00-003, -004, 031, -081 to -083, & -109 to -111.

Staff member Dennis Fields presented the staff report.

Vice Chair Sutton mentioned that the existing curb cut did not line up with the drive across Cherry Road, asking if it would be moved to line up. Mr. Fields stated the signalized intersection across Cherry Road accessed private property with no public access to Farlow Street. He stated the proposed access lined up better with the property across the street but that the South Carolina Department of Transportation (SCDOT) would need to assess any needs for medians and other encroachments within that area.

Chair Crawford asked if the property could be annexed and rezoned to something that would allow for self-storage. Mr. Fields noted that except for industrial zoning districts, a special exception was required for a self-storage use in those zoning districts where it was allowed, adding that this property was being divided to allow for commercial uses along the Cherry Road side.

Chair Crawford asked for additional information on the emergency access. Mr. Fields pointed out the area along Farlow Street, noting this would be gated and would not be approved for regular use.

Mr. Hawthorne mentioned the portion of the staff report that addressed water quality over sewer lines, asking if these requirements for the building located to the west would be applied. Mr. Fields stated neither stormwater ponds nor buildings could be constructed over sewer lines so this would need to be addressed.

The applicant's representative, Mr. Keane McLaughlin, ESP Associates, 3475 Lakemont Boulevard, Fort Mill, stated the 50-foot buffer would make the site better for the surrounding properties, adding there were two perennial streams that would need to be dealt with. He added the development would require they bring in fill dirt, sewer easements on the site would need to be removed, and any access to Cherry Road would require SCDOT approval.

Vice Chair Sutton observed that this would improve the area.

Ms. Brown asked if there would be environmental review of the site to evaluate the area. Mr. McLaughlin stated there would be during the construction phase, noting that they would be bringing more dirt onto the site than would be excavated and removed.

Mr. Hawthorne asked if any retaining walls would need to be constructed. Mr. McLaughlin stated these were not anticipated at this time.

Mr. Williams commented that he though the contamination of the site came from the Rutledge Construction business many years previous. Mr. Fields stated that from what was known, whatever was located on the adjacent site created a need for monitoring wells in order to make sure there was no contaminants leaching into the groundwater.

Chair Crawford asked if the operating hours of 6 a.m. to 10 p.m. would apply to the entire site.

Mr. McLaughlin stated this was correct, that the office hours would be 9 a.m. to 5 p.m. and that there would be a punch keypad for use by renters outside of those hours. Chair Crawford asked if the keypad would work after 10 p.m. Mr. McLaughlin stated it would not.

Mr. Chris Catoe, 1581 Arborgate Drive, stated many of his questions had been answered by the presentation, adding the neighborhood would rather see residential or commercial uses and that Rock Hill needed more affordable housing options.

Mr. Chris Ward, 1500 Andora Drive, provided his concerns regarding the request, including the impact on the nearby residences, the increase in stormwater runoff, the addition of fill dirt may create issues for Grace and Andora Streets, the possibility of light pollution affecting those adjacent properties and asking that the buffer along that side be increased, and the increase in traffic to the site from the Mt Gallant and Cherry Road intersection, known to be the busiest intersection in the area.

Chair Crawford allowed Mr. McLaughlin to respond to the comments. Mr. McLaughlin stated lighting was a concern and that they would be doing what they could to eliminate any issues, adding that they would not be using poles but more likely wall pack lighting on the buildings. He noted the 50-foot buffer would be ample, indicating areas of the site that currently have areas they would not be disturbing and areas that would need to be completely landscaped. He stated there would be no disturbance of the floodplain area and that they did not want to impact the adjacent neighborhood.

Mr. Williams asked if the fill would be in between the buffer area or the existing grade. Mr. McLaughlin stated the buffer would remain at the existing grade.

Mr. Hawthorne asked if a traffic impact analysis had been done. Mr. Fields stated a traffic analysis was only required for uses that generated 100 peak hour directional trips.

Chair Crawford closed the floor for Board discussion.

Vice Chair Sutton made a motion to grant the special exception for a self-storage use with the conditions:

- City Council must approve annexation and rezoning requests;
- A minimum of 50-foot landscaped buffer must be maintained between the self-storage use and all property lines adjacent to residential uses;
- Access to the site is limited to Cherry Road only;
- All billboards along Cherry Road must be removed prior to the issuance of permits;
- The site must have at least one commercial use/tenant space, other than the self-storage's office, along Cherry Road. This use does not need to be established before the self-storage use, but space must be shown on the civil site plans.

Mr. Williams seconded, and the motion carried unanimously by a vote of 6-0 (Cullum absent).

Vice Chair Sutton presented the findings, specifically noting the applicant would comply with the use specific standards, the design minimized environmental impacts, and a site plan had been submitted.

13. Appeal Z-2021-33: Request by Flowers Blake for a special exception to establish a personal service establishment use for a spa at 1017 ½ East Main Street, which is zoned Industry General (IG). Tax map numbers 626-03-01-003 & -004.

Staff member Melody Kearse presented the staff report.

The applicant, Ms. Flowers Blake, 1062 Village Green Lane, was available to answer questions.

Vice Chair Sutton asked if she had operated a spa like this previously or if this was her first. She stated this was her first spa.

Chair Crawford asked the types of services offered. Ms. Blake stated the services were geared towards women and would feature organic herbs.

Chair Crawford closed the floor for Board discussion.

Mr. Williams presented the motion to grant the special exception for a spa use as presented. Vice Chair Sutton seconded.

Chair Crawford noted this use was appropriate in an area that was a mix of uses.

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

Mr. Williams presented the findings, specifically noting the area was a mixed-use area and the proposed use would not be detrimental to the surrounding area.

14. Appeal Z-2021-34: Request by Mark Van Sickle of LRB Property LLC for a special exception to expand an existing craft brewery use, and for a reduction in the required separation from residential uses for the building and outdoor seating at 129 Oakland Avenue and 136, 140, & 144 Ebenezer Avenue, which are zoned General Commercial (GC) and Neighborhood Office (NO) but are being considered by City Council for rezoning to Limited Commercial (LC). Tax map numbers 627-21-02-007, -018, -020, & -021.

Staff member Dennis Fields presented the staff report.

Vice Chair Sutton asked if the special exception for the separation would be required still if the applicant had been able to purchase the adjacent residential lot. Mr. Fields stated it may have been as there were residential uses across Ebenezer Avenue that may have been within the required separation limits.

The applicant's representative, Mr. Chad McGowan, 1539 Healthcare Drive, stated they are still trying to purchase the property, but the owner is not yet ready to sell.

Chair Crawford asked the use of the larger building. Mr. McGowan stated there was a desire to move the commissary and pizza operations from the former Varsity location across Oakland to the main Legal Remedy site, so this building would house those operations on one side and event rental on the other.

Mr. Hawthorne asked the use of the other proposed building. Mr. McGowan stated this would be used for cold storage and the storage of bottling supplies for the brewery.

Mr. Williams asked what would happen to the former Varsity building. Mr. McGowan stated this would be redeveloped somehow in the future.

Chair Crawford asked the plan for the outdoor area. Mr. McGowan stated a hedge would be installed between the grass area and the parking lot to provide a yard for open space.

Chair Crawford asked if there would be bands allowed outdoors. Mr. McGowan stated they would not, that these would only be allowed inside the building.

Chair Crawford closed the floor for Board discussion.

Chair Crawford stated he had had some concerns over the separation reduction but was relieved that this did not appear to be an issue.

Mr. Hawthorne asked if landscaping would be installed along the parking area. Mr. Fields stated this would be required.

Vice Chair Sutton made the motion to grant the special exceptions for the expansion of a craft brewery use and the reduction in separation from residential uses as presented. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 6-0 (Cullum absent).

Vice Chair Sutton presented the findings, specifically noting the applicant would comply with the use specific standards as required.

15. Other Business.

a. Election of Officers.

Vice Chair Sutton made the motion to elect Mr. Matt Crawford as Chair. Mrs. Reeves seconded, and the motion carried unanimously by a vote of 6-0 (Cullum absent)

Chair Crawford made the motion to elect Mr. Keith Sutton as Vice Chair. Mr. Williams seconded, and the motion carried unanimously by a vote of 6-0 (Cullum absent).

b. Rules of Procedure and Bylaws Memo.

Ms. Kearse presented the Rules of Procedure and Bylaws to the Board.

Chair Crawford asked if there could be changes made where the applicant could present a drawing as opposed to a site plan due to the definition of a site plan in the Zoning Ordinance. There was general discussion regarding this definition. Ms. Kearse stated she would look into this.

Mr. Williams asked if ex parte communications included discussions with other Board members. Ms. Kearse stated that it did. Mr. Williams asked that this be further clarified in the document.

Chair Crawford noted that additional trainings for Board members would be adequate. There was general discussion regarding having future training sessions as were held for the Board in 2015.

Mr. Williams made the motion to adopt the Rules of Procedure and Bylaws as presented with the additions and changes discussed. Vice Chair Sutton seconded, and the motion carried unanimously by a vote of 6-0 (Cullum absent).

c. Further Discussion regarding Neighborhood Associations.

Vice Chair Sutton asked that staff check with City Council regarding Mr. Hutto's statement about neighborhood associations not having any say on uses within a neighborhood. There was general discussion regarding covenants and restrictions for neighborhoods that did not have HOAs but did have neighborhood associations. Ms. Kearse stated that older neighborhoods had associations with covenants and restrictions in place.

16. Adjourn.

There being no further business, Vice Chair Sutton made a motion to adjourn. Mr. Williams seconded, and the motion carried unanimously by a vote of 6-0 (Cullum absent). The meeting adjourned at 9:04 p.m.



Zoning Board of Appeals Order

Z-2021-24

The Zoning Board of Appeals held a public hearing on Tuesday, July 20, 2021 to consider a **request by Reed Cook for a special exception to establish a commercial truck rental use at 515 North Anderson Road, which is zoned General Commercial (GC). Tax map number 630-04-01-010.**

Members in attendance included Matt Crawford, Keith Sutton, Chad Williams, Stacy Reeves, James Hawthorne, and Charlotte Brown (Cullum 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 515 N. Anderson Road.
2. The property owner is Reed Cook LLC.
3. The property is zoned General Commercial (GC).
4. The request was for a special exception to establish a commercial truck rental 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:
 - July 1: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - July 1: Public Hearing notification signs posted on subject property.
 - July 2: 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.

The applicant, Reed Cook, 515 North Anderson Road, stated there would be no storage of gas or oil products on the site, and they would use a mobile oil service to for vehicle maintenance.

Chair Crawford closed the floor for Board discussion.

Chair Crawford made the motion to grant the special exception for a commercial truck rental use as presented by staff. Vice Chair Sutton seconded, and the motion carried unanimously by a vote of 6-0 (Cullum absent).

Chair Crawford presented the findings, specifically noting the use specific standards would be met, a site plan showing the proposed parking arrangement had been submitted, the proposed use was compatible with the current use, and the use had existed before.

THE BOARD, THEREFORE, ORDERS:

That the request by John and Chandra Chavez for a variance from the side yard setbacks and the setback from the primary structure for a detached accessory structure at 895 Eastwood Drive, which is zoned Single-Family Residential-5 (SF-5) 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-2021-25

The Zoning Board of Appeals held a public hearing on Tuesday, July 20, 2021 to consider a **request by Jeff Johnson for a special exception to establish a short-term rental use at 742 North Confederate Avenue, which is zoned Single-Family Residential-5 (SF-5). Tax map number 627-02-02-037.**

Members in attendance included Matt Crawford, Keith Sutton, Chad Williams, Stacy Reeves, James Hawthorne, and Charlotte Brown (Cullum 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 742 North Confederate Avenue.
2. The property owner is New Path Properties, Inc. (Jeff Johnson).
3. The property is zoned Single-Family Residential-5 (SF-5).
4. The request was for a special exception to establish a short-term rental use at 742 North Confederate Avenue.
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:
 - July 1: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - July 1: Public Hearing notification signs posted on subject property.
 - July 2: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Staff member Shana Marshburn provided the Board with an email from a nearby resident in support of the request and presented the staff report.

Vice Chair Sutton asked if the residence was currently being used as a long-term rental. Ms. Marshburn stated she believed that it was, but the applicant would be the best one to answer.

Chair Crawford asked the applicant to step forward; the applicant was not present.

No one from the audience spoke with reference to this item.

Chair Crawford closed the floor for Board discussion.

Vice Chair Sutton made a motion to grant the special exception for a short-term rental use as requested. Mrs. Stacey Reeves seconded.

Chair Crawford observed that the use may not be 100% compatible with the surrounding area but there did not appear to be anyone present to speak one way or the other. Mr. Williams commented that the use would be compatible if the applicant followed the regulations.

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

Chair Crawford presented the findings, specifically noting the applicant agreed to comply with the use specific standards, there was no HOA in place to regulate the use, there would be no environmental impacts, the property was already developed as a residence, and the applicant agreed to comply with all other laws and ordinances with respect to short-term rentals.

THE BOARD, THEREFORE, ORDERS:

That the request by Jeff Johnson for a special exception to establish a short-term rental use at 742 North Confederate Avenue, which is zoned Single-Family Residential-5 (SF-5) 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-2021-26

The Zoning Board of Appeals held a public hearing on Tuesday, July 20, 2021 to consider a **request by Sara Hutto for a special exception to establish a short-term rental use at 315 Catawba Street, which is zoned Multi-Family Residential-15 (MF-15). Tax map number 629-13-02-015.**

Members in attendance included Matt Crawford, Keith Sutton, Chad Williams, Stacy Reeves, James Hawthorne, and Charlotte Brown (Cullum 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 315 Catawba Street.
2. The property owner is Crest, LLC (Sara Hutto).
3. The property is zoned Multi Family-15 (MF-15).
4. The request was for a special exception to establish a short-term rental use at 315 Catawba 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:
 - July 1: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - July 1: Public Hearing notification signs posted on subject property.
 - July 2: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Staff member Shana Marshburn presented the staff report.

Vice Chair Sutton referred the photos presented showing the construction of the front deck, asking if the deck was completed or if this was an old picture. Ms. Marshburn stated this was a older photograph, and that the deck had been completed.

The applicant's representative, Mr. Tom Hutto, 1820 Sharonwood Lane, provided additional photos of properties he and the applicant, Mrs. Sara Hutto, managed for short-term rental use. He noted that while there was not an HOA for this particular neighborhood, it appeared that the City's regulations did not require neighborhood associations to supply the City with information on restrictive covenants regulating this use. He added they had received positive comments from neighbors at their other locations.

Mr. James Hawthorne asked if there was plenty of parking. Mr. Hutto stated there were spaces for three cars at the top of the driveway, which was steep.

Mr. Williams asked if the photos presented by Mr. Hutto were of this property or others. Mr. Hutto stated these were other properties, that he wanted to give the Board examples of what their properties looked like.

Chair Crawford asked how many properties were in operation. Mr. Hutto stated seven with one more under renovation, adding that they owned 17 permits for short-term rentals obtained before the end of the previous year, that this particular property was missed so this was the reason for the request.

Mr. Pedro Gaston, 316 Catawba Street, spoke in opposition to the request, specifically with respect to renters parking in the street and what he believed would be essentially turning the house into a hotel. He added that no one in the neighborhood attended the meeting because they were not aware of what the proposed use was to be.

Mr. Daniel Sanchez, 310 Catawba Street, spoke in opposition to the request, stating that a car driving through the neighborhood had crashed into this car and expressing concern over the safety of his family as he traveled for his business.

Chair Crawford allowed Mr. Hutto to respond to these concerns. Mr. Hutto stated the property had been used as a long-term rental for years, that the activities of the short-term rental clients was proposed to be no more than a long-term resident would be. He noted there was plenty of parking, that as many as five cars could possibly park at the top of the hill, adding that he doubted anyone would want to park at the bottom of the hill and walk up the steep driveway to the house.

Mr. Hawthorne asked if any of the long-term renters had used the street for parking. Mr. Hutto replied none had parked on the street, stating that he had constructed additional plateaus to create parking for three vehicles.

Chair Crawford asked for clarification that the requirement of one additional off-street parking space was met. Mr. Hutto stated it was.

Chair Crawford closed the floor for Board discussion.

Mr. Williams made a motion to grant the special exception for a short-term rental use as presented. Vice Chair Sutton seconded.

Mr. Williams commented that just like a single-family residential use, there may be a bad tenant that affects the neighborhood but with short-term rentals, there was a rating system in place for those clients that didn't exist for long-term renters.

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

Mr. Williams presented the findings, specifically noting the applicant would meet the use specific standards as required, there was no HOA in place to regulate the use, the applicant agreed to follow the rules and regulations the City had developed, staff verified there was

ample parking, and there was a park nearby.

THE BOARD, THEREFORE, ORDERS:

That the request by Sara Hutto for a special exception to establish a short-term rental use at 315 Catawba Street, which is zoned Multi-Family Residential-15 (MF-15) 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-2021-27

The Zoning Board of Appeals held a public hearing on Tuesday, July 20, 2021 to consider a **request by Tania Ayubi for a special exception to establish a short-term rental use at 418 Hampton Street, which is zoned Multi-Family Residential-15 (MF-15). Tax map number 598-25-01-032.**

Members in attendance included Matt Crawford, Keith Sutton, Chad Williams, Stacy Reeves, James Hawthorne, and Charlotte Brown (Cullum 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 418 Hampton Street.
2. The property owner is Tania Ayubi.
3. The property is zoned Multi Family-15 (MF-15).
4. The request was for a special exception to establish a short-term rental use at 418 Hampton 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:
 - July 1: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - July 1: Public Hearing notification signs posted on subject property.
 - July 2: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Staff member Shana Marshburn presented the staff report.

The applicant, Ms. Tania Ayubi, 611 Barcroft Lane, Fort Mill, was available to answer questions. She stated the property manager for the property had full knowledge of the City's regulations and had experience in managing short-term rental properties.

Chair Crawford closed the floor for Board discussion.

Mrs. Reeves made the motion to grant the special exception for short-term rental use as presented. Vice Chair Sutton seconded, and the motion carried unanimously by a vote of 6-0 (Cullum absent).

Mrs. Reeves presented the findings, specifically noting the applicant would meet the required

specific use standards, the use was compatible with the surrounding area, there would be no site work, and no environmental impact.

THE BOARD, THEREFORE, ORDERS:

That the request by Tania Ayubi for a special exception to establish a short-term rental use at 418 Hampton Street, which is zoned Multi-Family Residential-15 (MF-15) 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-2021-28

The Zoning Board of Appeals held a public hearing on Tuesday, July 20, 2021 to consider a **request by The Life House Women's Shelter for a special exception to establish a Group Home (Type A) use, a reduction in the required separation from other group home uses, and variances from the side and rear setback standard, minimum lot width and lot size standard, and the side buffer-yard requirement at 313 North Wilson Street, which is zoned Neighborhood Office (NO). Tax map number 627-22-02-030.**

Members in attendance included Matt Crawford, Keith Sutton, Chad Williams, Stacy Reeves, James Hawthorne, and Charlotte Brown (Cullum 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 313 N Wilson Street.
2. The property owner is Helping Hands Support Inc.
3. The property is zoned Neighborhood Office (NO).
4. The request was for a special exception to establish a Group Home (Type A) use, a reduction in the required separation from other group home uses, and variances from the side and rear setback standard, minimum lot width and lot size standard, and the side buffer-yard requirement.
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:
 - July 1: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - July 1: Public Hearing notification signs posted on subject property.
 - July 2: 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.

Vice Chair Sutton asked how the investigation into the alley abandonment would be resolved. Ms. Kearse stated there were documents that showed the alley had been abandoned per a court order in 1989 and split among the adjacent property owners, but was not showing on the plat of record, which was a survey done in 1998. The information was given to the owners and their agents for them to work towards resolution, and this issue of ownership of the 10-foot portion of the alley would need to be resolved before they could begin using that particular

area for any reason.

Vice Chair Sutton asked if the issue would lie with York County Clerk of Court and Register of Deeds. Ms. Kearse stated that it was, and there were several options to resolve the issue including the possibility of a quit claim process.

Vice Chair Sutton asked if the unresolved alley issue impacted this request, that if the Board granted the special exception and variances as requested, would these be null and void if the alley issue was not resolved. Ms. Kearse stated the variances had been computed based on the assumption the alley was still in place.

Mr. Hawthorne asked the timeframe for the project. Ms. Kearse stated they were currently working on the main building with the intention to begin construction on the new structure within the next two years.

Mr. Hawthorne asked if the stop sign would be at the street or on the property. Ms. Kearse stated it would likely be on the property, but that it was not necessarily required as this was not a dedicated street.

Chair Crawford asked the reasoning for the large separation between group homes. Ms. Kearse stated this was to prevent the oversaturation in any one area of group homes. She added that The Life House currently had a facility across the street that was seen as an expansion of an existing use, and it was not believed that there would be any issues.

The applicant, Ms. Courtney Denton, 535 Cotton Field Road, provided information about the purpose of The Life House, noting specifically that there was a need for providing shelter facilities for homeless women and, in some cases, children. She stated they received between four to seven calls each day from women needing to find shelter, adding that they were able to accommodate ten to twelve women in their current facility at 314 North Wilson Street. Ms. Denton noted the goals were to provide shelter, stability, and safety on a 30/60/90-day plan to give women the opportunity to put their life back together and become self-sufficient. She stated in the short time since the facility had opened in December 2020, they had helped 44 women. She introduced Susan, a former client, who provided the Board with her history and how The Life House had helped her.

Chair Crawford asked staff if the Board could vote on all items at one time or separately. Ms. Kearse stated the Board could handle this as one item since the variances were dependent on the approval of the special exception and the reduction in separation.

Chair Crawford closed the floor for Board discussion.

Mr. Williams presented the motion to grant the special exceptions for a Group Home (Type A) use and for the reduction in separation from other group homes as requested, and to grant the variances from the side and rear setback standards, minimum lot width and lot size standard, and side buffer-yard requirements as requested. Vice Chair Sutton seconded.

Mr. Williams stated he had small concern about the separation from other group home uses but realized that the railroad tracks on either side help provide a measure of separation as well as the fact that the uses are not located next to each other.

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

Mr. Williams presented the findings, specifically noting the applicant agreed to meet the use specific standards and that the variances alleviated any use specific standards that could not be met, the structure was a historic home, the site had exceptional conditions not experienced by other properties in the area, the lot was long and narrow which made meeting the required setbacks difficult, and the strict application of the regulations would be prohibitive.

THE BOARD, THEREFORE, ORDERS:

That the request by The Life House Women’s Shelter for a special exception to establish a Group Home (Type A) use, a reduction in the required separation from other group home uses, and variances from the side and rear setback standard, minimum lot width and lot size standard, and the side buffer-yard requirement at 313 North Wilson Street, which is 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-2021-29

The Zoning Board of Appeals held a public hearing on Tuesday, July 20, 2021 to consider a **request by First Presbyterian Church for a special exception to establish a columbarium use at 234 East Main Street, which is zoned Downtown (DTWN). Tax map number 627-18-06-001.**

Members in attendance included Matt Crawford, Keith Sutton, Chad Williams, Stacy Reeves, James Hawthorne, and Charlotte Brown (Cullum 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 234 E. Main Street.
2. The property owner is First Presbyterian Church.
3. The property is zoned Downtown (DTWN).
4. The request was for a special exception to establish a to establish a columbarium 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:
 - July 1: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - July 1: Public Hearing notification signs posted on subject property.
 - July 2: 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 Kearsse presented the staff report.

Applicant's representative, Mr. Robert Ballard, 234 East Main Street, was available to answer questions.

Chair Crawford closed the floor for Board discussion.

Mr. Hawthorne made a motion to grant the special exception for a columbarium use as presented. Mrs. Reeves seconded.

Chair Crawford noted staff was able to make all the findings and that the use would have no impact on the surrounding area.

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

Mr. Hawthorne presented the findings, specifically noting the applicant would comply with all the use specific standards, the use was compatible with the current use, and a site plan had been submitted.

THE BOARD, THEREFORE, ORDERS:

That the request by First Presbyterian Church for a special exception to establish a columbarium use at 234 East Main Street, which is zoned Downtown (DTWN) 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-2021-30

The Zoning Board of Appeals held a public hearing on Tuesday, July 20, 2021 to consider a **request by John and Chandra Chavez for a variance from the side yard setbacks and the setback from the primary structure for a detached accessory structure at 895 Eastwood Drive, which is zoned Single-Family Residential-5 (SF-5). Tax map number 628-08-02-018.**

Members in attendance included Matt Crawford, Keith Sutton, Chad Williams, Stacy Reeves, James Hawthorne, and Charlotte Brown (Cullum 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 895 Eastbrook Drive.
2. The property owner is John and Chandra Chavez.
3. The property is zoned Single-Family Residential-5 (SF-5).
4. The request was for a variance from the side yard setbacks and the setback from the primary structure for a detached accessory structure at 895 Eastwood Drive, which is zoned Single-Family Residential-5 (SF-5).
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:
 - July 1: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - July 1: Public Hearing notification signs posted on subject property.
 - July 2: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Staff member Shana Marshburn presented the staff report.

Mr. Williams asked if the 3-foot 9-inch measurement was to the eave of the house or side of the carport. Ms. Marshburn stated this was to the carport.

Chair Crawford asked the reason for the setback from the primary structure, if this was for safety or design. Ms. Marshburn stated it was mainly for safety.

Chair Crawford asked if the carport currently met the City's design standards or would encasing the rafters meet those standards. Ms. Marshburn stated it would meet the design standards.

Mr. Williams asked if the Board would need to require conditions for encasing the rafters as part of the motion. Ms. Marshburn stated the condition could be made part of the motion, but that this would be required anyway.

Chair Crawford asked how far the carport was from the other property. Mr. Williams stated that he had driven by the site and observed it was about two or three feet, adding that there was a significant slope to the rear of the property.

The applicant, Mr. John Chavez, 898 Eastwood Drive, was available to answer questions.

Mr. Williams asked if there was any issue with meeting the design standards. Mr. Chavez stated there were no issues, that once they received approval they would get a general contractor to complete the project.

Chair Crawford closed the floor for Board discussion.

Ms. Charlotte Brown made the motion to grant the variances from the side yard setbacks and the setback from the primary structure with the condition that that the trusses be hidden. Vice Chair Sutton seconded, and the motion carried unanimously by a vote of 6-0 (Cullum absent).

Ms. Brown presented the findings, specifically noting that the land had a slope that could not accommodate the accessory structure, and this slope did not apply to other properties in the area.

THE BOARD, THEREFORE, ORDERS:

That the request by John and Chandra Chavez for a variance from the side yard setbacks and the setback from the primary structure for a detached accessory structure at 895 Eastwood Drive, which is zoned Single-Family Residential-5 (SF-5) 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-2021-31

The Zoning Board of Appeals held a public hearing on Tuesday, July 20, 2021 to consider a **request by Gospel Light Baptist Church for a variance from the side yard setback requirements for an accessory structure and from the lot width requirement for a lot containing a residence in a commercial district so as to be subdivided at 212 Lancaster Avenue, which is zoned Office and Institutional (OI). Tax map number 598-05-04-025.**

Members in attendance included Matt Crawford, Keith Sutton, Chad Williams, Stacy Reeves, James Hawthorne, and Charlotte Brown (Cullum 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 212 Lancaster Avenue.
2. The property owner is Gospel Light Baptist Church (Joe Smith).
3. The property is zoned Office and Institutional (OI).
4. The request was for a variance from the side yard setback requirements for an accessory structure and from the lot width requirement for a lot containing a residence in a commercial district.
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
 - July 1: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - July 1: Public Hearing notification signs posted on subject property.
 - July 2: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Staff member Shana Marshburn presented the staff report.

Chair Crawford asked if the variance requested was for 3.39 feet. Ms. Marshburn stated this was correct, that the accessory building is 3.39 feet away from the proposed property line, adding that the home would be on a 50-foot wide lot.

Chair Crawford asked if the new property line could be shifted in order to meet this requirement without the need for a variance. Ms. Marshburn stated it could not because it would create a setback issue for the residential structure. It was discussed that either way, variances would still be needed.

The applicant's representative, Mr. Joe Smith, 4890 Railroad Avenue, Catawba, church deacon, stated the church wished to sell the residential property in order to fund the establishment of a new church, adding other residential structures in the area had the same lot width as this one would have.

Mr. Williams observed that Mr. Smith was correct as it appeared other lots had the same size as this one would be.

Chair Crawford closed the floor for Board discussion.

Vice Chair Sutton made the motion to grant the variances from the side yard setback requirements for an accessory structure and from the lot width standards for a residential structure as presented. Mr. Williams seconded.

Chair Crawford stated he had had a concern over the lot width request but as other properties nearby were the same, this alleviated his concern.

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

Vice Chair Sutton presented the findings, specifically noting the regulations at the time these structures were built allowed for separate uses, the lot width requested meets the same as others in the area, no other properties would allowed to be recombined in this manner, and the variances correct an existing nonconforming issue.

THE BOARD, THEREFORE, ORDERS:

That the request by Gospel Light Baptist Church for a variance from the side yard setback requirements for an accessory structure and from the lot width requirement for a lot containing a residence in a commercial district so as to be subdivided at 212 Lancaster Avenue, which is zoned Office and Institutional (OI) 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-2021-32

The Zoning Board of Appeals held a public hearing on Tuesday, July 20, 2021 to consider a **request by Jimmy Dunn of June Engineering Consultants Inc for a special exception to establish a self-storage use at 2253 Cherry Road; 2260 Farlow Street; 1102, 1106, 1110, 1204, 1216, 1220, 1236, & 1302 Burton Street; and two adjoining unaddressed parcels, which are being considered by City Council for annexation and rezoning to Limited Commercial (LC) and Office and Institutional (OI). Tax map numbers 634-00-00-003, -004, 031, -081 to -083, & -109 to -111.**

Members in attendance included Matt Crawford, Keith Sutton, Chad Williams, Stacy Reeves, James Hawthorne, and Charlotte Brown (Cullum 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 2253 Cherry Road; 2260 Farlow Street; 1102, 1106, 1110, 1204, 1216, 1220, 1236, & 1302 Burton Street; and two adjoining unaddressed parcels.
2. The property owner is Rutledge Land & Realty, LLC.
3. The property is zoned Limited Commercial (LC) & Office & Institutional (OI).
4. The request was for a special exception to establish a self-storage 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:
 - July 1: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - July 1: Public Hearing notification signs posted on subject property.
 - July 2: 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 Dennis Fields presented the staff report.

Vice Chair Sutton mentioned that the existing curb cut did not line up with the drive across Cherry Road, asking if it would be moved to line up. Mr. Fields stated the signalized intersection across Cherry Road accessed private property with no public access to Farlow Street. He stated the proposed access lined up better with the property across the street but that the South Carolina Department of Transportation (SCDOT) would need to assess any needs for medians and other encroachments within that area.

Chair Crawford asked if the property could be annexed and rezoned to something that would

allow for self-storage. Mr. Fields noted that except for industrial zoning districts, a special exception was required for a self-storage use in those zoning districts where it was allowed, adding that this property was being divided to allow for commercial uses along the Cherry Road side.

Chair Crawford asked for additional information on the emergency access. Mr. Fields pointed out the area along Farlow Street, noting this would be gated and would not be approved for regular use.

Mr. Hawthorne mentioned the portion of the staff report that addressed water quality over sewer lines, asking if these requirements for the building located to the west would be applied. Mr. Fields stated neither stormwater ponds nor buildings could be constructed over sewer lines so this would need to be addressed.

The applicant's representative, Mr. Keane McLaughlin, ESP Associates, 3475 Lakemont Boulevard, Fort Mill, stated the 50-foot buffer would make the site better for the surrounding properties, adding there were two perennial streams that would need to be dealt with. He added the development would require they bring in fill dirt, sewer easements on the site would need to be removed, and any access to Cherry Road would require SCDOT approval.

Vice Chair Sutton observed that this would improve the area.

Ms. Brown asked if there would be environmental review of the site to evaluate the area. Mr. McLaughlin stated there would be during the construction phase, noting that they would be bringing more dirt onto the site than would be excavated and removed.

Mr. Hawthorne asked if any retaining walls would need to be constructed. Mr. McLaughlin stated these were not anticipated at this time.

Mr. Williams commented that he thought the contamination of the site came from the Rutledge Construction business many years previous. Mr. Fields stated that from what was known, whatever was located on the adjacent site created a need for monitoring wells in order to make sure there was no contaminants leaching into the groundwater.

Chair Crawford asked if the operating hours of 6 a.m. to 10 p.m. would apply to the entire site. Mr. McLaughlin stated this was correct, that the office hours would be 9 a.m. to 5 p.m. and that there would be a punch keypad for use by renters outside of those hours. Chair Crawford asked if the keypad would work after 10 p.m. Mr. McLaughlin stated it would not.

Mr. Chris Catoe, 1581 Arbogate Drive, stated many of his questions had been answered by the presentation, adding the neighborhood would rather see residential or commercial uses and that Rock Hill needed more affordable housing options.

Mr. Chris Ward, 1500 Andora Drive, provided his concerns regarding the request, including the impact on the nearby residences, the increase in stormwater runoff, the addition of fill dirt may create issues for Grace and Andora Streets, the possibility of light pollution affecting those adjacent properties and asking that the buffer along that side be increased, and the increase in traffic to the site from the Mt Gallant and Cherry Road intersection, known to be the busiest intersection in the area.

Chair Crawford allowed Mr. McLaughlin to respond to the comments. Mr. McLaughlin stated lighting was a concern and that they would be doing what they could to eliminate any issues, adding that they would not be using poles but more likely wall pack lighting on the buildings. He noted the 50-foot buffer would be ample, indicating areas of the site that currently have areas they would not be disturbing and areas that would need to be completely landscaped. He stated there would be no disturbance of the floodplain area and that they did not want to impact the adjacent neighborhood.

Mr. Williams asked if the fill would be in between the buffer area or the existing grade. Mr. McLaughlin stated the buffer would remain at the existing grade.

Mr. Hawthorne asked if a traffic impact analysis had been done. Mr. Fields stated a traffic analysis was only required for uses that generated 100 peak hour directional trips.

Chair Crawford closed the floor for Board discussion.

Vice Chair Sutton made a motion to grant the special exception for a self-storage use with the conditions:

- City Council must approve annexation and rezoning requests;
- A minimum of 50-foot landscaped buffer must be maintained between the self-storage use and all property lines adjacent to residential uses;
- Access to the site is limited to Cherry Road only;
- All billboards along Cherry Road must be removed prior to the issuance of permits;
- The site must have at least one commercial use/tenant space, other than the self-storage's office, along Cherry Road. This use does not need to be established before the self-storage use, but space must be shown on the civil site plans.

Mr. Williams seconded, and the motion carried unanimously by a vote of 6-0 (Cullum absent).

Vice Chair Sutton presented the findings, specifically noting the applicant would comply with the use specific standards, the design minimized environmental impacts, and a site plan had been submitted.

THE BOARD, THEREFORE, ORDERS:

That the request by Jimmy Dunn of June Engineering Consultants Inc for a special exception to establish a self-storage use at 2253 Cherry Road; 2260 Farlow Street; 1102, 1106, 1110, 1204, 1216, 1220, 1236, & 1302 Burton Street; and two adjoining unaddressed parcels, which are being considered by City Council for annexation and rezoning to Limited Commercial (LC) and Office and Institutional (OI) 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-2021-33

The Zoning Board of Appeals held a public hearing on Tuesday, July 20, 2021 to consider a **request by Flowers Blake for a special exception to establish a personal service establishment use for a spa at 1017 ½ East Main Street, which is zoned Industry General (IG). Tax map numbers 626-03-01-003 & -004.**

Members in attendance included Matt Crawford, Keith Sutton, Chad Williams, Stacy Reeves, James Hawthorne, and Charlotte Brown (Cullum 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 1017 ½ E. Main Street.
2. The property owner is G & L Properties of SC, LLC.
3. The property is zoned Industry General (IG).
4. The request was for a special exception to establish a personal service establishment use for a spa.
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:
 - July 1: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - July 1: Public Hearing notification signs posted on subject property.
 - July 2: 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.

The applicant, Ms. Flowers Blake, 1062 Village Green Lane, was available to answer questions.

Vice Chair Sutton asked if she had operated a spa like this previously or if this was her first. She stated this was her first spa.

Chair Crawford asked the types of services offered. Ms. Blake stated the services were geared towards women and would feature organic herbs.

Chair Crawford closed the floor for Board discussion.

Mr. Williams presented the motion to grant the special exception for a spa use as presented.

Vice Chair Sutton seconded.

Chair Crawford noted this use was appropriate in an area that was a mix of uses.

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

Mr. Williams presented the findings, specifically noting the area was a mixed-use area and the proposed use would not be detrimental to the surrounding area.

THE BOARD, THEREFORE, ORDERS:

That the request by The Life House Women’s Shelter for a special exception to establish a Group Home (Type A) use, a reduction in the required separation from other group home uses, and variances from the side and rear setback standard, minimum lot width and lot size standard, and the side buffer-yard requirement at 313 North Wilson Street, which is 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-2021-34

The Zoning Board of Appeals held a public hearing on Tuesday, July 20, 2021 to consider a **request by Mark Van Sickle of LRB Property LLC for a special exception to expand an existing craft brewery use, and for a reduction in the required separation from residential uses for the building and outdoor seating at 129 Oakland Avenue and 136, 140, & 144 Ebenezer Avenue, which are zoned General Commercial (GC) and Neighborhood Office (NO) but are being considered by City Council for rezoning to Limited Commercial (LC). Tax map numbers 627-21-02-007, -018, -020, & -021.**

Members in attendance included Matt Crawford, Keith Sutton, Chad Williams, Stacy Reeves, James Hawthorne, and Charlotte Brown (Cullum 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 129 Oakland Avenue and 136, 140, & 144 Ebenezer Avenue.
2. The property owner is LRB Property LLC.
3. The property is zoned Limited Commercial (LC).
4. The request was for a special exception to expand an existing craft brewery use, and for a reduction in the required separation from residential uses for the building and outdoor seating.
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:
 - July 1: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - July 1: Public Hearing notification signs posted on subject property.
 - July 2: 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 Dennis Fields presented the staff report.

Vice Chair Sutton asked if the special exception for the separation would be required still if the applicant had been able to purchase the adjacent residential lot. Mr. Fields stated it may have been as there were residential uses across Ebenezer Avenue that may have been within the required separation limits.

The applicant's representative, Mr. Chad McGowan, 1539 Healthcare Drive, stated they are still trying to purchase the property, but the owner is not yet ready to sell.

Chair Crawford asked the use of the larger building. Mr. McGowan stated there was a desire to move the commissary and pizza operations from the former Varsity location across Oakland to the main Legal Remedy site, so this building would house those operations on one side and event rental on the other.

Mr. Hawthorne asked the use of the other proposed building. Mr. McGowan stated this would be used for cold storage and the storage of bottling supplies for the brewery.

Mr. Williams asked what would happen to the former Varsity building. Mr. McGowan stated this would be redeveloped somehow in the future.

Chair Crawford asked the plan for the outdoor area. Mr. McGowan stated a hedge would be installed between the grass area and the parking lot to provide a yard for open space.

Chair Crawford asked if there would be bands allowed outdoors. Mr. McGowan stated they would not, that these would only be allowed inside the building.

Chair Crawford closed the floor for Board discussion.

Chair Crawford stated he had had some concerns over the separation reduction but was relieved that this did not appear to be an issue.

Mr. Hawthorne asked if landscaping would be installed along the parking area. Mr. Fields stated this would be required.

Vice Chair Sutton made the motion to grant the special exceptions for the expansion of a craft brewery use and the reduction in separation from residential uses as presented. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 6-0 (Cullum absent).

Vice Chair Sutton presented the findings, specifically noting the applicant would comply with the use specific standards as required.

THE BOARD, THEREFORE, ORDERS:

That the request by Mark Van Sickle of LRB Property LLC for a special exception to expand an existing craft brewery use, and for a reduction in the required separation from residential uses for the building and outdoor seating at 129 Oakland Avenue and 136, 140, & 144 Ebenezer Avenue, which are zoned General Commercial (GC) and Neighborhood Office (NO) but are being considered by City Council for rezoning to Limited Commercial (LC) is APPROVED.

Section 2.12.1 (C) of the Zoning Ordinance states:

Any person having a substantial interest affected by a decision of the Zoning Board of Appeals may appeal the decision to the Circuit Court in and for York County by filing with the Clerk of the Court a petition setting 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: _____

Z-2021-35

Request: Variance from the side yard setback for a principal structure in the Single-Family Residential-3 (SF-3) zoning district

Address: 1147 Richmond Drive

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

Applicant/Owner: Katie C. Clamp & Rick Neary



Requests: Variance from the side yard setback for a principal structure in the Single-Family Residential-3 (SF-3) zoning district

Address: 1147 Richmond Drive

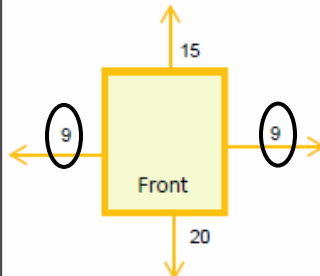
Tax Map No.: 631-07-06-013

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

Owner/ Applicant: Katie C. Clamp & Rick Neary
 1147 Richmond Drive
 Rock Hill, SC 29732

Background

The owners, Katie Clamp and Rick Neary, would like to build a 689-square-foot addition onto the back of their home. The Single Family-3 (SF-3) zoning district requires a minimum side-yard building setback of 9 feet on each side. The home currently does not meet the minimum setback as it is 8.31 feet away from the eastern property line at its closest point. Because of the lot’s irregular shape, as it tends to skew inward from front to back, the applicants are proposing to set the addition back only 6.87 feet off the eastern side property line; therefore, a variance of 3.13 feet is needed.

TABLE OF DIMENSIONAL STANDARDS FOR RESIDENTIAL DISTRICTS						
USE	MIN. LOT AREA (SQ FT)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE	
					MAX HT (FT)	REQUIRED SETBACKS (FT)
Single-Family 3 (SF-3)						
Single-family detached	14,000	90	70%	N/A	35	

Site Description

The property is located on Richmond Drive, and is across the street from Richmond Drive Elementary School in the Beaty Estates neighborhood. Aside from the school property, the property is mainly surrounded by other single-family homes which are also zoned Single-Family Residential-3 (SF-3).

Description of Intent for the Single-Family Detached Zoning Districts

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

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

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

Analysis of Requests for Variance

Required Findings of Fact

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

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

1. *Extraordinary and Exceptional Conditions*

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

The lot skews inward from front to back making it difficult to meet the required setback. Although the addition could be customized to meet the setback, it would create an odd jog in the design of the proposed addition.

2. *Unique Conditions*

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

While there are several lots that experience the same condition, the majority of the lots in neighborhood are the shape of a rectangle or square, the common shapes for residential lots. These other lots would be able to meet the required side setbacks more easily than the subject lot.

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 complete the addition, but it would not be able to be of the same dimensions that are being proposed.

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 were granted, the applicant would be able build an addition onto an existing single-family residence, which is compatible with the existing single-family residential uses located on this street. Furthermore, staff has not received any negative feedback regarding the request.

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 variance request is not based on the ability of the land to be used more profitably if the request is granted because the land is not intended to be used to generate a profit but rather for a single-family residence.

Public Input

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

- July 30: Sent public hearing notification postcards to property owners within 300 feet of the subject property.
- July 30: Posted public hearing signs on subject property.
- July 31: Advertised the Zoning Board of Appeals public hearing in *The Herald*.
- Information about this request was posted to the City's website.

Staff heard from one neighboring property owner requesting more information.

Staff Recommendation

Staff was able to make some but not all of the findings for this request; however, if the Board can make all of the findings, staff does not see a problem with the granting of the request.

Staff views the request as meeting findings 1, 2, & 4:

- The lot skews inward from front to back making it difficult to meet the required setback. Although the addition could be customized to meet the setback, it would create an add jog in the design of the proposed addition.
- While there are several lots that experience the same condition, the majority of the lots in neighborhood are the shape of a rectangle or square, the common shapes for residential lots. These other lots would be able to meet the required side setbacks more easily than the subject lot.

- If the variance were granted, the applicant would be able build an addition onto an existing single-family residence, which is compatible with the existing single-family residential uses located on this street. Furthermore, staff has not received any negative feedback regarding the request.

Staff has difficulty meeting finding no. 3:

- If the variance were not granted, the applicant would still be able to complete the addition, but it would not be able to be of the same dimensions that are being proposed.

Attachments

- Application and supporting materials
- Site plan and building plans
- Zoning map

Staff Contact:

Shana Marshburn, Planner II

803.326.2456

shana.marshburn@cityofrockhill.com

VARIANCE APPLICATION

Plan Tracking # 20211355 Date Received: 7/15/21 Case # Z- 2021- 35

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: 1147 RICHMOND DRIVE, Rock Hill, SC _____

Tax parcel number of subject property: 6 3 1 - 0 7 - 0 6 - 0 1 3

Property restrictions

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

If yes, please describe the requirements: _____

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
<u>KATIE CLAMP & RICK NEARY</u>	<u>1147 RICHMOND DR.</u>		<u>rneary@aplixinc.com</u>

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: RICK NEARY Date: 7/15/21

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

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

INFORMATION ABOUT REQUEST

General description of your request

WE ARE REQUESTING A VARIANCE TO RELIEVE THE REQUIRED SIDE SETBACK
FROM THE WEST PROPERTY LINE FROM 9'-0" TO 10'-0"

Findings of fact

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

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

THE PROPERTY EXISTS ALONG A CURVE IN THE STREET. THE LEFT SIDE OF THE
HOME ISN'T PARALLEL TO THE PROPERTY LINE AND IS ALREADY LOCATED
OVER THE SIDE SETBACK. THE VERTICAL AREA FOR OUR NEW MASTER
SUITE ADDITION IS ON THIS SIDE. WE ARE PROPOSING TO STEP THE ADDITION
BACK BUT WILL STILL NEED A VARIANCE FROM THE SETBACK.

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

THIS IS AN OLD NEIGHBORHOOD WITH MANY UNIQUE SITUATIONS THAT
OCCUR BECAUSE IT PRE-DATES ROCK HILL'S ZONING REQUIREMENTS

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

THE HOUSE ALREADY EXISTS WITHIN THE CITY'S SETBACK. THE ADDITION WAS DESIGNED SO TO NOT HAVE ANY NEGATIVE IMPACT ON THE ADJACENT PROPERTY.

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

NO... THE ADDITION IS CONSISTENT WITH THE NEIGHBORHOOD

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

PLANS OF ADDITION PROVIDED BY
VIN-YET DESIGNS



vin-yet designs, llc
 127 caldwell street
 rock hill, south carolina 29730
 803.324.5531
 www.vin-yet.com

- FINAL -
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1147 Richmond Drive

Rock Hill, South Carolina

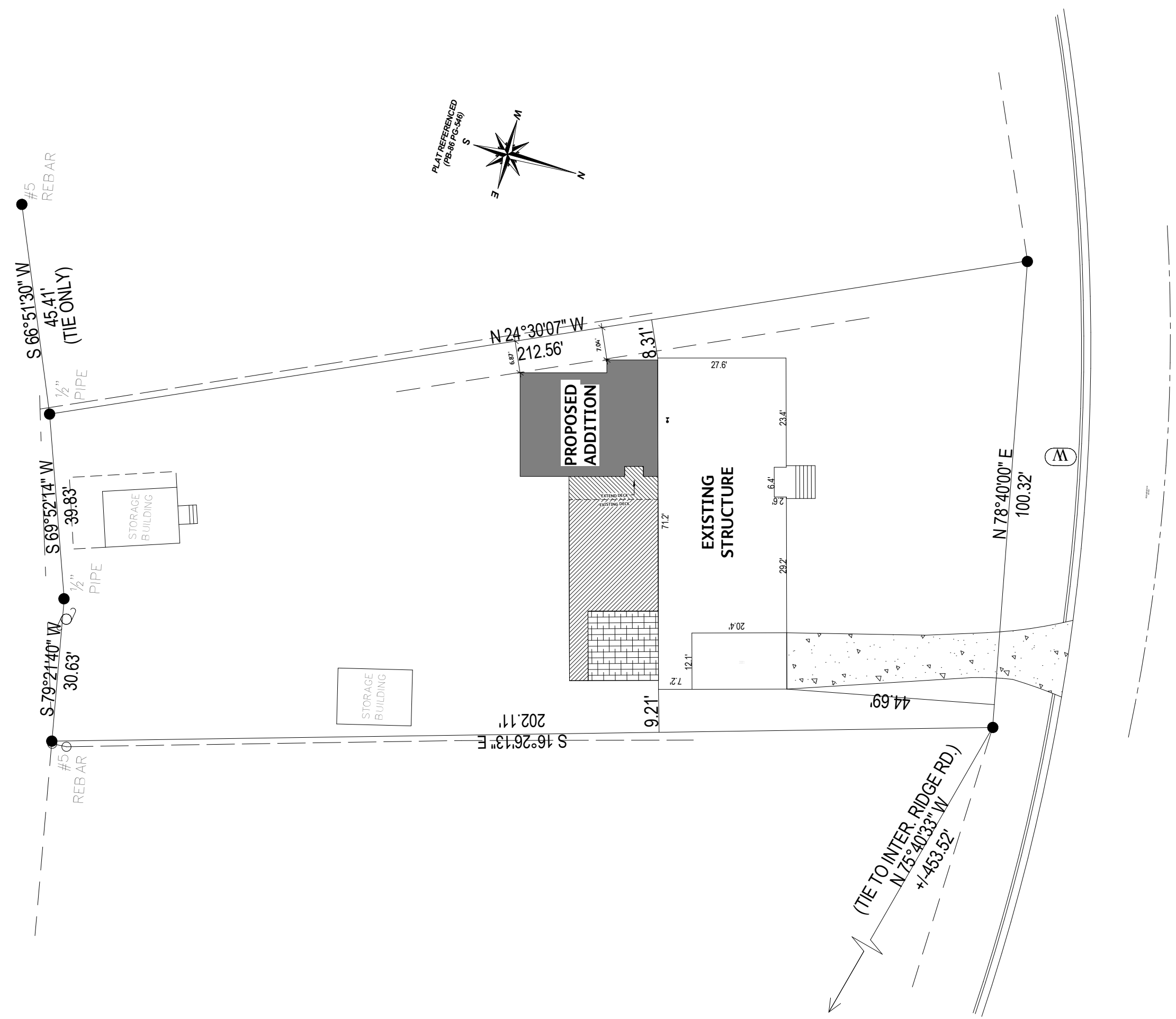
Site Plan

Revision Date:

1.	
2.	
3.	
4.	
5.	

Project Number: D1831
 Date: 08.27.18
 Scale: 1" = 10'-0"

Sheet
A001





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 127 caldwell street
 rock hill, south carolina 29730
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 www.vin-yet.com

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Rock Hill, South Carolina

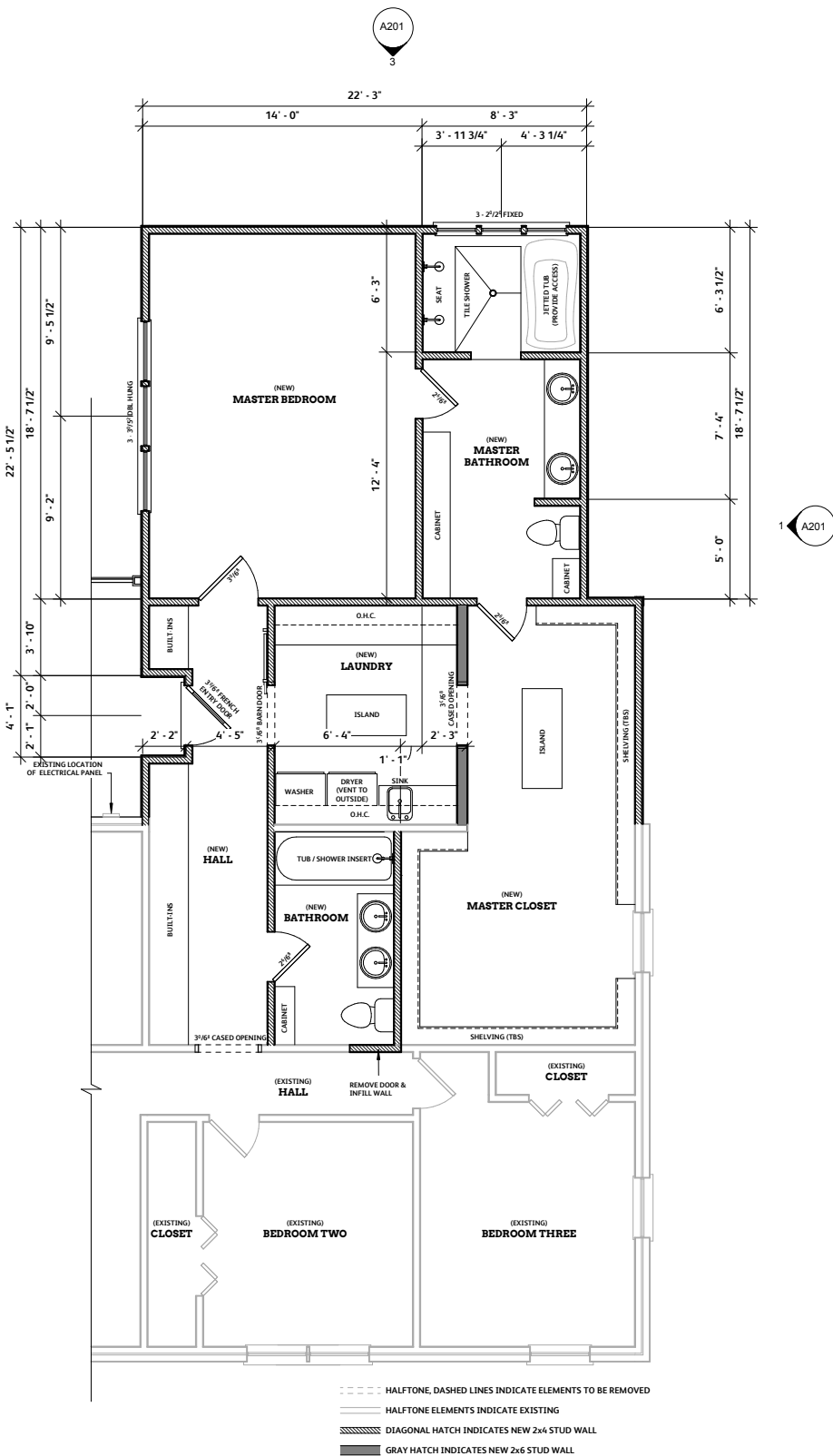
First Floor and Roof Plan

Revision Date:

1.	
2.	
3.	
4.	
5.	

Project Number: D1831
 Date: 08.27.18
 Scale: 1/4" = 1'-0"

Sheet
A101



1 | First Floor
 A101 | 1/4" = 1'-0"

8806.2 Minimum vent area.
 The minimum net free ventilating area shall be 1/150 of the area of the vented space.
 Exception: The minimum net free ventilating area shall be 1/300 of the vented space provided one or more of the following conditions are met:

- In Climate Zones 6, 7 and 8, a Class I or II vapor retarder is installed on the warm-in-winter side of the ceiling.
- At least 40 percent and not more than 50 percent of the required ventilating area is provided by ventilators located in the upper portion of the attic or rafter space. Upper ventilators shall be located no more than 3 feet (914 mm) below the ridge or highest point of the space, measured vertically, with the balance of the required ventilation provided by eave or cornice vents. Where the location of wall or roof framing members conflicts with the installation of upper ventilators, installation more than 3 feet (914 mm) below the ridge or highest point of the space shall be permitted.

Roof Ventilation:
 2" continuous soffit vent provides approximately 8 square inches of vented area per linear foot
 Ridge Vents provide approximately 12.5 square inches of vented area per linear foot

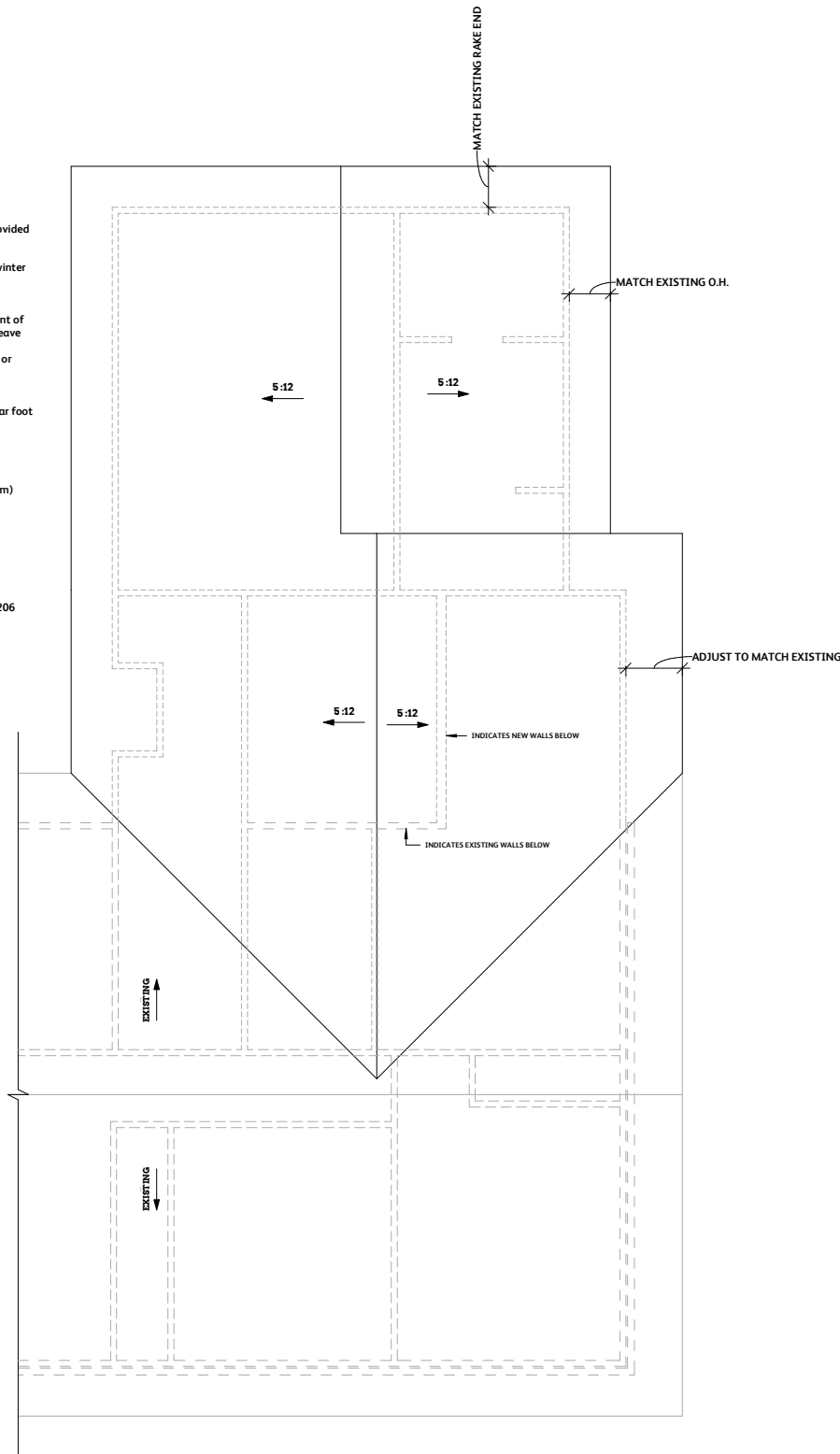
Calculation:
 Total under roof square footage requiring ventilation = 816 square feet
 Converted to square inches = 117,504 square inches
 117,504 square inches / 150 = 783.36 square inches of net free ventilating area (minimum)

Approximate soffit vents (per plan)
 59 linear feet x 8 square inches / linear foot = 472 square inches
Approximate ridge vents (per plan)
 43 linear feet x 12.5 square inches / linear foot = 537.5 square inches
 Total = 1,009.5 square inches of net free ventilating area

- Notes:**
- Balance of ventilation to be done with adequate powered ventilator (approximately 206 square inches).
 - Contractor to confirm square inch per linear foot area of soffit and ridge vent with manufacturer specifications.

Note: Calculations are for addition only

SQUARE FOOTAGE	
ADDED HEATED	689
NOTE: SQUARE FOOTAGE CALCULATION IS TAKEN FROM OUTSIDE FACE OF EXTERIOR STUD WALL.	
FINISHED SQUARE FOOTAGE CALCULATIONS FOR THIS HOUSE WERE MADE BASED ON PLAN DIMENSIONS ONLY AND MAY VARY FROM THE FINISHED SQUARE FOOTAGE OF THE HOUSE AS BUILT	



2 | Roof Plan
 A101 | 1/4" = 1'-0"



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 rock hill, south carolina 29730
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1147 Richmond Drive

Rock Hill, South Carolina

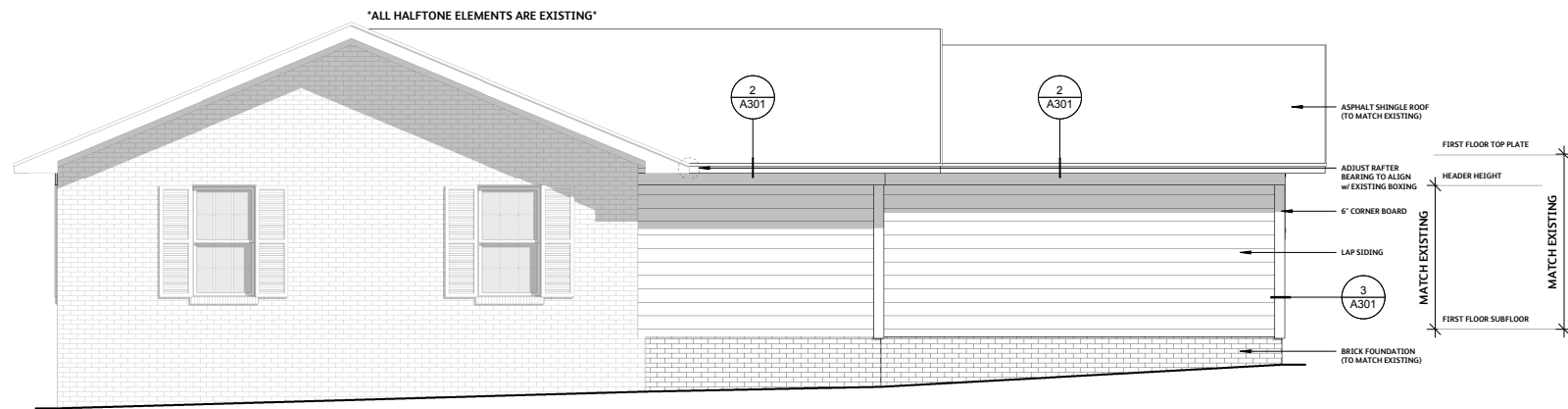
Elevations & Perspective

Revision Date:

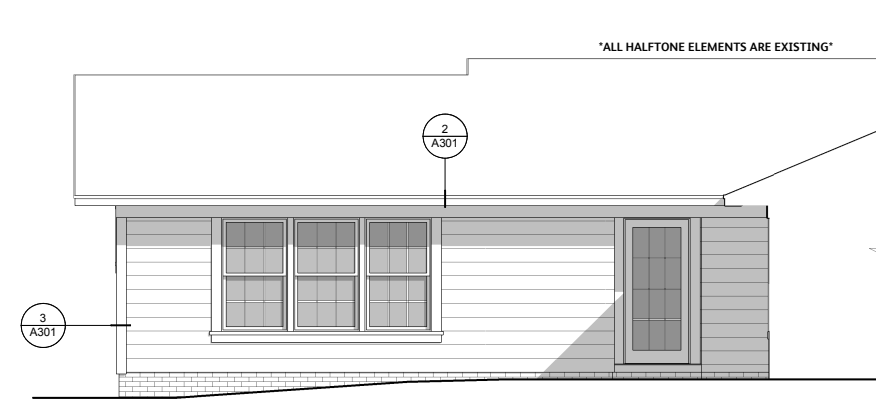
1.	
2.	
3.	
4.	
5.	

Project Number: D1831
 Date: 08.27.18
 Scale: 1/4" = 1'-0"

Sheet
A201



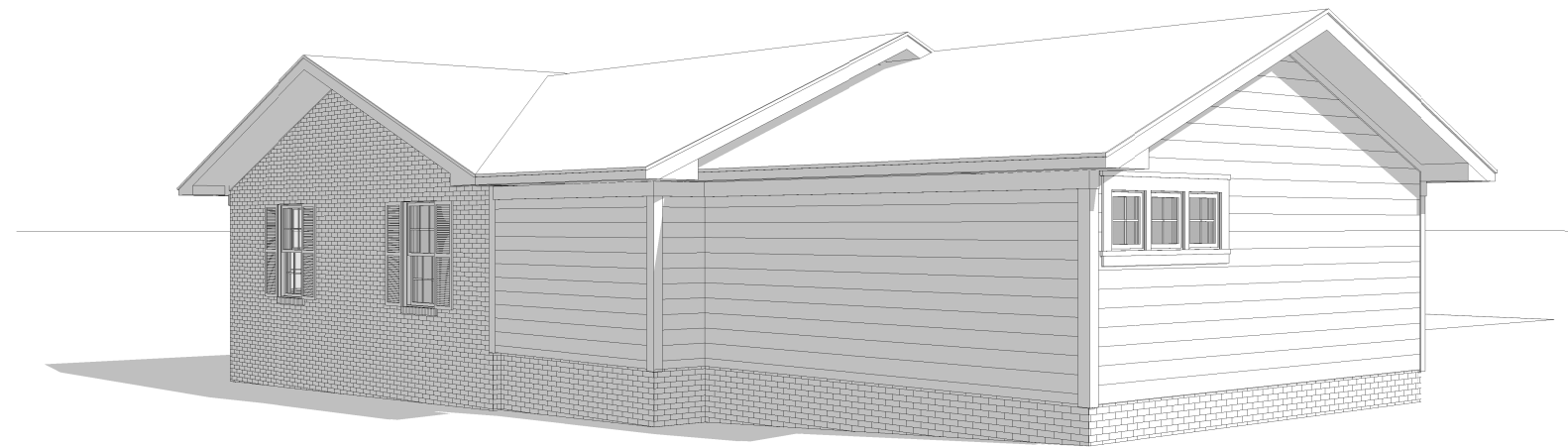
1 Right Elevation
 A201 1/4" = 1'-0"



2 Left Elevation
 A201 1/4" = 1'-0"



3 Rear Elevation
 A201 1/4" = 1'-0"



4 Perspective
 A201



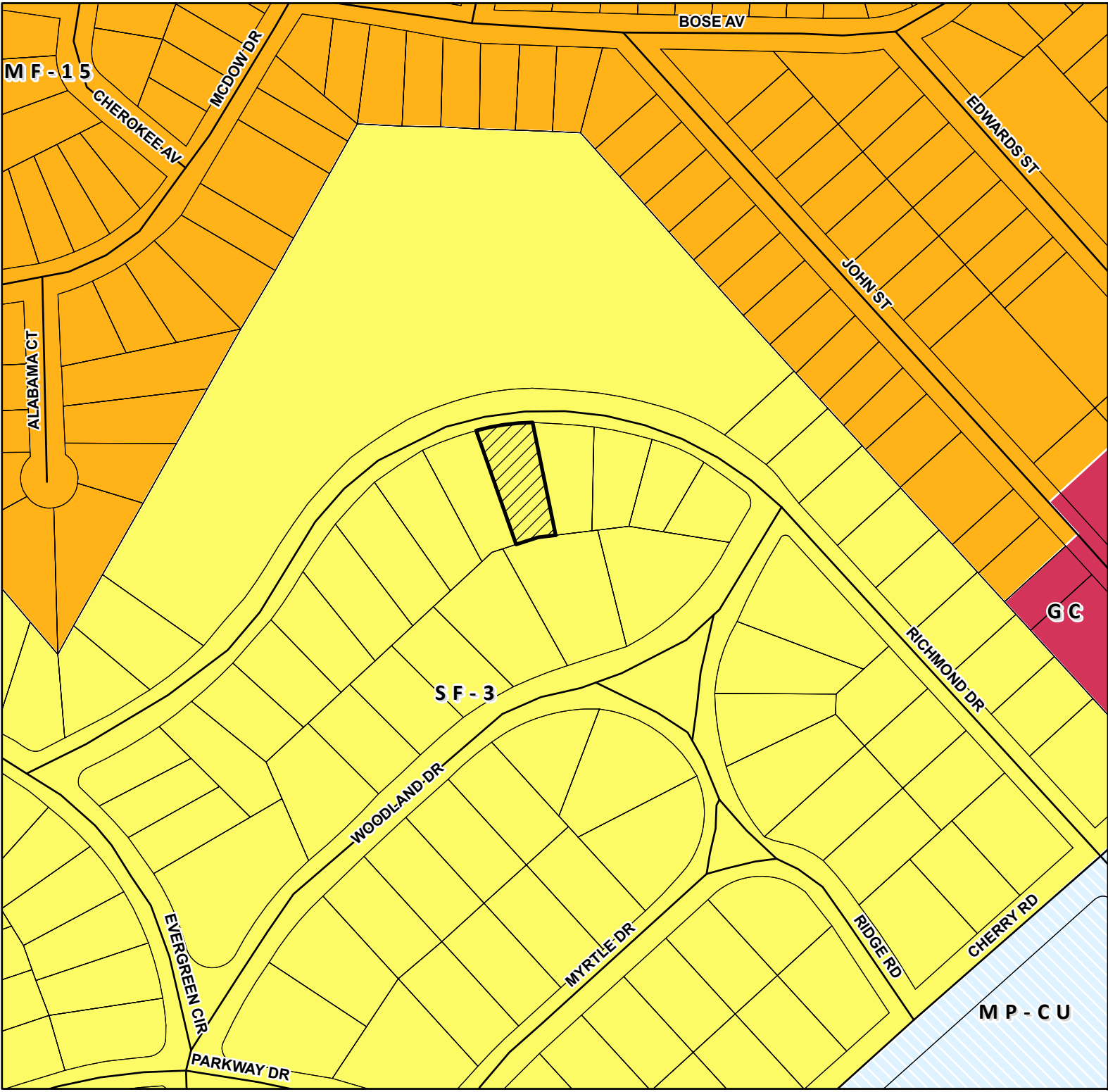
ROCK HILL
SOUTH CAROLINA
Always on.

Z-2021-35

Subject Property

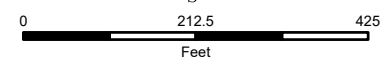
Zoning Districts

- General Commercial (GC)
- Multi-Family 15 (MF-15)
- Office and Institutional (OI)
- Master Planned College University (MP-CU)
- Single-Family 3 (SF-3)



Zoning Data

Current Zoning
SF-3



Planning & Development
Department
City of Rock Hill
08/17/2021

Z-2021-36

Request: Request for Short-Term Rental use
Address: 654 E. Black Street
Zoning District: Multi Family-15 (MF-15)
Applicant/Owner: Tara McKee





Location: 654 E. Black Street

Request: Request for Short-Term Rental use

Tax Map Number: 625-05-04-028

Zoning District: Multi Family-15 (MF-15)

Owner/ Applicant: Tara McKee
 357 Pendleton St., Apt. A
 Rock Hill, SC 29730

Background

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

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

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

The applicant in this case applied for a short-term rental use on July 23, 2021, thus the request is before the Zoning Board of Appeals as a special exception request.

Primary use table excerpt <ul style="list-style-type: none"> • Blank cell = prohibited • S = Special exception • C = Conditional use • P = Permitted use 	<table border="1" style="width: 100%; background-color: black; color: white;"> <tr> <th colspan="10">RESIDENTIAL</th> <th colspan="6">BUSINESS</th> </tr> <tr> <td>SF-2</td><td>SF-3</td><td>SF-4</td><td>SF-5</td><td>SF-8</td><td>SF-A</td><td>MFR</td><td>MF-15</td><td>MX</td><td>NO</td><td>NC</td><td>OI</td><td>LC</td><td>GC</td><td>CC</td><td>CI</td><td>DTWN</td><td>MUC</td><td>IB</td><td>IG</td><td>IH</td> </tr> </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
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C if apply for a permit on or before December 31, 2020; S otherwise																																						
Definition of proposed use	<i>Short-term rental as a primary use:</i> When a non-owner occupied, residentially used property is rented in whole or in part for an overnight stay of less than 30 days at a time to one guest party. exceptions: When an owner-occupied residentially-used property is																																					

	rented in whole or in part for an overnight stay of less than 30 days at a time to one guest party, that is considered an accessory use; see <i>Chapter 5: Land Use: Accessory and Temporary Uses</i> .
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Site Description

The property is located on E. Black Street, east of the Downtown area and is a part of the East Town neighborhood. It is mainly surrounded by other single-family residential uses that are also zoned Multi Family-15 (MF-15).

Multi-Family 15 (MF-15) Zoning District Description of Intent

Although originally established to allow a wide range of medium to high-density housing types, it is the intent of this ordinance that the MF-15 district be phased out over time by not allowing new rezonings to the MF-15 district after October 12, 2015. In order to avoid creating nonconforming uses, and to allow properties that have this zoning district to develop with specific uses, the district continues to allow single-family detached, single-family attached, multi-family, and a few other specified uses.

Analysis of Request for Special Exception

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

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

- A. Short-term rentals as a primary use must follow the processes and meet the standards set forth in the City Code of Ordinances for the use. The host must complete a short-term rental application certifying that the following operational requirements are met:*

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

The host has stated that there are no known deed restrictions or restrictive covenants. Furthermore, the East Town neighborhood association's president has acknowledged that they are not aware of any deed restrictions or restrictive covenants.

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

The host is the owner of the property.

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

There is no known Homeowners Association.

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

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

- (e) *If the property is located in any area of the City outside the Downtown Parking Management Area, that the host has provided for the use of short-term rental guests at least one additional on-site parking space beyond what the Zoning Ordinance requires for a residential use. This parking space must meet the vehicular use area standards of Chapter 8.8 and 6.3 of the Zoning Ordinance for residential uses. Exceptions exist for:*

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

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

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

The host agrees to comply with this regulation.

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

The host agrees to comply with this regulation.

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

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

The property will not be owner-occupied; however, the property owner/host lives within 15 miles of the property.

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

The host agrees to comply with this regulation.

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

The host agrees to comply with this regulation.

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

The host agrees to comply with this regulation.

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

The host agrees to comply with this regulation.

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

The host agrees to comply with this regulation.

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

The host agrees to comply with this regulation.

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

The host agrees to comply with this regulation.

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

The property is located on E. Black Street, an SCDOT-maintained principal arterial road. This area of E. Black Street is in the Old Town Overlay District, located just outside of the Downtown. The immediate vicinity is mainly comprised of single-family residential uses.

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

The short-term rental regulations that the host has agreed to (prohibit guests from hosting parties, providing guest parking on site, living nearby to manage any issues that may arise, etc.) should help minimize any adverse impacts.

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

The host has not proposed any site work.

- 4. 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.*

East Black Street is an SCDOT-maintained principal arterial road that has the capacity to serve the proposed use.

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

Staff has not heard from any neighbors in opposition to the request.

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

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

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

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

Public Input

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

- July 30: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- July 30: Posted public hearing signs on subject property.
- July 31: Advertised the Zoning Board of Appeals public hearing in *The Herald*.
- Information about this request was posted to the City's website

Staff has not heard from any neighbors in opposition to the request.

Staff Recommendation

This area of the East Town neighborhood is mainly comprised of single-family residential uses with the broader area containing other use types such as commercial and institutional due to its proximity to the Downtown area, and so staff sees the short-term rental use as being compatible. Furthermore, the host has agreed to meet the conditions of the City Code or Ordinances regarding the short-term rental use, and so staff recommends approval of the request.

Attachments

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

Staff Contact:

Shana Marshburn, Planner II

803.326.2456

shana.marshburn@cityofrockhill.com

SPECIAL EXCEPTION APPLICATION

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

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

PROPERTY INFORMATION

Street address of subject property: 654 E Black St, Rock Hill, SC 29730

Tax parcel number of subject property: 6 2 5 - 0 5 - 0 4 - 0 2 8

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
Tara McKee	357 Pendleton St, Apt A	803-524-6285	taramckee@gmail.com

Are you the owner of the subject property? Yes No

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

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

Signature:  Date: 7/26/2021

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>I certify that the person listed in the person listed above has my permission to represent this property in this application.</p> <p>Signature: _____ Date: _____</p> <p>Preferred phone number: _____ Email address: _____</p> <p>Mailing address: _____</p>

INFORMATION ABOUT REQUEST

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

Short Term Rental

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.)

I would like to use this house as a short term rental by means of Air BnB and VRBO.

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

This property is located in downtown Rock Hill and is 0.4 mile from the fountain park. The walkability to everything that downtown has to offer plus what's coming is very attractive to visitors.

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

Over the next two months, we will be doing some work to the property, inside and out, making it more attractive and doing some necessary updating. There are other short term rentals in there area, as well.

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

No impact, other than us clearing out some overgrowth and doing some necessary yardwork which has been somewhat neglected until now.

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

No impact. Driveway will be used for parking.

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?

No impact.

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

Planning and Development Department - Permit Application Center

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

Ph: 803-329-5590

www.cityofrockhill.com

SHORT-TERM RENTAL PERMIT APPLICATION

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

If you apply on or before December 31, 2020, the application fee is \$200. You may mail a check, or we can accept payment by phone or online. The application will be reviewed by City staff. We expect to complete our review within 10 business days.

If you apply after December 31, 2020, you must complete this application as well as a special exception application. The total application fee is \$300. You may mail a check, or we can accept payment by phone or online. The request will go to the Zoning Board of Appeals (ZBA) for consideration. The ZBA will hold a public hearing about the request so that neighbors, Home Owners Association representatives, and other interested parties may give input into the decision. It generally takes about 30 days for a request to be placed onto the next ZBA agenda. More information about that process can be found on the special exception application.

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

PROPERTY INFORMATION

Street address of subject property: 654 E Black St, Rock Hill, SC 29730

Tax parcel number: 625 - 05 - 04 - 028 Number of bedrooms: 3

HOST INFORMATION

HOST CONTACT INFORMATION

Host's name: Tara McKee Phone number: 803-524-6285

Mailing address: 357 Pendleton St Apt A Email address: taramckee@gmail.com

Host's Legal Business Name: Elf House LLC

DBA (Doing Business As) Name: Elf House

HOST OWNERSHIP INFORMATION

Are you the owner of the subject property? Yes No

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

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

Name of property owner: _____

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

Phone number: _____ Email address: _____

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

Signature: _____ Date: _____

HOST RESIDENCY INFORMATION

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

If not, you must do one of the following:

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

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

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

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

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

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

BUSINESS LICENSE AND STATE ACCOMMODATIONS TAX

A business license is required in addition to the short-term rental permit. Apply for the business license at www.cityofrockhill.com/newlicense.

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

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

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

HOME/PROPERTY OWNERS ASSOCIATION

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

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

PARKING PLAN

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

FOR PROPERTIES WITHIN THE DOWNTOWN PARKING MANAGEMENT AREA:

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

FOR PROPERTIES OUTSIDE THE DOWNTOWN PARKING MANAGEMENT AREA:

SINGLE-FAMILY RESIDENCES

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

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

Name of property owner: _____

Address of property: _____

Phone number: _____ Email address: _____

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

MULTI-FAMILY RESIDENCES

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

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

Name of apartment management or condominium association representative: _____

Phone number: _____

Email address: _____

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

Name of property owner: _____

Address of property: _____

Phone number: _____ Email address: _____

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

MARKETING

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

Platform	Property number	Name of listing
Air BNB	_____	Elf House
VRBO	_____	Elf House
_____	_____	_____
_____	_____	_____

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

Facebook

GARBAGE/RECYCLABLES

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

City collection cans. Hosts will either put out trash on designated days.

COMMUNICATION FROM GUESTS

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

- Website platform Email Phone Other: _____

PHOTOGRAPHS OF PROPERTY

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

CERTIFICATIONS BY HOST

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

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

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

Signature:  Digitally signed by Tara McKee
Date: 2021.07.23 10:28:33 -04'00' Date : _____

REQUIRED GUEST NOTICES

The following information must be included in all booking information, provided to guests upon booking, and conspicuously posted within the unit. Staff will provide you with a custom notice form to use based on your responses on the application. This is just an example of what it will look like—you do not need to complete any information here.

The City of Rock Hill regulates short-term rentals. In addition to any “house rules” created by the host, the following City regulations apply to guests:

1. The maximum number of guests is two per bedroom, plus two. This property has 3 bedrooms, so a maximum of 8 guests are allowed by the City. *(Alternatively, host may list the number of guests he/she allows if the number is less.)*
2. Guests may not have parties. This includes “open invite” parties (which are open to anyone and are frequently advertised on social media), as well as private parties including but not limited to weddings, bachelor/bachelorette parties, birthday parties, holiday parties, and parties for other special events.
3. Guests must park only in areas that have been approved by the City. For this rental, the approved area is: *(host to describe or attach a photograph or diagram)*
4. Guests are subject to the City’s Noise Ordinance at all times. In residential areas, this means that noise must be kept to no more than 60 decibels at all property lines. You may wish to think of 60 decibels of noise as the same level of noise as a normal conversation between two people in a business office.
5. Guests must dispose of trash and recyclables as follows: *(host to describe)*
6. Guests may contact the host by *(host to describe)*

IN CASE OF EMERGENCY, CALL 911.

Address of property: 654 E Black St, Rock Hill, SC 29730

Short-term rental permit number: _____

Host’s name: Tara McKee

RENEWAL APPLICATION PROCESS

If approved, the short-term rental permit will be valid for one year unless revoked.

Within 30 days prior to the end of this annual period and all subsequent annual periods, the host must reapply for a short-term rental permit if the host wishes to continue the short-term rental use after the end of the current permit period. The host must complete the above application each year and pay a \$200 renewal application fee.

Unless the permit was revoked during the year such that the request must go to the Zoning Board of Appeals for consideration, renewals will be a staff-level review. Staff will review all of the information in the application anew each year and will only issue a permit again if the request continues to meet all of the standards for the use.

- **Please note:** This means that if the property is located within a neighborhood or community that has a Home Owners Association or Property Owners Association, and the Association notifies us that it no longer allows the use, we will not be able to issue a renewal permit to you.

VIOLATIONS AND PENALTIES

A complete list of the violations and penalties is located in Section 11-367 of the Code of Ordinances of the City of Rock Hill. This is a summary for your information.

Examples of violations include:

1. Advertising or operating a short-term rental unit without a short-term rental permit.
2. Submitting an application with misleading or fraudulent information.
3. Violating any of the certified statements in the short-term rental application.
4. Staff receiving three valid neighbor complaints or police calls per rolling 12 months at the property in question, or one incident at the property in question with widespread community impacts or substantial public safety concerns.
5. The host being convicted of an offense under a law or ordinance regulating business or a crime involving violence or moral turpitude.

Possible penalties include:

1. Revocation of the short-term rental permit for the subject property.
2. Revocation the associated business license so that the host may not operate short-term rentals on other properties, either.
3. Refusal of a short-term rental permit for any other property.
4. A misdemeanor criminal charge, which upon a guilty finding may result in a fine of \$500.00 per day plus court costs, or imprisonment of not more than 30 days, or both.
5. Civil penalties after litigation of the matter.


















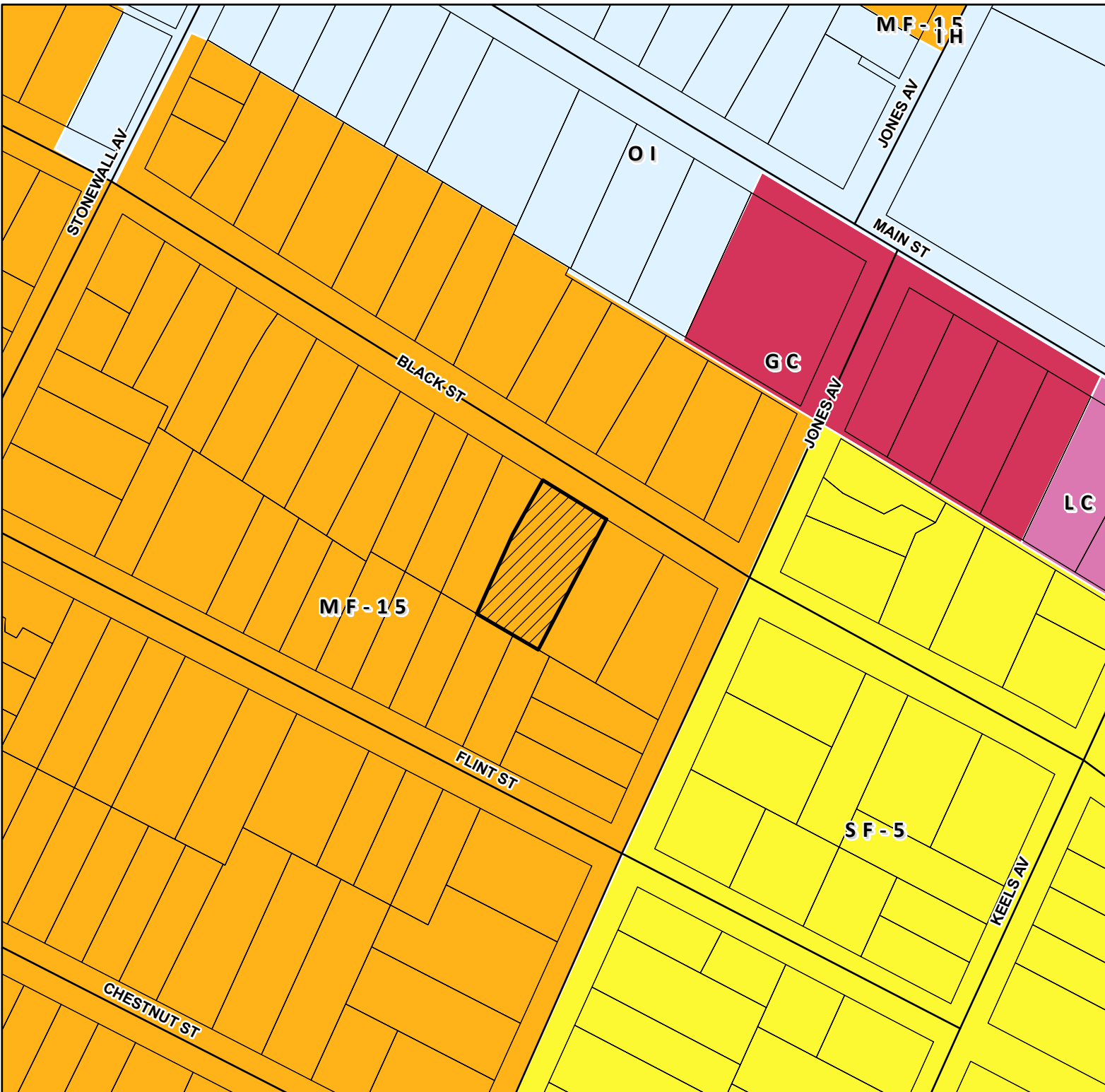


Z-2021-36

 Subject Property

Zoning Districts

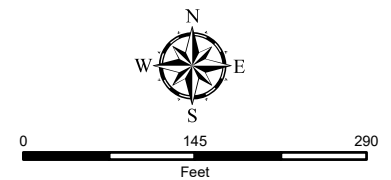
-  General Commercial (GC)
-  Industry Heavy (IH)
-  Limited Commercial (LC)
-  Multi-Family 15 (MF-15)
-  Office and Institutional (OI)
-  Single-Family 5 (SF-5)



Zoning Data

Current Zoning

MF-15



Z-2021-37

Requests: Variance from the side-yard setbacks requirements for a proposed addition

Address: 640 Cel-River Road

Zoning District: Industry Heavy (IH)

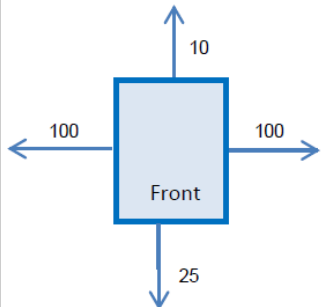
Applicant: PDM Real Estate LLC



Requests: Variance from the side yard setback for a proposed addition
Address: 640 Cel-River Road
Tax Map No.: 662-07-01-320
Zoning District: Industry Heavy (IH)
Owner/ Applicant: PDM Real Estate, LLC
 640 Cel-River Road
 Rock Hill, SC 29730

Background

PDM US is seeking to build a 20,500 square foot expansion onto their existing plant located at 640 Cel-River Road. This expansion would be off the rear of the existing building in the back corner of the site. This expansion will be for storage only; the manufacturing portion of the business will continue to operate within the existing building. Since this site is on a corner lot, there is no rear property lines, only front property lines and side property lines. The side property line requirement is 100 feet whereas the rear property-line requirement is 10 feet.

TABLE OF DIMENSIONAL STANDARDS FOR RESIDENTIAL DISTRICTS						
USE	MIN. LOT AREA (SQ FT)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE	
					MAX HT (FT)	REQUIRED SETBACKS (FT)
Industry Heavy (IH)						
Non-residential	43,560	None	85%	N/A	60	

Site Description

The property is located on the corner of Cel-River Road and Eden Terrace Extension next to Pratt Industries – Recycling Division. The site is surrounded by a mix of uses, including other industrial uses, contractor’s offices, warehouse/ wholesale uses, a religious institution use, residential uses and vacant land in the Industry Heavy, Industry General, Master Plan-Residential, Single-Family Residential-3, Commercial Industrial zoning districts as well as some properties in the County’s jurisdiction.

Description of Intent for the Industry Heavy Zoning District

The IH District is established and intended to primarily provide lands for industrial uses that have high impacts to neighboring properties. Areas of Industry Heavy zoning should contain at least 10 acres, although individual parcels within the area must only meet the minimum lot size as shown in Chapter 6: Community Design Standards.

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 lot is a small, odd shaped lot that only has two buildable areas. The rear corner is the most logical area for the building expansion since it would allow for circulation for truck loading. The lot is also a corner lot which means that it does not have a rear lot line, but instead has two front lot lines and two side lot lines.

2. *Unique Conditions*

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

The two adjacent industrial lots that are also zoned Industry Heavy are not corner lots and therefore have the ability to build closer to the lot line at the rear of their buildings.

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 not be able to build their needed expansion.

4. *Not Detrimental*

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

The closest residential lots are buffered by another parcel that is used for stormwater, and the lot on the other side is used for a heavy industry use; therefore, no additional impacts would be felt by the residential uses than are felt today and the other heavy industrial use would not require any additional buffering.

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. The property will be used for the same use as it is currently, and the property is not being sold for profit.

Public Input

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

- July 30: Sent public hearing notification postcards to property owners within 300 feet of the subject property.
- July 30: Posted public hearing signs on subject property.
- July 30: Advertised the Zoning Board of Appeals public hearing in *The Herald*.
- Information about this request was posted to the City's website

Staff has not heard from any adjacent owners or tenants with any concerns.

Staff Recommendation

Staff was able to make all of the findings for this request, and staff recommends approval of the request noting the following.

Staff views the request as meeting all of the findings:

- The lot is a small, odd shaped lot that only has two buildable areas, the rear corner being the most logical. The lot is also a corner lot which means that it does not have a rear lot line, but instead has two front lot lines and two side lot lines.
 - The other two adjacent heavy industrial lots are not corner lots, and therefore, the uses can be closer to the lot line than this one can.
 - If the variance were not granted, the applicant would not be able to build their needed expansion.
 - The closest residential lots are buffered by another parcel that is used for stormwater, and the lot on the other side is used for a heavy industry use; therefore, no additional impacts would be felt by the residential uses than are felt today.
-

Attachments

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

Staff Contact:

Melody Kearse, Zoning Coordinator

803.329.7088

melody.kearse@cityofrockhill.com

VARIANCE APPLICATION

Plan Tracking # 20211569 Date Received: 2/23/21 Case # Z-2021-42

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: 640 Cel River Rd, Rock Hill, SC 29730

Tax parcel number of subject property: 662-07- 01- 320

Property restrictions

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

If yes, please describe the requirements: _____

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
PDM Real Estate, LLC	640 Celriver Rd Rock Hill, SC 29730	(803) 909-8100	c.ronan@pdmus.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: 7/23/21

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

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

INFORMATION ABOUT REQUEST

General description of your request

Variances requested from Sec. 6.6.1 Table of Dimensional Standards for Heavy Industrial (IH)

classification relating to side yard setbacks, seeking reduction of setback from 100 feet to 10 feet to

allow for buiding expansion.

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.

Due to unique shape of the subject property, bounded by CelRiver Road on the front,

Eden Terrace Ext. on the side and Dunkins Ferry Road on another side, no true rear boundary

exists. New construction will occur in rear of property, and to the extent that the adjacent

boundary is considered a side as opposed to the rear of the parcel, applicant seeks variance

to treat such boundary as a rear boundary, requiring 10 foot setback, instead of 100 foot

side setback.

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

These conditions do not exist on any other parcel in the area, and are the result of

the unique shape and location of this parcel.

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

Denial of variance requests will prevent expansion of existing operations and substantial investment into local economy.

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

Granting of variance will not impact any adjoining properties and will enhance the public good by increasing industrial investment and creating new industrial jobs

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

C:\DATA\2021\PROJECTS\640_CEL_RIVER_ROAD\Concept\Plan\EXISTING.CONDITION.dwg

APPROX. LOCATION OF CURB
N 40°20'04" E 422.76'
10' BUILDING SETBACK
EXISTING WOODED AREA WITHOUT HERITAGE TREES

APPROX. LOCATION OF PARKING

PARCEL 663000067
720 CEL LLC
DEED BOOK 16285 PAGE 127
PLAT BOOK 75 PAGE 161
LAND USE: INDUSTRIAL

DUNKINS FERRY ROAD
PROPOSED FUTURE R/W

PORTION OF
PARCEL 6620701094
GREENS OF ROCK HILL LLC
DEED BOOK 13879 PAGE 162
PLAT BOOK 77 PAGE 166
LAND USE: VACANT

EXISTING WOODED AREA WITHOUT HERITAGE TREES

EXISTING ASPHALT

EXISTING BUILDING
FFE 593.9
39,000 SF

EXISTING OFFICE
FFE 593.9
3,125 SF

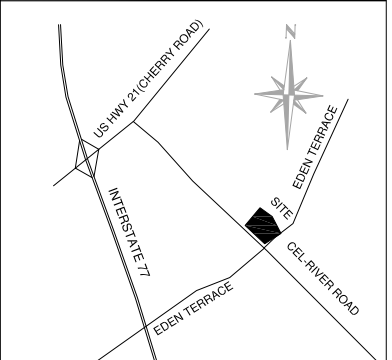
EXISTING BUILDING
2018 ADDITION
FFE 593.9
30,000 SF

EXISTING STORM WATER BMP

EDEN TERRACE EXT.
VARIABLE WIDTH PUBLIC R/W
(SCDOT PROJECT 46.040647)

CEL RIVER ROAD
VARIABLE WIDTH R/W
(SCDOT PROJECT 46.040647)

VICINITY MAP
NTS



FOR REVIEW PURPOSES ONLY

MANSOUR EDLIN PE
1200 EAST MOREHEAD ST.
SUITE 275
CHARLOTTE, N. C. 28204
Phone 704/672-1560

This drawing and design shown are the property of Mansour Edlin PE. The reproduction, editing or other use of this drawing without written consent is prohibited and infringement will be subject to legal action.

PROJECT NUMBER	07.07.2021 CON
DESIGN By	HAR
APPROVED By	ME
DRAWN By	HAR
Date	
DIGITAL FILE	2020PROJECTXX

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1.
REVISION

OWNER/DEVELOPER

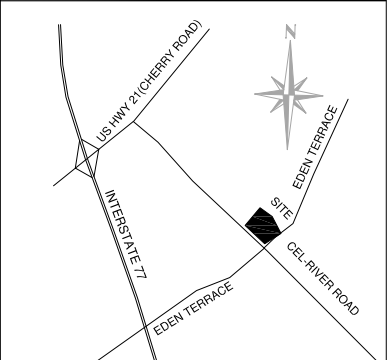
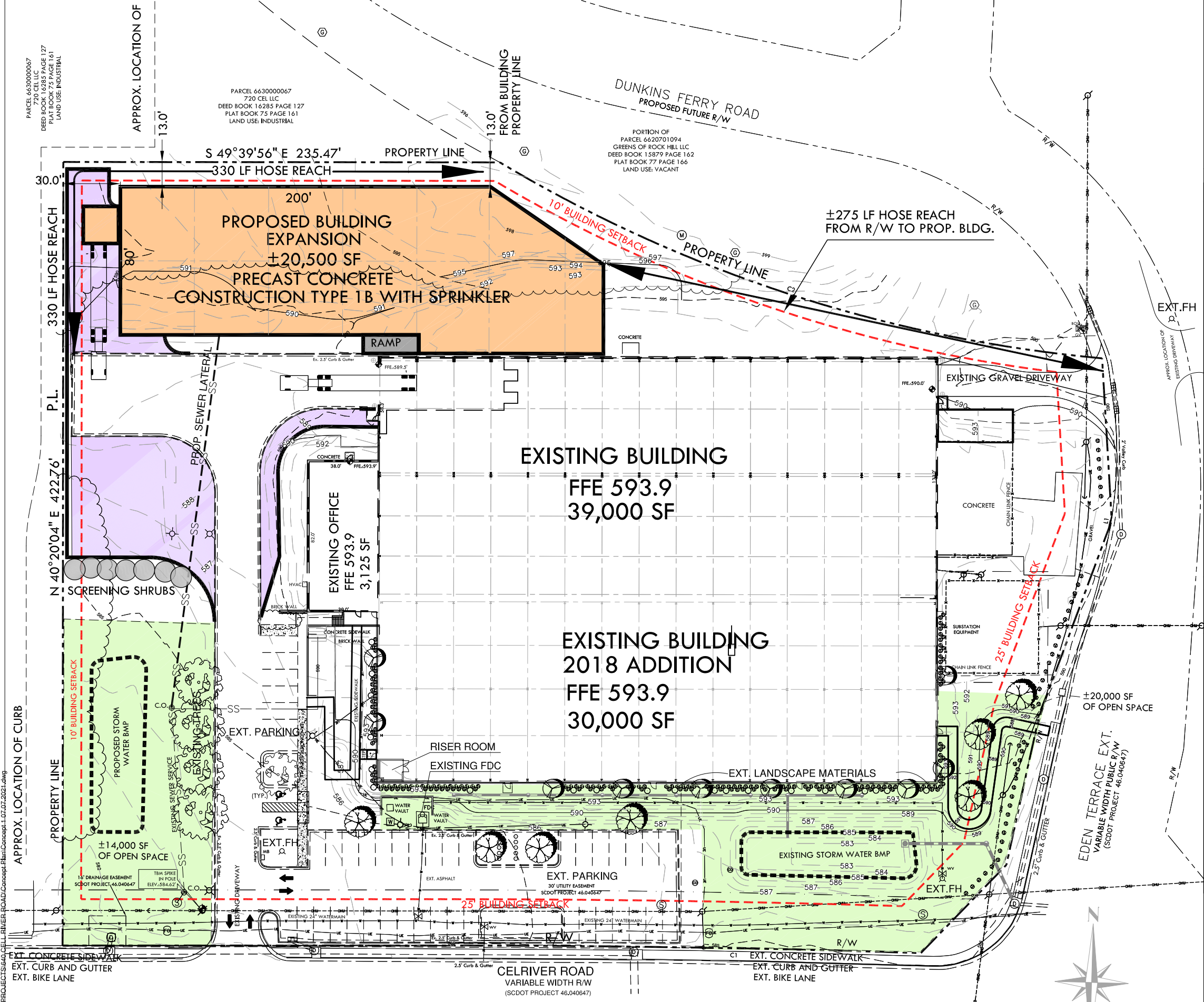
PDM US LLC
640 CEL-RIVER RD
ROCK HILL
SOUTH CAROLINA
29730
PHONE: 803-909-8100

PDM EXPANSION

EXISTING
CONDITION

PRINTING SHEET SIZE 24X36

C1.0



VICINITY MAP
NTS

DEVELOPMENT SUMMARY

PID #	6620701320
PARCEL AREA:	4.769 ACRES
EXISTING ZONING:	IH
EXISTING USE:	INDUSTRIAL
PROPOSED USE:	EXPANSION FOR WAREHOUSE
SETBACK REQUIREMENT:	FRONT YARD: 25 FEET SIDE YARD: 10 FEET * REAR YARD: 10 FEET * * SUBJECT TO VARIANCE APPROVAL

OPEN SPACE (PER SECTION 8.6.3)	
REQUIRED: 15% OF SITE AREA	0.715 AC
PROVIDED: 15% OF SITE AREA	+0.715 AC

STREETSCAPE LANDSCAPING (PER SECTION 8.7.4)	
REQUIRED: 420' W/ TREES & SHRUBS	
PROVIDED: N/A * * DUE EXISTING UTILITIES & PARKING LOT	

LAND USE BUFFER (PER SECTION 8.7.5)	
REQUIRED: N/A	

INTERNAL BOUNDARY LANDSCAPE BUFFER (PER SECTION 8.7.6)	
REQUIRED: 7.0' FEET	
PROVIDED: 0.0' FEET * * SUBJECT TO VARIANCE APPROVAL	

IMPERVIOUS AREA:	
EXISTING IMPERVIOUS AREA:	2.65 AC
PROPOSED IMPERVIOUS AREA:	±1.0 AC
BUILD UPON AREA:	(3.65 (4.769)=77.7%)

PARKING REQUIREMENT SUMMARY (PER SECTION 8.66B)

OFFICE SPACE (5,000 SF) @ 1 SPACE PER 250 SF	20 SPACES
MANUFACTURING SPACE (41,800 SF) @ 1 SPACE PER 1250 SF	33 SPACES
WAREHOUSE SPACE (46,200 SF) @ 1 SPACE PER 4,000 SF	12 SPACES
TOTAL SPACES REQUIRED:	65 SPACES
TOTAL SPACES REQUIRED WITH 30% REDUCTION:	46 SPACES
TOTAL SPACES PROVIDED:	46 SPACES

GENERAL NOTES

1. BASE DRAWING IS BASED ON DIGITAL FILE PROVIDED BY PDM
2. ALL LOCATIONS OF EXISTING UTILITIES SHOWN ARE APPROXIMATE AND SHALL BE FIELD VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION.
3. BOUNDARY AND TOPO SURVEY BY: CES GROUP

	PROPOSED BUILDING
	PROPOSED PAVEMENT
	OPEN SPACE



MANSOUR EDLIN, PE
1200 EAST MOREHEAD ST.
SUITE 275
CHARLOTTE, N. C. 28204
Phone 704/672-1560

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PROJECT NUMBER	07.07.2021 CON
DESIGN By:	HAR
APPROVED By:	ME
DRAWN By:	HAR
Date:	

DIGITAL FILE	2020PROJECTXX
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1.
REVISION

OWNER/DEVELOPER

PDM US LLC
640 CEL-RIVER RD
ROCK HILL
SOUTH CAROLINA
29730
PHONE: 803-909-8100










PDM EXPANSION

SKETCH SITE PLAN

C2.0

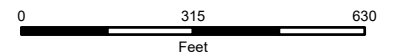
FOR REVIEW PURPOSES ONLY
PRINTING SHEET SIZE 24X36

Z-2021-37

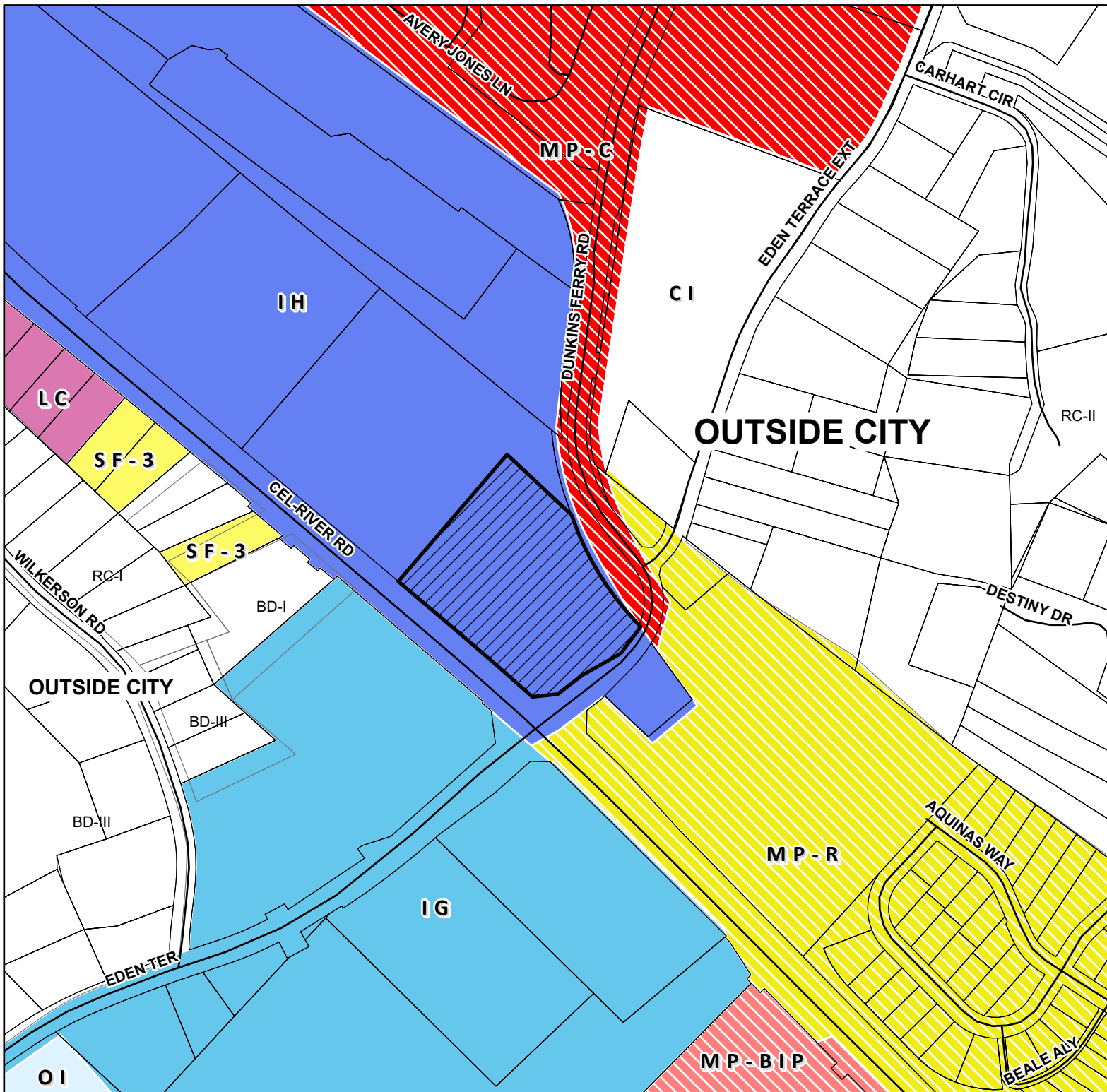
-  Subject Property
- Zoning Districts**
-  Industry General (IG)
-  Industry Heavy (IH)
-  Limited Commercial (LC)
-  Office and Institutional (OI)
-  Master Planned Commercial (MP-C)
-  Master Planned Business Industrial Park (MP-BIP)
-  Master Planned Residential (MP-R)
-  Single-Family 3 (SF-3)

Zoning Data

Current Zoning
IH



Planning & Development
Department
City of Rock Hill
08/17/2021



Z-2021-39

Requests: Special Exception to establish an indoor recreation use, less than 3,000 sq. ft. for a yoga studio

Address: 1348 Ebenezer Road, Suite 102

Zoning District: Neighborhood Office (NO)

Applicant: Jennifer Lewis





Request: Special Exception to establish an indoor recreation use (less than 3,000 sq. ft) for a yoga studio

Address: 1348 Ebenezer, Ste 102

Tax Map No.: 596-05-01-030

Zoning District: Neighborhood Office (NO)

Applicant: Jennifer Lewis
 1319 Alexander Rd
 Rock Hill, SC 29732

Property Owner: Ebenezer 7 LLC
 2075 Courtney Rd.
 York, SC 29745

Background

The applicant is seeking to establish an indoor recreation use for a yoga studio at 1348 Ebenezer Road, Suite 102. The space is approximately 1,300 sq. ft. and is one of 4 suites located at this address. The previous use of the space was for personal instruction use, driver’s education school. Currently only one suite is occupied, by a law office. A special exception is required for indoor recreation uses in the NO zoning district due to potential impacts to parking and other conflicts with office uses. Only the Zoning Board of Appeals may approve a special exception. Therefore, the applicant is seeking a special exception to establish a small yoga studio at this location

Primary use table excerpt <ul style="list-style-type: none"> • Blank cell = prohibited • S = Special exception • C = Conditional use • P = Permitted use 	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="7">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>P</td> <td>S</td> <td>P</td> <td>P</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>S</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									P	S	P	P	P	P	P	P	P	P	S	S	S
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Definition of proposed use	<i>Indoor recreation:</i> An indoor (entirely within an enclosed structure) use providing for sports and recreational activities. Examples may include gymnasiums; fitness centers; dance/gymnastics/m al arts’ studios; swimming pools; skating rinks; bowling alleys; “bounce houses”; climbing centers; trampoline centers; and billiards’ halls.																																																											

Site Description

The site is along Ebenezer Road. It is surrounded by a mix of uses, including salons, business and medical offices, a bank, and single-family in the Neighborhood Office (NO) and Single-Family Residential-3 (SF-3) zoning districts.

Description of Intent for Neighborhood Office (NO) Zoning District

The NO district is established to provide for a mix of small-scale professional office uses together with limited service uses and single-family detached dwellings in close proximity to one another, subject to design and compatibility standards. Non-residential uses must be located in buildings that are consistent with surrounding residential uses in physical design, scale, and character, and they must not exceed 10,000 square feet in area.

All non-residential development in the NO district must limit its public operating hours to between 6 a.m. and 10 p.m.

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.*

There are no use-specific standards for the proposed use. However, the NO zoning district does have size limitations and operational hour restrictions. The size of the proposed studio is approximately 1,300 sq. ft., under the 10,000 sq. ft. size limitation, and the applicant will only operate within the 6 am to 10pm timeframe.

- 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 use is very small-scale studio space which is compatible with the other uses in the area which are also small-scale uses.

- 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.*

No changes are planned to the site. The use has access to the shared parking lot, and no external impacts would be expected with this type of use as it is considered low impact.

- 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 site is fully developed, and no changes to the site are being proposed.

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

The roads are adequate to serve this use without any upgrades.

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

The proposed use is not anticipated to cause any injury to neighboring land or property value given that it a low-impact use.

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

Since the site is developed and no changes are being proposed, no site plan is necessary.

- 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.*

Applicant agrees to comply.

Public Input

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

- July 30: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- July 30: Posted public hearing signs on subject property.
- July 30: Advertised the Zoning Board of Appeals public hearing in *The Herald*.
- Information about this request was posted to the City's website

Staff has not received any public feedback about this request.

Staff Recommendation

Staff recommends approval of the proposed yoga studio use based on the above analysis and specifically noting the following:

- The site is located in a mixed-use area that is compatible with the proposed use.
-

Attachments

- Application and supporting documents
 - Zoning map
-

Staff Contact:

Melody Kearse
803.329.7088

melody.kearse@cityofrockhill.com

SPECIAL EXCEPTION APPLICATION

Plan Tracking # 20211473 Date Received: 7/23/21 Case # 2- 2021-44

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: 1348 Ebenezer, ste 102 Rock Hill, SC 29732

Tax parcel number of subject property: _____

Property restrictions

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

If yes, please describe the requirements: N/A

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
Jennifer Lewis	1319 Alexander Rd. Rock Hill, SC 29732	704-530-6041	accountantjenni@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) prospective tenant

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

Signature: [Handwritten Signature] Date: 7/22/2021

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

Name of property owner: Ebenezer 7, LLC

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

Rinehart Property Management - Allison Blackman

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

Signature: Allison Blackman Date: 7/22/2021

Preferred phone number: 803-329-3285 Email address: Allison.Blackman@RinehartProperty.com

Mailing address: 1339 Ebenezer Road, RH, SC 29732

INFORMATION ABOUT REQUEST

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

indoor recreation (yoga studio)

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.)

We will be operating within business hours of 6AM to 10PM.

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

Yes, parking spaces are adequate for all adjoined uses and businesses.

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

Business use seems appropriate for the space and surrounding properties. No adverse impacts expected.

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

No change expected.

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

The parking, road activity, and surrounding area are appropriate for accominidating the intended business use.

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?

No impact expected.

INFORMATION ABOUT PERMITS

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

Building floorplan
provided to Michael
Nugent by John Kinchart
on 7/19/2021 at site.






No request expected

No request expected

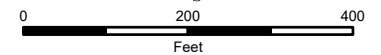
Z-2021-39

 Subject Property

Zoning Districts

-  Industry General (IG)
-  Neighborhood Office (NO)
-  Office and Institutional (OI)
-  Single-Family 3 (SF-3)
-  Single-Family 5 (SF-5)

Zoning Data
Current Zoning
NO



Planning & Development
Department
City of Rock Hill
08/17/2021

