



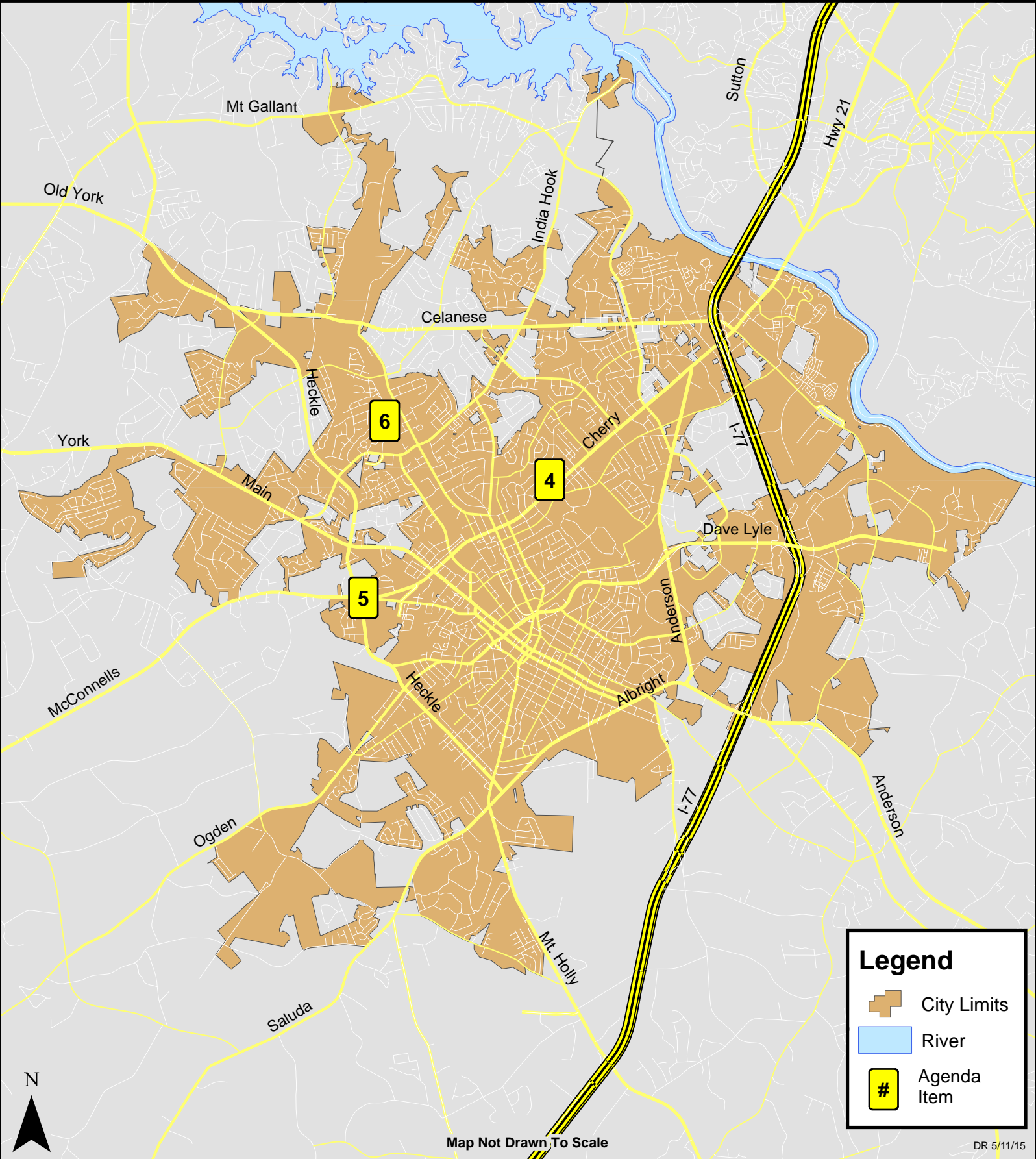
A G E N D A

Rock Hill Zoning Board of Appeals
October 26, 2021

1. Call to Order
2. Approval of Minutes from the September 28, 2021 meeting.
3. Approval of Orders from the September 28, 2021 meeting
4. Appeal Z-2021-48: Request by Gary Runions of Progressive AE for a variance from the setbacks for an order box/window for a drive-thru restaurant use at 1109 Cherry Road, which is zoned General Commercial (GC). Tax map number 631-07-03-010.
5. Appeal Z-2021-49: Request by Sean Barker of Penske Truck for a special exception to establish a commercial truck rental use at 860 Heckle Boulevard, which is zoned General Commercial (GC). Tax map number 597-04-01-052.
6. Appeal Z-2021-50: Request by Ronald Resh for a special exception to establish a short-term rental use at 144 Brookwood Lane, which is zoned Single-Family Residential-3 (SF-3). Tax map number 593-03-01-012.
7. Other Business.
8. Adjourn.

Zoning Board of Appeals Agenda Items

City of Rock Hill, SC
October 26, 2021
Zoning Board of Appeals



Legend

-  City Limits
-  River
-  Agenda Item

Map Not Drawn To Scale

DR 5/11/15

Zoning Board of Appeals

City of Rock Hill, South Carolina

September 28, 2021

A public hearing of the Zoning Board of Appeals was held Tuesday, September 28, 2021, at 6 p.m. in City Council Chambers at City Hall, 155 Johnston Street, Rock Hill SC.

MEMBERS PRESENT: Matt Crawford, Rodney Cullum, Chad Williams, James Hawthorne

MEMBERS ABSENT: Keith Sutton, Stacey Reeves, Charlotte Brown

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

Legal notices of the public hearing were published in *The Herald*, Friday, September 10, 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 August 17, 2021, meeting.

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

3. Approval of Orders of the August 17, 2021, meeting.

Mr. Williams made the motion to approve the orders as submitted. Mr. Rodney Cullum seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

4. Appeal Z-2021-38: Request by Michael Ashley for a variance from the rear yard setback and the setback from other structures for an accessory structure located at 732 S Spruce Street, which is zoned Single-Family Residential-5 (SF-5). Tax map number 625-10-02-021.

Staff member Shana Marshburn presented the staff report.

Mr. Cullum asked when the accessory structure had been constructed. Ms. Marshburn stated she was not sure, but the applicant had been cited for the violation in April 2021.

The applicant, Michael Ashley, 732 S Spruce Street, stated his desire to finish construction of the building as soon as possible, and that he would have finished if he had not had to go through the variance process.

Chair Crawford asked the applicant if he had any objections to the conditions suggested by staff. Mr. Ashley stated he did not as he was planning on taking care of these items to complete the building.

Mr. Cullum asked the applicant if he would be willing to meet a time frame in order to complete the building. Mr. Ashley asked how long; Mr. Cullum responded six months. Mr. Ashley stated he would be willing to meet that time frame.

Mr. Hawthorne asked the applicant why he did not obtain a building permit. Mr. Ashley stated

he did not think he needed one.

Chair Crawford asked staff if a time limit could be made part of the conditions for approval. Ms. Melody Kearse stated it could.

Chair Crawford closed the floor for Board discussion.

Mr. Cullum made the motion to approve the variance from the side yard setback and the setback from other structures with the conditions that the shingles overlapping the roof are to be removed, the sides of the building are to be covered with an approvable exterior material, the exposed trusses are to be hidden, and construction is to be completed within six months of the meeting date. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

Mr. Cullum presented the findings, specifically noting this lot was smaller than other lots in the area, strict application of the Ordinance would restrict the size of the rear yard, and the structure would not be detrimental to the surrounding neighborhood.

5. Appeal Z-2021-40: Request by Jonathan Pacilio for a special exception to establish a short-term rental use at 356 & 358 Charlotte Avenue, which is zoned Multi-Family Residential-15 (MF-15). Tax map number 629-13-01-005.

Staff member Melody Kearse presented the staff report.

Chair Crawford noted the use specific standards in the staff report indicating group rentals, asking if this pertained to the site overall or to each unit. Ms. Kearse stated this applied to each unit.

The applicant, Jonathan Pacilio, 1132 Angelica Lane, Tega Cay, stated he operated several short-term rental units in the area, adding that his goal was to provide guests with a higher level of accommodations than those offered at a hotel or motel.

Mr. Williams asked the applicant if he anticipated renting these units to the same group or different individuals. Mr. Pacilio stated these were marketed as individual units but that it was possible to have a group rent the site as a whole, providing an example of a military softball team renting all units at one time. Mr. Williams observed that all the units would need to be vacant at the same time in order for a group to rent the entire site. Mr. Pacilio agreed with this observation.

Mr. Rick Lee, 623 Meadowbrook Lane, owner of 345 Catawba Street, spoke in opposition to the request, specifically commenting on the frequency of tenant changes and the lack of community involvement from renters. He noted the property owner of a property further down Catawba Street with six units marketed for short-term rentals, stating that this would create a significant number of short-term rental units within one area. He noted the need for longer term housing units, stating there was a shortage of housing stock available for those of moderate to low-income.

Mr. Hawthorne asked for more information regarding the nearby units. Mr. Lee stated these were addressed as 355 to 357 Catawba Street, which was comprised of two units, three units, and a single residential unit.

Mr. Hawthorne asked if Mr. Lee was aware of any others. Mr. Lee stated he was not but added he believed this was a significant number for this area.

Chair Crawford allowed Mr. Pacilio an opportunity to respond. Mr. Pacilio stated he respected Mr. Lee's points but noted that one of his recent renters had been a frontline nurse, another

had been in town for a 10-day stay for her child's cancer treatment, and still others were recent transplants to the area needing a place to stay while closing on their new home. He added that in his experience not many of the renters were coming to party.

Ms. Kearse clarified that the owner of the properties on Catawba Street noted by Mr. Lee had been granted a permit for one short-term rental and advised that the others would be required to be reviewed and approved by the ZBA or would need to be removed from the short-term rental listing websites.

Chair Crawford asked how many units were in the area. Ms. Kearse stated approximately 3 had been permitted and one was under notice regarding permit requirements. She added there were several close by along Oakland Avenue.

Chair Crawford asked if there was any guidance regarding the density or number of units within a specific area. Ms. Kearse stated there was not.

Mr. Lee clarified that his comments were not an indication of what guests were like but that these renters would not be engaged with the surrounding neighborhood.

Chair Crawford closed the floor for Board discussion.

Mr. Cullum commented that the Board could only look at these in a case-by-case situation, as presented by staff, adding that he and his wife had stayed at a short-term rental that allowed pets for several weeks while his house was being repaired for water damage.

Mr. Williams commented that City Council may need to look at how the short-term rentals affected a neighborhood as a whole.

Mr. Williams made a motion to grant the special exception for a short-term rental use as requested. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

Mr. Williams 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 Charlotte Avenue area was residential in nature, and the applicant agreed to comply with all other laws and ordinances with respect to short-term rentals.

6. Appeal Z-2021-41: Request by Deena Campbell for a special exception to establish a short-term rental use at 1145 Deas Street, which is zoned Single-Family Residential-3 (SF-3), Tax map number 632-03-04-002.

Staff member Melody Kearse presented the staff report.

The applicant, Deena Campbell, 2255 Drawbridge Court, stated the property had been purchased specifically for this use and that she saw this as a good fit for the area with Hargett Park located across the street and Cherry Park located nearby.

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

Chair Crawford closed the floor for Board discussion.

Mr. Williams made the motion to approve the special exception for a short-term rental use as presented by staff. Mr. Hawthorne seconded.

Mr. Williams commented the use would fit in this neighborhood especially as parks were located nearby.

Mr. Cullum commented this seemed consistent with other short-term rental requests in that the structure was located near parks or the downtown area.

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

Mr. Williams presented the findings, specifically noting the existence of single-family residential units, commercial uses, and parks located nearby, and that the host had agreed to meet all City regulations stipulated for short-term rental uses.

7. Appeal Z-2021-42: Request by Ashley Elks for a variance from the rear and side yard setbacks for accessory structures at 302 State Street, which is zoned Single-Family Residential-4 (SF-4). Tax map number 600-02-03-036.

Staff member Shana Marshburn presented the staff report.

Mr. Hawthorne asked if the water influx on the adjacent property was from the roof pitch. Ms. Marshburn stated this was correct.

Chair Crawford asked if staff would support the variance if the playhouse structure was a single story. Ms. Marshburn stated they could as a two-story structure required a 10-foot setback while a one-story structure only required a 5-foot setback.

Chair Crawford asked if permits had been pulled for construction. Ms. Marshburn stated they had not.

Mr. Hawthorne asked if there was a structure located under the playhouse that created the need for a second story. Ms. Marshburn stated there was not. Mr. Hawthorne observed this may have been done to go around the base of the existing tree.

Mr. Cullum asked if the playhouse had electricity and running water. Ms. Marshburn stated it did have electricity, indicating the HVAC unit, but that she was not aware if it had water.

The applicant's representative, William Elks, 302 State Street, stated the playhouse was originally constructed with electricity but he had cut this off, and that it did not have water. He stated they had built this to get his children's toys out of the house, adding that it was two stories in order to take advantage of the small backyard space by building a loft with open space beneath. He stated he was not able to build a single-story structure because the tree limited the amount of space available. He stated he was sorry he did not get a permit.

Mr. Cullum asked if he had done the work himself. Mr. Elks stated it was he and a friend. He added that he had contacted several companies about removing the posts and bringing the structure down to one level but that this would significantly damage the drywall and may create additional damage to the overall structure. He stated he did not want to get rid of the tree either to build a playhouse for his children.

Chair Crawford asked the applicant if he could assist in making the findings to keep the playhouse. Mr. Elks stated it would be financially stressful to bring the playhouse down to one level and that the existing yard was small, adding that he would be willing to put gutters on the rear of the roof in order to eliminate water runoff on the adjacent property.

Mr. Hawthorne asked the applicant how he knew it was structurally sound. Mr. Elks replied that his friend worked for a contractor.

Mr. Cullum asked the applicant if he could think of any other solutions to meet the standards. Mr. Elks stated he could not think of anything, only that his children wanted a treehouse, adding that it would be costly to take the house down to one story.

Mr. Norm Bryan, 2731 W Pinewood, Chester SC, owner of several rentals across Green Street, spoke in support of the request, noting the structure was not an eyesore and may be an asset

to the neighborhood, adding that if the convenience store owner was concerned over the water issue, they would have come to the meeting.

Mr. Lawrence Sanders, 604 ½ Saluda Street, spoke in support of the request, specifically the playhouse was built for Mr. Elks' children and the property was well maintained.

Mr. Williams stated his understanding the reason for the 10-foot setback was a safety issue in the event the structure fell. Ms. Marshburn stated this was part of the reason, adding that a two-story structure was seen as being more intensive than a single-story structure and was more intrusive for neighbors.

Mr. Cullum asked if an inspector would say the structure was sound. Ms. Marshburn stated the structure was under review and that more information was required, noting that even if the variance was approved the structure would still have to meet building code standards.

Mr. Cullum asked if there were only four posts and if these had been placed in concrete. Mr. Elks stated there were six posts and these were in concrete.

Mr. Cullum commented that if the work had been done with a permit it may have been built differently. Ms. Marshburn stated that it may not have met the building code regulations.

Chair Crawford closed the floor for Board discussion.

Mr. Williams stated the playhouse was not bad to look at but expressed concern over staff comments regarding building code.

Mr. Hawthorne asked if the applicant would be required to wait a year for another variance for the playhouse. Ms. Kearse stated if the applicant came back requesting a variance for a single-story playhouse, this would be considered significantly different and could come back in less time.

Mr. Hawthorne asked for clarification that if the applicant wished for this to remain a two-story structure, they would have to wait a year. Ms. Kearse replied this was correct.

Mr. Cullum commented there were two different situations for the Board to address.

Mr. Williams made the motion to approve variances for the rear and side yard setbacks pertaining to the shed structure. Mr. Hawthorne seconded.

Mr. Hawthorne asked for clarification on the shed setbacks. Ms. Marshburn stated these setbacks were measured from the property line at the store.

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

Mr. Williams presented the findings, specifically noting that moving the shed would lessen the space in the rear yard, the lot was not as deep as other lots in the area, the strict application would restrict the use of the land, the shed was not detrimental to the surrounding area, and that staff was able to make findings to allow for the variance.

Mr. Cullum asked the applicant if he would like to defer the variance request for the playhouse to a future meeting. Mr. Elks asked the process if the playhouse was lowered to a single story. Chair Crawford stated this would be treated the same as the shed.

Mr. Elks chose to defer the request to a future meeting.

After discussion regarding the amount of time for the deferral, Mr. Cullum made the motion to defer the variance requests for the playhouse for 60 days. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

8. Appeal Z-2021-43: Request by Tim Hartman for a special exception to establish a short-term rental use at 724 Finley Road, which is zoned Single-Family Residential-5 (SF-5). Tax map number 598-09-04-013.

Staff member Melody Kearse presented the staff report.

Mr. Hawthorne asked if there were a number of short-term rentals in this area. Ms. Kearse stated this was the first for this area, and that it was located close to the downtown area.

The applicant was not present.

Ms. Cynthia Long, 713 Finley Road, spoke in opposition to the request, noting the house looked much worse than the photos presented. She provided a brief history of the previous owners, stating most of the residents were elderly people who did not want problems in their neighborhood, adding her belief that short-term rentals turned into long-term rentals. She added that there was only one driveway available and that it would not support the number of cars that would be parked there for a rental.

Ms. Kearse agreed with Ms. Long, and noted the photos provided were from the real estate listing. Chair Crawford asked if these had been provided to staff. Ms. Kearse stated they were, adding that at the time the signs for the hearing were posted, the grass had overgrown the driveway. She stated that the driveway would need to be graded and new stone be in place.

Mr. Hawthorne asked if the house looked worse than the photos presented. Mr. Williams stated it did, adding that no one would rent the house looking as it currently did. Ms. Kearse stated that owners of short-term rentals tended to rehab their properties well and that short-term rentals were much better maintained than long-term rentals. She added that the City considered any rentals over 30 days as long-term rentals.

Mr. Hawthorne asked if a short-term rental could become a long-term rental. Ms. Kearse stated it could.

Mr. Cullum asked if there were any other rentals in the area. Ms. Kearse stated she did not perform this research.

Mr. Cullum asked if the other properties were single-family owner occupied. Ms. Kearse stated she would assume so but did not know this for a fact.

Chair Crawford closed the floor for Board discussion.

Mr. Williams made the motion to approve the special exception for a short-term rental use as presented by staff. Chair Crawford seconded.

There was general discussion amongst the Board members regarding property improvements prior to or following the granting of a special exception and its overall compatibility with the neighbor. Mr. Williams stated that the property would be improved if the special exception was granted since the owner would not be able to attract guests in its current condition, further commenting that this may help in improving the neighborhood overall since the owner would perform regular maintenance.

Mr. Hawthorne addressed the driveway issue, asking how they would know this was completed. Ms. Kearse stated they would be required to meet all the stipulations outlined in the application, including any driveway improvements, before they would be provided with the permit to operate. She added that this could be included as a condition of approval by the Board.

Chair Crawford made the motion to amend the motion on the floor to include the condition that

the second driveway be improved. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

Chair Crawford called for a vote on the motion to approve the special exception for a short-term rental use as presented with the condition that the second driveway be improved, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

Mr. Williams presented the findings, specifically noting the site was located within a residential neighborhood and the owner agreed to comply with the short-term rental regulations.

9. Appeal Z-2021-44: Request by Cassandra Amerson for a variance from the maximum allowed single wall signage at 921 W Main Street, which is split-zoned Industry General (IG) and Single-Family Residential-5 (SF-5). Tax map number 598-06-05-011 & -012 and 598-06-04-003 & -004.

Staff member Melody Kearse presented the staff report.

Mr. Hawthorne asked for clarification on the number of signs. Ms. Kearse replied there were three wall signs and one freestanding sign.

Mr. Williams noted his company was a customer of Wilson's but did not have any financial interest in the outcome of the Board's decision. None of the Board members expressed any concern with Mr. Williams remaining on the Board to discuss and vote on the request.

The applicant, Cassandra Amerson, 921 W Main Street, stated that all the buildings on the property totaled in excess of 20,000 square feet and included 16 permanent greenhouses. She noted the location was not part of a popular retail or restaurant area, so the site wasn't as visible as other retail nursery operations, adding that some of their customers who were not familiar with their location had difficulty finding it. She stated she believed the artistic nature of the sign created a tie to the downtown area and commented that she thought it dressed up the drab parking lot area.

Mr. Hawthorne asked when the sign had been installed. Ms. Amerson stated in May or June of 2021. She added they thought a permit was required only if the sign was located closer to the street.

Chair Crawford asked if it the structure on which the sign was installed was a white awning. Ms. Amerson stated it was attached to a clear plastic corrugated sheeting, noting the sheeting had degraded over time.

Mr. Cullum asked the applicant how the use would be deprived if the variance was not granted. Ms. Amerson stated that before the sign was installed, all that was seen was the parking lot and a gray area, adding there was no way that customers from out of town could find the site.

Mr. Williams asked how this was determined to be a sign as this looked more like a mural, further asking if the words were removed would it be considered a mural. Ms. Kearse stated that as the sign advertised the goods for sale, it was considered a sign, adding that murals and signs were both subject to review and regulations defined by the City.

Mr. Williams asked if the word "Wilson's" was removed would it still be a sign. Ms. Kearse stated this would still need to be reviewed by the director.

Mr. Cullum commented that the Walmart Supercenter sign was over 400 square feet. Ms. Marshburn stated if Mr. Cullum was referring to the Walmart location in Newport, these signs were regulated under a master plan document for that area.

There was discussion on how staff determined the size of the signs, maximum allowable sizes

for signs, square footage of all the buildings, and various reconfigurations of the existing Wilson's sign to adjust the size.

Mr. Hawthorne commented that as this was the result of a complaint, the other person could come and ask for a variance for a sign.

Mr. Cullum asked the length of the sign. Ms. Kearse stated it was 120 feet long by 4 feet tall, about 480 square feet total.

Mr. Cullum asked if these could be split up into separate signs. Ms. Kearse stated it could not.

Chair Crawford closed the floor for Board discussion.

There was general discussion amongst Board members on whether the sign really was detrimental to other businesses and whether not it really detracted from the look of the corridor.

Mr. Hawthorne commented that if this variance was approved, would another variance from the person issuing the complaint come forward.

Mr. Williams observed that the sign was so far back it was more art than signage. He did state that he understood the concept, using Target as an example if they were to paint a mural of red dots it may be considered a sign since the red dot was used as the company logo.

Mr. Hawthorne made the motion to approve the variance from the maximum allowed single wall signage as presented by staff. Mr. Cullum seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

Mr. Hawthorne presented the findings, specifically noting that the sign enhanced the visibility of the business and the sign would not injure the surrounding area.

10. Appeal Z-2021-45: Request by Brad Cherry for a variance from the side yard setbacks for an existing building at 131 Rental Court, which is zoned Industry General (IG). Tax map number 596-04-01-014.

Staff member Shana Marshburn presented the staff report.

Chair Crawford asked if the building had been rebuilt on the same footprint. Ms. Marshburn stated it had.

Chair Crawford asked if the setback requirements had changed since that time. Ms. Marshburn stated it had not, that the 10-foot setback had remained the same.

Planning & Zoning Manager Eric Hawkins noted that the property along Rental Court had been platted before construction of any of the buildings.

The applicant, Brad Cherry, 2251 Selwyn Avenue, Charlotte, stated the discrepancy was discovered as part of due diligence to purchase the property.

Chair Crawford closed the floor for Board discussion.

Chair Crawford made the motion to approve the variance from the side yard setbacks as presented. Mr. Williams seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

Chair Crawford presented the findings, specifically noting the building had been constructed 20 years before on the same footprint, it was not known if other buildings along Rental Court met the setback requirements, if the variance was not granted the applicant could not purchase the building, and the use would not change.

11. Appeal Z-2021-46: Request by Stephen Tullock of Nucleus Development for a special exception to establish residential infill uses at 1166, 1170, & 1174 Hoyle Street, which are zoned Multi-Family-15 (MF-15). Tax map numbers 598-01-10-007 to -009.

Staff member Shana Marshburn presented the staff report.

Mr. Williams asked if both alleys would be abandoned. Ms. Marshburn stated the one between the properties would be abandoned and the one to the rear would remain.

Mr. Hawthorne asked if the lot to the west of these would be included in this special exception if it was granted. Ms. Marshburn stated it was originally to be part of this request but was removed so it a separate special exception would be required for that lot.

Chair Crawford observed that the driveway onto the site would allow for some parallel parking. Ms. Marshburn stated this was correct.

Chair Crawford asked for clarification on the siding requested by the applicant and staff's recommendation in the report. Ms. Marshburn replied the applicant would prefer to use board and batten siding, but staff looked to the surrounding neighborhood to determine the siding configuration, and in this location, lap siding prevailed.

Mr. Hawthorne indicated that most of the surrounding neighborhood had brick crawlspaces and asked if these units would be the same. Ms. Marshburn stated the applicant is proposing to use raised brick foundations, either crawlspace or slab, that would be compatible with the surrounding homes.

Chair Crawford asked if the foundations would be 18" tall. Ms. Marshburn stated these would as this was the standard.

The applicant, Steve Tullock, Nucleus Development, 92015 Hwy 328, Conway SC, introduced the team associated with the project and described the project as being a legacy investment for the property owner, John Smith. He explained the name of the development, McMoore Manor, was in reference to the family matriarch.

Mr. Dave Malushizky, RBA Group, 122-B W Bland St, Charlotte, architect, provided a brief overview of the architectural design of the project, detailing the Arts & Crafts style indicative of the surrounding neighborhood. He presented both the horizontal siding and board and batten siding examples for the project.

Mr. Cullum asked about future development phase of the other lot. Mr. Malushizky stated the topography and infrastructure costs made it difficult to develop that lot at this time, but they were looking at alternatives. Mr. Tullock further commented that the current owner hoped to be able to purchase other lots in this area for continued development.

Mr. Malushizky commented further that while nearby residential buildings did not have board and batten siding, these details may have been present in the past.

Mr. Hawthorne observed the 8" sewer line replacement. Mr. Mark Caspar, Bloc Design 2923 S Tryon Street, Charlotte, stated the existing 8" line was clay and that they would be replacing it with an 8" ductile iron sewer pipe.

Mr. Hawthorne asked if this was going to tie into a newer pipe downstream. Mr. Caspar stated it was connecting to an existing downstream manhole in the alley.

Mr. Hawthorne asked if he knew if the sewer lines along Hoyle were clay as well. Mr. Caspar commented they were working under the assumption that all the piping in that area was clay. Mr. Hawkins later commented that the piping in that area was composed of clay.

Mr. Hawthorne asked if there would be one or two taps for each building. Mr. Caspar stated there would be individual taps for each unit.

Mr. Hawthorne asked if there would be a master meter. Mr. Tullock stated each unit would be metered separately. Chair Crawford stated the City required separate meters for each unit.

Chair Crawford asked for a clarification on the definition of workforce housing. Mr. Tullock explained that this housing was geared towards teachers, firemen, policemen, nurses, those who worked blue collar jobs, mainly as they made too much money for subsidized housing and were getting priced out of housing close by their work.

Chair Crawford asked for confirmation that this was not subsidized housing. Mr. Tullock stated it was not.

Chair Crawford asked if these were rental units. Mr. Tullock stated they were.

Mr. Hawthorne asked if a handicap parking was required. Mr. Caspar stated it was not shown on the site plan submitted, that eight spaces were required, and the plan showed 14. Mr. Malushizky stated it was not required as this was not a multi-family residential structure, but that parking would be accessible. Mr. Tullock added that the goal was for the parking to not look like a parking lot or the building look like an apartment.

Chair Crawford commented he could see why staff preferred the horizontal lap siding, although he liked the look of the board and batten better. Ms. Marshburn stated that although staff's analysis indicated horizontal siding was the prevailing material and characteristic of the surrounding neighborhood, the Board could allow board and batten siding.

Mr. Williams asked for clarification on what was most appropriate since staff recommended either one. Ms. Marshburn explained that the applicant was proposing to use either one, and that the staff report should have indicated that they would use one or the other, but board and batten does not exist in the neighborhood. She added that the use of vinyl shaker siding was proposed to be minimal and would be acceptable even though it did not exist in the surrounding neighborhood either.

Chair Crawford commented that it appeared to be restoring what may have been in the area previously. Janice E Miller, Historic Preservation Specialist, commented that Arts & Crafts architecture would have been too expensive for these homes and more than likely these would have had wood lap siding. She added that it was possible some of the nearby structures were built in the 1930s or 40s and the original siding may have been asbestos or asphalt, something that would not be used today.

Mr. Hawthorne asked if both buildings would look identical. Ms. Marshburn stated they would.

Mr. Hawthorne asked if they would be identical in color. Ms. Marshburn stated they would not.

Mr. Tullock commented that the designs proposed met the vernacular of the area.

Chair Crawford closed the floor for Board discussion.

Chair Crawford commented that he understood staff's recommendation regarding the siding but that there were not many structures located within that area.

Mr. Cullum made the motion to approve the special exception to establish infill housing with the condition that the outdoor storage requirements be met. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

12. Appeal Z-2021-47: Request by Tyrone Colvin for a special exception to establish a bar/nightclub use at 560 N Anderson Road, which is zoned Commercial Industrial (CI). Tax map number 630-04-01-018.

Staff member Melody Kears presented the staff report.

Chair Crawford asked how the Management of Impacts Plan (MOIP) was enforced. Ms. Kears stated these types of uses were required to submit a MOIP in order to show how possible impacts on the surrounding district would be handled.

Chair Crawford asked if the applicant stated on the MOIP that they would hire security for outdoor events, were they required to do so. Ms. Kears stated they were.

Chair Crawford asked how the MOIP was enforced. Ms. Kears stated the special exception for the use would be withdrawn.

Chair Crawford asked if the building met City codes. Ms. Kears stated there may be a need for additional lighting, but the Board could make that a condition of approval. Ms. Marshburn added that a photometric study could be done to show the lighting, adding that it would indicate areas that were too bright or too dark.

Chair Crawford asked if lighting was a concern. Ms. Kears replied that she could not speak to this but that a wall pack fixture may be needed.

Mr. Cullum commented on the hours of operation and asked who would monitor the site. Ms. Kears stated the business' hired security would monitor.

The applicant, Tyrone Colvin, 1255 Camellia Court, explained his desire to open a small bar for a more mature crowd to enjoy.

Mr. Hawthorne asked the hours of operation. Mr. Colvin replied he and his partner would begin with 5 p.m. to 2 a.m. during the week and 12 p.m. to 2 a.m. on the weekends in order to figure out the best hours.

Chair Crawford closed the floor for Board discussion.

Mr. Williams made the motion to approve the special exception to establish a bar/nightclub use as presented with the condition that the applicant work with staff on lighting if additional is needed. Mr. Cullum seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

13. Other Business.

October 19 Meeting.

Ms. Kears noted that the next hearing was scheduled for the same date as the City Council election, stating that the Board could meet in Conference Room 373 or move the meeting to the rain date of October 26. After discussion, Chair Crawford made the motion to move the meeting to October 26 with the rain date of October 28. Mr. Williams seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

10. Adjourn.

There being no further business, Mr. Cullum made a motion to adjourn. Chair Crawford seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent). The meeting adjourned at 9:30 p.m.



Zoning Board of Appeals Order

Z-2021-38

The Zoning Board of Appeals held a public hearing on Tuesday, September 28, 2021 to consider **a request by Michael Ashley for a variance from the rear yard setback and the setback from other structures for an accessory structure located at 732 S. Spruce Street, which is zoned Single-Family Residential-5 (SF-5). Tax map number 625-10-02-021.**

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

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 732 S. Spruce Street.
2. The property owner is The Estate of Laura Talford.
3. The property is zoned Single-Family Residential-5 (SF-5).
4. The request was for a variance from the rear yard setback and the setback from other structures for an accessory structure located at 732 S. Spruce 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:
 - September 10: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - September 10: Public Hearing notification signs posted on subject property.
 - September 10: 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. Cullum asked when the accessory structure had been constructed. Ms. Marshburn stated she was not sure, but the applicant had been cited for the violation in April 2021.

The applicant, Michael Ashley, 732 S Spruce Street, stated his desire to finish construction of the building as soon as possible, and that he would have finished if he had not had to go through the variance process.

Chair Crawford asked the applicant if he had any objections to the conditions suggested by staff. Mr. Ashley stated he did not as he was planning on taking care of these items to complete the building.

Mr. Cullum asked the applicant if he would be willing to meet a time frame in order to complete

the building. Mr. Ashley asked how long; Mr. Cullum responded six months. Mr. Ashley stated he would be willing to meet that time frame.

Mr. Hawthorne asked the applicant why he did not obtain a building permit. Mr. Ashley stated he did not think he needed one.

Chair Crawford asked staff if a time limit could be made part of the conditions for approval. Ms. Melody Kearse stated it could.

Chair Crawford closed the floor for Board discussion.

Mr. Cullum made the motion to approve the variance from the side yard setback and the setback from other structures with the conditions that the shingles overlapping the roof are to be removed, the sides of the building are to be covered with an approvable exterior material, the exposed trusses are to be hidden, and construction is to be completed within six months of the meeting date. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

Mr. Cullum presented the findings, specifically noting this lot was smaller than other lots in the area, strict application of the Ordinance would restrict the size of the rear yard, and the structure would not be detrimental to the surrounding neighborhood.

THE BOARD, THEREFORE, ORDERS:

That the request by Michael Ashley for a variance from the rear yard setback and the setback from other structures for an accessory structure located at 732 S. Spruce Street is APPROVED with the conditions. The conditions are as follows:

- **The shingles overlapping the roof must be removed.**
- **The sides of the building are to be covered with an approvable exterior material.**
- **The exposed trusses are to be hidden.**
- **Construction is to be completed within six months of the meeting date.**

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-2021-40

The Zoning Board of Appeals held a public hearing on Tuesday, September 28, 2021 to consider a **request by Jonathan Pacilio for a special exception to establish a short-term rental use at 356 & 358 Charlotte Avenue, which is zoned Multi-Family-15 (MF-15). Tax map number 629-13-01-005.**

Board members in attendance included: Matt Crawford, Rodney Cullum, Chad Williams, James Hawthorne (Keith Sutton, Stacey Reeves, Charlotte Brown were 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 356 & 358 Charlotte Avenue.
2. The property owner is Jonathan Pacilio.
3. This property is zoned Multi-Family-15.
4. The request was for a special exception to establish a short-term 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:
 - September 10: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - September 10: Public Hearing notification signs posted on subject property.
 - September 10: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Staff member Melody Kearse presented the staff report.

Chair Crawford noted the use specific standards in the staff report indicating group rentals, asking if this pertained to the site overall or to each unit. Ms. Kearse stated this applied to each unit.

The applicant, Jonathan Pacilio, 1132 Angelica Lane, Tega Cay, stated he operated several short-term rental units in the area, adding that his goal was to provide guests with a higher level of accommodations than those offered at a hotel or motel.

Mr. Williams asked the applicant if he anticipated renting these units to the same group or different individuals. Mr. Pacilio stated these were marketed as individual units but that it was possible to have a group rent the site as a whole, providing an example of a military softball

team renting all units at one time. Mr. Williams observed that all the units would need to be vacant at the same time in order for a group to rent the entire site. Mr. Pacilio agreed with this observation.

Mr. Rick Lee, 623 Meadowbrook Lane, owner of 345 Catawba Street, spoke in opposition to the request, specifically commenting on the frequency of tenant changes and the lack of community involvement from renters. He noted the property owner of a property further down Catawba Street with six units marketed for short-term rentals, stating that this would create a significant number of short-term rental units within one area. He noted the need for longer term housing units, stating there was a shortage of housing stock available for those of moderate to low-income.

Mr. Hawthorne asked for more information regarding the nearby units. Mr. Lee stated these were addressed as 355 to 357 Catawba Street, which was comprised of two units, three units, and a single residential unit.

Mr. Hawthorne asked if Mr. Lee was aware of any others. Mr. Lee stated he was not but added he believed this was a significant number for this area.

Chair Crawford allowed Mr. Pacilio an opportunity to respond. Mr. Pacilio stated he respected Mr. Lee's points but noted that one of his recent renters had been a frontline nurse, another had been in town for a 10-day stay for her child's cancer treatment, and still others were recent transplants to the area needing a place to stay while closing on their new home. He added that in his experience not many of the renters were coming to party.

Ms. Kearse clarified that the owner of the properties on Catawba Street noted by Mr. Lee had been granted a permit for one short-term rental and advised that the others would be required to be reviewed and approved by the ZBA or would need to be removed from the short-term rental listing websites.

Chair Crawford asked how many units were in the area. Ms. Kearse stated approximately 3 had been permitted and one was under notice regarding permit requirements. She added there were several close by along Oakland Avenue.

Chair Crawford asked if there was any guidance regarding the density or number of units within a specific area. Ms. Kearse stated there was not.

Mr. Lee clarified that his comments were not an indication of what guests were like but that these renters would not be engaged with the surrounding neighborhood.

Chair Crawford closed the floor for Board discussion.

Mr. Cullum commented that the Board could only look at these in a case-by-case situation, as presented by staff, adding that he and his wife had stayed at a short-term rental that allowed pets for several weeks while his house was being repaired for water damage.

Mr. Williams commented that City Council may need to look at how the short-term rentals affected a neighborhood as a whole.

Mr. Williams made a motion to grant the special exception for a short-term rental use as requested. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

Mr. Williams 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 Charlotte Avenue area was residential in nature, 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 Jonathan Pacilio for a special exception to establish a short-term rental use at 356 & 358 Charlotte Avenue, 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-2021-41

The Zoning Board of Appeals held a public hearing on Tuesday, September 28, 2021 to consider a **request by Deena Campbell for a special exception to establish a short-term rental use at 1145 Deas Street, which is zoned Single-Family Residential-3 (SF-3), Tax map number 632-03-04-002.**

Board members in attendance included: Matt Crawford, Rodney Cullum, Chad Williams, James Hawthorne (Keith Sutton, Stacey Reeves, Charlotte Brown were 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 1145 Deas Street.
2. The property owner is Deena Campbell.
3. This property is zoned Single-Family Residential-3.
4. The request was for a special exception to establish a short-term 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:
 - September 10: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - September 10: Public Hearing notification signs posted on subject property.
 - September 10: 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, Deena Campbell, 2255 Drawbridge Court, stated the property had been purchased specifically for this use and that she saw this as a good fit for the area with Hargett Park located across the street and Cherry Park located nearby.

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

Chair Crawford closed the floor for Board discussion.

Mr. Williams made the motion to approve the special exception for a short-term rental use as presented by staff. Mr. Hawthorne seconded.

Mr. Williams commented the use would fit in this neighborhood especially as parks were

located nearby.

Mr. Cullum commented this seemed consistent with other short-term rental requests in that the structure was located near parks or the downtown area.

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

Mr. Williams presented the findings, specifically noting the existence of single-family residential units, commercial uses, and parks located nearby, and that the host had agreed to meet all City regulations stipulated for short-term rental uses.

THE BOARD, THEREFORE, ORDERS:

That the request by Deena Campbell for a special exception to establish a short-term rental use at 1145 Deas Street, which is zoned Single-Family Residential-3 (SF-3), 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-2021-42

The Zoning Board of Appeals held a public hearing on Tuesday, September 28, 2021 to consider **a request by Ashley Elks for a variance from the rear and side yard setbacks for accessory structures, a storage shed and playhouse, at 302 State Street, which is zoned Single-Family Residential-4 (SF-4). Tax map number 600-02-03-036.**

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

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 302 State Street.
2. The property owner is Ashley K. Elks.
3. The property is zoned Single-Family Residential-4 (SF-4).
4. The request was for a variance from the rear and side yard setbacks for accessory structures at 302 State 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:
 - September 10: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - September 10: Public Hearing notification signs posted on subject property.
 - September 10: 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. Hawthorne asked if the water influx on the adjacent property was from the roof pitch. Ms. Marshburn stated this was correct.

Chair Crawford asked if staff would support the variance if the playhouse structure was a single story. Ms. Marshburn stated they could as a two-story structure required a 10-foot setback while a one-story structure only required a 5-foot setback.

Chair Crawford asked if permits had been pulled for construction. Ms. Marshburn stated they had not.

Mr. Hawthorne asked if there was a structure located under the playhouse that created the

need for a second story. Ms. Marshburn stated there was not. Mr. Hawthorne observed this may have been done to go around the base of the existing tree.

Mr. Cullum asked if the playhouse had electricity and running water. Ms. Marshburn stated it did have electricity, indicating the HVAC unit, but that she was not aware if it had water.

The applicant's representative, William Elks, 302 State Street, stated the playhouse was originally constructed with electricity but he had cut this off, and that it did not have water. He stated they had built this to get his children's toys out of the house, adding that it was two stories in order to take advantage of the small backyard space by building a loft with open space beneath. He stated he was not able to build a single-story structure because the tree limited the amount of space available. He stated he was sorry he did not get a permit.

Mr. Cullum asked if he had done the work himself. Mr. Elks stated it was he and a friend. He added that he had contacted several companies about removing the posts and bringing the structure down to one level but that this would significantly damage the drywall and may create additional damage to the overall structure. He stated he did not want to get rid of the tree either to build a playhouse for his children.

Chair Crawford asked the applicant if he could assist in making the findings to keep the playhouse. Mr. Elks stated it would be financially stressful to bring the playhouse down to one level and that the existing yard was small, adding that he would be willing to put gutters on the rear of the roof in order to eliminate water runoff on the adjacent property.

Mr. Hawthorne asked the applicant how he knew it was structurally sound. Mr. Elks replied that his friend worked for a contractor.

Mr. Cullum asked the applicant if he could think of any other solutions to meet the standards. Mr. Elks stated he could not think of anything, only that his children wanted a treehouse, adding that it would be costly to take the house down to one story.

Mr. Norm Bryan, 2731 W Pinewood, Chester SC, owner of several rentals across Green Street, spoke in support of the request, noting the structure was not an eyesore and may be an asset to the neighborhood, adding that if the convenience store owner was concerned over the water issue, they would have come to the meeting.

Mr. Lawrence Sanders, 604 ½ Saluda Street, spoke in support of the request, specifically the playhouse was built for Mr. Elks' children and the property was well maintained.

Mr. Williams stated his understanding the reason for the 10-foot setback was a safety issue in the event the structure fell. Ms. Marshburn stated this was part of the reason, adding that a two-story structure was seen as being more intensive than a single-story structure and was more intrusive for neighbors.

Mr. Cullum asked if an inspector would say the structure was sound. Ms. Marshburn stated the structure was under review and that more information was required, noting that even if the variance was approved the structure would still have to meet building code standards.

Mr. Cullum asked if there were only four posts and if these had been placed in concrete. Mr. Elks stated there were six posts and these were in concrete.

Mr. Cullum commented that if the work had been done with a permit it may have been built

differently. Ms. Marshburn stated that it may not have met the building code regulations.

Chair Crawford closed the floor for Board discussion.

Mr. Williams stated the playhouse was not bad to look at but expressed concern over staff comments regarding building code.

Mr. Hawthorne asked if the applicant would be required to wait a year for another variance for the playhouse. Ms. Kearse stated if the applicant came back requesting a variance for a single-story playhouse, this would be considered significantly different and could come back in less time.

Mr. Hawthorne asked for clarification that if the applicant wished for this to remain a two-story structure, they would have to wait a year. Ms. Kearse replied this was correct.

Mr. Cullum commented there were two different situations for the Board to address.

Mr. Williams made the motion to approve variances for the rear and side yard setbacks pertaining to the shed structure. Mr. Hawthorne seconded.

Mr. Hawthorne asked for clarification on the shed setbacks. Ms. Marshburn stated these setbacks were measured from the property line at the store.

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

Mr. Williams presented the findings, specifically noting that moving the shed would lessen the space in the rear yard, the lot was not as deep as other lots in the area, the strict application would restrict the use of the land, the shed was not detrimental to the surrounding area, and that staff was able to make findings to allow for the variance.

Mr. Cullum asked the applicant if he would like to defer the variance request for the playhouse to a future meeting. Mr. Elks asked the process if the playhouse was lowered to a single story. Chair Crawford stated this would be treated the same as the shed.

Mr. Elks chose to defer the request to a future meeting.

After discussion regarding the amount of time for the deferral, Mr. Cullum made the motion to defer the variance request for the playhouse for 60 days. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

THE BOARD, THEREFORE, ORDERS:

That the request by Ashley Elks for a variance from the rear yard setback for the storage shed located at 302 State Street is APPROVED. Whereas the request by Ashley Elks for a variance from the rear and side yard setback for the playhouse, is deferred for 60 days.

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-2021-43

The Zoning Board of Appeals held a public hearing on Tuesday, September 28, 2021 to consider a **request by Tim Hartman for a special exception to establish a short-term rental use at 724 Finley Road, which is zoned Single-Family Residential-5 (SF-5). Tax map number 598-09-04-013.**

Board members in attendance included: Matt Crawford, Rodney Cullum, Chad Williams, James Hawthorne (Keith Sutton, Stacey Reeves, Charlotte Brown were 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 724 Finley.
2. The property owner is Tim Hartman.
3. This property is zoned Single-Family Residential-5.
4. The request was for a special exception to establish a short-term 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:
 - September 10: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - September 10: Public Hearing notification signs posted on subject property.
 - September 10: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Staff member Melody Kearse presented the staff report.

Mr. Hawthorne asked if there were a number of short-term rentals in this area. Ms. Kearse stated this was the first for this area, and that it was located close to the downtown area.

The applicant was not present.

Ms. Cynthia Long, 713 Finley Road, spoke in opposition to the request, noting the house looked much worse than the photos presented. She provided a brief history of the previous owners, stating most of the residents were elderly people who did not want problems in their neighborhood, adding her belief that short-term rentals turned into long-term rentals. She added that there was only one driveway available and that it would not support the number of cars that would be parked there for a rental.

Ms. Kearse agreed with Ms. Long, and noted the photos provided were from the real estate listing. Chair Crawford asked if these had been provided to staff. Ms. Kearse stated they were, adding that at the time the signs for the hearing were posted, the grass had overgrown the driveway. She stated that the driveway would need to be graded and new stone be in place.

Mr. Hawthorne asked if the house looked worse than the photos presented. Mr. Williams stated it did, adding that no one would rent the house looking as it currently did. Ms. Kearse stated that owners of short-term rentals tended to rehab their properties well and that short-term rentals were much better maintained than long-term rentals. She added that the City considered any rentals over 30 days as long-term rentals.

Mr. Hawthorne asked if a short-term rental could become a long-term rental. Ms. Kearse stated it could.

Mr. Cullum asked if there were any other rentals in the area. Ms. Kearse stated she did not perform this research.

Mr. Cullum asked if the other properties were single-family owner occupied. Ms. Kearse stated she would assume so but did not know this for a fact.

Chair Crawford closed the floor for Board discussion.

Mr. Williams made the motion to approve the special exception for a short-term rental use as presented by staff. Chair Crawford seconded.

There was general discussion amongst the Board members regarding property improvements prior to or following the granting of a special exception and its overall compatibility with the neighbor. Mr. Williams stated that the property would be improved if the special exception was granted since the owner would not be able to attract guests in its current condition, further commenting that this may help in improving the neighborhood overall since the owner would perform regular maintenance.

Mr. Hawthorne addressed the driveway issue, asking how they would know this was completed. Ms. Kearse stated they would be required to meet all the stipulations outlined in the application, including any driveway improvements, before they would be provided with the permit to operate. She added that this could be included as a condition of approval by the Board.

Chair Crawford made the motion to amend the motion on the floor to include the condition that the second driveway be improved. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

Chair Crawford called for a vote on the motion to approve the special exception for a short-term rental use as presented with the condition that the second driveway be improved, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

Mr. Williams presented the findings, specifically noting the site was located within a residential neighborhood and the owner agreed to comply with the short-term rental regulations.

THE BOARD, THEREFORE, ORDERS:

That the request by Tim Hartman for a special exception to establish a short-term rental use at 724 Finley Road, which is zoned Single-Family Residential-5 (SF-5), is APPROVED with conditions. The conditions are as follows:

- **The driveway be completed as described on the application.**

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-2021-44

The Zoning Board of Appeals held a public hearing on Tuesday, September 28, 2021 to consider a **request by Cassandra Amerson for a variance from the maximum allowed single wall signage at 921 W Main Street, which is split-zoned Industry General (IG) and Single-Family Residential-5 (SF-5). Tax map number 598-06-05-011 & -012 and 598-06-04-003 & -004.**

Board members in attendance included: Matt Crawford, Rodney Cullum, Chad Williams, James Hawthorne (Keith Sutton, Stacey Reeves, Charlotte Brown were 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 921 W. Main Street.
2. The property owner is James K. & Gloria D. Wilson.
3. This property is zoned Industry General and Single-Family Residential-5.
4. The request was for a variance from the maximum allowed single wall signage.
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:
 - September 10: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - September 10: Public Hearing notification signs posted on subject property.
 - September 10: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.

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

Staff member Melody Kearse presented the staff report.

Mr. Hawthorne asked for clarification on the number of signs. Ms. Kearse replied there were three wall signs and one freestanding sign.

Mr. Williams noted his company was a customer of Wilson's but did not have any financial interest in the outcome of the Board's decision. None of the Board members expressed any concern with Mr. Williams remaining on the Board to discuss and vote on the request.

The applicant, Cassandra Amerson, 921 W Main Street, stated that all the buildings on the property totaled in excess of 20,000 square feet and included 16 permanent greenhouses. She noted the location was not part of a popular retail or restaurant area, so the site wasn't

as visible as other retail nursery operations, adding that some of their customers who were not familiar with their location had difficulty finding it. She stated she believed the artistic nature of the sign created a tie to the downtown area and commented that she thought it dressed up the drab parking lot area.

Mr. Hawthorne asked when the sign had been installed. Ms. Amerson stated in May or June of 2021. She added they thought a permit was required only if the sign was located closer to the street.

Chair Crawford asked if it the structure on which the sign was installed was a white awning. Ms. Amerson stated it was attached to a clear plastic corrugated sheeting, noting the sheeting had degraded over time.

Mr. Cullum asked the applicant how the use would be deprived if the variance was not granted. Ms. Amerson stated that before the sign was installed, all that was seen was the parking lot and a gray area, adding there was no way that customers from out of town could find the site.

Mr. Williams asked how this was determined to be a sign as this looked more like a mural, further asking if the words were removed would it be considered a mural. Ms. Kearse stated that as the sign advertised the goods for sale, it was considered a sign, adding that murals and signs were both subject to review and regulations defined by the City.

Mr. Williams asked if the word "Wilson's" was removed would it still be a sign. Ms. Kearse stated this would still need to be reviewed by the director.

Mr. Cullum commented that the Walmart Supercenter sign was over 400 square feet. Ms. Marshburn stated if Mr. Cullum was referring to the Walmart location in Newport, these signs were regulated under a master plan document for that area.

There was discussion on how staff determined the size of the signs, maximum allowable sizes for signs, square footage of all the buildings, and various reconfigurations of the existing Wilson's sign to adjust the size.

Mr. Hawthorne commented that as this was the result of a complaint, the other person could come and ask for a variance for a sign.

Mr. Cullum asked the length of the sign. Ms. Kearse stated it was 120 feet long by 4 feet tall, about 480 square feet total.

Mr. Cullum asked if these could be split up into separate signs. Ms. Kearse stated it could not.

Chair Crawford closed the floor for Board discussion.

There was general discussion amongst Board members on whether the sign really was detrimental to other businesses and whether not it really detracted from the look of the corridor.

Mr. Hawthorne commented that if this variance was approved, would another variance from the person issuing the complaint come forward.

Mr. Williams observed that the sign was so far back it was more art than signage. He did

state that he understood the concept, using Target as an example if they were to paint a mural of red dots it may be considered a sign since the red dot was used as the company logo.

Mr. Hawthorne made the motion to approve the variance from the maximum allowed single wall signage as presented by staff. Mr. Cullum seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

Mr. Hawthorne presented the findings, specifically noting that the sign enhanced the visibility of the business and the sign would not injure the surrounding area.

THE BOARD, THEREFORE, ORDERS:

That the request by Cassandra Amerson for a variance from the maximum allowed single wall signage at 921 W Main Street, which is split-zoned Industry General (IG) and 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-2021-46

The Zoning Board of Appeals held a public hearing on Tuesday, September 28, 2021 to consider **a request by Stephen Tullock of Nucleus Development for a special exception to establish residential infill uses at 1166, 1170, & 1174 Hoyle Street, which are zoned Multi-Family-15 (MF-15). Tax map numbers 598-01-10-007 to -009.**

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

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 1166, 1170, & 1174 Hoyle Street.
2. The property owner is John K. White, Jr.
3. The property is zoned Multi Family Residential-15 (MF-15).
4. The request was for a special exception to establish residential infill uses at 1166, 1170, & 1174 Hoyle 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:
 - September 10: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - September 10: Public Hearing notification signs posted on subject property.
 - September 10: 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 both alleys would be abandoned. Ms. Marshburn stated the one between the properties would be abandoned and the one to the rear would remain.

Mr. Hawthorne asked if the lot to the west of these would be included in this special exception if it was granted. Ms. Marshburn stated it was originally to be part of this request but was removed so it a separate special exception would be required for that lot.

Chair Crawford observed that the driveway onto the site would allow for some parallel parking. Ms. Marshburn stated this was correct.

Chair Crawford asked for clarification on the siding requested by the applicant and staff's

recommendation in the report. Ms. Marshburn replied the applicant would prefer to use board and batten siding, but staff looked to the surrounding neighborhood to determine the siding configuration, and in this location, lap siding prevailed.

Mr. Hawthorne indicated that most of the surrounding neighborhood had brick crawlspaces and asked if these units would be the same. Ms. Marshburn stated the applicant is proposing to use raised brick foundations, either crawlspace or slab, that would be compatible with the surrounding homes.

Chair Crawford asked if the foundations would be 18" tall. Ms. Marshburn stated these would as this was the standard.

The applicant, Steve Tullock, Nucleus Development, 92015 Hwy 328, Conway SC, introduced the team associated with the project and described the project as being a legacy investment for the property owner, John Smith. He explained the name of the development, McMoore Manor, was in reference to the family matriarch.

Mr. Dave Malushizky, RBA Group, 122-B W Bland St, Charlotte, architect, provided a brief overview of the architectural design of the project, detailing the Arts & Crafts style indicative of the surrounding neighborhood. He presented both the horizontal siding and board and batten siding examples for the project.

Mr. Cullum asked about future development phase of the other lot. Mr. Malushizky stated the topography and infrastructure costs made it difficult to develop that lot at this time, but they were looking at alternatives. Mr. Tullock further commented that the current owner hoped to be able to purchase other lots in this area for continued development.

Mr. Malushizky commented further that while nearby residential buildings did not have board and batten siding, these details may have been present in the past.

Mr. Hawthorne observed the 8" sewer line replacement. Mr. Mark Caspar, Bloc Design 2923 S Tryon Street, Charlotte, stated the existing 8" line was clay and that they would be replacing it with an 8" ductile iron sewer pipe.

Mr. Hawthorne asked if this was going to tie into a newer pipe downstream. Mr. Caspar stated it was connecting to an existing downstream manhole in the alley.

Mr. Hawthorne asked if he knew if the sewer lines along Hoyle were clay as well. Mr. Caspar commented they were working under the assumption that all the piping in that area was clay. Mr. Hawkins later commented that the piping in that area was composed of clay.

Mr. Hawthorne asked if there would be one or two taps for each building. Mr. Caspar stated there would be individual taps for each unit.

Mr. Hawthorne asked if there would be a master meter. Mr. Tullock stated each unit would be metered separately. Chair Crawford stated the City required separate meters for each unit.

Chair Crawford asked for a clarification on the definition of workforce housing. Mr. Tullock explained that this housing was geared towards teachers, firemen, policemen, nurses, those who worked blue collar jobs, mainly as they made too much money for subsidized housing and were getting priced out of housing close by their work.

Chair Crawford asked for confirmation that this was not subsidized housing. Mr. Tullock stated

it was not.

Chair Crawford asked if these were rental units. Mr. Tullock stated they were.

Mr. Hawthorne asked if a handicap parking was required. Mr. Caspar stated it was not shown it on the site plan submitted, that eight spaces were required, and the plan showed 14. Mr. Malushizky stated it was not required as this was not a multi-family residential structure, but that parking would be accessible. Mr. Tullock added that the goal was for the parking to not look like a parking lot or the building look like an apartment.

Chair Crawford commented he could see why staff preferred the horizontal lap siding, although he liked the look of the board and batten better. Ms. Marshburn stated that although staff's analysis indicated horizontal siding was the prevailing material and characteristic of the surrounding neighborhood, the Board could allow board and batten siding.

Mr. Williams asked for clarification on what was most appropriate since staff recommended either one. Ms. Marshburn explained that the applicant was proposing to use either one, and that the staff report should have indicated that they would use one or the other, but board and batten does not exist in the neighborhood. She added that the use of vinyl shaker siding was proposed to be minimal and would be acceptable even though it did not exist in the surrounding neighborhood either.

Chair Crawford commented that it appeared to be restoring what may have been in the area previously. Janice E Miller, Historic Preservation Specialist, commented that Arts & Crafts architecture would have been too expensive for these homes and more than likely these would have had wood lap siding. She added that it was possible some of the nearby structures were built in the 1930s or 40s and the original siding may have been asbestos or asphalt, something that would not be used today.

Mr. Hawthorne asked if both buildings would look identical. Ms. Marshburn stated they would.

Mr. Hawthorne asked if they would be identical in color. Ms. Marshburn stated they would not.

Mr. Tullock commented that the designs proposed met the vernacular of the area.

Chair Crawford closed the floor for Board discussion.

Chair Crawford commented that he understood staff's recommendation regarding the siding but that there were not many structures located within that area.

Mr. Cullum made the motion to approve the special exception to establish residential infill with the condition that the outdoor storage requirements must be met. Mr. Hawthorne seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

THE BOARD, THEREFORE, ORDERS:

That the request by Stephen Tullock of Nucleus Development for a special exception to establish residential infill uses at 1166, 1170, & 1174 Hoyle Street is APPROVED with conditions. The conditions are as follows:

- **The outdoor storage requirements must be met.**

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-2021-47

The Zoning Board of Appeals held a public hearing on Tuesday, September 28, 2021 to consider a **request by Tyrone Colvin for a special exception to establish a bar/nightclub use at 560 N Anderson Road, which is zoned Commercial Industrial (CI). Tax map number 630-04-01-018.**

Board members in attendance included: Matt Crawford, Rodney Cullum, Chad Williams, James Hawthorne (Keith Sutton, Stacey Reeves, Charlotte Brown were 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 560 N Anderson Road.
2. The property owner is Michael Bagwell.
3. This property is zoned Commercial Industrial.
4. The request was for a special exception for a bar/nightclub 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:
 - September 10: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - September 10: Public Hearing notification signs posted on subject property.
 - September 10: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Staff member Melody Kearse presented the staff report.

Chair Crawford asked how the Management of Impacts Plan (MOIP) was enforced. Ms. Kearse stated these types of uses were required to submit a MOIP in order to show how possible impacts on the surrounding district would be handled.

Chair Crawford asked if the applicant stated on the MOIP that they would hire security for outdoor events, were they required to do so. Ms. Kearse stated they were.

Chair Crawford asked how the MOIP was enforced. Ms. Kearse stated the special exception for the use would be withdrawn.

Chair Crawford asked if the building met City codes. Ms. Kearse stated there may be a need for additional lighting, but the Board could make that a condition of approval. Ms. Marshburn

added that a photometric study could be done to show the lighting, adding that it would indicate areas that were too bright or too dark.

Chair Crawford asked if lighting was a concern. Ms. Kearse replied that she could not speak to this but that a wall pack fixture may be needed.

Mr. Cullum commented on the hours of operation and asked who would monitor the site. Ms. Kearse stated the business' hired security would monitor.

The applicant, Tyrone Colvin, 1255 Camellia Court, explained his desire to open a small bar for a more mature crowd to enjoy.

Mr. Hawthorne asked the hours of operation. Mr. Colvin replied he and his partner would begin with 5 p.m. to 2 a.m. during the week and 12 p.m. to 2 a.m. on the weekends in order to figure out the best hours.

Chair Crawford closed the floor for Board discussion.

Mr. Williams made the motion to approve the special exception to establish a bar/nightclub use as presented with the condition that the applicant will work with staff on lighting if additional is needed. Mr. Cullum seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Brown absent).

THE BOARD, THEREFORE, ORDERS:

That the request by Tyrone Colvin for a special exception to establish a bar/nightclub use at 560 N Anderson Road, which is zoned Commercial Industrial (CI), is APPROVED with conditions. The conditions are as follows:

- **The applicant will work with staff on lighting if additional is needed.**

Section 2.12.1 (C) of the Zoning Ordinance states:

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

AND IT IS SO ORDERED.

Matt Crawford, Chairman

Date the Order Was Approved by the Board: _____

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

Z-2021-48

Requests: Variance from the setback for an order box and pick-up window.

Address: 1109 Cherry Road

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

Applicant: Gary Runions, Progressive AE





Request:	Variance from the setback for an order box and pick-up window for a drive-through restaurant.
Address:	1109 Cherry Road
Tax Map No.:	6310703010
Zoning District:	General Commercial (GC)
Applicant:	Gary Runions Progressive AE 330 S. Tryon Street, Suite 500 Charlotte, NC 28202
Property Owner:	Sims & Sims Properties LLC. 1930 Huntington Place Rock Hill, SC 29732

Background

The applicant is seeking to redevelop the existing dine-in/take-out restaurant into a drive-through restaurant. A drive-through requires that facilities must meet the following:

- Design and locate the drive-up window or outdoor area so as not to obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
- Have the order box and/or pickup window located no closer than 100 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Master Planned (MP) zoning district designated for residential use.
- If a drive-through order box or window is oriented towards any existing residential use, any undeveloped residential zoning district, or any undeveloped portions of a Master Planned (MP) zoning district designated for residential use, the land-use intensity differential for that side of the property is increased by one.

The site was originally designed with a drive-through window along the western facing side when first developed; the location of the original order box is unknown. However, the use of the drive-through ceased approximately 21 years ago.

The original buffer required along the side with the window was a screening fence, which the applicant has shown as being replaced along the western side along the parking lot. Due to site constraints and the active use of the property as a restaurant, staff determined additional buffering was not required. Since a screen fence was part of the original, at a minimum, it would be required.

However, since the drive-through part of the use is being re-established after an extended period of time, a variance is needed to re-open the drive-through window and to add an order box

Variance Requests

The proposed order box would be located approximately 84 feet from the nearest residential property line to the southwest (variance of 26 feet), and the pick-up window is located approximately 25 feet from the residential property line to the southwest (variance of 75 feet).

Site Description

The subject property is located along Cherry Road between Richmond Drive and John Street. Surrounding uses include a City park to the south west, a commercial shopping center to the south, a carpet and rug store to the east, single-family residences to the north and northwest and a vacant single-family lot to the west. The properties along Cherry Road, except for the vacant residential lot, are zoned for commercial uses, while properties to the west, northwest and north are zoned for residential uses.

Description of the General Commercial (GC) Zoning District

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

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 site is a long and narrow lot that was originally developed as a drive-through restaurant at a time when a 100-foot setback was not required for windows or order boxes next to residentially zoned or used property. The applicant is seeking to use the existing building as part of the redevelopment of the property back to a drive-through restaurant, and the proximity of the building to the side property line prevents the applicant from meeting the required setback from a residential property for a drive-through.

2. **Unique Conditions**

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

Although other lots in the area are similar in size they are not being used for drive-through restaurants, and those other lots are not bordered by residentially used and zoned properties. Therefore, those uses do not require the 100-foot setback required for drive-throughs.

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 site could continue to be used as a restaurant but not one with a drive-through.

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.

Staff has heard from all three residential property owners that are directly adjacent to the site to the west. All of them have expressed concerns about noise, odor, and light glare in addition to concerns about decreasing property values due to the proximity to a drive-through restaurant, and one of them has concerns about being able to market and sell their lot at all. An email has been attached to this report from one of the neighbors. All of the neighbors plan on attending the meeting to state their opposition to the request, and all are asking that the variance request not be approved. However, if the Board does decide to approve the variance, they request that all of the following conditions to be added:

- Dumpster enclosure to be moved to opposite corner of the parking lot, next to John Street.
- A wall, similar to the one installed at Cherry and Charlotte, Starbucks, intersection be installed along the entirety of the western property line (8-foot precast concrete wall simulating stone).
- Limiting the hours of operation so as to not allow for 24-hour operation.



Not Grounds for Variance

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

In this case, the property is already zoned for commercial uses and operates as a restaurant.

Public Input

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

- October 8: Sent public hearing notification postcards to property owners within 300 feet of the subject property.
- October 8: Posted public hearing signs on subject property.
- October 8: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff has received feedback in opposition to the request previously stated under finding number four.

Staff Recommendation

Staff was only able to make three of the findings in this instance.

- **Finding No. 1:** The site is a long and narrow lot that was originally developed as a drive-through restaurant at a time when a 100-foot setback was not required. The applicant is seeking to use the existing building, and the proximity of the building to the side property line prevents the applicant from meeting the required setback from a residential property.
- **Finding No. 2:** Although other lots in the area are similar in size they are not being used for drive-through restaurants, are not bordered by residentially used and zoned properties, and therefore, need the 100-foot required setback.
- **Finding No. 3:** If the variance were not granted the site could continue to be used as a restaurant but not one with a drive-through.

Staff could not make the last finding. If the Board feels it can make this finding staff recommends adding the neighboring property owners' conditions as stated previously under finding number four.

- **Finding No. 4:** The neighboring property owners of the residentially use lots have expressed concerns over a number of different impacts (noise, odor, and light glare) that will affect the enjoyment of their property, and they have also expressed a belief that drive-through restaurant will negatively impact their property values and their ability to market and sell their property.
-

Attachments

- Application and supporting documents
- Site plan

- Conceptual renderings
 - Email from neighboring property owner
 - Zoning map
-

Staff Contact:

Melody Kearse, Zoning Coordinator

melody.kearse@cityofrockhill.com

803-329-7088

Variance Application

Plan Tracking # 20211965 Date Received: 9/17/21 Case # Z- 2021-48

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: 1109 Cherry Road, Rock Hill, SC

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

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
Owner Representative: Gary Runions (Sr Project Manager) Progressive AE	330 South Tryon Street Suite 500 Charlotte, NC 28202	Direct: 980-221-8608 General: 704-731-8080	runionsg@progressiveae.com

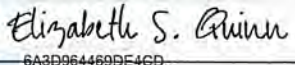
Are you the owner of the subject property? Yes No

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) Architectural / Engineering Firm contracted by Primax Properties - 1100 E. Morehead St. Charlotte, NC 28204

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: 9/16/2021
Gary T. Runions

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

Name of property owner: <u>Sims & Sims Properties LLC - 1930 Huntington Place, Rock Hill, SC 29732</u>	
If property owner is an organization/corporation, name of person authorized to represent its property interests: <u>Elizabeth S. Quinn</u>	
I certify that the person listed in the person listed above has my permission to represent this property in this application.	
Signature: <u></u> <small>DocuSigned by: 6A3D964469DE46D...</small>	Date: <u>9/16/2021</u>
Preferred phone number: <u>803-322-7952</u> Email address: <u>LIZSQUINN@YAHOO.COM</u>	
Mailing address: <u>1925 HUNTINGTON PLACE, ROCK HILL, SC 29732</u>	

INFORMATION ABOUT REQUEST

General description of your request

Response:

Requesting that a variance be granted for a order box and drive-thru window serving the property located at 1109 Cherry Road in Rock Hill, SC. Back Yard Burgers intends to renovate the existing building to become a quick service restaurant.

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.

Response:

If the current zoning requirements were applied to the property (requiring 100' setback from the adjacent single family (SF-3) residential property), use of the existing building would not be permitted as a quick service restaurant due to the property size and relationship to existing streets and roads.

The existing building has an order box and pickup window less than 100' from existing residential use, which is currently not compliant with the current Master Planned (MP) zoning district.

- Distance to the assumed property line is (+/-) 25' .
- Distance to the existing curb is (+/-) 20'.

A survey is not available to provide detailed information.

See graphics in question #3 and Exhibit A.

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

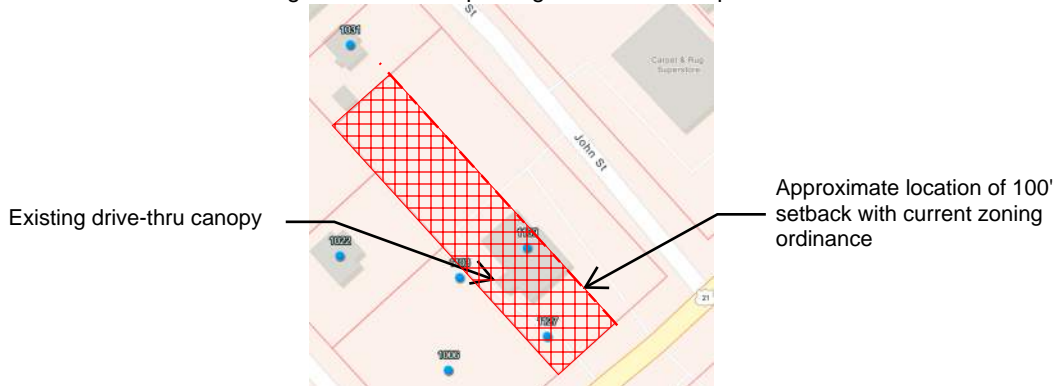
Response:

This existing commercial property is on the boundary of a residential zone. It has been in use as commercial restaurant property for many years and has not seen recent upgrades. It is likely that zoning requirements have changed and/or have been modified since the building's construction. Other commercial properties, located to the interior of the commercial zone, do not have the same extraordinary conditions that would prohibit commercial restaurant use/reuse for quick service.

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

If the current zoning requirements were applied to the property (requiring 100' setback from adjacent single family (SF-3) residential property), use of the existing building, as configured, would not be permitted due to the property size and relationship to existing streets and roads. In fact, a quick service restaurant would not fit on the property at all if it were to meet this zoning classification's parking and setback requirements.

Response:



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

The existing building will be renovated to meet Back Yard Burger's standards. Renovations will make use of the existing parking lot and exterior seating area. Please note that the exterior seating area will also be renovated to include partial cover, ceiling fans, etc... To use the existing structure, the order box and drive-thru window have to be located on the side of the residential property. The proposed building renovations will update the building and greatly improve its appearance. The owner will attempt to meet current local zoning requirements, such as landscape and buffering to the extent feasible. Renovations should not alter conditions in any way that would harm adjacent property or the public good.

Response:

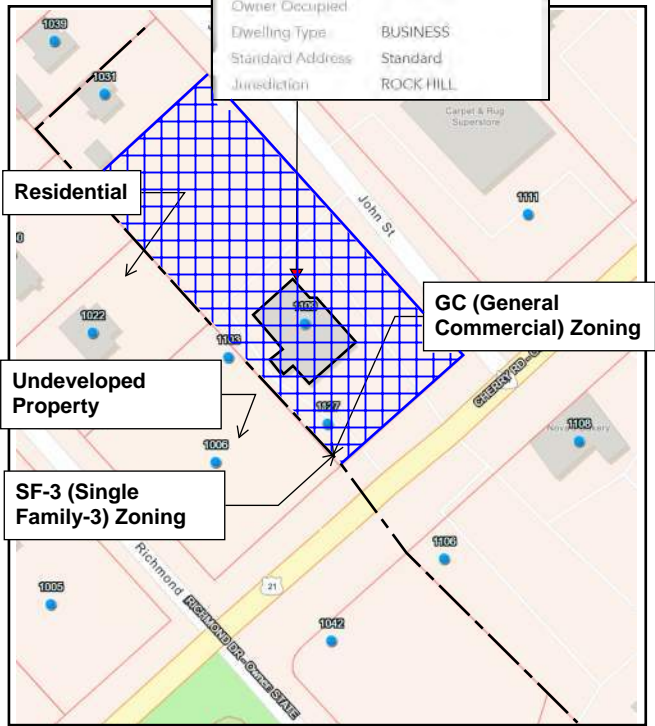
Exhibits

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

Site Plan

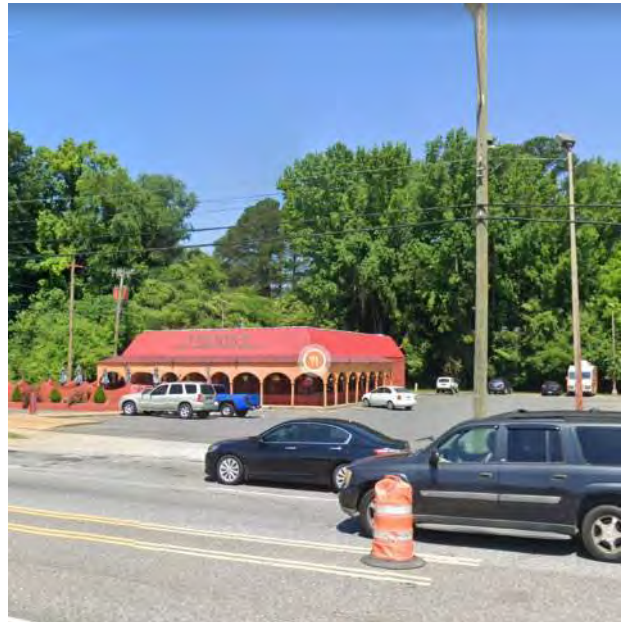
Parcel ID:	6310703010
Address:	1109 CHERRY RD
City/State/ZIP:	ROCK HILL, SC, 29732
Vacancy:	OCCUPIED
Owner Occupied:	
Dwelling Type:	BUSINESS
Standard Address:	Standard
Jurisdiction:	ROCK HILL



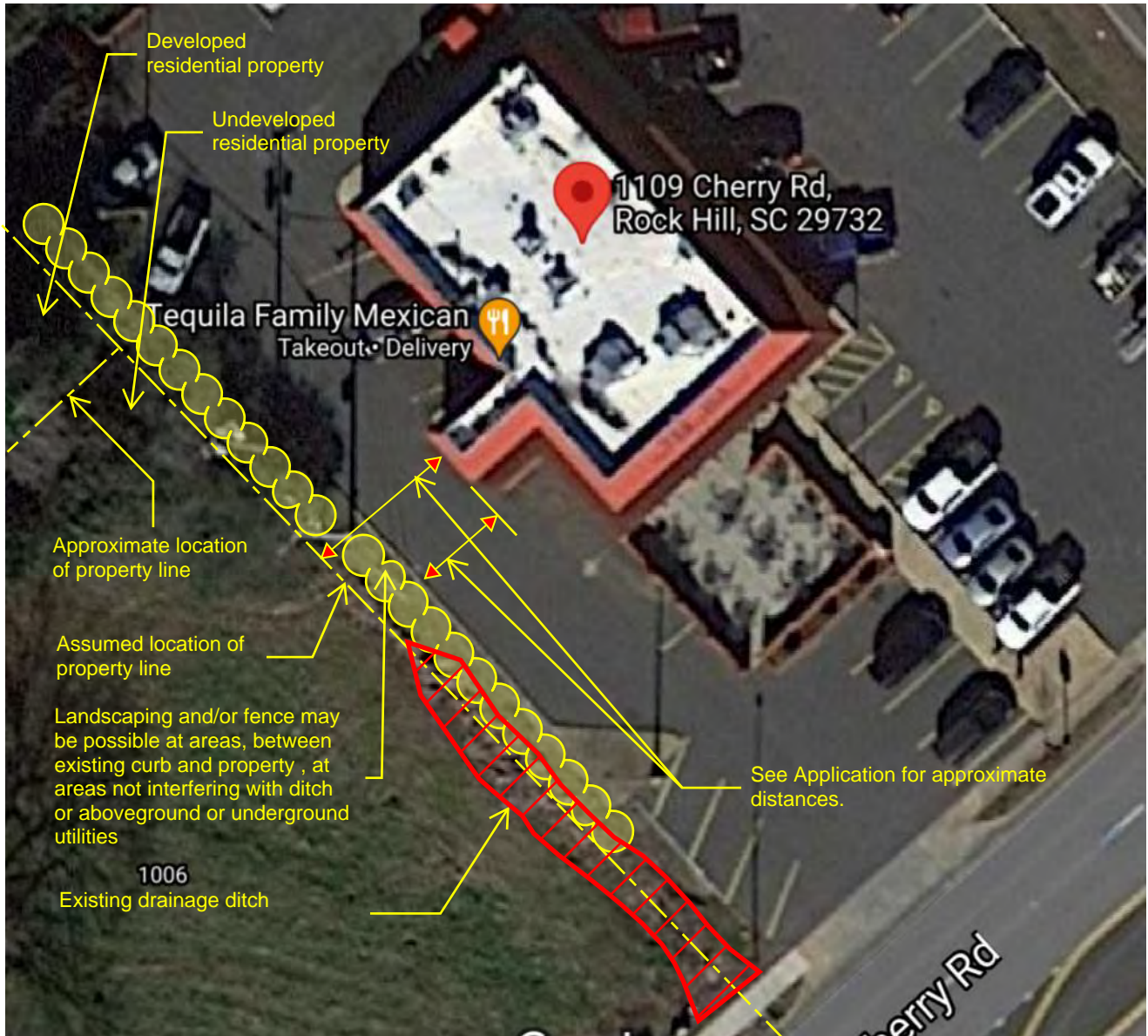
Photos of Property



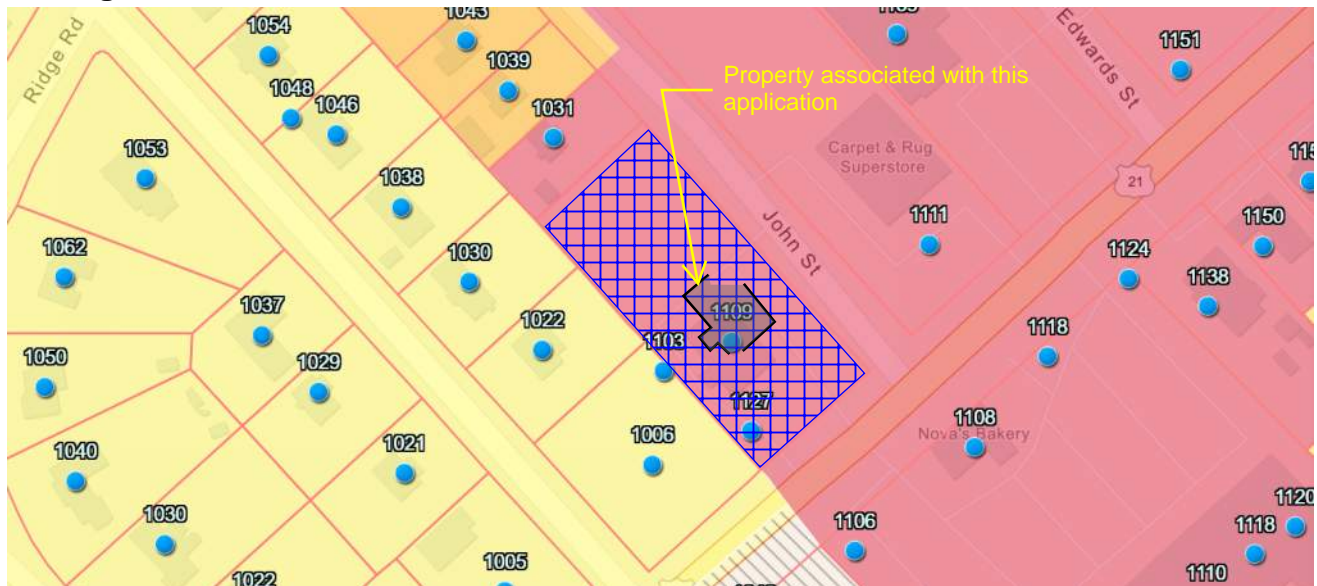
Photos of Property



Property Information



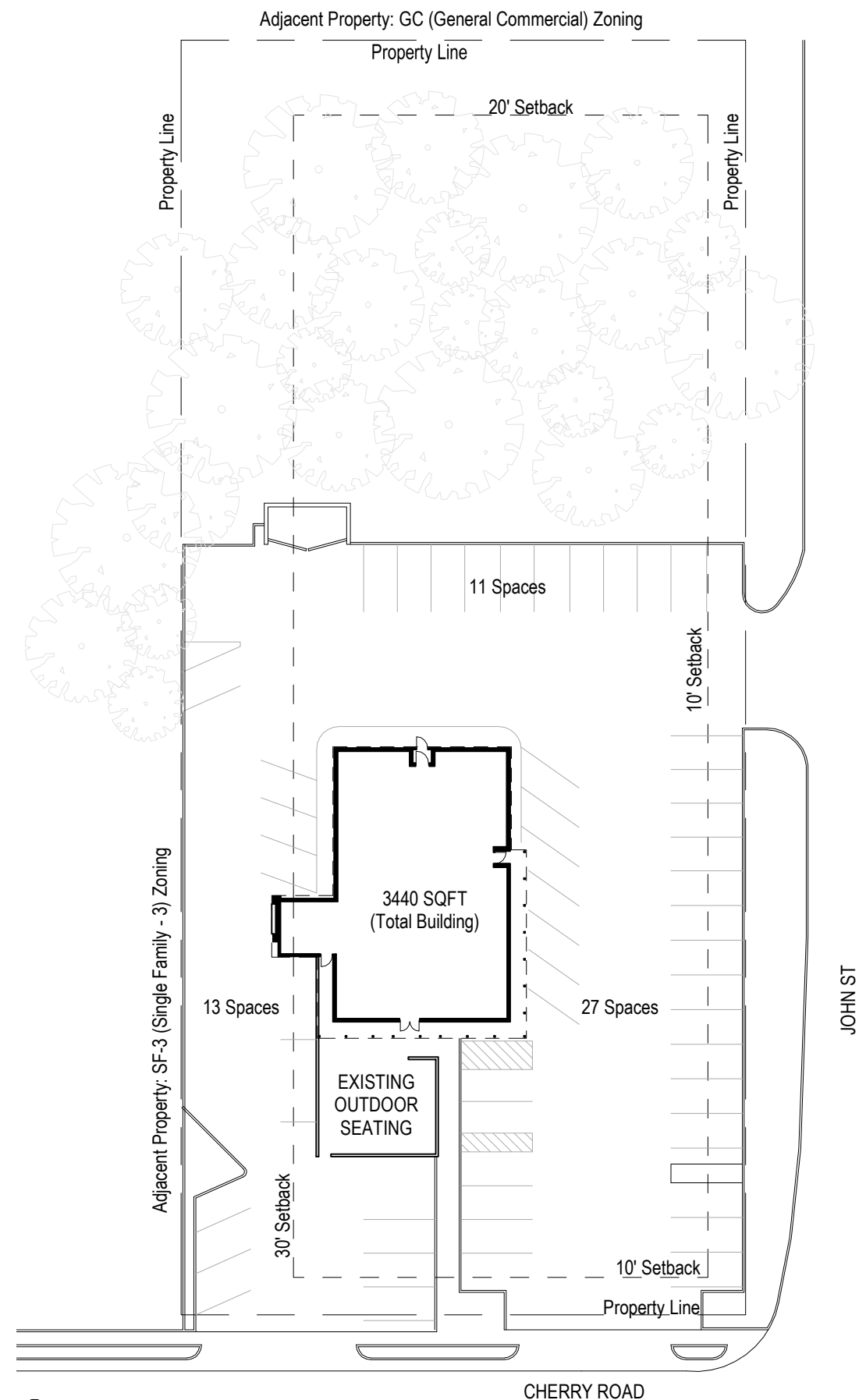
Zoning Information



Property Information

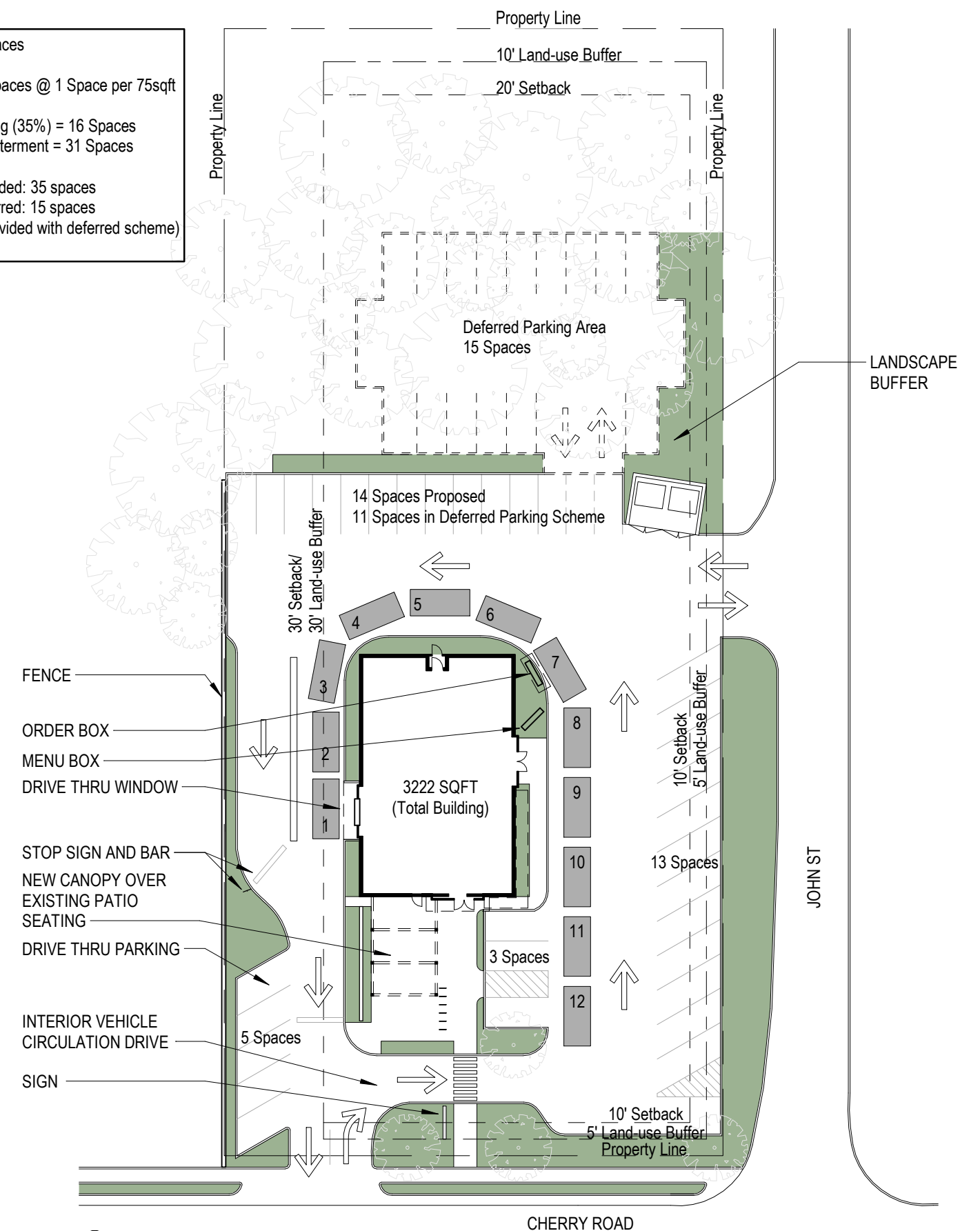


BIM 360/79360009 - Back Yard Burgers - Rock Hill SC/79360009-BYB_ROCKHILL_ARCH.rvt 10/14/2021 1:24:38 PM



EXISTING SITE PLAN

Existing Parking: 51 spaces
 Required Parking: 47 spaces @ 1 Space per 75sqft
 Allowed Deferred parking (35%) = 16 Spaces
 Required Parking by Determent = 31 Spaces
 Proposed Parking Provided: 35 spaces
 Proposed Parking Deferred: 15 spaces
 (47 spaces total provided with deferred scheme)



PROPOSED SITE PLAN









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Kearse, Melody

From: Adrienne Queller <adriennebqueller@icloud.com>
Sent: Thursday, October 14, 2021 12:37 PM
To: Kearse, Melody
Subject: Public Hearing Case Z-2021-48

To the representatives of the city of rock hill,

My name is Adrienne Queller and I live at 1030 Richmond Dr. I have been a registered nurse all my life. I've worked in different cities and states in different specialties with various responsibilities in my career as a RN. I moved to my current home on Richmond Dr. in 2008, but also lived briefly on Eden Terrace when I first moved here in 2006. I knew retirement was just around the corner and decided, after visiting relatives who moved here over 35 years ago, that Rock Hill was a special place.

When I received the notice of the public hearing regarding the property that is/was Tequila Restaurant I inquired about what was going to replace it. My property is almost next to this restaurant. I was extremely upset, angry, and mighty disappointed and anxious to learn that "Backyard Burgers" was coming soon and particularly upset to learn there would be a drive through window put in.

I didn't mind Tequila being there; there was no drive through. I put up with the smell of old grease wafting into my yard. Their large trash bin which is just feet away from my back fence drew every kind of vermin and other animals throughout the night especially. I put up with that pesty situation. When the restaurant closed at 11pm or later the bright lights at the back door shone into my bedroom windows as I heard the clean up of the days trash being thrown into the bin and I put up with that.

How can a person such as myself enjoy my yard and spend time in it once the drive through is installed? Listening to the hum of cars lined up to use the window with their fumes being emitted and no doubt the odor of burgers and fries, which I really like very much just not around my home all day, not to mention the hours it will likely start - 10am to 10:30-11pm find any peace?

The dumpsters should be located in the back but on the John St. side where there are no homes, just an empty lot and easy for garbage to pick up. I would think at the very least there would be a privacy wall built on our side. A buffer of 100 feet or more will not suffice at all.

I believe that the pass through will make living where I am now akin to being next to a McDonald's. The noise, smells, fumes, lack of privacy and the other things I discussed previously is the exact opposite of why I bought my home and came to Beaty Estates hoping to enjoy my remaining years.

Lastly but not least is the probable decrease in property values that will follow.







I've dedicated my life to caring for people, and I would like for you to give us some care now. I believe a drive through would present the greatest and most offensive problem. Why not just have a "carry out" option as Tequila did? I wonder how you all would feel if this impacted your home, property or quality of life; I think we all know the answer. Most of the people in RH welcome the growth and changes that are happening here but this is just poor planning for the immediate residents of Beaty Estates. Please eliminate that window. Take a moment to consider the impact on just a few good people who happen to live nearby and do the right thing. That window will bring this coming restaurant to a whole different level that was not present previously and certainly in a very negative way and one which we should not have to endure. A regular dine in or out establishment is fine, this is just plain wrong.

Adrienne Queller

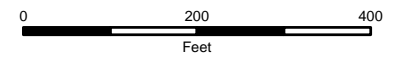
Z-2021-48

 Subject Property

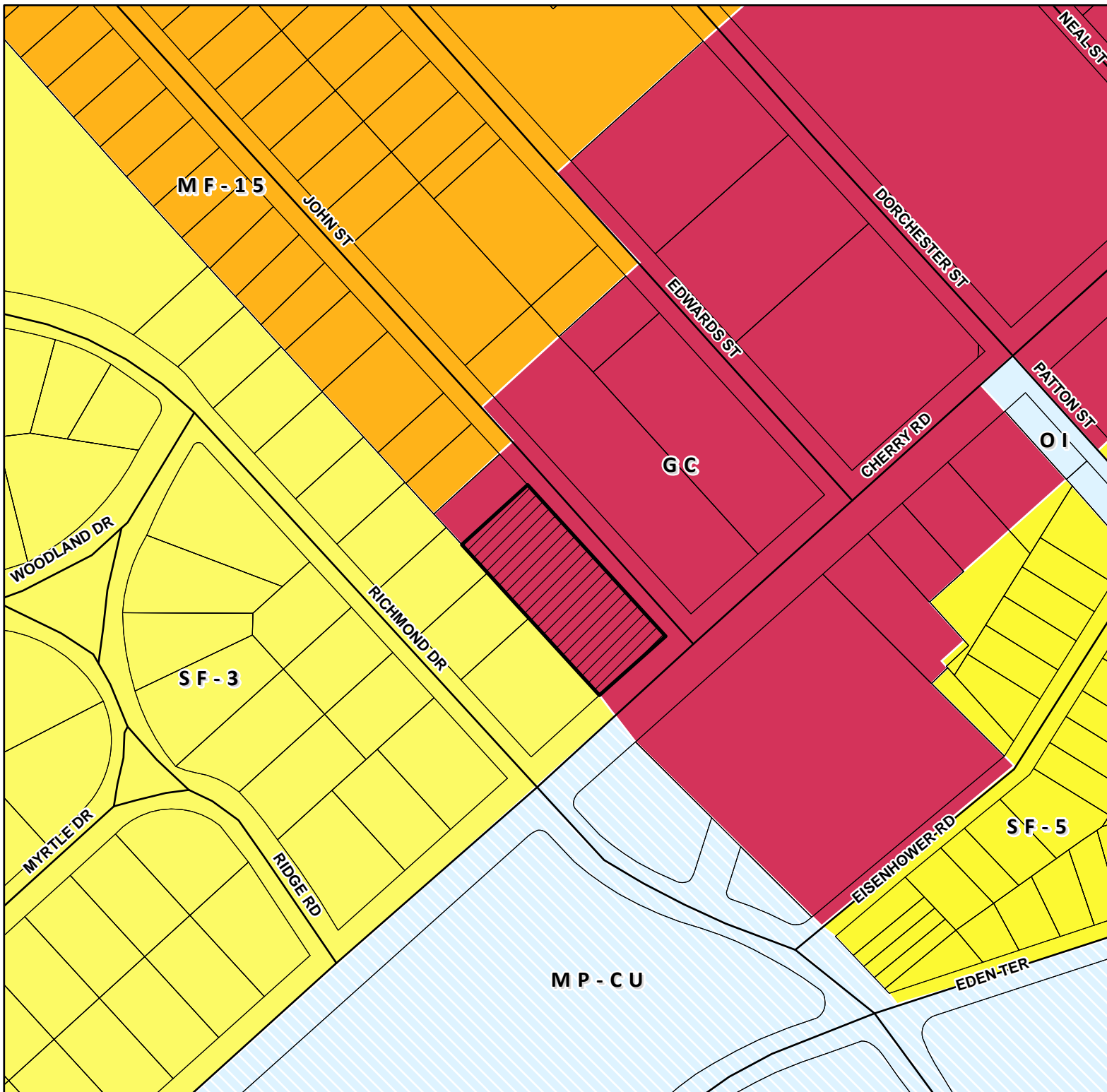
Zoning Districts

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

Zoning Data
Current Zoning
GC



Planning & Development
Department
City of Rock Hill
10/26/2021



Z-2021-49

Requests: Request for a special exception to establish a commercial truck rental use.

Address: 860 Heckle Blvd.

Zoning District: General Commercial (GC)

Applicant: Penske Truck Leasing





Request: Special exception to establish a commercial truck rental use

Address: 860 Heckle Blvd.

Tax Map No.: 597-04-01-052

Zoning District: General Commercial (GC)

Applicant: Penske Truck Leasing
 1326 Craighead Road
 Charlotte, NC 28206

Owner: Heckle Properties, LLC (Pradeep Singh)
 3368 Lake Wylie Drive
 Rock Hill, SC 29732

Background

The applicant is seeking to establish a Penske truck rental facility at this location. The property is designed as a gas station/convenience store along with other uses, all housed within a multi-tenant building. The property has been used in this manner for many years. Commercial truck rental uses require a Special Exception when located in the General Commercial (GC) zoning district, thus, why the request is being made.

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%; text-align: center;"> <thead> <tr> <th colspan="7">RESIDENTIAL</th> <th colspan="7">BUSINESS</th> </tr> <tr> <th>SF-2</th> <th>SF-3</th> <th>SF-4</th> <th>SF-5</th> <th>SF-8</th> <th>SF-A</th> <th>MFR</th> <th>MF-15</th> <th>MX</th> <th>NO</th> <th>NC</th> <th>OI</th> <th>LC</th> <th>GC</th> <th>CC</th> <th>CI</th> <th>DTWN</th> <th>MUC</th> <th>IB</th> <th>IG</th> <th>IH</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="background-color: yellow;">S</td> <td>S</td> <td>C</td> <td></td> <td></td> <td>S</td> <td>C</td> <td>C</td> </tr> </tbody> </table>														RESIDENTIAL							BUSINESS							SF-2	SF-3	SF-4	SF-5	SF-8	SF-A	MFR	MF-15	MX	NO	NC	OI	LC	GC	CC	CI	DTWN	MUC	IB	IG	IH														S	S	C			S	C	C
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Definition of proposed use	<i>Commercial truck or equipment rental or sales:</i> Uses that offer commercial trucks, such as tractor trailers or large utility, delivery, or moving trucks; farm equipment such as tractors; construction equipment; or utility or other trailers for sale, lease, or rental.																																																																					

Site Description

The site is located along Heckle Boulevard at the Cherry Road/McConnells Hwy. intersection. There are a mix of surrounding uses including a Quik Trip gas station and Food Lion shopping center, along with retail and restaurant outparcels located across the street. Surrounding zoning districts include General Commercial (GC), Limited Commercial (LC), County-zoned property, and Multi Family-Residential (MF-R), which was recently rezoned from Single Family Residential-5 (SF-5) in order to facilitate a multi-family housing development.

Description of Intent for General Commercial (GC) Zoning District

Although originally established to apply to lands being used commercially that did not fit into one of the other commercial districts, it is now the intent of this ordinance the GC district be phased out over time by not allowing new rezoning to the GC district.

Analysis of Request for Special Exception

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

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

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

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

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

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

No display pads or tilt racks are being proposed.

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

None are proposed.

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

No other materials would be sold in this area of the site. The applicant may sell packaging and moving materials; however, these items would be located inside of the truck leasing office.

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

The business would not test drive vehicles on residential streets.

5. Off-Street Parking Standards: *Automobile sales uses must pave vehicle display, vehicle storage, and customer parking, including all access and driving surfaces, with concrete or asphalt. These areas must comply with all applicable off-street parking standards in Chapter 8: Development Standards, except for the following.*

A sketch plan has been provided showing how the applicant will set up their rental lot.

- The site currently has 61 passenger vehicle parking spaces when counting the 8 spaces beneath the gas station canopy, and is proposing two, 9' x 30' parallel parking spaces to bring the overall total to 63 spaces. The current uses of the gas station/c-store, bail bonds, wireless store, and liquor store require 40 of those spaces.
- Commercial truck rental uses require 1 space per every 300 square feet of enclosed area, in addition to 1 space per every 5,000 square feet of outdoor display area. The tenant space that the truck rental leasing office will occupy is 1,200 square feet, with truck rental display area being 3,124 square feet; therefore, 4 spaces are needed for the leasing office and 1 space needed for the display area, for total of 5 spaces needed to support the use.
- The existing uses along with the proposed truck rental use will take up 45 of the existing/proposed spaces, leaving a balance of 18 spaces. However, truck rental use is proposing to use 19 spaces to park trucks, leaving a deficit of one space.

Rather than requiring the truck rental use to propose to use one less space in order to mitigate the overall parking deficit, staff feels that even the resultant number of spaces proposed to be dedicated to trucks would allow for too many trucks to be parked on-site. The applicant has supplied staff with pictures of trucks parked in the actual parking spaces, whereas the storage portion of these trucks range from 10 to 26 feet in depth. All of the existing parking spaces are only 18 feet in depth and so trucks would end up overhanging onto the landscape areas and/or overhanging into the drive aisle. Furthermore, staff feels that the presence of the amount of trucks that are being proposed overpowers the overall look of the site, considerably changing it. Therefore, staff proposes restricting the number of trucks that could be parked on the site and where they could be parked on the site. More specifically, trucks should only be parked in the 6 spaces abutting the southern side of the building, and the 2 newly created 9'x30' parallel spaces, for a total of 8 trucks allowed on the site at any given time.

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

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

The proposed use is compatible with the recently adopted 2030 Comprehensive Plan. The site is listed in the Neighborhood Commercial subarea of the Comprehensive Plan, which is intended to provide daily goods and services to nearby neighborhoods. The subarea also provides that future design should ensure safe accessibility by foot and bike, not just by car.

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

The site is located along Heckle Blvd. which is considered an automobile-dominated corridor of the City. There are a variety of automobile-oriented uses nearby, including a gas station/c-store, retail stores, and restaurants.

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

A sketch plan has been provided showing the existing parking lot. Staff is proposing a condition that only 8 trucks be parked on the site at any given time, and be limited to the two, newly created 9' x 30' parallel spaces and the 6 existing spaces that abut the southern side of the building.

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

The proposed use is compatible with the existing mix of commercial uses in the area, and the site is located in a predominantly automobile-oriented area of the city.

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

The existing site is fully developed and landscaped. No changes other than the creation of two, 9' x 30' parallel parking spaces are proposed to the site. These spaces are proposed in order to park longer trucks that will be offered for rental, as storage portion of those trucks are up to 26 feet in depth.

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

The existing site is fully developed. No additional development is expected beyond striping two, 9' x 30' parallel spaces.

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

The property is located along Heckle Boulevard, which would support traffic from this type of use without any upgrades.

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

This use is not expected to harm neighboring land or property values, and staff has not heard from any adjacent property owners or tenants with concerns about the proposed use.

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

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

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

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

Public Input

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

- October 8th: Sent public hearing notification postcards to property owners within 300 feet of the subject property.
- October 8th: Posted public hearing signs on subject property.
- October 8th: 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 feedback from the public about the proposed use at this time.

Staff Recommendation

Staff recommends approval of the special exception request subject to the condition that trucks only be parked in the 6 spaces abutting the southern side of the building, and the 2 newly created 9'x30' parallel spaces, for a total of 8 trucks allowed on the site at

any given time; and that the non-conforming, small metal storage shed be removed from the site. Aside from those conditions, staff believes that it meets the standards for granting the special exception, specifically noting the following:

- The use is compatible with the existing mix of uses surrounding this site and the City's land use plan for this area.
- The applicant has submitted a sketch plan showing how it can meet the standards for development.

Attachments

- Application
- Site plan
- 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: 860 Heckle Blvd, Rock Hill, SC 29730

Tax parcel number of subject property: _____

Property restrictions

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

If yes, please describe the requirements: _____

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
Penske Truck Leasing	1326 W. Craighead Rd Charlotte, NC 28206	704-598-7977	Sean.Barker@penske.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: Sean C. Berbeck Date: 9/28/21

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

Name of property owner: <u>HECKLE PROPERTIES LLC</u>	
If property owner is an organization/corporation, name of person authorized to represent its property interests: <u>BRADLEY LINGH</u>	
I certify that the person listed in the person listed above has my permission to represent this property in this application.	
Signature: <u>[Signature]</u>	Date: <u>9/28/21</u>
Preferred phone number: <u>704 277 4220</u>	Email address: <u>BOTRUSLINGH@GMAIL.COM</u>
Mailing address: <u>3368 LAKE WYLIE DR ROCK HILL SC 29730</u>	

INFORMATION ABOUT REQUEST

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

Special exception standards

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

1. 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 do not display vehicles only park them.
We do not use outdoor speakers
We do not test drive vehicles only
rent them.

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

We will provide services to the community
with ~~zero~~ minimal to zero impact to
this property or the ones around it.

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

We do not believe that any are necessary
but should the board grant us the exemption
to deem any necessary we will comply.

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

There will be zero impact.

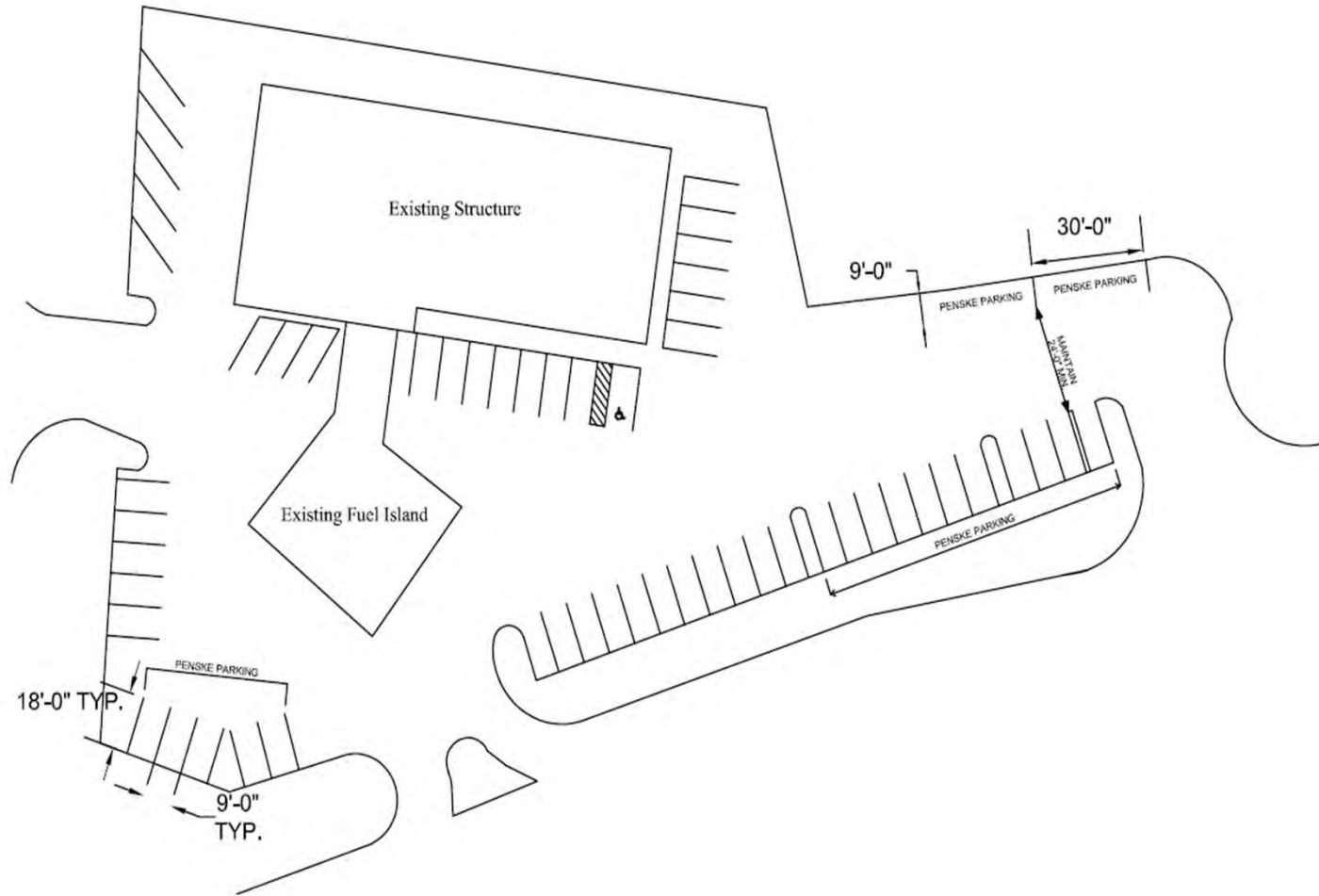
5. How would the use impact traffic issues (road capacity, safety of those coming into or leaving the site, etc.)?

Based on the current ~~at~~ tenants of the property including a fuel station that ~~is~~ provides diesel fuel our impact to the traffic pattern will be very limited or zero.

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?

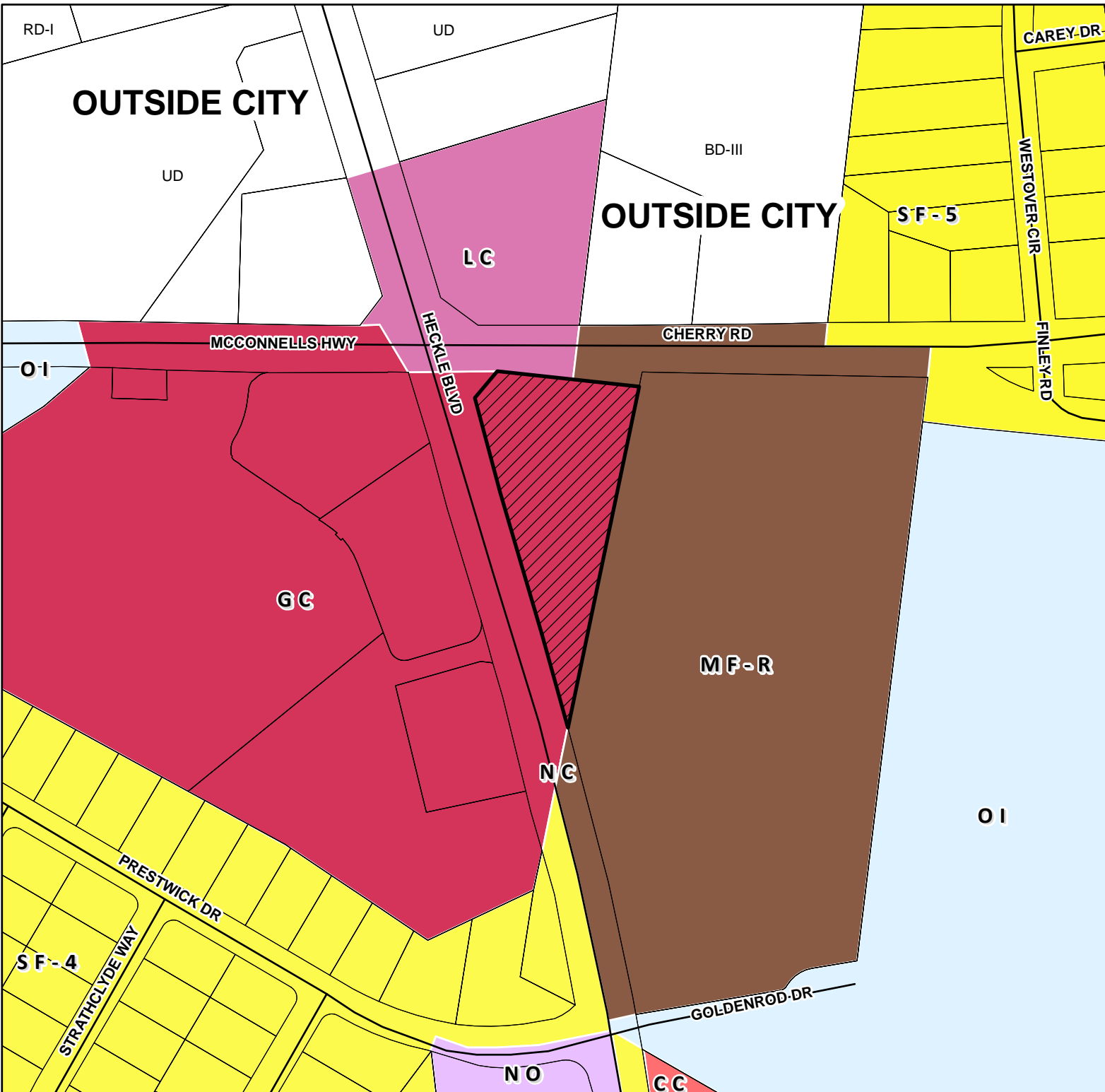
Our use will have no impact on neighboring land owners ~~or~~ or their property.

Site Plan













DRAWN BY:	
MR	
CHECKED BY:	
PROJECT NO:	
EXISTING SITE PLAN	
PENSKE - ROCK HILL 860 Heckle Blvd, Rock Hill, SC 29730	
REVISIONS	NO. / DATE

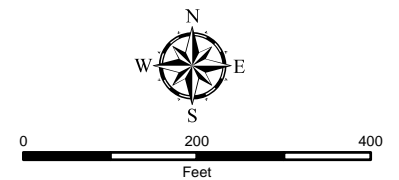




Z-2021-49

-  Subject Property
- Zoning Districts**
-  Multi-Family Residential (MF-R)
-  Community Commercial (CC)
-  General Commercial (GC)
-  Limited Commercial (LC)
-  Neighborhood Commercial (NC)
-  Neighborhood Office (NO)
-  Office and Institutional (OI)
-  Single-Family 4 (SF-4)
-  Single-Family 5 (SF-5)

Zoning Data
Current Zoning
GC



Planning & Development
Department
City of Rock Hill
10/26/2021

Z-2021-50

Requests: Special Exception to establish a short-term rental use.

Address: 144 Brookwood Lane

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

Applicant: Ronald Resh





Location: 144 Brookwood Lane

Request: Request for Short-Term Rental use

Tax Map Number: 593-03-01-012

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

Owner/ Applicant: Ronald Resh
 144 Brookwood Lane
 Rock Hill, SC 29732

Background

The applicant was recently informed of the need to have a permit in order to operate a short-term rental. While their listing was initially identified in Staff’s original research, its location was not able to be verified. However, since that time, further investigation revealed its location, and Staff sent out a letter in mid-September to all unpermitted short-term rentals of the need for permitting and the process required. The applicant is now requesting to be permitted to continue the use of their accessory dwelling unit for a short-term rental, which can only be permitted through the special exception process by the Zoning Board of Appeals.

Primary use table excerpt <ul style="list-style-type: none"> • Blank cell = prohibited • S = Special exception • C = Conditional use • P = Permitted use 	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: black; color: white;"> <th colspan="10">RESIDENTIAL</th> <th colspan="6">BUSINESS</th> </tr> </thead> <tbody> <tr> <td style="background-color: #e0e0e0;">SF-2</td> <td style="background-color: #ffff00;">SF-3</td> <td style="background-color: #ffff00;">SF-4</td> <td style="background-color: #ffff00;">SF-5</td> <td style="background-color: #ffff00;">SF-8</td> <td style="background-color: #ffff00;">SF-A</td> <td style="background-color: #ffff00;">MFR</td> <td style="background-color: #ffff00;">MF-15</td> <td style="background-color: #e0e0e0;">MX</td> <td style="background-color: #e0e0e0;">NO</td> <td style="background-color: #e0e0e0;">NC</td> <td style="background-color: #e0e0e0;">OI</td> <td style="background-color: #e0e0e0;">LC</td> <td style="background-color: #e0e0e0;">GC</td> <td style="background-color: #e0e0e0;">CC</td> <td style="background-color: #e0e0e0;">CI</td> <td style="background-color: #e0e0e0;">DTWN</td> <td style="background-color: #e0e0e0;">MUC</td> <td style="background-color: #e0e0e0;">IB</td> <td style="background-color: #e0e0e0;">IG</td> <td style="background-color: #e0e0e0;">IH</td> </tr> <tr> <td colspan="20" style="text-align: center;">C if apply for a permit on or before December 31, 2020; S otherwise</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	C if apply for a permit on or before December 31, 2020; S otherwise																			
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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> .																																																									

Site Description

The property is located on Brookwood Lane, north of Piedmont Medical Center and is surrounded by other single-family residential uses that are also zoned SF-3. There are also other single-family detached uses, multi-family uses, and a hospital use nearby in the Planned Unit Development-Residential (PUD-R) and Office and Institutional (OI) zoning districts.

Description of Intent for Single-Family Detached Zoning Districts

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

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

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

Analysis of Request for Special Exception

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

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

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

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

The host has stated that there are no known 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.*

There are at least two or more drivers that live in the home and there is enough existing driveway to accommodate at least 3 vehicles in the driveway, and space exists for more vehicles. Based on observations, the applicant has at least 3 vehicles of their own, so additional parking will need to be made available.

(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 is owner occupied.

- (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 Brookwood Lane, a SCDOT-maintained local road. The immediate vicinity is mainly comprised of single-family residential uses. Prior to being notified about the City's short-term rental regulations the applicant has operated the short-term rental without any code enforcement complaints. In talking to neighboring

property owners, many were completely unaware that the applicant had a short-term rental which illustrates that it has been operated in such a way as to be compatible with the surround residential 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.*

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.

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

The host has not proposed any site work.

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

Brookwood Lane is an SCDOT-maintained local road that has the capacity to serve the proposed use. So long as the applicant and the applicant's guests are not parking on the street there should be no traffic issues related to this use.

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

Staff has not heard from any neighbors in opposition to the request. Staff received two phone calls from neighbors requesting more info. One seemed to be satisfied that use was not be an issue and felt favorably about it. The other had a concern about any parking on the street but stated that as long as that is not an issue that they ok with the continued use as an Airbnb. Staff also received an email from a neighbor stating they were in support of the use and plans to attend the meeting.

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

The host has provided pictures of the parking and yard areas. While a site plan is not required at this time, the applicant may need to add additional parking at the site or refresh the gravel drive to provide clear delineation of required parking.

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

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

Public Input

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

- October 8: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- October 8: Posted public hearing signs on subject property.
- October 8: Advertised the Zoning Board of Appeals public hearing in *The Herald*.
- Information about this request was posted to the City's website

Staff has heard from three neighboring property owners. Two were seeking further information about the request. After explaining that the use has been there for at least a year, unknowingly operating without a permit, one of the neighbors stated that they were good neighbors, and they had no concerns with the continued use as an Airbnb. The second was in support of the use but wanted to make sure that they are able to accommodate all of their parking on the site (he stated they had at least 3 vehicles of their own), as cars parked in the right-of-way could be dangerous. Another expressed their support of the use and will likely attend the meeting to voice that support.

Staff Recommendation

The area is mainly comprised of single-family residential uses with the broader area containing other use types such as multi-family, commercial and a hospital, 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

- Application and supporting materials
 - Zoning map
-

Staff Contact:

Melody Kearse, Zoning Coordinator

803.329.7088

melody.kearse@cityofrockhill.com

SPECIAL EXCEPTION APPLICATION

Plan Tracking # 20212017 Date Received: 9/25/21 Case # Z- 2021-50

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: 144 Brookwood LN, Rock Hill, SC 29732

Tax parcel number of subject property: 593-03-01-012

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: _____

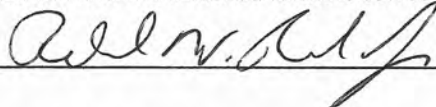
APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
Ronald Wanner <small>RESH JR</small>	144 Brookwood Ln Rock Hill, SC 29732	843-847-1123	ronnieresh@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: 9/27/21

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

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

INFORMATION ABOUT REQUEST

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

Air BnB 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.)

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

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

On-site parking, specify in the rules quiet curfew, no pets allowed, maximum 4 guests,

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

There would be no impact

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

Guests are only allowed 2 vehicles

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?

There is no impact on neighboring land.

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 Melody Kears at melody.kearse@cityofrockhill.com, although you also may mail it to the address above, c/o Melody Kears, or drop it off in the reception area at City Hall (address above). Questions about the requirements for a short-term rental should be directed to Shana Marshburn, shana.marshburn@cityofrockhill.com or 803-326-2456.

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

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

PROPERTY INFORMATION

Street address of subject property: 144 Brookwood Ln. Rock Hill, SC 29732
Tax parcel number: 593-03-01-012 Number of bedrooms: 1

HOST INFORMATION

HOST CONTACT INFORMATION

Host's name: Ronald Wayne Resh Jr. Phone number: 843-847-1123
Mailing address: 144 Brookwood Ln Rock Hill, SC 29732 Email address: ronnieresh@gmail.com
Host's Legal Business Name: Ron Resh
DBA (Doing Business As) Name: Ron Resh

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: _____

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 B n B		INTO THE WOODS Rustic GUEST HOUSE
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

GARBAGE/RECYCLABLES

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

Large City of Rock Hill containers

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: Text

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. RR 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. RR If the property is located outside the Downtown Parking Management Area, I have arranged to accommodate guest parking as specified above.
6. RR 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. RR I will not rent rooms to different guest groups at the same time unless I am present on the property during the rental.
8. N/A 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. RR I will not rent to more guests than two per bedroom, plus two.
10. RR I will maintain the property (all structures, yard areas, etc.) in accordance with Property Maintenance Code standards.
11. RR I will not post any sign on the property advertising the short-term rental use.
12. RR I will keep a current guest register including the names, addresses, telephone numbers, and dates of occupancy of all guests.
13. RR 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. RR 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. RR 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:  Date: 9/26/21





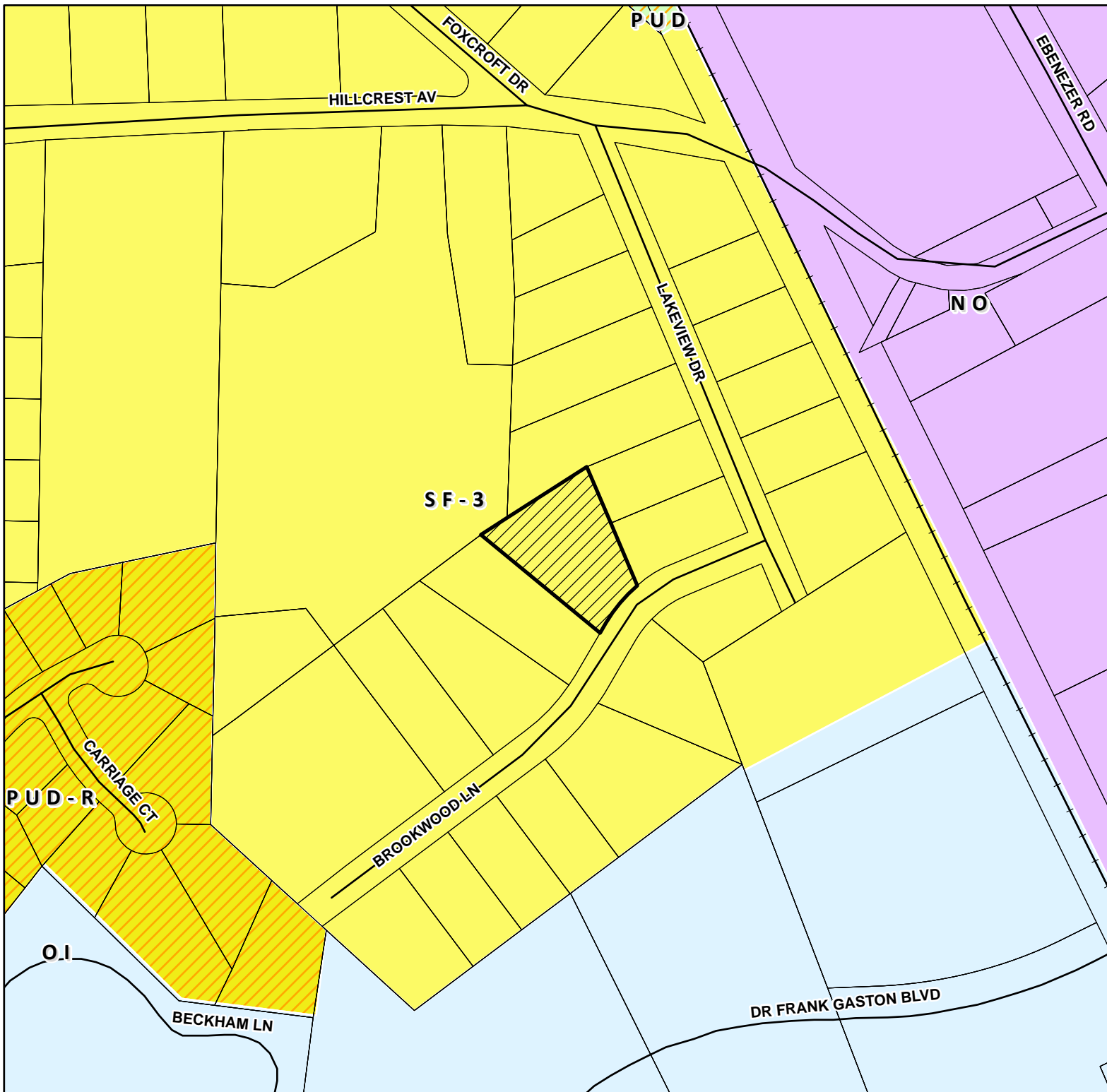


Z-2021-50

 Subject Property

Zoning Districts

-  Neighborhood Office (NO)
-  Office and Institutional (OI)
-  Planned Unit Development (PUD)
-  Planned Unit Development Residential (PUD-R)
-  Single-Family 3 (SF-3)



Zoning Data

Current Zoning

SF-3

