



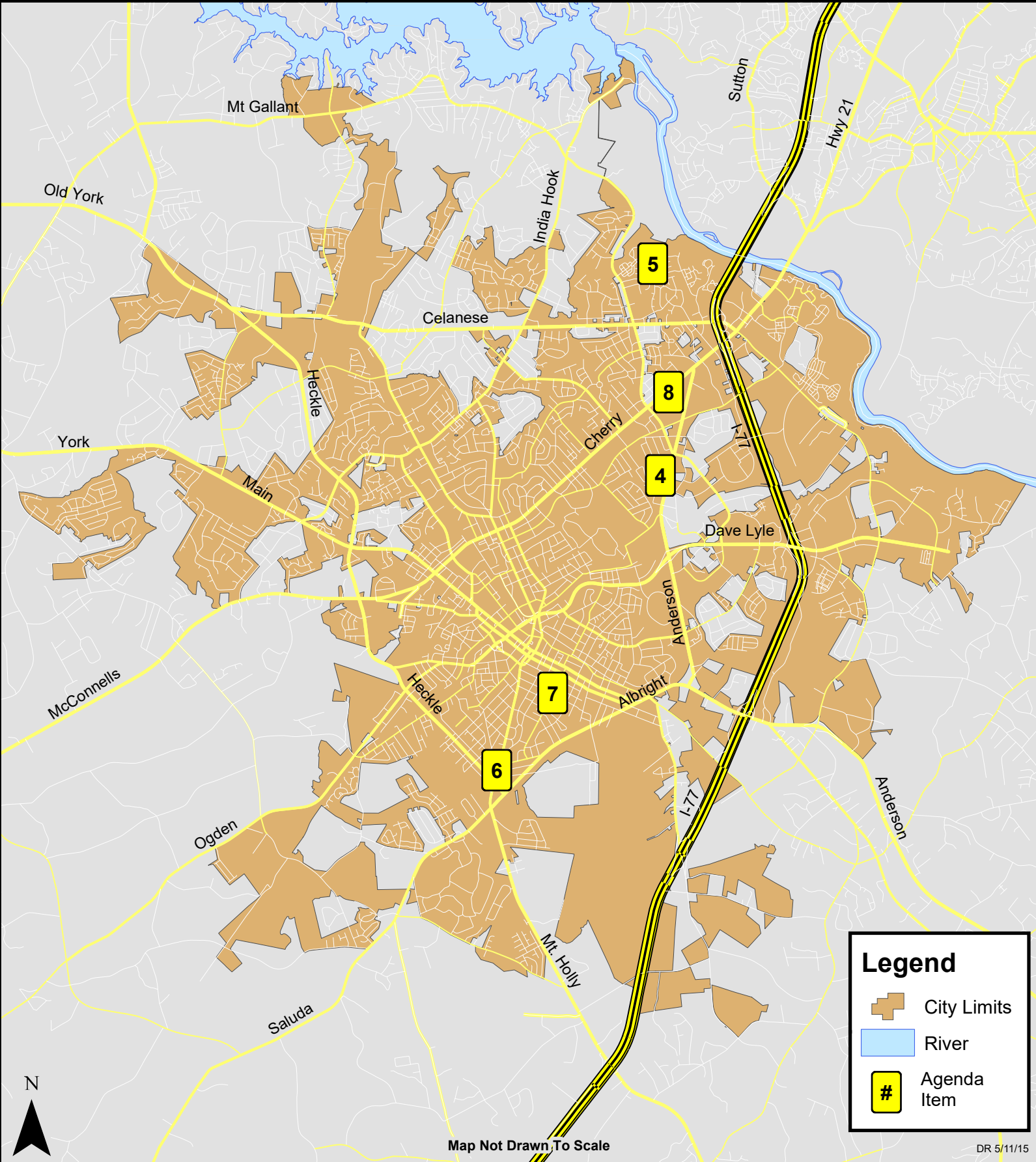
## **A G E N D A**

Rock Hill Zoning Board of Appeals  
March 15, 2022

1. Call to Order
2. Approval of Minutes from the February 15, 2022, meeting.
3. Approval of Orders from the February 15, 2022, meeting
4. Appeal Z-2022-14: Request by Emad Fahmy for a special exception to establish an automobile sales use at 611, 633-647 N. Anderson Rd, which is zoned General Commercial (GC). Tax map numbers 630-04-05-001 thru -007, 632-09-02-005 & -006, and part of a right-of-way to be abandoned.
5. Appeal Z-2022-15: Request by George Riano, for a variance from the secondary front setbacks for a fence at 1698 Hardy Dr, which is zoned Multi-Family-15 (MF-15). Tax map number 636-11-01-111.
6. Appeal Z-2022-16: Request by Robert Whitaker, for a special exception to establish an automobile repair use at 1207 Saluda St, which is zoned Mixed-Use Corridor (MUC). Tax map number 625-13-02-001.
7. Appeal Z-2022-17: Appeal by Randy Williams of the Director's decision to deny a permit for a fence on an undeveloped residential property located at 539 Walnut St, which is zoned Single-Family Residential-5 (SF-5). Tax map number 625-08-03-014.
8. Appeal Z-2022-18: Request by Andy Golden with Express Oil, for a variance from the rear yard setback for an automobile repair use at 2250 Cherry Rd, which is zoned General Commercial (GC). Tax map number 634-07-01-004.
9. Other Business.
10. Adjourn.

# Zoning Board of Appeals Agenda Items

City of Rock Hill, SC  
March 15, 2022  
Zoning Board of Appeals



**Legend**

- City Limits
- River
- Agenda Item

Map Not Drawn To Scale

# Zoning Board of Appeals

City of Rock Hill, South Carolina

February 15, 2022

A public hearing of the Zoning Board of Appeals was held Tuesday, February 15, 2022, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill SC.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Melody Kearse, Eric Hawkins, Shana Marshburn

Legal notices of the public hearing were published in *The Herald*, Friday, December 31, 2021. Notice was posted on all property considered. Adjacent property owners and tenants were notified in writing.

## 1. Call to Order

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

## 2. Approval of Minutes of the January 18, 2022, meeting.

Mr. Sutton made a motion to approve the minutes as submitted. Mr. Williams seconded, and the motion carried by a vote of 7-0

## 3. Approval of Orders of the January 18, 2022, meeting.

Mr. Sutton made a motion to approve the orders as submitted. Mr. Williams seconded, and the motion carried by a vote of 7-0.

## 4. Appeal Z-2022-02: Request by Dan Ballou on behalf of Back Yard Burgers to waive the waiting period to rehear a variance request at 1109 Cherry Rd, which is zoned General Commercial (GC). Tax map number 631-07-03-010.

Chair Crawford noted that this item has been deferred at the request of the applicant and no action was taken.

## 5. Appeal Z-2022-09: Request by Cristal Silva with Hometown Host, LLC, for a special exception to establish a short-term rental use at 1086 Cherry Meadow Ln, which is zoned Multi-Family-15 (MF-15). Tax map numbers 631-26-01-019.

Shana Marshburn, Planner II, presented the staff report.

Mr. Sutton referred to Section 1.A of the staff report and asked for clarification regarding whether there are covenants or not. Ms. Marshburn stated that there are restrictive covenants on the property, but the applicant stated that they do not prohibit the use and there is no HOA or Neighborhood Association in place to interpret them.

Mr. Williams noted that the host is not the owner and asked if staff is concerned about that. Ms. Marshburn stated that staff is not concerned because the host has the owner's permission to apply for the use and the host does not have to be the owner. Chair Crawford noted that there have been others that are operated this way.

Chair Crawford opened the floor to the applicant, and they were not present.

Chair Crawford opened the floor for public comment and there was none.

Mr. Hawthorne asked if there is some way to verify that host has permission to use the property for a short-term rental in cases where the host is not the owner. Ms. Marshburn responded that the

property owner signed the application.

Ms. Brown noted that the applicant's address is a PO Box and asked how we know where they live in order to verify that they are within the required distance from the property. Ms. Marshburn stated that she called the applicant and verified that she lives within 15 miles of the property.

Ms. Reeves asked if the applicant operates other short-term rentals in the City. Ms. Marshburn responded that the applicant has not applied for any other locations in the City.

Ms. Brown made a motion to defer the request. The motion was seconded by Mr. Sutton.

Mr. Cullum stated that time was provided for the applicant to speak, and they chose not to be here. He added that the Board should vote on the application.

Ms. Reeves stated that she is concerned that no one can interpret the deed restrictions. Chair Crawford noted that the Board doesn't interpret them.

Chair Crawford called for the vote and the motion to defer failed by a vote of zero in favor and seven opposed.

Mr. Sutton made a motion to approve the application and it was seconded by Ms. Reeves.

Mr. Hawthorne asked if the HOA is re-established and they interpret the covenants to prohibit the use, could the permit be revoked? Ms. Kearse stated that is correct.

Chair Crawford asked if the board is concerned that the applicant is not present. Ms. Reeves stated that she is concerned because the Board has questions that she would like answered. Mr. Williams agreed that due to the number of questions, he would like to get a response from applicant.

Chair Crawford called for the vote and the motion to approve failed by a vote of two in favor (Crawford and Hawthorne) and five opposed.

**6. Appeal Z-2022-10: Request by Michelle Barnes for a special exception to establish a vocational school use at 1647 Cherry Rd, which is zoned General Commercial (GC). Tax map number 632-01-02-001.**

Melody Kearse, Zoning Coordinator, presented the staff report.

Mr. Sutton asked if the driveway needs to be widened. Ms. Kearse replied that since the site is fully developed, no changes to the access are required.

Chair Crawford asked if there is an entrance from the back of the building or do people have to walk around to the front. Ms. Kearse stated that there is an entrance in the back.

Chair Crawford opened the floor to the applicant.

Michelle Barnes, 183 Harmon St (applicant), thanked the Board for hearing the request and stated that she enjoys seeing her students learn and go on to open their own businesses.

Mr. Hawthorne asked what is the maximum number of students that are anticipated. Ms. Barnes stated that the maximum would be about twenty at any one time. She noted that she is planning to have morning and evening classes to break it up.

Mr. Sutton asked Ms. Barnes if this is her first school. Ms. Barnes stated that she has a salon and recently opened an events center, but this will be her first school. She noted that she has several family members who will also be instructors.

Chair Crawford opened the floor for public comment and there was none.

Mr. Sutton stated that this is great use for the building.

Mr. Cullum made a motion to approve the request. The motion was seconded by Mr. Sutton and was approved by a vote of 7-0.

Mr. Cullum presented the findings, noting that the use is compatible with the area, it will have no adverse impact, and there is adequate parking.

**7. Appeal Z-2022-11: Request by Jonathan Eric Setzer for a modification to an existing special exception to expand a RV and trailer sales use at 760 Riverview Rd, which is zoned General Commercial (GC). Tax map number 662-07-01-064.**

Shana Marshburn, Planner II, presented the staff report.

Mr. Sutton asked why the previous conditions of approval need to be re-stated if they are already in place. Ms. Marshburn stated that it needs to be clear that all of the previous conditions still apply.

Mr. Hawthorne asked what the neighbor who was initially opposed to the application was concerned about. Ms. Marshburn stated that they were concerned about the appearance, but they have been assured by the applicant that the site will be well-maintained.

Chair Crawford asked if the parking along Riverview Road could be only for cars with the row behind it for RVs, noting that not many RVs are less than 19' long and they would fit better in double-rows. Ms. Marshburn noted that the Board could make that a condition of approval if they feel it is necessary.

Chair Crawford opened the floor to the applicant.

Dr. Jonathan Eric Setzer, 2980 Lake Wylie Drive (applicant), stated that he is agreeable to the parking arrangement proposed by Mr. Crawford. He stated that he has a new business partner and the person that previously operated the auto sales business on the site is no longer involved.

Mr. Hawthorne asked what the area shaded pink on the site plan is used for now. Mr. Setzer stated that there are some cars on areas shaded pink and yellow and there are a few cars on the front row. The cars are parked so they're easier to walk around and they do not fill up the whole lot with cars for sale.

Mr. Hawthorne asked Mr. Setzer if he is concerned about amount of customer parking available. Mr. Setzer stated that they have 130 spaces, and the parking lot will only be one-half to three-quarters full of inventory so there will be plenty of spaces for customers.

Mr. Cullum asked if the use will be for regular auto sales or auctions. Mr. Setzer stated that they started with both uses, but they have not done an auction in four to five months. He stated that they may start them back at some point, but they only had twenty to thirty people there each time auctions were done and only sold thirty to forty cars.

Ms. Reeves asked if they will be doing any RV repair. Mr. Setzer stated that they may do some minor repair or modifications but nothing major. The RVs will be taken to a shop somewhere else to have repair work done.

Chair Crawford opened the floor for public comment and there was none.

Mr. Williams made a motion to approve the request with all existing conditions remaining and with the restriction of the front row of parking for cars and the area shaded yellow on the site plan for RV's. The motion was seconded by Mr. Sutton and was approved by a vote of 7-0.

Mr. Williams presented the findings, noting that they have no problem meeting the conditions and

that the use fits in as long as it is kept clean, and it is not much different than what has already been approved.

**8. Appeal Z-2022-12: Request by The Life House Women's Shelter and Bethel Men's Shelter for a special exception to establish a Group Home, Type B, use and a reduction in the required separation at 546 S. Cherry Rd, which is zoned Limited Commercial (LC). Tax map number 598-07-01-002.**

Melody Kearse, Zoning Coordinator, presented the staff report.

Mr. Williams asked if the Haven is a Type A or B group home. Ms. Kearse responded that she believes it is a Type B.

Ms. Brown asked what life safety improvements will be required. Ms. Kearse stated that sprinklers will be required in areas where people sleep.

Chair Crawford opened the floor to the applicant.

Alexandra Greenawalt, 12506 Atkins Circle Dr, Charlotte, NC (Pathways); Kristen Easler, 4625 Silk Tree Lane (Life House Women's Shelter); Emily Sutton, 1087 Mallard Dr (Bethel United Methodist Church); and Richard Murr, 1317 Winthrop Drive (Bethel Men's Shelter); were available for questions.

Chair Crawford asked if churches are still used for overflow. Ms. Sutton answered yes, and this location would be a place for people to go if the 66 beds provided by the churches are all full. The emergency shelters at the churches have normally only been used during winter but there has been more need for them during the pandemic.

Mr. Cullum asked if this proposal is in coordination with the Haven. Ms. Sutton stated that the Bethel Men's Shelter is a first step for men in crisis and the next step is to go to The Haven to begin to transition into housing. She stated that Bethel works closely with The Haven and Bethel already has a day shelter at Pathways.

Chair Crawford opened the floor for public comment.

Floree Hooper, 1108 Constitution Blvd, president of Boyd Hill Neigh Association, stated that she is unaware of any outreach to the neighbors about the application although they said they have spoken to the neighbors. She stated that no one has spoken to her about it as of yet. She stated that the neighborhood knows about the rules that The Haven has and would like to know if the shelter will be the operated the same way. Ms. Hooper asked how many people will be there, both men and women.

Ms. Kearse clarified that the City hasn't been contacted by anyone from the neighborhood in response to the public notification that was sent out.

Ms. Easler stated that the behavioral agreement for Life House Women's Shelter is included in the application. Clients are required to stay inside between 10 pm and 6 am but that may change to 10 pm to 7 am. She noted that there are consequences for any violations. No drugs, alcohol, or weapons are allowed, and they will house a maximum of 24-30 single women at a time at this location.

Ms. Sutton stated that Bethel will house no more than 30 men at one time. It would normally be ten to fifteen and they haven't had overflow fill up in the past. They require clients to sign a behavioral agreement and they do not allow any drugs, alcohol, or weapons. There are consequences if they break rules.

Chair Crawford asked if the rules are similar to those for The Haven. Ms. Sutton stated that Bethel's rules are somewhat different because they are an emergency shelter and guests will not be there for permanent residence. Ms. Sutton offered to provide a copy of the behavioral agreement to Ms. Hooper and others in the Boyd Hill Neighborhood Association.

Chair Crawford asked how many nights it would be used. Ms. Sutton stated they would open it for a week at a time for staffing purposes. They won't just open it for a night or two. They had 15 people for 2 weeks the last time overflow was used.

Ms. Brown asked if they have had any rules infractions that have resulted in the police being called. Ms. Sutton stated no and that they have a great relationship with the police department. They also have security on site with one security person per 30 men on the site.

Mr. Williams asked if either of the applicant organizations reached out to the neighborhood. Ms. Sutton stated that they did not, but Pathways is open to ongoing conversation with the neighborhood to keep the community safe and secure around the facility.

Mr. Hawthorne asked how many beds would be available for the men's shelter. Ms. Sutton stated they have 36 on site at Bethel, 30 overflow at the church, and this would be an additional 30 overflow here. They haven't needed that many beds in the past, but the community is growing, and we want to be able to accommodate those in need.

Floree Hooper asked how long people would stay there. Ms. Easler stated that it depends. This location can be a stepping-stone to another shelter, and it can be as short as one night or it may be two weeks or longer depending on availability of longer-term housing. Chair Crawford asked if people generally stay less than 90 days. Ms. Easler replied yes, it is shorter-term.

Mr. Sutton made a motion to approve the requests. The motion was seconded by Ms. Reeves.

Chair Crawford stated that the applicants have a history of well-run organizations.

Chair Crawford called for the vote and the motion was approved by a vote of 7-0.

Mr. Sutton presented the findings, noting compliance with the use specific standards, it is compatible with the location and the character of surrounding areas, the design minimizes adverse impact, there is no environmental impact, roads are adequate, it does not injure neighboring land or property values, a site plan has been prepared, and it complies with all other relevant laws and ordinances.

**9. Appeal Z-2022-13: Request by William Douglas for a special exception to establish a short-term rental use at 816 Saluda St, which is zoned Mixed Use Corridor (MUC). Tax map number 600-01-07-010.**

Shana Marshburn, Planner II, presented the staff report.

Mr. Hawthorne asked how the unpermitted driveway work was discovered. Ms. Marshburn stated that it was obvious that new concrete had been poured in the pictures submitted by the applicant.

Mr. Williams asked if there were something that would prohibit expansion of the driveway. Ms. Marshburn stated no.

Chair Crawford opened the floor to the applicant.

William Douglas, 5071 Gatsby Circle, stated that the driveway was poured when renovations were done to the house, and it was there at the time of the final inspection.

Mr. Williams asked Mr. Douglas if he has any issue expanding the driveway as recommended by staff. Mr. Douglas replied no, another space can be added going straight back.

Chair Crawford opened the floor for public comment and there was none.

Mr. Cullum noted that the renovations look good.

Mr. Williams made a motion to approve the application subject to addition of another parking space. The motion was seconded by Ms. Brown and was approved by a vote of 7-0.

Mr. Williams presented the findings, noting that the applicant agreed to follow all of the rules, the property is in a mixed-use area, and the additional parking space will fix the only deficiency.

**10. Other Business.**

- a. Ms. Kearse provided information about upcoming continuing education opportunities.
- b. Ms. Kearse introduced new staff member Bryman Suttle to the Board.
- c. Ms. Kearse provided information on the moratorium on short term rentals that was recently enacted by City Council as a pending ordinance.
- d. Mr. Cullum asked for an update on the treehouse case. Ms. Kearse stated that the structure has been moved to a location that could be approved at staff level with an administrative adjustment.

**11. Adjourn.**

There being no further business, Mr. Sutton made a motion to adjourn. The motion was seconded by Mr. Hawthorne and approved by a vote of 7-0. The meeting adjourned at 7:25 p.m.

DRAFT





## Zoning Board of Appeals Order

Z-2022-09

The Zoning Board of Appeals held a public hearing on Tuesday, February 15, 2022, to consider a **request by Cristal Silva with Hometown Host, LLC, for a special exception to establish a short-term rental use at 1086 Cherry Meadow Ln, which is zoned Multi-Family-15 (MF-15). Tax map number 631-26-01-019.**

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

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

1. The site may be identified as 1086 Cherry Meadow Ln.
2. The property owner is Skyline Homes, LLC.
3. This property is zoned Multi-Family-15 (MF-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:
  - January 28: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
  - January 28: Public Hearing notification signs posted on subject property.
  - January 28: 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:

Shana Marshburn, Planner II, presented the staff report.

Mr. Sutton referred to Section 1.A of the staff report and asked for clarification regarding whether there are covenants or not. Ms. Marshburn stated that there are restrictive covenants on the property, but the applicant stated that they do not prohibit the use and there is no HOA or Neighborhood Association in place to interpret them.

Mr. Williams noted that the host is not the owner and asked if staff is concerned about that. Ms. Marshburn stated that staff is not concerned because the host has the owner's permission to apply for the use and the host does not have to be the owner. Chair Crawford noted that there have been others that are operated this way.

Chair Crawford opened the floor to the applicant, and they were not present.

Chair Crawford opened the floor for public comment and there was none.

Appeal No. Z-2022-09

Cristal Silva

Special exception for a short-term rental use

Page 1 \_\_\_\_\_

Mr. Hawthorne asked if there is some way to verify that host has permission to use the property for a short-term rental in cases where the host is not the owner. Ms. Marshburn responded that the property owner signed the application.

Ms. Brown noted that the applicant’s address is a PO Box and asked how we know where they live in order to verify that they are within the required distance from the property. Ms. Marshburn stated that she called the applicant and verified that she lives within 15 miles of the property.

Ms. Reeves asked if the applicant operates other short-term rentals in the City. Ms. Marshburn responded that the applicant has not applied for any other locations in the City.

Ms. Brown made a motion to defer the request. The motion was seconded by Mr. Sutton.

Mr. Cullum stated that time was provided for the applicant to speak, and they chose not to be here. He added that the Board should vote on the application.

Ms. Reeves stated that she is concerned that no one can interpret the deed restrictions. Chair Crawford noted that the Board doesn’t interpret them.

Chair Crawford called for the vote and the motion to defer failed by a vote of zero in favor and seven opposed.

Mr. Sutton made a motion to approve the application and it was seconded by Ms. Reeves.

Mr. Hawthorne asked if the HOA is re-established and they interpret the covenants to prohibit the use, could the permit be revoked? Ms. Kearse stated that is correct.

Chair Crawford asked if the board is concerned that the applicant is not present. Ms. Reeves stated that she is concerned because the Board has questions that she would like answered. Mr. Williams agreed that due to the number of questions, he would like to get a response from applicant.

Chair Crawford called for the vote and the motion to approve failed by a vote of two in favor (Crawford and Hawthorne) and five opposed.

**THE BOARD, THEREFORE, ORDERS:**

**That the request by Cristal Silva with Hometown Host, LLC, for a special exception to establish a short-term rental use at 1086 Cherry Meadow Ln, is DENIED.**

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-2022-10

The Zoning Board of Appeals held a public hearing on Tuesday, February 15, 2022, to consider a **request by Michelle Barnes for a special exception to establish a vocational/trade school use at 1647 Cherry Rd, which is zoned General Commercial (GC). Tax map number 632-01-02-001.**

Board members in attendance included: Matt Crawford, Keith Sutton, Stacey Reeves, Rodney Cullum, Chad Williams, James Hawthorne, 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 1647 Cherry Road.
2. The property owner is Guy Properties, LLC.
3. This property is zoned General Commercial (GC).
4. The request was for a special exception to establish a vocational/trade school use.
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
  - January 28: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
  - January 28: Public Hearing notification signs posted on subject property.
  - January 28: 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:

Melody Kearse, Zoning Coordinator, presented the staff report.

Mr. Sutton asked if the driveway needs to be widened. Ms. Kearse replied that since the site is fully developed, no changes to the access are required.

Chair Crawford asked if there is an entrance from the back of the building or do people have to walk around to the front. Ms. Kearse stated that there is an entrance in the back.

Chair Crawford opened the floor to the applicant.

Michelle Barnes, 183 Harmon St (applicant), thanked the Board for hearing the request and stated that she enjoys seeing her students learn and go on to open their own businesses.

Mr. Hawthorne asked what is the maximum number of students that are anticipated. Ms.

Barnes stated that the maximum would be about twenty at any one time. She noted that she is planning to have morning and evening classes to break it up.

Mr. Sutton asked Ms. Barnes if this is her first school. Ms. Barnes stated that she has a salon and recently opened an events center, but this will be her first school. She noted that she has several family members who will also be instructors.

Chair Crawford opened the floor for public comment and there was none.

Mr. Sutton stated that this is great use for the building.

Mr. Cullum made a motion to approve the request. The motion was seconded by Mr. Sutton and was approved by a vote of 7-0.

Mr. Cullum presented the findings, noting that the use is compatible with the area, it will have no adverse impact, and there is adequate parking.

**THE BOARD, THEREFORE, ORDERS:**

**That the request by Michelle Barnes for a special exception to establish a vocational/trade school use at 1647 Cherry Rd, 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-2022-11

The Zoning Board of Appeals held a public hearing on Tuesday, February 15, 2022, to consider a **request by Jonathan Eric Setzer for a modification to an existing special exception to expand an RV and trailer sales use at 760 Riverview Rd, which is zoned General Commercial (GC). Tax map number 662-07-01-064.**

Board members in attendance included: Matt Crawford, Keith Sutton, Stacey Reeves, Rodney Cullum, Chad Williams, James Hawthorne, 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 760 Riverview Road.
2. The property owner is Setzer, LLC.
3. This property is zoned General Commercial (GC), Design Overlay District (DOD).
4. The request was for a modification to an existing special exception to expand an RV and trailer sales use.
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
  - January 28: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
  - January 28: Public Hearing notification signs posted on subject property.
  - January 28: 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:

Shana Marshburn, Planner II, presented the staff report.

Mr. Sutton asked why the previous conditions of approval need to be re-stated if they are already in place. Ms. Marshburn stated that it needs to be clear that all of the previous conditions still apply.

Mr. Hawthorne asked what the neighbor who was initially opposed to the application was concerned about. Ms. Marshburn stated that they were concerned about the appearance, but they have been assured by the applicant that the site will be well-maintained.

Chair Crawford asked if the parking along Riverview Road could be only for cars with the row behind it for RVs, noting that not many RVs are less than 19' long and they would fit better in

double-rows. Ms. Marshburn noted that the Board could make that a condition of approval if they feel it is necessary.

Chair Crawford opened the floor to the applicant.

Dr. Jonathan Eric Setzer, 2980 Lake Wylie Drive (applicant), stated that he is agreeable to the parking arrangement proposed by Mr. Crawford. He stated that he has a new business partner and the person that previously operated the auto sales business on the site is no longer involved.

Mr. Hawthorne asked what the area shaded pink on the site plan is used for now. Mr. Setzer stated that there are some cars on areas shaded pink and yellow and there are a few cars on the front row. The cars are parked so they're easier to walk around and they do not fill up the whole lot with cars for sale.

Mr. Hawthorne asked Mr. Setzer if he is concerned about amount of customer parking available. Mr. Setzer stated that they have 130 spaces, and the parking lot will only be one-half to three-quarters full of inventory so there will be plenty of spaces for customers.

Mr. Cullum asked if the use will be for regular auto sales or auctions. Mr. Setzer stated that they started with both uses, but they have not done an auction in four to five months. He stated that they may start them back at some point, but they only had twenty to thirty people there each time auctions were done and only sold thirty to forty cars.

Ms. Reeves asked if they will be doing any RV repair. Mr. Setzer stated that they may do some minor repair or modifications but nothing major. The RVs will be taken to a shop somewhere else to have repair work done.

Chair Crawford opened the floor for public comment and there was none.

Mr. Williams made a motion to approve the request with all existing conditions remaining and with the restriction of the front row of parking for cars and the area shaded yellow on the site plan for RV's. The motion was seconded by Mr. Sutton and was approved by a vote of 7-0.

Mr. Williams presented the findings, noting that they have no problem meeting the conditions and that the use fits in as long as it is kept clean, and it is not much different than what has already been approved.

**THE BOARD, THEREFORE, ORDERS:**

**That the request by Jonathan Eric Setzer for a modification to an existing special exception to expand an RV and trailer sales use at 760 Riverview Rd, is APPROVED WITH CONDITIONS.**

- **Conditions:** The original conditions under case Z-2021-11 still apply, with the restriction of the front row of parking for cars and the area shaded yellow on the site plan for RV's.

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-2022-12

The Zoning Board of Appeals held a public hearing on Tuesday, February 15, 2022, to consider a **request by The Life House Women's Shelter and Bethel Men's Shelter for a special exception to establish a Group Home, Type B, use and a reduction in the required separation at 546 S. Cherry Rd, which is zoned Limited Commercial (LC). Tax map number 598-07-01-002.**

Board members in attendance included: Matt Crawford, Keith Sutton, Stacey Reeves, Rodney Cullum, Chad Williams, James Hawthorne, 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 546 Cherry Road.
2. The property owner is Pathways Community Center, Inc.
3. This property is zoned Limited Commercial (LC)
4. The request was for a special exception to establish a Group Home, Type B, use and a reduction in the required separation.
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
  - January 28: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
  - January 28: Public Hearing notification signs posted on subject property.
  - January 28: 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:

Melody Kearse, Zoning Coordinator, presented the staff report.

Mr. Williams asked if the Haven is a Type A or B group home. Ms. Kearse responded that she believes it is a Type B.

Ms. Brown asked what life safety improvements will be required. Ms. Kearse stated that sprinklers will be required in areas where people sleep.

Chair Crawford opened the floor to the applicant.

Alexandra Greenawalt, 12506 Atkins Circle Dr, Charlotte, NC (Pathways); Kristen Easler, 4625



Silk Tree Lane (Life House Women's Shelter); Emily Sutton, 1087 Mallard Dr (Bethel United Methodist Church); and Richard Murr, 1317 Winthrop Drive (Bethel Men's Shelter); were available for questions.

Chair Crawford asked if churches are still used for overflow. Ms. Sutton answered yes, and this location would be a place for people to go if the 66 beds provided by the churches are all full. The emergency shelters at the churches have normally only been used during winter but there has been more need for them during the pandemic.

Mr. Cullum asked if this proposal is in coordination with the Haven. Ms. Sutton stated that the Bethel Men's Shelter is a first step for men in crisis and the next step is to go to The Haven to begin to transition into housing. She stated that Bethel works closely with The Haven and Bethel already has a day shelter at Pathways.

Chair Crawford opened the floor for public comment.

Floree Hooper, 1108 Constitution Blvd, president of Boyd Hill Neigh Association, stated that she is unaware of any outreach to the neighbors about the application although they said they have spoken to the neighbors. She stated that no one has spoken to her about it as of yet. She stated that the neighborhood knows about the rules that The Haven has and would like to know if the shelter will be the operated the same way. Ms. Hooper asked how many people will be there, both men and women.

Ms. Kearse clarified that the City hasn't been contacted by anyone from the neighborhood in response to the public notification that was sent out.

Ms. Easler stated that the behavioral agreement for Life House Women's Shelter is included in the application. Clients are required to stay inside between 10 pm and 6 am but that may change to 10 pm to 7 am. She noted that there are consequences for any violations. No drugs, alcohol, or weapons are allowed, and they will house a maximum of 24-30 single women at a time at this location.

Ms. Sutton stated that Bethel will house no more than 30 men at one time. It would normally be ten to fifteen and they haven't had overflow fill up in the past. They require clients to sign a behavioral agreement and they do not allow any drugs, alcohol, or weapons. There are consequences if they break rules.

Chair Crawford asked if the rules are similar to those for The Haven. Ms. Sutton stated that Bethel's rules are somewhat different because they are an emergency shelter and guests will not be there for permanent residence. Ms. Sutton offered to provide a copy of the behavioral agreement to Ms. Hooper and others in the Boyd Hill Neighborhood Association.

Chair Crawford asked how many nights it would it be used. Ms. Sutton stated they would open it for a week at a time for staffing purposes. They won't just open it for a night or two. They had 15 people for 2 weeks the last time overflow was used.

Ms. Brown asked if they have had any rules infractions that have resulted in the police being called. Ms. Sutton stated no and that they have a great relationship with the police department. They also have security on site with one security person per 30 men on the site.

Mr. Williams asked if either of the applicant organizations reached out to the neighborhood. Ms. Sutton stated that they did not, but Pathways is open to ongoing conversation with the neighborhood to keep the community safe and secure around the facility.

Mr. Hawthorne asked how many beds would be available for the men’s shelter. Ms. Sutton stated they have 36 on site at Bethel, 30 overflow at the church, and this would be an additional 30 overflow here. They haven’t needed that many beds in the past, but the community is growing, and we want to be able to accommodate those in need.

Floree Hooper asked how long people would stay there. Ms. Easler stated that it depends. This location can be a stepping-stone to another shelter, and it can be as short as one night or it may be two weeks or longer depending on availability of longer-term housing. Chair Crawford asked if people generally stay less than 90 days. Ms. Easler replied yes, it is shorter-term.

Mr. Sutton made a motion to approve the requests. The motion was seconded by Ms. Reeves.

Chair Crawford stated that the applicants have a history of well-run organizations.

Chair Crawford called for the vote and the motion was approved by a vote of 7-0.

Mr. Sutton presented the findings, noting compliance with the use specific standards, it is compatible with the location and the character of surrounding areas, the design minimizes adverse impact, there is no environmental impact, roads are adequate, it does not injure neighboring land or property values, a site plan has been prepared, and it complies with all other relevant laws and ordinances.

**THE BOARD, THEREFORE, ORDERS:**

**That the request by The Life House Women’s Shelter and Bethel Men’s Shelter for a special exception to establish a Group Home, Type B, use and a reduction in the required separation at 546 S. Cherry Rd, 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-2022-13

The Zoning Board of Appeals held a public hearing on Tuesday, February 15, 2022, to consider a **request by William Douglas for a special exception to establish a short-term rental use at 816 Saluda St, which is zoned Mixed Use Corridor (MUC). Tax map number 600-01-07-010.**

Board members in attendance included: Matt Crawford, Keith Sutton, Stacey Reeves, Rodney Cullum, Chad Williams, James Hawthorne, 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 816 Saluda Street.
2. The property owner is D Squared Services, LLC.
3. This property is zoned Mixed Use Corridor (MUC)
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:
  - January 28: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
  - January 28: Public Hearing notification signs posted on subject property.
  - January 28: 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:

Shana Marshburn, Planner II, presented the staff report.

Mr. Hawthorne asked how the unpermitted driveway work was discovered. Ms. Marshburn stated that it was obvious that new concrete had been poured in the pictures submitted by the applicant.

Mr. Williams asked if there were something that would prohibit expansion of the driveway. Ms. Marshburn stated no.

Chair Crawford opened the floor to the applicant.

William Douglas, 5071 Gatsby Circle, stated that the driveway was poured when renovations were done to the house, and it was there at the time of the final inspection.

Mr. Williams asked Mr. Douglas if he has any issue expanding the driveway as recommended by staff. Mr. Douglas replied no, another space can be added going straight back.

Chair Crawford opened the floor for public comment and there was none.

Mr. Cullum noted that the renovations look good.

Mr. Williams made a motion to approve the application subject to addition of another parking space. The motion was seconded by Ms. Brown and was approved by a vote of 7-0.

Mr. Williams presented the findings, noting that the applicant agreed to follow all of the rules, the property is in a mixed-use area, and the additional parking space will fix the only deficiency.

**THE BOARD, THEREFORE, ORDERS:**

**That the request by William Douglas for a special exception to establish a short-term rental use at 816 Saluda St, is APPROVED WITH CONDITIONS.**

- **Conditions:** Applicant must add an additional parking space in concrete.

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: \_\_\_\_\_

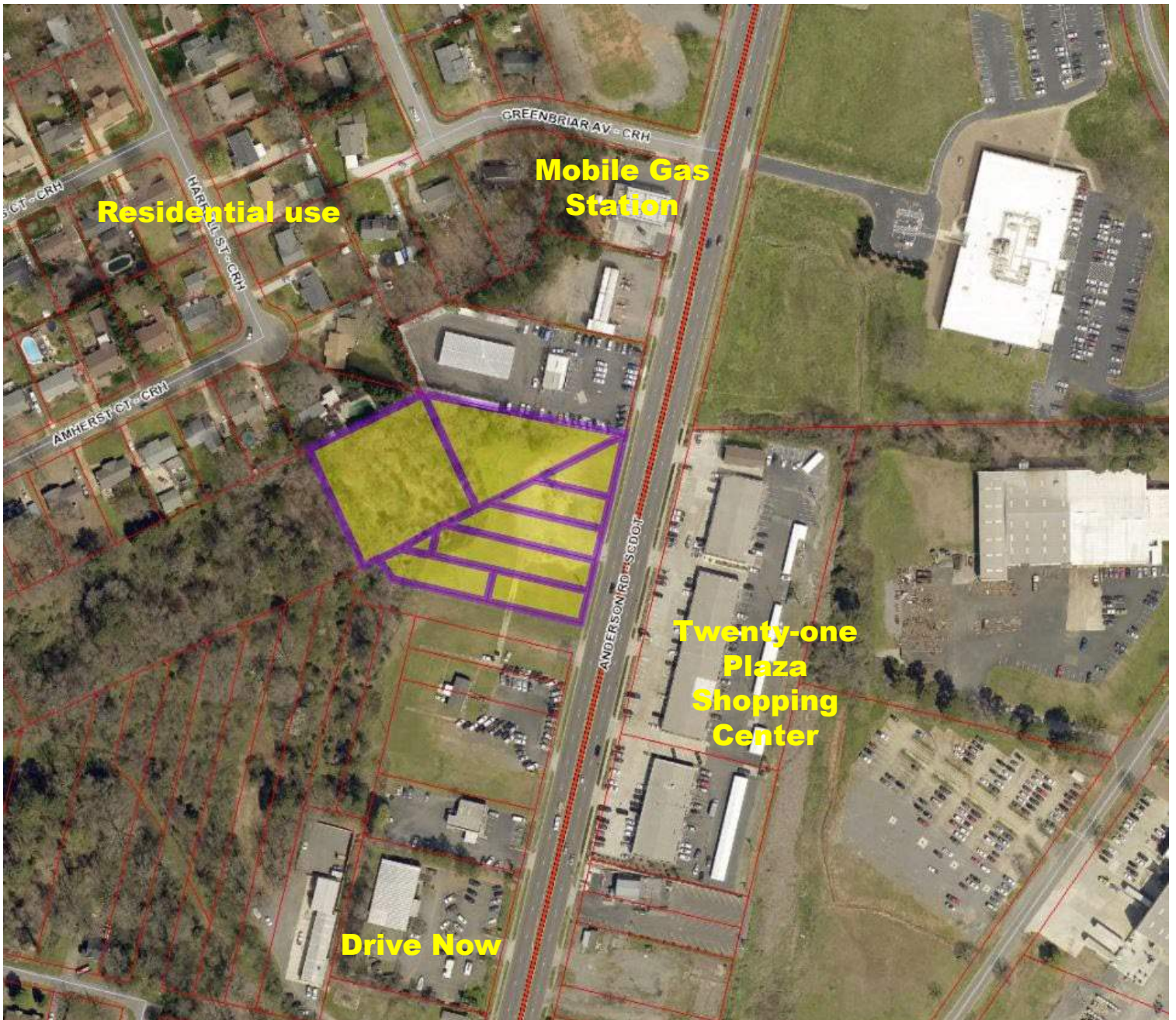
**Z-2022-14**

**Requests:** Request for a special exception to establish an automobile sales use.

**Address:** 611, 633-647 N. Anderson Rd

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

**Applicant:** Emad Fahmy





**Request:** Special exception to establish an automobile sales use.

**Address:** 611, 633-647 N. Anderson Rd.

**Tax Map No.:** 630-04-05-001 thru -007, 632-09-02-005 & -006, and part of a right of-way to be abandoned.

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

**Applicant:** Emad Fahmy with Drive Now  
 2078 Durand Rd  
 Fort Mill, SC 29715

**Property Owner:** Robert Hurst  
 PO Box 492  
 Denver, NC 28037

**Background**

The applicant is seeking to establish an automobile sales use. The property is zoned General Commercial (GC), which allows automobile sales uses only through special exception approval by the Zoning Board of Appeals. The property will ultimately be a multi-tenant site, but a significant portion of the site will be dedicated to automobile sales as shown on the applicant’s sketch plan.

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

**Site Description**

The site is located on the west side of Anderson Road, just north of Langston St and south of Greenbriar Ave. It is surrounded by multiple automobile sales uses and it is across from the Twenty-one Plaza shopping center.

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

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### **Analysis of Request for Special Exception**

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

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

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

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

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

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

None are proposed.

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

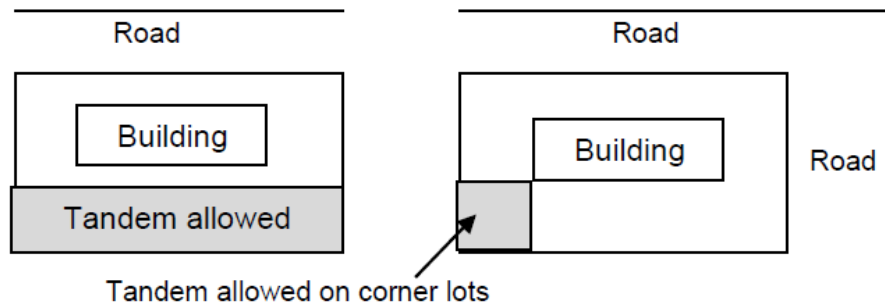
No other materials would be sold in this area of the site.

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

The business has agreed to not test drive vehicles on residential streets.

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

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



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

The applicant is aware that all parking spaces will have to meet the current design standards. The applicant's sketch does not propose any tandem or valet spaces.

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

The applicant agrees to the size requirements for vehicle signage.

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

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

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

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

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



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

The site design would have to meet all of the standards of the current zoning ordinance and the Design Overlay district standards would also apply. This includes all building design, parking (surfacing, layout, and landscaping) and all stormwater features. The applicant's sketch is a working document that will slightly change with some of staff's comments but will generally be laid out similar to what is being shown. Major changes would need to come before the Board for modification.

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

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

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

The site design would have to meet all of the standards of the current zoning ordinance, and the Design Overlay district standards would also apply. Staff has given conditional approval to the current sketch, since minor changes will be needed to address staff's comments.

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.*

Staff will review the design to ensure compliance with all applicable ordinances and will monitor the site for compliance with routine inspections.

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

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

6. ***Not Injure Neighboring Land or Property Values:*** *The proposed use will not substantially and permanently injure the use of neighboring land for those uses that*

*are permitted in the zoning district or reduce property values in a demonstrative manner.*

So long as the site is kept clean and attractive, the proposed use is not anticipated to reduce property values. A wide variety of commercial uses exist in the area, including other automobile-related uses. Staff has also not heard from any neighboring property owners or tenants with concerns about the proposed use.

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

A site sketch plan has been submitted and is attached to this report. Some slight changes will be required to meet all of the standards. Staff is asking that these changes are added as conditions of granting this request.

- 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 comply with all other relevant laws and ordinances.

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## **Public Input**

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

- February 25: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- February 25: Posted public hearing signs on subject property.
- February 25: Advertised the Zoning Board of Appeals public hearing in *The Herald*.
- Information about the request was posted on the City's website.

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

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## **Staff Recommendation**

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

- The proposed location of the use is compatible with the surrounding use and is in line with the 2030 Comprehensive Land Use Plan.
- The site will be designed to the current development standards including the Design Overlay district standards which will be a nice addition to this area of N. Anderson Road.
- Staff has not heard from any neighboring property owners or tenants with objections to or concerns about the proposed use.

Staff recommends adding the following as conditions to ensure that the applicant's site meets the required standards:

- 1) Since this property part of the Design Overlay District (DOD), all commercial buildings are required to have 4-sided building articulation/architecture with a minimum 2-foot projection on all sides of the building. This may alter the layout slightly.
- 2) The buildings will require foundation landscaping, so the parking/driveways must be a minimum of 10 feet from any parking areas to allow for 5-foot planter and 5-foot sidewalk minimum.
- 3) The landscaping islands on the plan left (south) side has an 8-foot landscaping median extending past the building, which makes the drive aisle not line up across the main entrance drive. The landscaping area should be removed, except where required adjacent to the building wall.
- 4) The DOD standards require a hedge or wall to be shown on both sides of the entrance drive for multi-tenant sites.

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### **Attachments**

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

### **Staff Contact:**

Melody Kearse, Zoning Coordinator

803.329.7088

[melody.kearse@cityofrockhill.com](mailto:melody.kearse@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: 639 N Anderson rd, 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
Drive Now by Emerald Feby	2078 Durand rd Fort Mill SC 29715	(803) 504 862	hamees924@yahoo.com

Are you the owner of the subject property?  Yes  No

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

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: *Emerald Feby* for Drive Now Date: 2/8/2022

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

Name of property owner: <u>Robert W Hurst</u>	
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: <u><i>Robert W Hurst</i></u>	Date: _____
Preferred phone number: <u>704 763 5665</u>	Email address: <u>jhurst987@att.net</u>
Mailing address: <u>PO Box 492, Denver, NC 28037</u>	

## INFORMATION ABOUT REQUEST

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

Car Lot

### 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.)

Since this site will be a newly developed site + building, we will meet all of the current use-specific standards as part of the process to secure a Building Permit.

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

This site is located along the Anderson Road corridor, which is home to a number of existing car lots, and this one will be among the most attractive and well designed.

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

Since this is a new development, we will work with City Staff to ensure that we minimize adverse impacts on surrounding properties.

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

THIS PROJECT WOULD IMPROVE EXISTING STORM WATER SINCE EXISTING SITE IS 90% GRADED FOR THIS PROPOSED USE, & THIS PROJECT WILL INSTALL STORM WATER, DETENTION POND & LANDSCAPING.

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

SITE HAS EXISTING DRIVEWAY ENTRANCE & THE USE FOR USED AUTO SALES IS A MINIMUM TRAFFIC FACILITY. The Anderson Road corridor can handle the traffic from this type of use with no issues or problems.

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

I SEE NO ADVERSE IMPACT ON ANY PROPERTY "ADJACENT TO" OR ANYWHERE ON ANDERSON RD. THE SITE IS A CLEARED VACANT LOT & DEVELOPED WILL BE AN ATTRACTIVE WELL LANDSCAPED SITE, EQUAL TO OR BETTER THAN SURROUNDING DEVELOPED SITES.

**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

PHOTOS OF 837 N. ANDERSON CAR SALES

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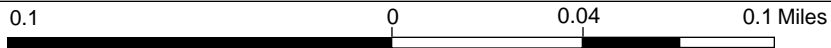
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Legend

- Address
- ▲ Occupied
- ▲ Meter
- ▲ Vacant

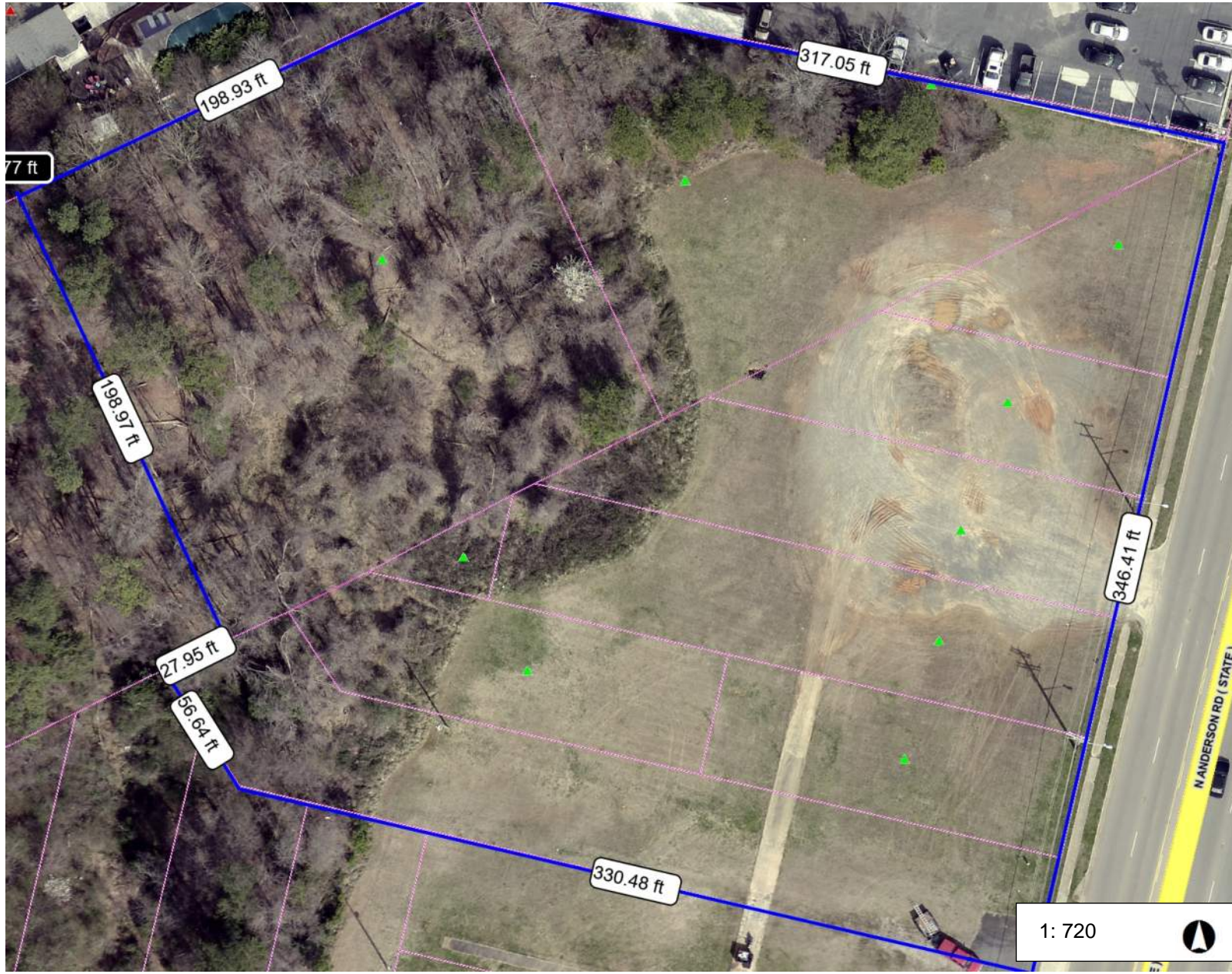
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Notes

Enter Map Description





**Legend**

- Address
- ▲ Occupied
- ▲ Meter
- ▲ Vacant

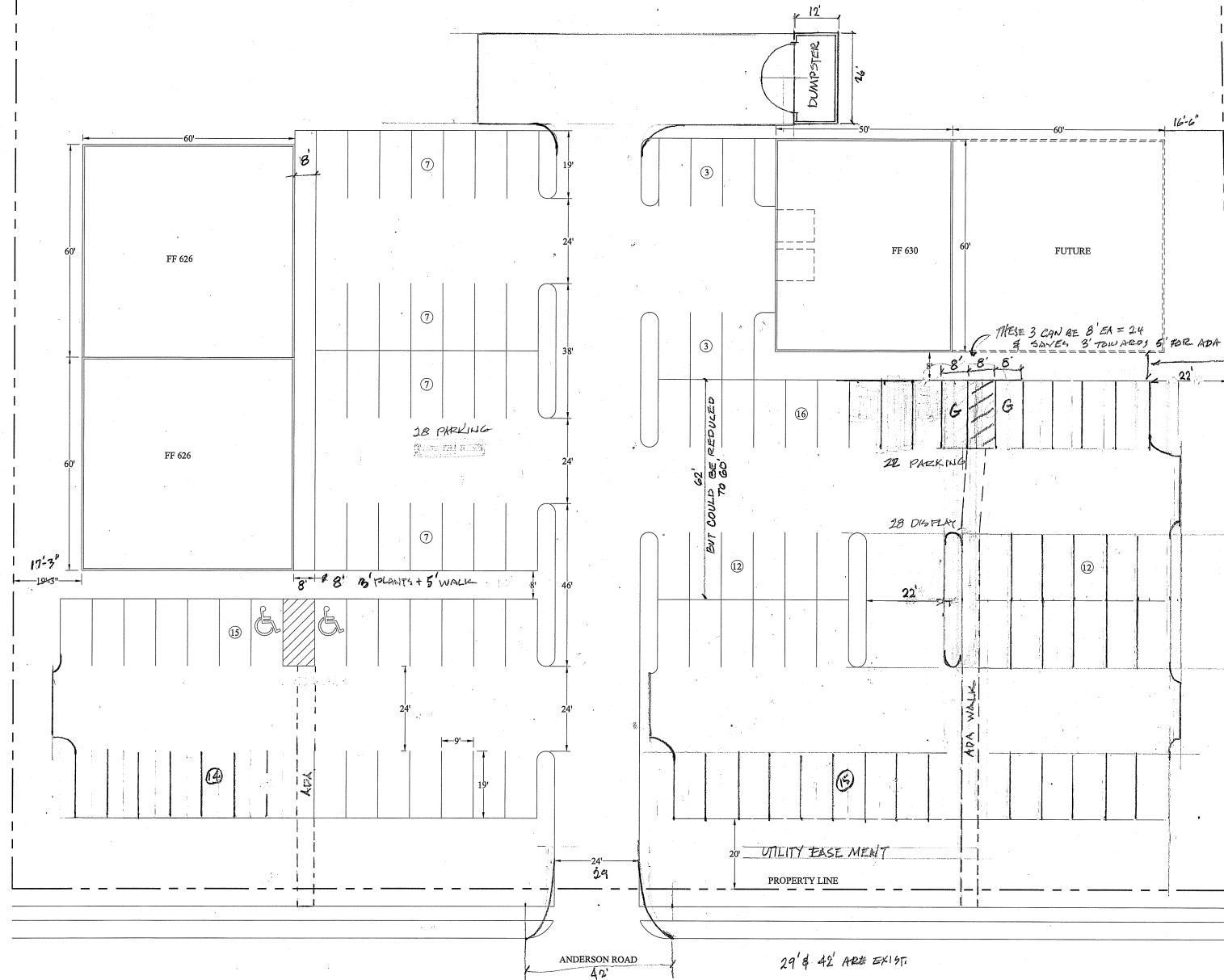
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**Notes**

Enter Map Description



NO.	DATE	REVISION	BY

**apple free**  
 1324 BLACK HILL STREET  
 ROCK HILL, SC 29730  
**contractors**

CONSULTANT INFORMATION  
 PROJECT MANAGER: BAXTER SIMPSON  
 DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 FILE NAME: \_\_\_\_\_  
 PROJECT NO.: \_\_\_\_\_

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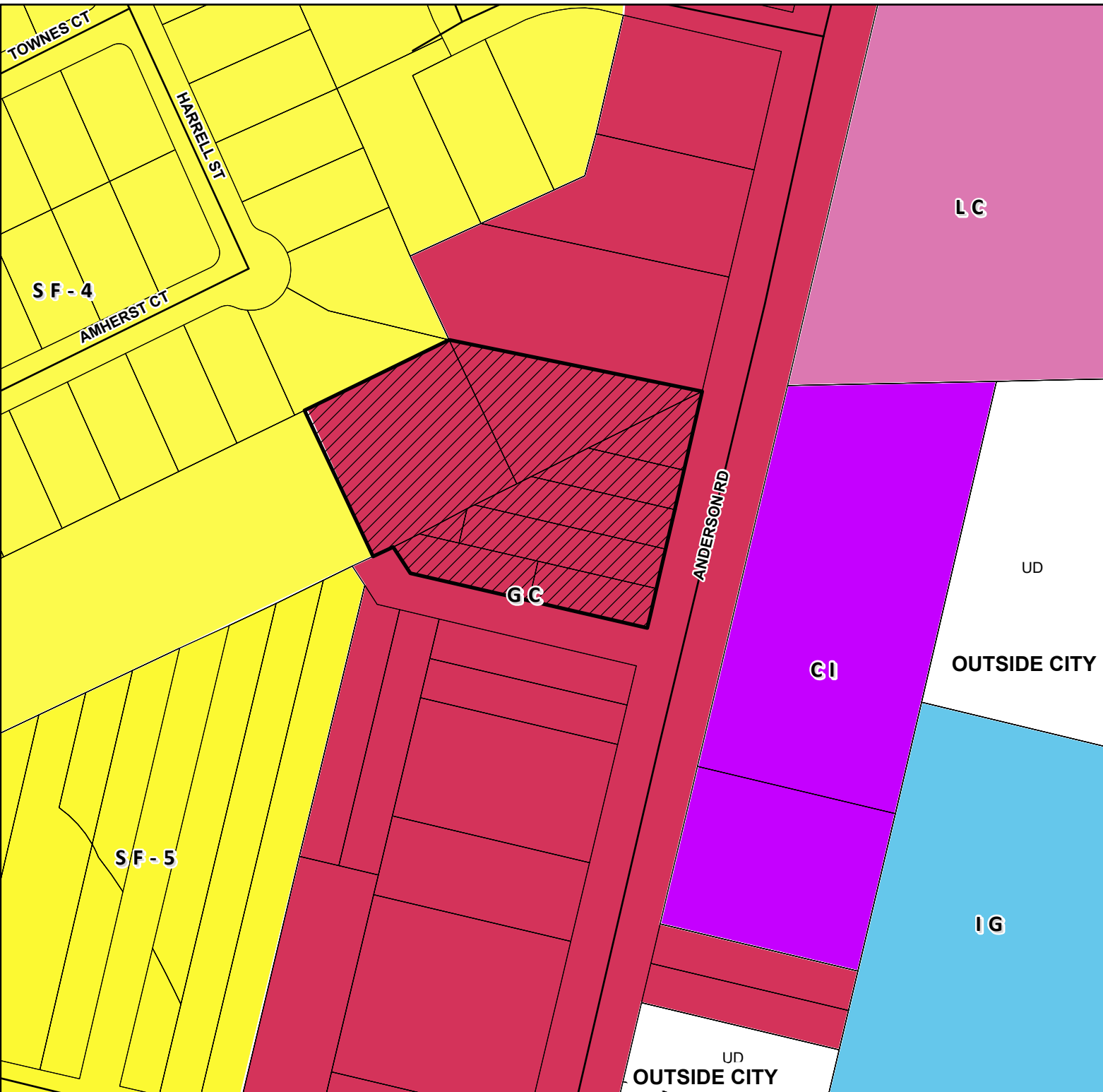
PROJECT INFORMATION

PROJECT: PROPOSED PARKING CAR LOT ANDERSON ROAD ROCK HILL, SC  
 SHEET TITLE: PARKING LAYOUT

DATE OF ISSUE: \_\_\_\_\_  
 SHEET: **S-1**







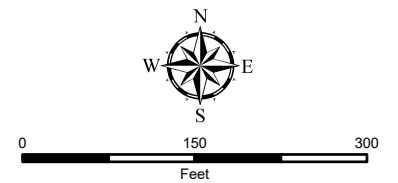
**Z-2022-14**

Subject Property

**Zoning Districts**

- Commercial Industrial
- General Commercial (GC)
- Industry General (IG)
- Limited Commercial (LC)
- Single-Family 4 (SF-4)
- Single-Family 5 (SF-5)

**Zoning Data**  
**Current Zoning**  
**GC**



Planning & Development  
Department  
City of Rock Hill  
03/15/2022



**Z-2022-15**

**Request:** Variance from the secondary front setback for a 6-foot solid fence

**Address:** 1698 Hardy Drive

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

**Applicant/Owner:** George Riano





**Location:** 1698 Hardy Drive

**Request:** Variance from the secondary front setback for a 6-foot solid fence

**Tax Map Number:** 636-11-01-111

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

**Owner/ Applicant:** George Riano  
1698 Hardy Drive  
Rock Hill, SC 29732

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### **Background**

The applicant purchased the property in March of 2021 and would like to install a 6-foot wooden privacy fence to ensure the safety and security of their dog while in the rear yard.

The lot is adjacent to undeveloped right-of-way which is reserved for the future continuation of Bristol Parkway. Although the street itself is not present, the lot is still considered a corner lot, whereas the Zoning Ordinance considers it as having two front yards, and the fence setback standards apply along both road frontages. The Zoning Ordinance further specifies that the required setback for fence and walls on the secondary front is half the distance of the front yard, or 10 feet, whichever is less. In this case, the required setback for the proposed fence is 10 feet from the secondary front property line. Because the applicant is proposing to place the fence 5 feet away from the secondary front property line, a variance of 5 feet is needed.

### **Site Description**

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The property is located on Hardy Drive in the Bristol Park single-family subdivision, north of Celanese Road and east of Mt. Gallant Road. Nearby uses include other single-family residences located in the Bristol Park neighborhood. To the north of the site is the Prescott Glen Master Plan development that was approved in 2014. Prescott Glen is proposed to be a mixed-use development and would include single-family detached, single-family attached, and commercial uses. Other nearby residential uses are zoned Multi Family-15 (MF-15).

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

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



## **Analysis of Request for Variance**

### **Required Findings of Fact**

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

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

#### **1. *Extraordinary and Exceptional Conditions***

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

The subject property is located on a corner, so the Zoning Ordinance does not allow it to have a six-foot privacy fence encompassing its entire rear yard the way that it allows interior lots to have. In addition, the secondary front yard is not adjacent to a street, as the right-of-way is currently undeveloped and being used by the neighborhood as a common open space area. Moreover, the approved Master Plan development to the north of the site does not include a road connection to this right-of-way.

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

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

This lot is unique in that the secondary front yard abuts a right-of-way that is not developed with a street. This condition is only shared with the lot that is on the same side of Hardy Drive, but on the other side the right-of-way.

#### **3. *Strict Application Deprives Use***

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

If the variance were not granted, the applicant would still be able to have a fence along the property line at the secondary street so long as it does not exceed 4 feet and is at least 50% opaque. However, this type of fence would fail to address the applicant's stated security concerns.

#### **4. *Not Detrimental***

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

If the variance is granted, the property would still be used as a residence. Furthermore, the right-of-way is currently not developed with a street and if the property to the north develops as proposed, the street would not be built. In that situation, the right-of-way would remain undeveloped; or, it could be petitioned to be abandoned, at which point, each property owner may receive half of the former right-of-way, if it wishes to do so. Additionally, the fence encroaches into a 10-foot City public utility easement, however, the City has approved the encroachment. Lastly, staff heard from one nearby property owner, who only wanted more information regarding the request.

### **Not Grounds for Variance**

Variance requests cannot be based on the ability of the land to be used more profitably if the requests are granted. In this case, the granting of the variance request related to the fence would not make the use more profitable.

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### **Public Input**

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

- February 25: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- February 25: Posted public hearing signs on subject property.
- February 25: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff has heard from one nearby property owner requesting more information.

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### **Staff Recommendation**

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

**Finding No. 1:** The subject property is located on a corner, so the Zoning Ordinance does not allow it to have a six-foot privacy fence encompassing its entire rear yard like an interior lot. In addition, the secondary front yard is not adjacent to an actual street, as the right-of-way is currently undeveloped and being used by the neighborhood as a common open space area. Moreover, the approved Master Plan development to the north of the site does not include a connection to this right-of-way.

**Finding No. 2:** The unique condition of the secondary yard fronting a right-of-way that is not developed with an actual street, is only shared with the lot that is on the same side of Hardy Drive, but on the other side of the right-of-way.

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

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

Additionally, the right-of-way is not developed with an actual street and will not be so long as the property to the north develops as proposed.

Finally, staff has not heard from any neighbors with concerns regarding the request.

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**Attachments**

- Application and supporting materials
- Zoning map

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**Staff Contact:**

Shana Marshburn, Planner II

803.326.2456

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

# VARIANCE APPLICATION

Plan Tracking # \_\_\_\_\_ 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: 1698 Hardy Drive, Rock Hill, SC 29732

Tax parcel number of subject property: 636-11-01-111

### 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: HOA Reviewed.

## APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
George Riano	1698 Hardy Dr Rock Hill SC 29732	803-552-5120	George.Riano@gmail.com

Are you the owner of the subject property?  Yes  No

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

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

Signature: [Signature] Date: 2-13-22

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

Name of property owner: \_\_\_\_\_

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

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

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

Preferred phone number: \_\_\_\_\_ Email address: \_\_\_\_\_

Mailing address: \_\_\_\_\_

## INFORMATION ABOUT REQUEST

### General description of your request

Install a privacy fence and request a five (5) foot setback variance due to property located on a corner lot. The road is not developed and the community uses it as a play area. It has been landscaped and the community takes care of the lawn. Privacy fence is six feet in height

### 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.

Small lots. The lot has ROW on 3 sides.

If lot is used in the future for a road, the fence would not create a sight issue.

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

Fences are approved throughout the neighborhood. This lot is unique based on the utility Right of Way, the corner lot requirement that may not ever become a connection in the future. Active use in the Right of Way is unusual compared to neighbors property conditions.

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

Would diminish usable yard area for a fenced in area for pets and children.

Have a large breed dog that needs adequate space.

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

An encroachment review has been approved from utilities for the side and rear areas. No harm to other properties should be experienced. Other fences are located on rear areas and on same block.

#### 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 - adjacent Row

Encroachment Permit

Fence Description (LOAES)

HOA Approval

Plan Review Comments -

APPLICATION FOR ENCROACHMENT ON CITY RIGHT- OF- WAY  
\$25 plan review fee

Plans should be submitted to the Permit Application Center (PAC) at the address above and will be routed to the appropriate City departments for review. Plan review may take up to 10 business days. Plans may be submitted for review the following ways:

- **Electronically** - Electronic plan submission is required and allows for a faster plan review. Please combine all drawing sheets into one .pdf file and add bookmarks listing the sheet number to each page. Submit plans using the following:
  - Via Online Services website at [www.cityofrockhill.com/onlineservices](http://www.cityofrockhill.com/onlineservices), use Create Project option.
  - Via Sharefile (contact us for login info)
- **Paper** - Plans may be mailed or hand delivered to the address above. Four paper copies are needed.

**Applicant Information**

Name: George Riano  
Address: 1698 Hardy Rd.  
Phone: 803 552 5170 Fax: \_\_\_\_\_ Email: GEORGE.RIANO@gmail.com  
Project Name: Fence - Privacy 6'  
Road Name or Tax Parcel No. (for Utility Right-of-Way): \_\_\_\_\_

The undersigned applicant hereby applies to the City of Rock Hill, Planning and Development Department for a permit for encroachment on City Right-of-Way as shown and described below:

1. **Type of Encroachment:** Approximately 5' in the 10' utility easement  
Approximately 8' in the Public Drainage easement
2. **Description of location with reference to road:**  
Future Road  
Rear of property.

3. **City Right-of-Way being encroached (check all that apply):**

- Road Right-of-Way:** Attach sketch indicating roadway features such as: pavement width, shoulder width, sidewalk and curb and gutter location, significant drainage structure, north arrow, right of way width, and location of the proposed encroachment with respect to the roadway centerline and the nearest intersecting road.
- Utility Right-of-Way:** Attach sketch indicating utility Right-of-Way features such as: type of Utility(ies) within the Right-of-Way, location of proposed and existing utility(ies) [ i.e., underground/overhead, distance from edge of Right-of-Way, depth of bury, minimum vertical clearances for overhead wires], size and material of buried structures, above-ground structures, method of installation, north arrow, scale, Right-of-Way width, and location of the proposed encroachment with respect to the nearest street centerline and its nearest intersecting street. Sketch should show distances from any proposed buildings or fences to City poles, pad mounted equipment, and located underground utility lines. South Carolina 811 or 888-721-7877 to locate utilities.

The undersigned applicant hereby requests the City of Rock Hill to permit encroachment on the City Right-of-Way as described herein. It is expressly understood that the encroachment, if and when constructed, shall be installed in accordance with the sketch attached hereto and made part hereof.

The applicant agrees to comply with and be bound by all general provisions and special provisions below or attached hereto during the installation, operation and maintenance of said encroachment within the City of Rock Hill.

The applicant hereby further agrees, and binds his heirs, successors, assigns, to assume any and all liability the City might otherwise have in connection with accidents or injuries to persons, or damage to property, including the road, that may be caused by the construction, maintenance, use moving or removing, of the physical appurtenances contemplated herein and agrees to indemnify the City of Rock Hill for the liability incurred or injury or damage sustained by reason of the past, present, or future existence of said appurtenances.

Applicant Signature: [Signature] Date Requested: 1-24-2022  
Applicant Printed Name and Title: George Riano NPDES Permit No.: \_\_\_\_\_

**For Office Use Only**

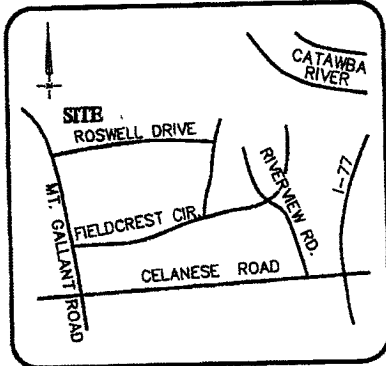
In compliance with your request and subject to all the provisions, terms, conditions, and restrictions stated in the application, general provisions and special provisions below or attached hereto, the City of Rock Hill approves the request. This permit shall become null and void unless the work contemplated herein shall have been completed prior to \_\_\_\_\_.

SPECIAL PROVISION(S): \_\_\_\_\_

CONTACT THE INFRASTRUCTURE DIVISION, PLANNING AND DEVELOPMENT DEPARTMENT UPON PROJECT COMPLETION. An inspection of the disturbed area will be performed to verify reclamation is complete.

City Representative : Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO ENCROACHMENTS, PROJECTIONS, OR SETBACKS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN.



VICINITY MAP  
Not To Scale

SIGNED \_\_\_\_\_

**EASTOVER ENGINEERING & SURVEYING, INC.**  
ROBERT L. ARRINGTON, S.C. PLS L-19889  
600 SUITE 305 TOWNE CENTRE BOULEVARD  
PINEVILLE, N.C. 28134  
PHONE (704) 889-5017  
FAX (704) 889-5022

**LEGEND**

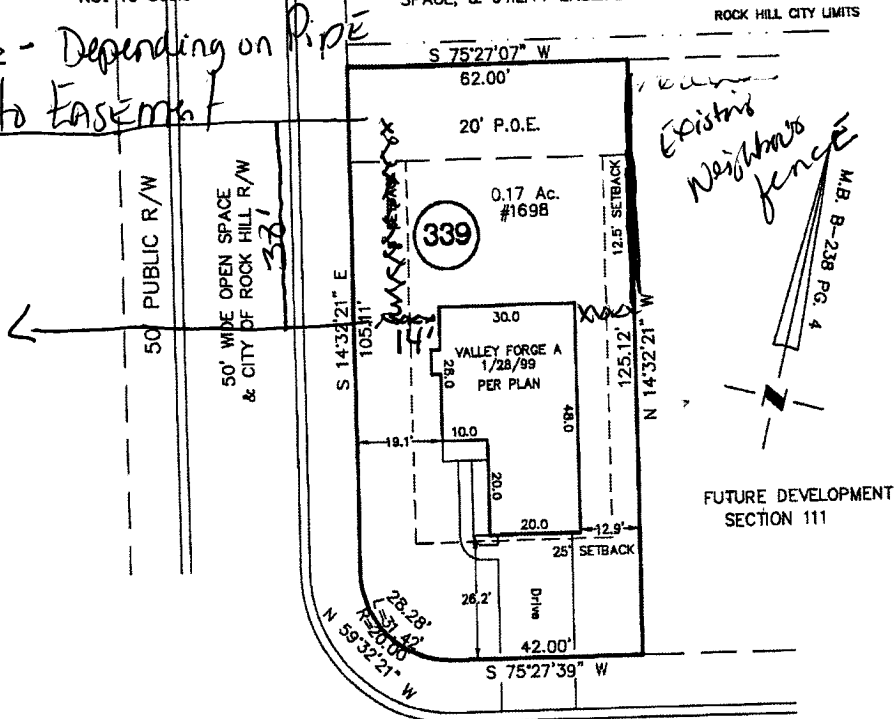
- E.I.P. EXISTING IRON PIN
- E.C.M. EXISTING CONCRETE MONUMENT
- S.I.P. RE-SET IRON PIN
- P.D.E. PUBLIC DRAINAGE EASEMENT
- CLOSURE EXCEEDS 1 INCH IN 10,000'
- PROPERTY LINE
- ADJOINER PROPERTY LINE BY DEED OR PLAT

60' WIDE BUFFER, OPEN SPACE, & UTILITY EASEMENT

ROCK HILL CITY LIMITS

*Seeking 8' + or - Depending on Pipe encroachment into Easement*

*14'*  
*Seeking Encroachment of 5' in the Utility Row*



**HARDY DRIVE**

50' PUBLIC R/W

GRAPHIC SCALE



SCALE: 1" = 30'

DATE: MARCH 5, 2001

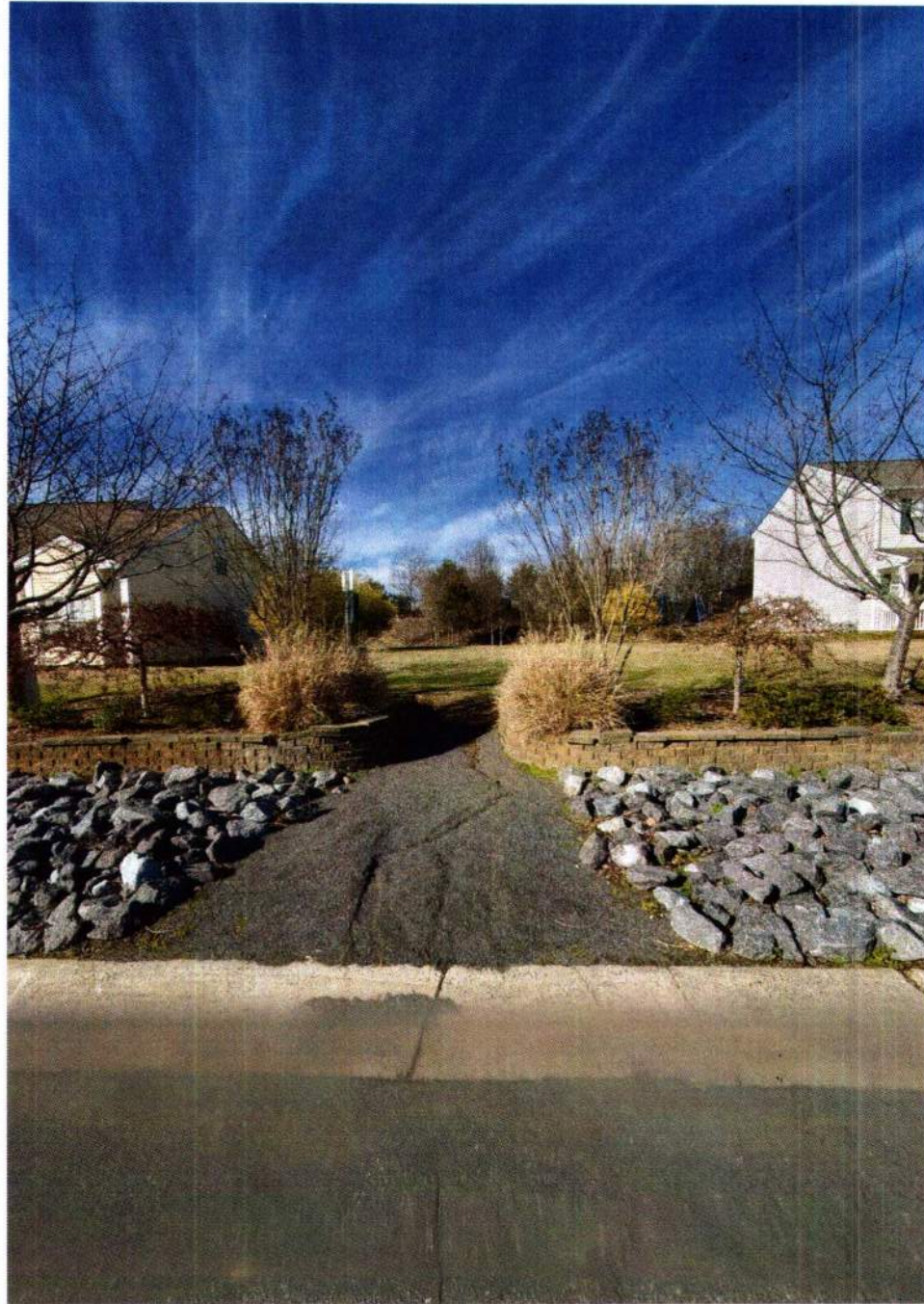
PLOT PLAN SURVEY  
OF

LOT 339, BRISTOL PARK, PHASE 5, SECTION 2  
CITY OF ROCK HILL, EBENEZER TOWNSHIP, YORK COUNTY, S.C.

PROPERTY OF CROSSMANN COMMUNITIES, INC  
MAP RECORDED IN BOOK: B-238 AT PAGE 4 DEED RECORDED IN BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_

DRAWN BY: RLA





Road Row to Continue Baylor has been



Front of property



Utilities are in front of property  
@ 1698 Handy.

# Installation Proposal - Fencing

Date: 09/15/2021



Pricing will be honored up to seven (7) days from initial quote date listed above.

Store #:	416	PSE Name:	Amanda Boyd
Customer Name:	George Riano	2 <sup>nd</sup> Customer Name:	
Customer Phone:	803-552-5120	Customer Email:	
Installation Address:	1698 Hardy Drive	City, State, Zip:	Rock Hill SC 29732

1. Project Preparation Process	2. Installation Process	3. Clean-up/Final Inspection
<ul style="list-style-type: none"> <li>○ Dedicated project support staff keeps you up-to-date through every process</li> <li>○ Installer conducts Pre-Installation Inspection</li> <li>○ Provides appropriate protection to home during installation</li> <li>○ Obtain &amp; post any necessary permits</li> </ul>	<ul style="list-style-type: none"> <li>○ Mark and prepare post hole locations</li> <li>○ Install posts and backfill holes with concrete</li> <li>○ Install fence material (gates, hardware, fasteners, etc.)</li> <li>○ Remove/haul away existing fencing material</li> <li>○ Follow all Health and Safety Guidelines</li> </ul>	<ul style="list-style-type: none"> <li>○ Complete final clean-up and haul away all job-related debris</li> <li>○ Test product &amp; perform complete inspection with customer</li> <li>○ Review warranty information</li> </ul>

<p><b>Additional Project Considerations:</b>                  (e.g. HOA Requirements, gate placement, obstructions, scope of work, pets, parking etc.)</p>
--

<p><b>Additional Notes &amp; Product Description:</b>                  Furnish and install 139 lf of 6' tall treated wood privacy fence with two 4' wide walk gates on both sides of the yard. All post set in concrete 24" down for support and stability. All installation related debris to be hauled away the day of install. Customer to pull any applicable permits needed for Rock Hill</p>
--

<b>Total Investment:</b>	\$ 3,792.60 - NO sales tax on this project
<b>Lowe's Finance Offer Included:</b>	-
<b>Quote Good Until:</b>	09/22/2021

Additional charges may apply for permit fees. Installation services guaranteed by Lowe's labor warranty & available thru independent contractors, licensed, & registered where applicable. License numbers & certifications held by or on behalf of Lowe's Home Centers, LLC: AK #CONE39289 Business License #1001769; AZ #ROC291645, #ROC302577; CA #991832; CT #HIC0639387, #MCO.0903044; DE #1993102010; FL #CCC1326824, #CGC1508417; GA #GCLTQA00042, #GCLT-CO000421; HI #C-33489; IL #104016796; IA #C110383; IO #RCE-38637; LA-#LMP2481, C8C#69642; MA #CS-081810; MD #107639; MI #2102144445, #2101165238; MN #BC692087, 8ond #MB682496; NY-New York City #HIC2013543, #HIC2013631, #HIC2013535, #HIC2013629, #HIC2026792; NV-#0079079; OK #48191, 002337, 16238; OR #202237; RI #20575; TN #64743, #3070; TX #TACLB24674E, #EC-29349, HVAC246; WA #LOWESH863DH; WV #WV014656. See Lowes.com/licensing for current license numbers.

**IMPORTANT:** This is an estimate only. This estimate is subject to change and does not bind you or Lowe's. This estimate is not a contract nor will it modify any future contract you may sign with Lowe's for the installation services. You may accept this proposal only by signing the appropriate Services Solutions Installed Sales Contract with Lowe's and making payment according to the terms and conditions therein. (Estimate good for 7 days). Installation fees will be, and additional charges may be, based on total product required to fulfill order (including waste). If you would like to discuss the measurements or would like a copy of this document, please contact the Lowe's Store Associate. Please review your contract carefully for all charges prior to signing.

**Bristol Park**  
c/o Red Rock Management  
1012 Market Street  
Ste 201  
Fort Mill, SC 29708

**RED ROCK**  
MANAGEMENT

George Riano  
1698 Hardy Drive  
Rock Hill, SC 29732

**Congratulations! Your home improvement project has been approved!**

11/19/2021

**PROJECT: Fence**

Hi George Riano,

Thank you for submitting your ARC request. The Architectural Review Committee has confirmed that your project is consistent with the Bristol Park Covenants, Codes, and Restrictions and it has been officially approved with conditions. The condition is that the construction/landscaping shall not change or redirect surface water flow towards adjacent properties without proper controls. Please keep this for your records.

**Please ensure that you follow the plans that were submitted with the original ARC request as this approval is only valid if those guidelines are observed. You are also responsible for obtaining any necessary permits and inspections from the city.**

If there are any changes from the original work or design as submitted in your request, please notify Red Rock for further review.

Congratulations on improving your property and thank you for doing your part in making our community the best it can be. If you have any additional questions, don't hesitate to contact Red Rock at [support@gowithredrock.com](mailto:support@gowithredrock.com).

Regards,

Bristol Park & Red Rock Management




**ROCK HILL**  
SOUTH CAROLINA  
*Always on.*

**Z-2022-15**

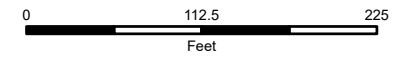
 Subject Property

**Zoning Districts**

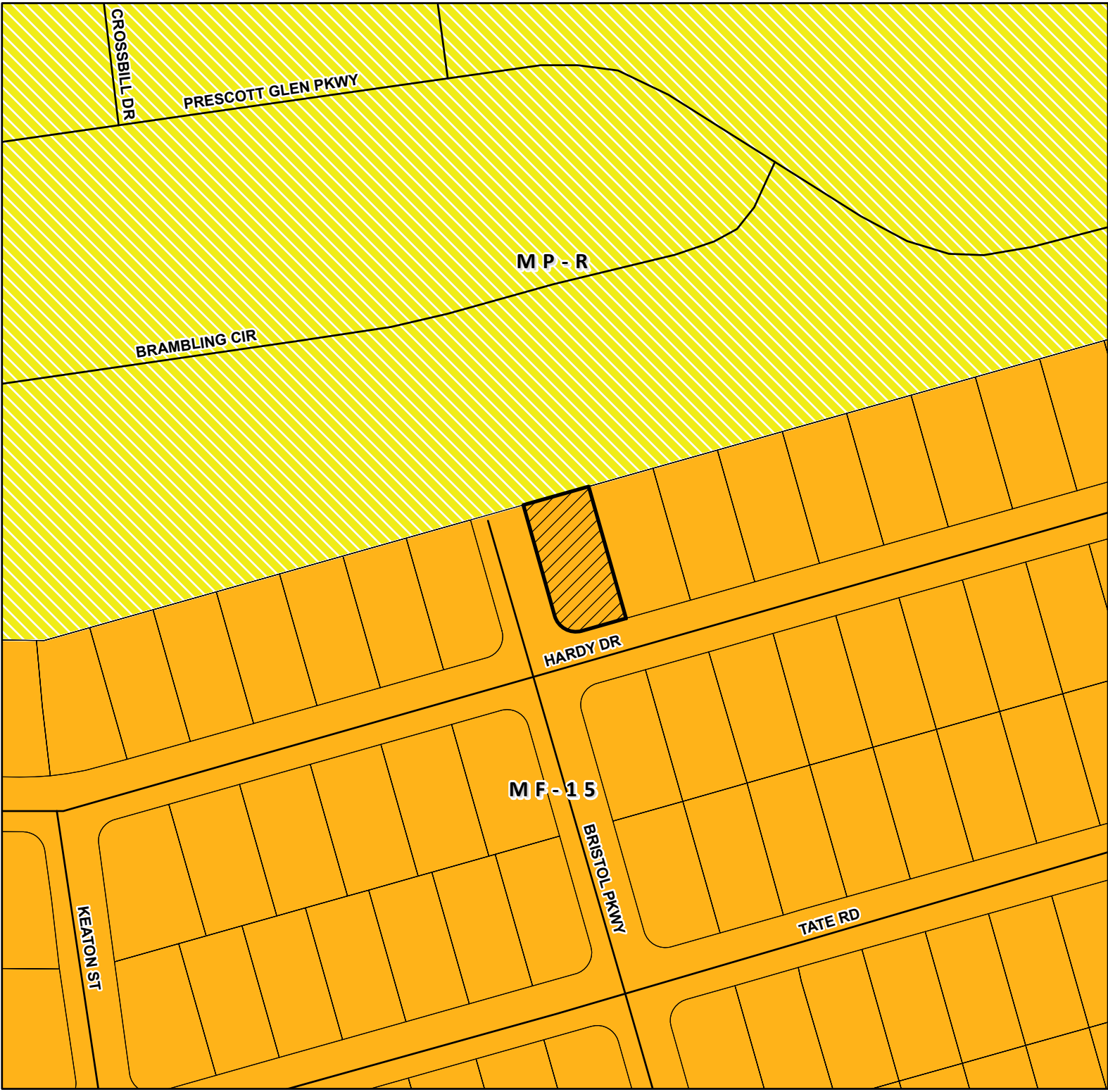
 Multi-Family 15 (MF-15)

 Master Planned Residential (MP-R)

**Zoning Data**  
**Current Zoning**  
**MF-15**



Planning & Development  
Department  
City of Rock Hill  
03/15/2022



**Z-2022-16**

**Requests:** Request for a special exception to establish an automobile repair use.

**Address:** 1207 Saluda Street

**Zoning District:** Mixed Use Corridor (MUC)

**Applicant:** Robert Whitaker





**Request:** Special Exception to establish an automobile repair use.

**Address:** 1207 Saluda Street

**Tax Map No.:** 625-13-02-001

**Zoning District:** Mixed Use Corridor (MUC)

**Applicant/Owner:** Robert Whitaker  
 Big Dipper Imports LLC  
 6130 Patric Alan Ct  
 Charlotte, NC 28216

**Background**

The applicant, Robert Whitaker of Big Dipper Imports, LLC, is seeking to establish an automobile repair use at 1207 Saluda St. The Zoning Board of Appeals had previously denied an application by the same applicant for an automobile sales and repair use for this property in 2019. This application is only for the automobile repair use.

<b>Primary use table excerpt</b>  <ul style="list-style-type: none"> <li>•Blank cell = prohibited</li> <li>•S = Special exception</li> <li>•C = Conditional use</li> <li>•P = Permitted use</li> </ul>	<b>RESIDENTIAL</b>														<b>BUSINESS</b>									
	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	S	S	S	C			
<b>Definition of proposed use</b>	<i>Automobile repair:</i> General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; also, the sale and installation of parts such as but not limited to tires, batteries, audio systems, mufflers, brakes, lubricants such as engine oil, and upholstery. This use does not include bodywork, framework, welding, and major painting service.																							

**Site Description**

The site is located on the corner of Saluda St. and Rockdale St., and it is surrounded by a mix of commercial properties, including other automobile repair uses, in the MUC district and residential uses in the Single-Family Residential-5 (SF-5) and Neighborhood Commercial (NC) zoning districts along Rockdale St.

**Description of Intent for Mixed Use Corridor (MUC) Zoning District**

The MUC district is intended to foster a compatible mix of land uses along the Saluda Street corridor, where commercial land uses closely abut residential areas. The standards for the MUC district are set forth in an appendix to this chapter.



## **Analysis of Request for Special Exception**

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

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

### **4.3.3.3.18 (A)**

- 1. *Enclosed Building:*** *Automobile repair uses must repair all vehicles within an enclosed building.*

All repair work will be conducted inside the building.

- 2. *Outdoor Storage Area:*** *Automobile repair uses must provide a temporary vehicle storage area where any vehicle kept overnight must be stored. This area can be any size, provided that it is not located within required setback or land-use buffer areas. A screen fence at least 6 feet tall along with perimeter landscaping is required around all sides visible from public view according to the fencing standards of Chapter 5: Land Use: Accessory and Temporary Uses and the landscape screening standards of Chapter 8: Development Standards. The height of stored materials and equipment must not exceed the height of the screening fence or wall such that they would be visible from public areas of the subject property or adjacent sites, or the public road.*

The applicant is aware that a new screening fence and landscaping must be installed along both of the sides facing public right-of-way.

- 3. *Time Limitation:*** *Automobile repair uses cannot store or park any vehicle for more than 30 consecutive days. However, in cases where a vehicle has been abandoned by its lawful owner prior to or during the repair process, the vehicle may remain on site for more than 30 days, provided the owner or operator of the establishment can demonstrate that steps have been taken to obtain legal title to the vehicle, and that the vehicle is removed from the site no later than three days after the legal process is complete.*

The applicant is aware and agrees to no vehicles being stored longer than 30 days. The applicant is only looking to do "light" mechanical work at this location which will likely not require vehicles to be stored for lengthy periods of time.

- 4. *On-Site Circulation:*** *Automobile repair uses must be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.*

The applicant's sketch plan shows where parking will be made available onsite. Some additional paving will be added at two areas to provide access to the rear storage yard area.

5. *No Junk Vehicles: Automobile repair uses cannot park or store any vehicle as a source of parts, or that is inoperable, even within an enclosed storage area.*

The applicant is aware and agrees to no vehicles being stored for parts or that are inoperable/derelict.

6. *No Vehicles for Sale or Lease: Automobile repair uses cannot park or store any vehicle for the purpose of sale or lease/rent.*

No vehicles will be sold on site.

7. *Test Drives: Automobile repair uses cannot test drive vehicles on residential streets.*

The applicant is aware and agrees that no test drives will be conducted on residential streets.

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

There will be no public address system.

9. *Trash Storage: Automobile repair uses must provide adequate trash storage on site. For example, tires or oil drums must be kept in a four-sided enclosure (not necessarily with a roof).*

The dumpster and storage area for any tires for this use will be provided within the enclosed storage yard.

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.*

This area of Saluda St. has several vehicle-oriented businesses, and this building was specifically built for this use. While this use has not operated at this location for many years, an automobile repair use has historically been on this property since the late 1960s. When the rehab of the building and the improvements made to the storage area are completed it should improve the overall appearance of the site. So long as the building and site are maintained appropriately, compatibility with the surrounding uses should not be an issue.

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 proposed design of the site should mitigate any impacts to neighboring uses and the proposed improvements will appropriately screen the visible impacts. All work is

to be conducted inside the building which will lessen any impacts to noise. Rehabilitation of the site will eliminate the blight that is already experienced by a vacant, deteriorating building.

- 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.*

Minimal changes are being proposed to the site, none of which should cause any environmental impacts.

- 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.*

Saluda Street is a SCDOT-maintained minor arterial road that has sufficient capacity to serve the use. The applicant will need to obtain an encroachment to make the new curb cut improvements along Rockdale Street.

- 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.*

Since this property has historically been used as a small auto repair use there should not be any negative impact to property values. By rehabbing the building and the site, making it functional again, property values should actually increase.

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

A site sketch plan has been provided showing how the site would meet current standards.

- 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 comply.

---

## Public Input

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

- February 25: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- February 25: Posted public hearing signs on subject property.
- February 25: Advertised the Zoning Board of Appeals public hearing in *The Herald*.
- Information about this request was posted to the City's website

Staff has not heard from any neighboring property owners or tenants.

### **Staff Recommendation**

Staff's recommendation is to approve the proposed use with the condition that all required improvements be made to the site for the aforementioned reasons, specifically noting the following:

- The building and site have historically been used as automobile repair shop.
  - The building has sat vacant for many years and has been a source of blight; therefore, utilizing the site for its original intended purpose should reduce the impacts the site currently has on the surrounding properties.
  - Staff has not heard from any property owners or tenants with concerns about the proposed use.
- 

### **Attachments**

- Application
  - Site plan
  - Zoning map
- 

### **Staff Contact:**

Melody Kearse, Zoning Coordinator

803.329.7088

[melody.kearse@cityofrockhill.com](mailto:melody.kearse@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: 1207 SALUDA ST, Rock Hill SC 29730, Rock Hill, SC \_\_\_\_\_

Tax parcel number of subject property: 625 - 130 2-001

### Property restrictions

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

If yes, please describe the requirements: \_\_\_\_\_

## APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
<u>Robert Whitaker</u>	<u>6130 Patric Alan Ct Charlotte NC 28216</u>	<u>704-890-5552</u>	<u>Robertjwhitakerjr@gmail.com</u>

Are you the owner of the subject property?  Yes  No

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

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

Signature: [Signature] Date: 2-9-22

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?

building has Always been a shop. I want to open 1gh Auto Repair shop

### Special exception standards

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

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

The property has Always been a mechanic Shop. I ~~was~~ am requesting to continue it use AS A light mechanic Shop.

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

The building has Always been used in this manner, for 30 years to my knowledge.

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

Requirements per city will be met.

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

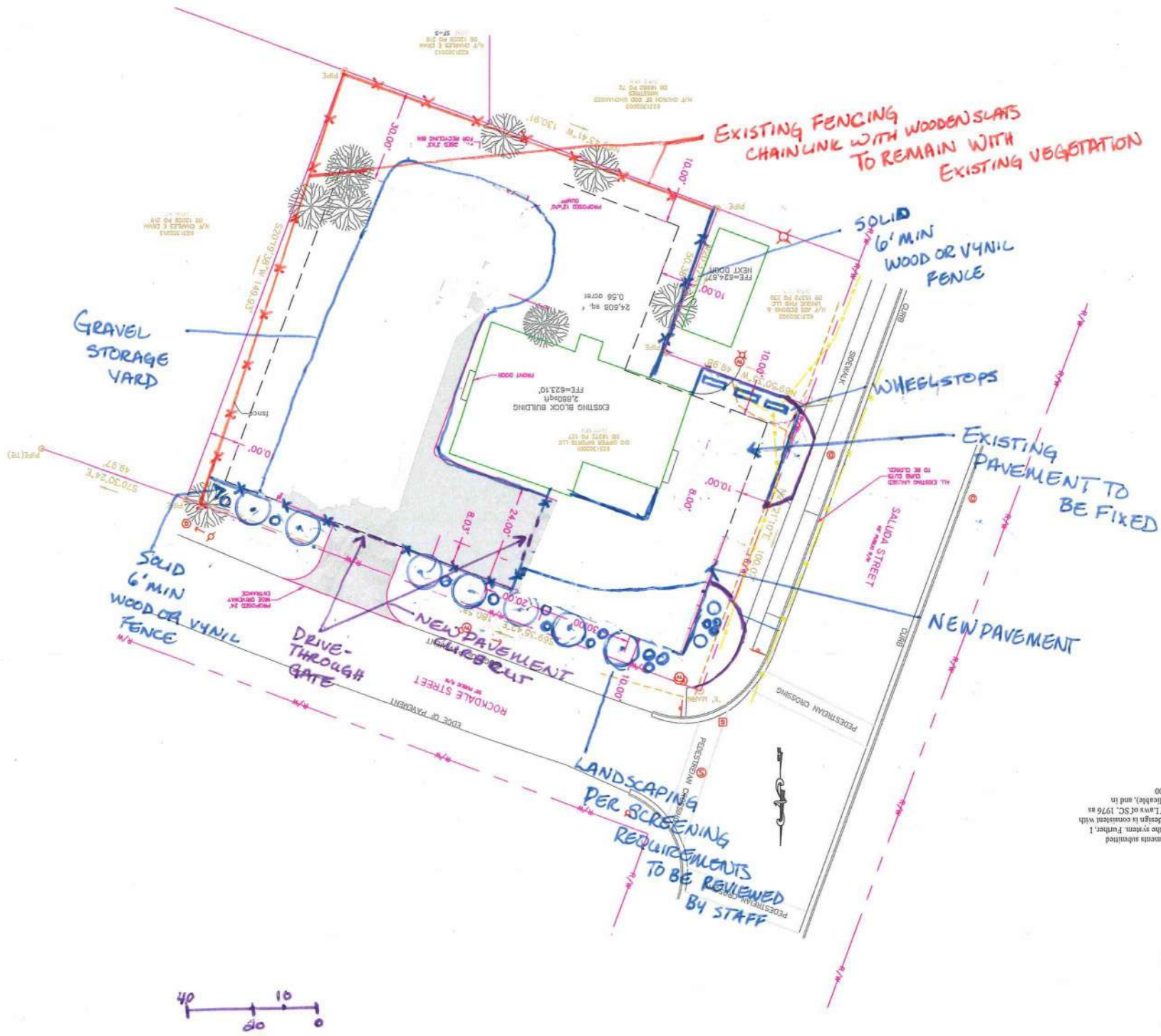
There is no foreseen environmental impact.

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

There is no foreseen impact to traffic. Customer Flow is small and all traffic turns onto the property with no impact to traffic. We can no way compete with the traffic flow from Dollar General.

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?

Use of the site in no way impacts neighboring land owners. We will be operating inside and on our property only. And previous use never impacted neighboring properties. The Face Lift of the property would actually improve neighboring properties values once allowed.










in documents submitted  
 at the design in consistent with  
 Code of Laws of SC, 1976 as  
 amended, and in  
 R100000



## Z-2022-16

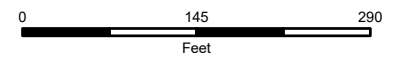
 Subject Property

### Zoning Districts

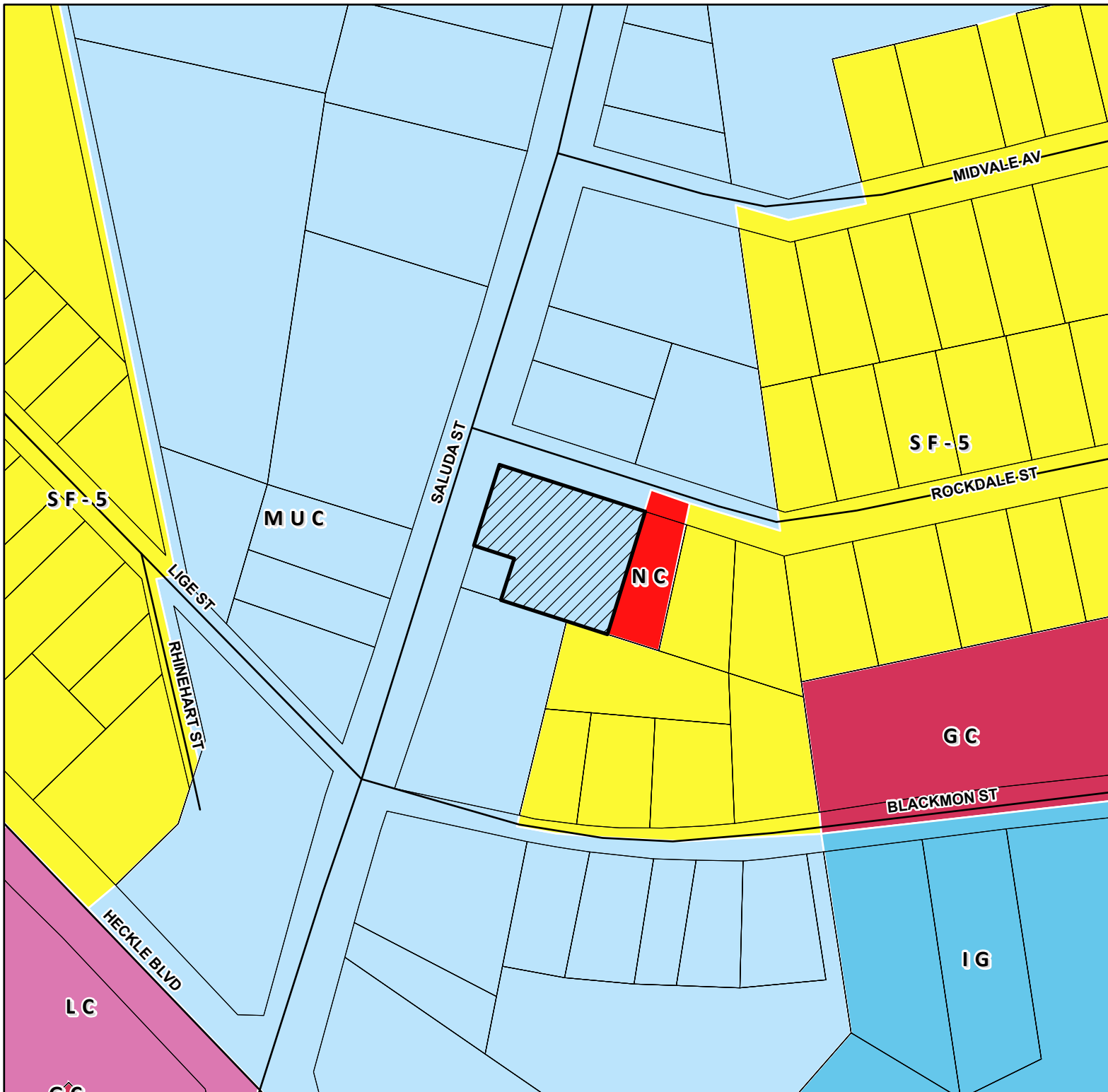
-  General Commercial (GC)
-  Industry General (IG)
-  Limited Commercial (LC)
-  Mixed Use Corridor (MUC)
-  Neighborhood Commercial (NC)
-  Single-Family 4 (SF-4)
-  Single-Family 5 (SF-5)

## Zoning Data

Current Zoning  
MUC



Planning & Development  
Department  
City of Rock Hill  
03/15/2022





**Z-2022-17**

**Request:** Appeal of Planning & Development Director's decision to deny a fence on an undeveloped residential property

**Address:** 539 Walnut Street

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

**Applicant/Owner:** Randy Williams





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<b>Location:</b>	539 Walnut Street
<b>Request:</b>	Appeal of Planning & Development Director’s decision to deny a fence on an undeveloped residential property
<b>Tax Map Number:</b>	625-08-03-014
<b>Zoning District:</b>	Single-Family Residential-5 (SF-5)
<b>Applicant/Owner:</b>	Randy Williams 4407 Harbor Inn Road Rock Hill, SC 29732

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## **BACKGROUND**

In December of 2021, City Code Enforcement staff observed a fence that was installed without a permit. The Zoning Ordinance explicitly prohibits fences being constructed on undeveloped residential lots per Section 5.3.1.D and F, although fences may be constructed on undeveloped commercial lots.

After observing the fence, staff made the applicant aware of the violation and advised him to seek a retroactive fence permit. A brief timeline is provided below:

**December 2021** – Staff sent a courtesy notice of violation to the property owner at 535 Walnut Street because it appeared that the owner at that address had the fence installed. After doing so, staff received a phone call from the applicant stating that while a family member owns and resides at 535 Walnut Street, he owns the separate, vacant lot at 539 Walnut Street where the fence was installed. Upon being made aware of this, staff followed up with sending a courtesy notice to the applicant.

**January 2022** – Staff sent a Zoning Notice of Violation to the applicant. The applicant subsequently applied for a fence permit.

**February 2022** – On February 2<sup>nd</sup>, staff denied the fence permit due to the property being residential and undeveloped. However, after being contacted via telephone by the applicant, staff did advise that if the subject property and the property at 535 Walnut Street were to be combined, the subject property would no longer be considered as undeveloped; and therefore, could be developed with a fence. On February 14<sup>th</sup>, the applicant notified staff that he was appealing the decision to deny the fence on an undeveloped residential property. The applicant stated that fences should be allowed on undeveloped residential lots just like they are allowed on undeveloped commercial lots. On February 18<sup>th</sup>, staff informed the applicant that if the Board were to overturn the Planning Director’s decision, the fence would still need to meet the same setbacks as a primary structure.

## **APPEALS PROCESS**

Staff placed the required legal ad regarding the appeal in *The Herald* on February 25<sup>th</sup>.

Staff has provided Randy Williams with copies of this staff report and the attachments.

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

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

## Description of Attachments

### 1. Notice of appeal from the property owner.

- a. Email from Randy Williams appealing the decision to deny a fence on an undeveloped residential property.

### 2. Code Enforcement Notifications

- a. Courtesy Notice letter sent to Randy Williams on December 6, 2021.
- b. Zoning Notice of Violation letter sent to Randy Williams on January 11, 2022. The letter informed Mr. Williams of his right to appeal.

### 3. Photos of the fence.

### 4. Ordinance Provisions:

- a. **Intent section of the Zoning Ordinance regarding accessory uses and structures:** Section 5.3.1
  - b. **Fence regulations from the Zoning Ordinance:** Section 5.3.5.6 (A): Use Specific Standards Fences and Walls
  - c. **Appeals Process:** Sections from the Zoning Ordinance regarding the appeals process.
- 

## Staff Contact:

Shana Marshburn

Planner II

803-326-2456

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

## Marshburn, Shana

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**From:** Marshburn, Shana  
**Sent:** Tuesday, February 22, 2022 1:27 PM  
**To:** Randy Williams  
**Subject:** RE: 139 walnut st

Hi Mr. Williams:

Yes, if the Board were to overturn our decision, you would get to keep the fence; however, it must still meet the required setbacks that a house would have to meet. Let me know if you have any questions. Thanks.

### Shana Marshburn

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

Shana.Marshburn@cityofrockhill.com

-

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**From:** Randy Williams <radywilliams23@gmail.com>  
**Sent:** Friday, February 18, 2022 4:46 PM  
**To:** Marshburn, Shana <Shana.Marshburn@cityofrockhill.com>  
**Subject:** Re: 139 walnut st

**CAUTION: not from City of Rock Hill...from Unknown Source...Beware, proceed with CAUTION**

setbacks?, see you on March 15 th.  
Thanks randy

On Fri, Feb 18, 2022, 4:11 PM Marshburn, Shana <[Shana.Marshburn@cityofrockhill.com](mailto:Shana.Marshburn@cityofrockhill.com)> wrote:

Randy:

If the Board does not overturn our decision, you would be allowed to keep the fence; however, you would be required to move it to fit within the setbacks. If they do not overturn our decision, you will need to remove the fence altogether.

Shana Marshburn  
Planner II  
Planning & Development  
City of Rock Hill

P.O. Box 11706  
155 Johnston Street (29730)  
Rock Hill, South Carolina 29731-1706  
o: 803-326-2456

[Shana.Marshburn@cityofrockhill.com](mailto:Shana.Marshburn@cityofrockhill.com)

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**From:** Randy Williams <[radywilliams23@gmail.com](mailto:radywilliams23@gmail.com)>  
**Sent:** Friday, February 18, 2022 3:54 PM  
**To:** Marshburn, Shana <[Shana.Marshburn@cityofrockhill.com](mailto:Shana.Marshburn@cityofrockhill.com)>  
**Subject:** Re: 139 walnut st

**CAUTION: not from City of Rock Hill...from Unknown Source...Beware, proceed with CAUTION**

If the board has the ability to allow the fence, why can't I just move the fence to the correct serbacks?

On Fri, Feb 18, 2022, 3:28 PM Marshburn, Shana <[Shana.Marshburn@cityofrockhill.com](mailto:Shana.Marshburn@cityofrockhill.com)> wrote:

Great, we just wanted to make you aware of ahead of time. Thanks.

**Shana Marshburn**

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

[Shana.Marshburn@cityofrockhill.com](mailto:Shana.Marshburn@cityofrockhill.com)

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**From:** Randy Williams <[radywilliams23@gmail.com](mailto:radywilliams23@gmail.com)>  
**Sent:** Friday, February 18, 2022 3:26 PM  
**To:** Marshburn, Shana <[Shana.Marshburn@cityofrockhill.com](mailto:Shana.Marshburn@cityofrockhill.com)>  
**Subject:** Re: 139 walnut st

**CAUTION: not from City of Rock Hill...from Unknown Source...Beware, proceed with CAUTION**

If I can have the fence I will move it to the setbacks .

Thanks randy

On Fri, Feb 18, 2022, 3:03 PM Marshburn, Shana <[Shana.Marshburn@cityofrockhill.com](mailto:Shana.Marshburn@cityofrockhill.com)> wrote:

Hi Randy:

I wanted to make you aware that if the Board were to overturn our decision, the code does require that fences on undeveloped lots meet the required building setbacks for the zoning district. In that case, you would be required to move the fence in areas where it currently does not adhere to the setbacks. The required setbacks are measured from each property line and are as follows: front - 15 feet, sides - 6 feet, and rear - 15 feet. Let me know if you have any questions. Thanks.

## Shana Marshburn

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

[Shana.Marshburn@cityofrockhill.com](mailto:Shana.Marshburn@cityofrockhill.com)

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**From:** Marshburn, Shana  
**Sent:** Thursday, February 17, 2022 3:15 PM  
**To:** Randy Williams <[radywilliams23@gmail.com](mailto:radywilliams23@gmail.com)>  
**Cc:** Kearse, Melody <[Melody.Kearse@cityofrockhill.com](mailto:Melody.Kearse@cityofrockhill.com)>  
**Subject:** RE: 139 walnut st

The meeting would take place at 6:00 pm inside City Council Chambers here at City Hall.

## Shana Marshburn

Planner II  
Planning & Development  
City of Rock Hill  
P.O. Box 11706  
155 Johnston Street (29730)  
Rock Hill, South Carolina 29731-1706



o: 803-326-2456

[Shana.Marshburn@cityofrockhill.com](mailto:Shana.Marshburn@cityofrockhill.com)

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**From:** Randy Williams <[radywilliams23@gmail.com](mailto:radywilliams23@gmail.com)>  
**Sent:** Thursday, February 17, 2022 11:52 AM  
**To:** Marshburn, Shana <[Shana.Marshburn@cityofrockhill.com](mailto:Shana.Marshburn@cityofrockhill.com)>  
**Subject:** Re: 139 walnut st

**CAUTION: not from City of Rock Hill...from Unknown Source...Beware, proceed with CAUTION**

I will attend the meeting on the 15th. What time and the location?

Thanks randy

On Thu, Feb 17, 2022, 10:44 AM Marshburn, Shana <[Shana.Marshburn@cityofrockhill.com](mailto:Shana.Marshburn@cityofrockhill.com)> wrote:

Hi Randy:

I apologize for the delay in response. Staff interprets the fencing standards set forth in the Zoning Ordinance to only allow fences on undeveloped property, and only within the required setbacks, when the property is non-residential. Would you still like to appeal that interpretation? If so, your appeal would be heard at the March 15<sup>th</sup> Zoning Board of Appeals meeting. Thanks.

**Shana Marshburn**

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

[Shana.Marshburn@cityofrockhill.com](mailto:Shana.Marshburn@cityofrockhill.com)

---

**From:** Randy Williams <[radywilliams23@gmail.com](mailto:radywilliams23@gmail.com)>  
**Sent:** Monday, February 14, 2022 5:58 PM

**To:** Marshburn, Shana <[Shana.Marshburn@cityofrockhill.com](mailto:Shana.Marshburn@cityofrockhill.com)>

**Subject:** 139 walnut st

**CAUTION: not from City of Rock Hill...from Unknown Source...Beware, proceed with CAUTION**

Hello shana, how can I go about t

appealing the interpretation of the decision regarding 139 walnut street.

I was not aware of the zoning issue with the fence and vacant residential lots. The decision was made after the 20-day appeal period. I think the standards should be the same for both residential and commercial vacant properties.

Thanks randy

Email correspondence along with any related attachments to and from this address may be subject to the South Carolina Freedom of Information Act and may be disclosed to third parties in accordance with applicable law.

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Housing and Neighborhood Services  
150 Johnston Street, P.O. Box 11706  
Rock Hill, SC 29731

## Courtesy Notice

RANDY WILLIAMS C/O WILLIAMS PROPERTIES LLC  
407 CHATHAM AVE  
ROCK HILL, SC 29730

Location of Violation:	539 WALNUT ST
Tax Map ID:	6250803014
Case Number:	CN-20212662
Inspection Date:	12/2/2021
Followup Date:	12/21/2021
Inspector:	Anderson Brown
Inspector Phone:	803-326-3839

December 06, 2021

You may not be aware you are in violation of a City Code or Ordinance.

1. Violation: Zoning Violation 11.2.2 (A) Develop land or a structure without first obtaining the appropriate permit or permit approval.

**Required Action: Fences and Walls: Fences and Walls are allowed as a conditional use and must obtain a permit to assure that it meets the Use Specific Requirements found in Chapter 5, Section 5.3.5.6 (A) of the Zoning Ordinance. Cease any activity until a permit is obtained from Planning and Development. Any part of the newly erected fence or wall that does not comply with these requirements will need to be removed or modified as allowed by the ordinance.**

**Compliance by: December 20, 2021**

**As we discussed on the phone, follow the direction of the people in Planning & Development at (803) 329-5590.**

This is an attempt to remedy the violation without initiating an enforcement action.

In the event you are unable to comply with the compliance date(s) given, please contact me immediately to discuss the violation.

Anderson Brown - 803-326-3839 - anderson.brown@cityofrockhill.com







Housing and Neighborhood Services
150 Johnston Street, P.O. Box 11706
Rock Hill, SC 29731

Notice of Violation - Zoning Ordinance

RANDY WILLIAMS C/O WILLIAMS PROPERTIES LLC
407 CHATHAM AVE
ROCK HILL, SC 29730

Table with 2 columns: Field Name and Value. Fields include Location of Violation, Tax Map ID, Case Number, Inspection Date, Followup Date, Inspector, and Inspector Phone.

January 11, 2022

Hello, I am an inspector with the Housing and Neighborhood Services department with the City of Rock Hill. I am contacting you because the above reference property is in violation of the City's Zoning Ordinance. The following violation(s) need your immediate attention:

- 1. Violation: Zoning Violation 11.2.2 (A) Develop land or a structure without first obtaining the appropriate permit or permit approval.

Required Action: Fences and Walls: Fences and Walls are allowed as a conditional use and must obtain a permit to assure that it meets the Use Specific Requirements found in Chapter 5, Section 5.3.5.6 (A) of the Zoning Ordinance. Cease any activity until a permit is obtained from Planning and Development. Any part of the newly erected fence or wall that does not comply with these requirements will need to be removed or modified as allowed by the ordinance. Compliance by: January 31, 2022

Good to talk to you today! We are required to send this letter as part of the process but appreciate you working with Cecilia to get this resolved. Let me know if I can be of any assistance and keep me updated on your progress. Thanks!

You should be aware that this notice may be appealed to the Zoning Board of Appeals within twenty (20) days of receipt of this letter. Should there be any violation which is not corrected you are subject to the penalties of Section 9-600 (A)(6) of the Zoning Code, which states: "Any person who violates this ordinance or fails to comply with any of its requirements is guilty of a misdemeanor and, upon conviction, may be fined in the discretion of the court or imprisoned not more than thirty days, or both. Each day such violation continues shall be considered a separate offense." Section 1-11 of the Rock Hill City Code states that the maximum fine for a violation of a city ordinance is \$500. The maximum penalty however, is \$1087.50 per offense.

Your cooperation is appreciated to remedy the violation as soon as possible. If you need additional assistance, I ask that you please contact me prior to the compliance date.

Anderson Brown - 803-326-3839 - anderson.brown@cityofrockhill.com



## 5.3 ACCESSORY USES AND STRUCTURES

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### 5.3.1 INTENT

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. The City's intent in adopting this section is to allow a broad range of accessory uses, so long as such uses comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

The general intent of all accessory uses and structures is to:

- A. Directly serve the principal use or structure.
- B. Be customarily accessory and clearly incidental and subordinate to principal use or structure.
- C. Be subordinate in area, extent, and purpose to the principal use or structure.
- D. For residential uses, be located on the same lot as the principal use or structure. For non-residential uses, be located on a contiguous lot or directly across the street from the principal lot.
- E. Together with the principal use or structure not violate the bulk, density, parking, landscaping, or open space standards of this ordinance.
- F. Not be constructed or established prior to the time the principal use or structure is constructed or established.

### 5.3.2 DEFINITIONS

*Appendix 5-1: Descriptions of Accessory Uses and Structures* lists definitions for accessory uses and structures that differ from ordinary dictionary definitions or need further explanation.

### 5.3.3 EXPLANATION OF TABLE OF ACCESSORY USES AND STRUCTURES

#### A. Ways Accessory Uses and Structures May Be Allowed:

1. **As Part of a Description of a Primary Use:** In a few cases, the description of a primary use will include a specifically allowed accessory use. (See *Appendix 4-A: Descriptions of Primary Uses*.) These are situations where the listed accessory use is not common enough to be included in this accessory use section. The general standards for accessory uses found later in this chapter apply.
2. **As Part of the *Table of Accessory Uses and Structures*:** The *Table of Accessory Uses and Structures* is established as a guide to identify the appropriateness of the more common accessory uses associated with particular primary uses.
  - **Permitted accessory uses and structures:** In the *Table of Accessory Uses and Structures*, a "P" in a cell indicates that an accessory use or structure is allowed for a listed primary use. When accessory uses and structures are permitted by right, they have no use-specific standards but are subject to all other applicable regulations in the ordinance.
  - **Conditional accessory uses and structures:** In the *Table of Accessory Uses and Structures*, a "C" in a cell indicates that an accessory use or structure is allowed as a conditional use for a listed primary use. When accessory uses and structures are permitted as a conditional use, they are allowed for the listed primary use, provided that all use-specific standards and all other applicable regulations in this ordinance are met.
  - **Special exception accessory uses and structures:** An "S" in a cell indicates that the Zoning Board of Appeals may consider whether the proposed accessory use or structure is appropriate based on the criteria for special exceptions in *Article 2: Administration*. These uses are subject to all other applicable regulations in this ordinance, including all use-specific standards if any are listed, as well as any additional conditions imposed by the Zoning Board of Appeals.



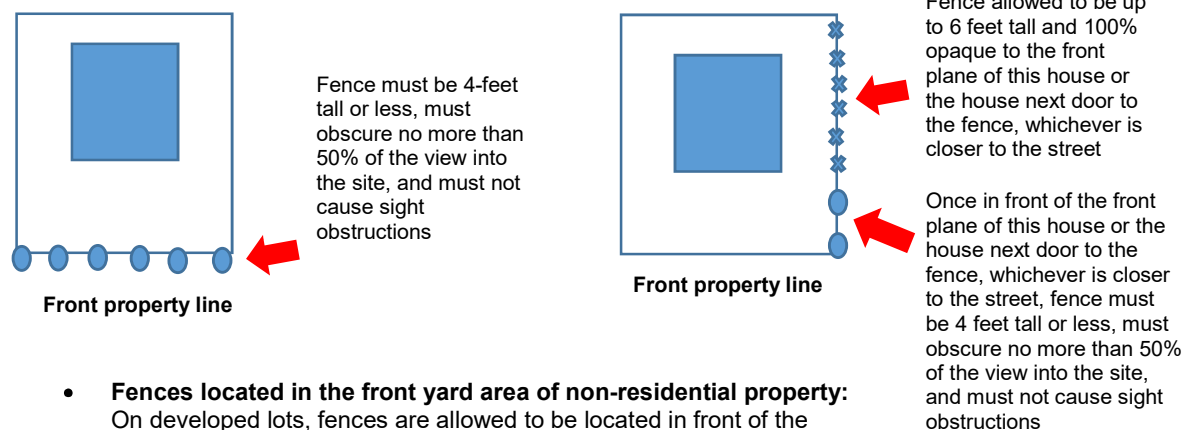
### 5.3.5.6 USE-SPECIFIC STANDARDS FOR OTHER ACCESSORY USES AND STRUCTURES

#### A. Fences and Walls:

- Maintenance Required:** All fences and walls must be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements. All fences and walls must receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged, or decayed fence materials must be promptly repaired, and any fence or wall post or section that leans more than 20 degrees from vertical must be promptly repaired to correct that condition.
- No Vegetation Disturbance:** Fences and walls must be installed so as not to disturb or damage existing vegetation or installed plant material.
- Drainage Flow:** Fences must not be installed in a way that blocks or diverts natural drainage flow.
- Easements:** Fences are prohibited within occupied utility easements unless an encroachment permit is obtained from the utility company. In no instance will this provision be construed to prevent fencing around stormwater retention or detention facilities required by the ordinance.
- Sight Obstructions:** Fences and walls must be placed in accordance with the standards in the *Sight Obstruction* section of *Chapter 6: Community Design Standards*.
- Placement within Setback Areas:** Fences and walls have different setback requirements than other types of structures.

- Fences located in the front yard area of residential property:** Fences are allowed to be located in front of the required setbacks for the front yard area (even along the front property line), provided that if they are running parallel to the residence, they are 4 feet tall or less, obscure no more than 50% of the view into the site, and do not create sight obstructions.

Fences that run along a side property line are allowed to be up to 6 feet tall and 100% opaque to the front plane of the subject house or the house next door to the fence, whichever is closer to the street. Once in front of the front plane of this house or the house next door to the street, the fence must be 4 feet tall or less, must obscure no more than 50% of the view into the site, and must not cause sight obstructions.



- Fences located in the front yard area of non-residential property:** On developed lots, fences are allowed to be located in front of the required setbacks for the front yard area (even along the front property line), provided that they are 4 feet tall or less, are decorative in nature, and do not create sight obstructions.

On undeveloped lots, fences must meet the setback lines for buildings.

- Fences located in the side and rear yard area (for all use types):** Fences are allowed to be located in side and rear yard areas, or even along the side or rear

property lines. (See above for more information on fences located along the side property lines in front of the front setback line on property used residentially.)

However, for corner lots, the required setback for fences and walls on the secondary front is half the distance required for the front yard, or 10 feet, whichever is less.

Additionally, for through lots, the following rules apply. If the fence is 4 feet tall or less, obscures no more than 50% of the view into the site, and does not cause sight obstructions, it may be placed at the front corner of the house, go out to the side property lines, and run along the side property lines and along the rear property line. If the fence does not meet all of those specifications, it can run along the side property lines, but must be placed 10 feet off the rear property line, and landscaping must be placed between the fence and the street. The landscaping must be approved by the Planning & Development Department's Registered Landscape Architect and must be designed to reach 1/2 the height of the fence within a 6-month period. Landscaping material installed as part of this requirement is to be maintained in good repair at all times. Which side is the front of the residence will be determined through an assessment of where the front door is located, where the driveway is located, which street is used in the residence's address, and which street other residences in the vicinity front upon.

- 7. **Separation from Other Structures:** Fences and walls are not required to be separated from primary structures and other types of accessory structures.
- 8. **Maximum Height:** These are the maximum heights allowed. Heights are measured from natural grade. If a fence is constructed on top of a freestanding wall or berm, the combined height of the fence and wall or berm must not exceed the maximum height that would apply to a fence or wall alone. However, in the case of retaining walls, a minimum four-foot high fence may be constructed on top of the wall for safety, regardless of the height of the wall.

FOR RESIDENTIAL USES <sup>1</sup>	
In front yard	See above
In side and rear yards	See above
FOR NON-RESIDENTIAL USES <sup>1</sup>	
In front yard (after behind required setback )	6 feet tall
In side and rear yards	10 feet tall
<sup>1</sup> Major utility, wireless communication towers, government facilities, and other similar uses must be allowed to increase maximum fence heights to 8 feet in front, side, and rear yards, unless further increased through an approved security plan (see the <i>Exemption for Security Plan section</i> ).	

- 9. **Finished Side to Outside:** Wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (i.e., one side has visible support framing and the other does not), then the more "finished" side of the fence must face the perimeter or outside of the lot, rather than facing the interior of the lot. This provision will not be applied when the unfinished side will not be visible to the public or other properties.
- 10. **Uniformity of Materials:** Fencing is allowed to change materials at logical points of change, such as at corners or where the height changes.




## 2.12.6 APPEALS FROM DECISIONS AND INTERPRETATIONS OF PLANNING & DEVELOPMENT DIRECTOR


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

**Z-2022-17**

 Subject Property

**Zoning Districts**

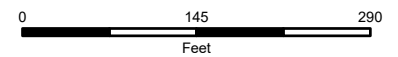
 Multi-Family 15 (MF-15)

 Single-Family 5 (SF-5)

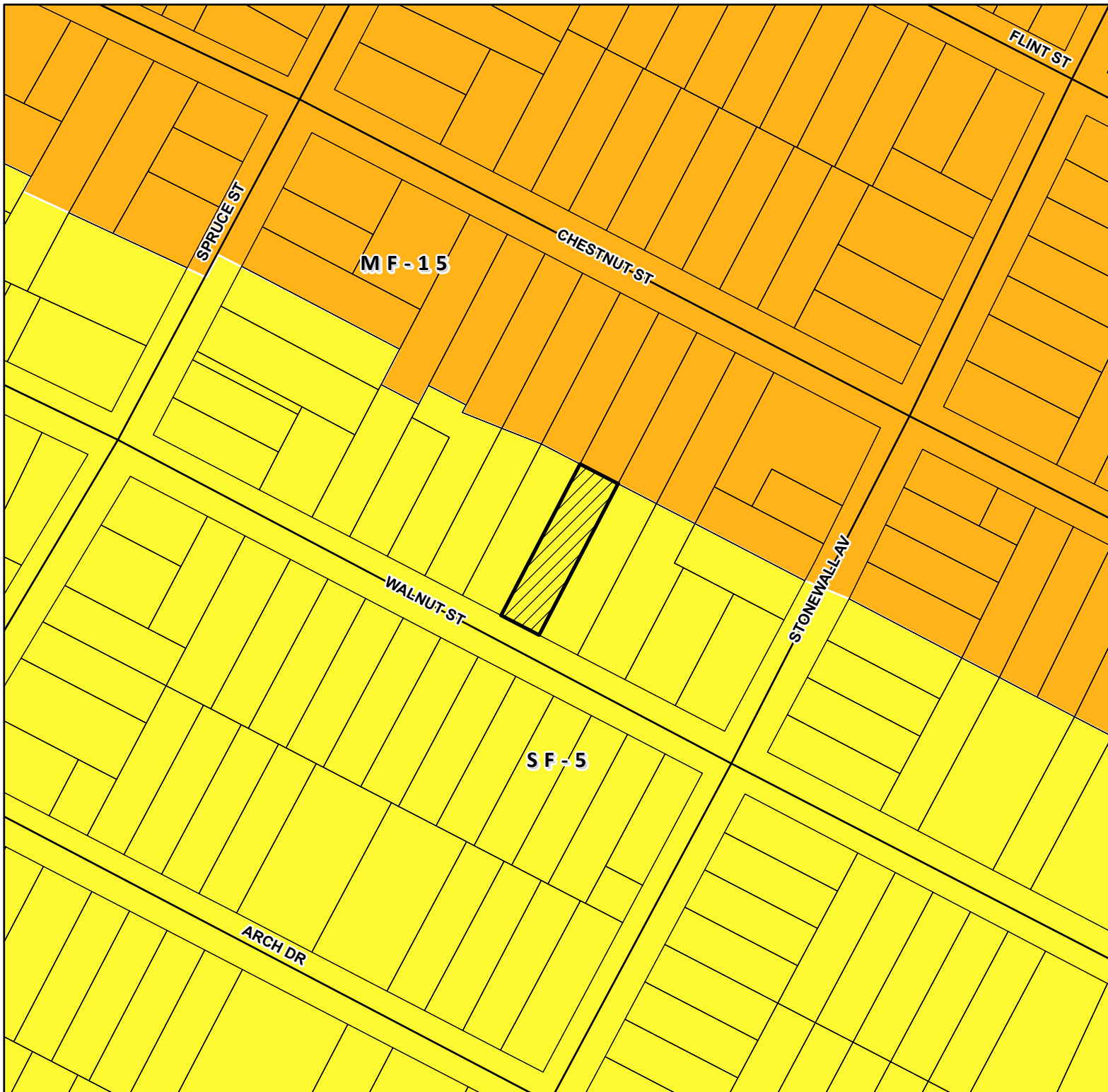
**Zoning Data**

**Current Zoning**

**SF-5**



Planning & Development  
Department  
City of Rock Hill  
03/15/2022



**Z-2022-18**

**Requests:** Request for a variance from the rear yard setback for an automobile repair use.

**Address:** 2250 Cherry Road

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

**Applicant:** Andy Golden with Express Oil



**Requests:** Variance from the rear yard setback for an automobile repair use

**Address:** 2250 Cherry Road

**Tax Map No.:** 634-07-01-004

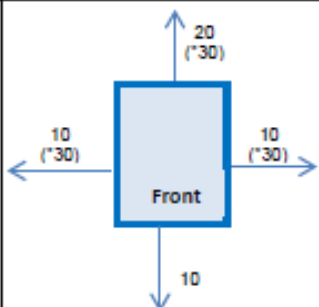
**Zoning District:** General Commercial (GC)

**Applicant:** Andy Golden  
 Express Oil  
 1880 Southpark Dr.  
 Birmingham, AL 35244

**Owner:** Martin Bobak  
 EMB-JMB Rock Hill, LLC  
 6440 Double Eagle Dr.  
 Woodridge, IL 60517

### Background

Express Oil is seeking to redevelop the old Hess gas station site located at 2250 Cherry Road. The redevelopment would include a proposed 4,825 sq. ft. building for auto repair. Due to the size of the site and the required parking and circulation, the applicant is seeking to reduce the required rear setback from 20 feet to 10 feet.

TABLE OF DIMENSIONAL STANDARDS FOR RESIDENTIAL DISTRICTS						
USE	MIN. LOT AREA (SQ FT)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE	
					MAX HT (FT)	REQUIRED SETBACKS (FT)
<b>General Commercial (GC)</b>						
Non-residential	None	None	75%	N/A	45	

### Site Description

The property is located along Cherry Road, adjacent to the Publix shopping center. It is surrounded by other commercial uses in the GC zoning district. It also is across Cherry from vacant land that is proposed to be developed for commercial and self-storage uses that is zoned Limited Commercial (LC). One proposed access to the site is through the shared driveway entrance along the rear property line

---

## **Description of Intent for General Commercial (GC) Zoning District**

Although originally established to apply to lands being used commercially that did not fit into one of the other commercial districts, it is now the intent of this ordinance that the GC district be phased out over time by not allowing new rezonings to the 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 lot is a small, shallow lot (approx. 130' by 230') that abuts a shared access drive along the rear property line. This makes building placement a critical component of redeveloping the site so that the design allows for adequate parking and circulation, as well as dumpster placement.

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

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

While one of the neighboring lots is also very shallow it is nearly two and a half times as wide allowing for a site configuration quite different from the subject site. The other adjacent site is 60 feet deeper than this lot, which also allows for more flexibility in that site's configuration.

#### **3. *Strict Application Deprives Use***

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

If the variance were not granted, the applicant would not be able to build on this site since the proposed building footprint is the industry standard in terms of size for such a facility.

#### **4. *Not Detrimental***

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

The granting of this variance is not detrimental to adjacent land since this property abuts a shared access drive and not another building. The site abuts other commercial uses which will not experience any greater impacts than if the building were set back the full 20 feet. This site does not abut any residential properties, so no increased impacts will be experienced by residential uses.

### **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. If the variance is not granted, a similar commercial use could be developed on the property.

---

### **Public Input**

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

- February 25: Sent public hearing notification postcards to property owners within 300 feet of the subject property.
- February 25: Posted public hearing signs on subject property.
- February 25: Advertised the Zoning Board of Appeals public hearing in *The Herald*.
- Information about this request was posted to the City's website

Staff has not heard from any adjacent owners or tenants.

---

### **Staff Recommendation**

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

Staff views the request as meeting all of the findings:

- The lot is a small, shallow lot that abuts a shared access drive along the rear property line, making building placement a critical component of redeveloping the site and allowing for adequate circulation and other requirements of site design.
  - While other lots nearby are also shallow, they are larger in size and can accommodate other site designs that can meet all the design requirements.
  - If the variance were not granted, the applicant would not be able to build on this site with their standard sized footprint.
  - The property abuts a shared access, drive and the other businesses will not experience any greater impacts.
- 

### **Attachments**

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

### **Staff Contact:**

Melody Kearse, Zoning Coordinator

803.329.7088

[melody.kearse@cityofrockhill.com](mailto:melody.kearse@cityofrockhill.com)



# VARIANCE APPLICATION

Plan Tracking # \_\_\_\_\_ Date Received: \_\_\_\_\_ Case # Z- \_\_\_\_\_

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

## PROPERTY INFORMATION

Street address of subject property: 2250 Cherry Rd, Rock Hill, SC 29732

Tax parcel number of subject property: 634 - 07 - 01 - 004

### 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
Andy Golden	1880 Southpark Dr. Birmingham, AL 35244	(205) 943-5770	andy.golden@expressoil.com

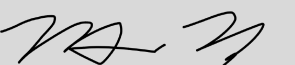
Are you the owner of the subject property?  Yes  No

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

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

Signature:  Date: 02/17/22

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

<p>Name of property owner: <u>Martin Bobak</u></p> <p>If property owner is an organization/corporation, name of person authorized to represent its property interests: <u>EMB-JMB ROCK HILL, LLC</u></p> <p>I certify that the person listed in the person listed above has my permission to represent this property in this application.</p> <p>Signature: <u></u> Date: <u>02/18/2022</u></p> <p>Preferred phone number: <u>(312) 982-9303</u> Email address: <u>mb@jmbmbinc.com</u></p> <p>Mailing address: <u>6440 Double Eagle Dr., Woodridge, IL 60517</u></p>
---

## INFORMATION ABOUT REQUEST

### General description of your request

- \_ The site is currently zoned General Commercial (GC), which requires a 20' rear setback. The rear of the proposed building encroaches into the rear setback. We propose a variance that
  - would allow the rear of the building to encroach the setback roughly 8-9 ft. Overall, allowing the building to slightly encroach in the setback will provide much safer travel and ability to
  - navigate through the development. The current parcel size is different from the neighboring parcels as reflected by Exhibit B. Neighboring Parcels are expected to not be impacted by the
  - requested variance.
- 
- 

### 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.

- \_ This site is zoned GC and has a 10' front/side setback and a large 20' rear setback. Since this is the case, this limits our buildable area for a
  - \_ roughly 4,825 SF building. For ease of travel throughout the site, it is much more advantageous for the building to be as close as possible to
  - that southern property line. Prospective Express Oil customers would enter through the plan South of the site and proceed through the
  - express oil car service and exit through the plan North side of the building. This provides a much safer experience for all parties including
  - the patrons of the entire development.
- 
- 

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

- \_\_\_\_\_ Neighboring sites in close proximity to Parcel 6340701004 along Cherry
  - \_\_\_\_\_ Road are two examples of not having these conditions. Based on our
  - \_\_\_\_\_ measurements, Parcel 63407001004 has a depth from the Cherry Road
  - \_\_\_\_\_ (the public ROW) of about 132 linear feet. The neighboring Parcel
  - \_\_\_\_\_ 6340701069 to the plan left has a depth of about 147 linear feet and the
  - \_\_\_\_\_ neighboring Parcel 6340701037 to the right has a depth of almost 200
  - \_\_\_\_\_ linear feet. Given this circumstance, if the subject property had the
  - \_\_\_\_\_ almost 147 linear feet of depth from Cherry Road, the proposed
  - \_\_\_\_\_ Express Oil would not be in need of this variance.
- 
-

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

As mentioned prior, as an Express Oil facility, they are unique in the sense that they allow customers to enter from the plan South of the building and exit from the plan North end. For cars to safely navigate the site, there needs to be sufficient area for cars to travel safely through the south and North end of the site. Current zoning requirements add additional constraints to this application Express Oil intends to provide for its customers. By providing an extra 8-10 feet into that rear setback, this allows customers to enter and exit the site as efficiently and as safely as possible.

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

Allowing the variance will not harm any adjacent parcel. By allowing the building into the setback slightly, this allows ease of travel and additional safety for all cars entering from Cherry Road, as well as all cars navigating through the proposed drive aisles throughout the site. The neighboring parcels on the plan East and West will not be impacted. The southern parcel/development as if given additional area to have easy access to this parcel as well as the entire development. Current plan South conditions have an visually abundant amount of space that this proposed development will not impact. In addition, per presubmittal meeting with the City of Rock Hill the private access driveway to the plan West of this site will be removed, substantially increasing the throat length into the overall development.

**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

Exhibit A: Aerial in relation to the City of Rock Hill

Exhibit B: Dimension Comparison for Neighboring Parcels

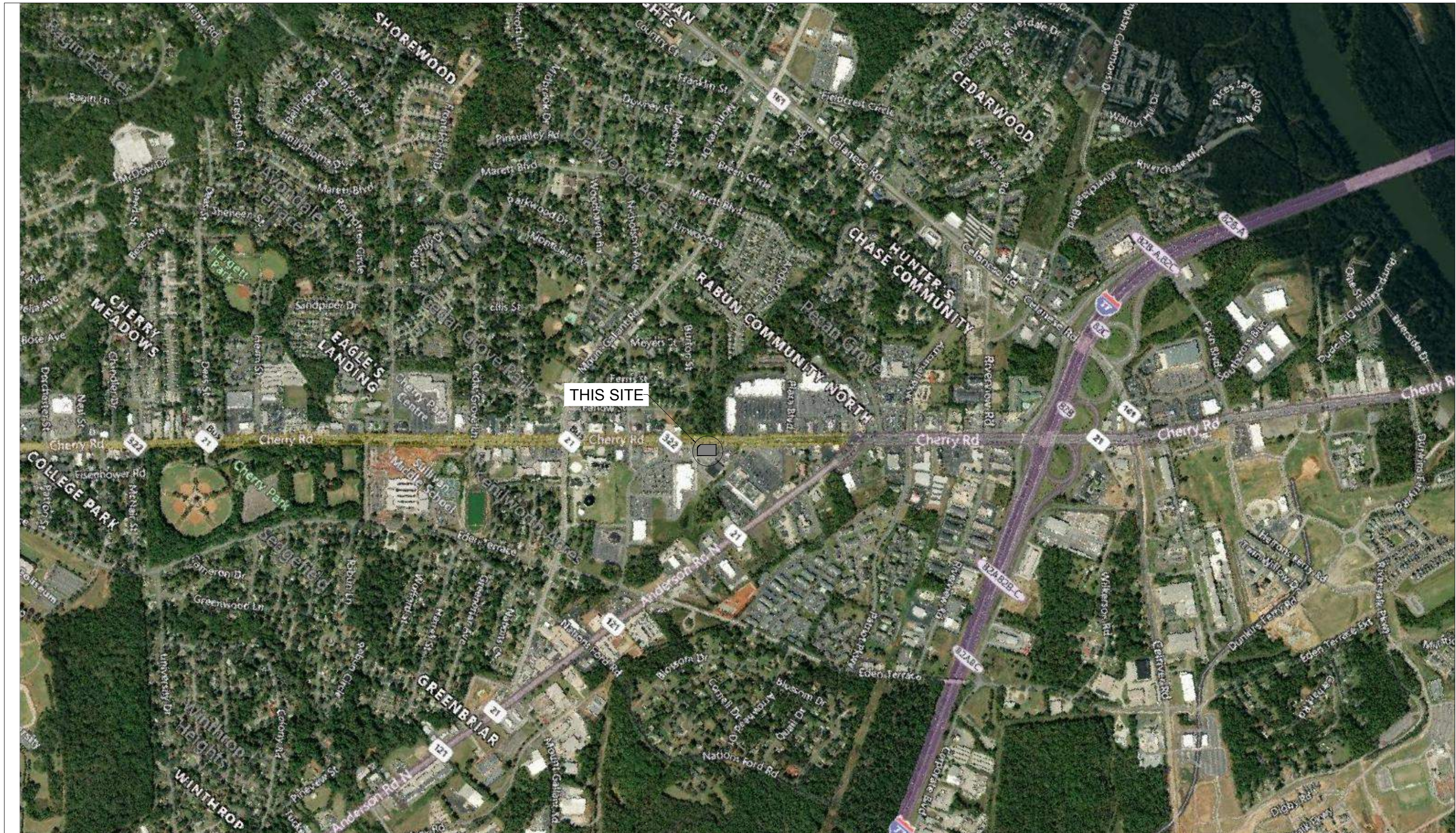
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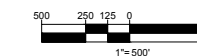


**BOHLER** //  
 BOHLER ENGINEERING NC, PLLC  
 NCBELS P-1132  
 1927 S. TRYON STREET, SUITE 310  
 CHARLOTTE, NC 28203  
 Phone: (980) 272-3400  
 Fax: (980) 272-3401  
 NC@BohlerEng.com

# PROPOSED EXPRESS OIL

## EXHIBIT A

ROCK HILL, SC 29732





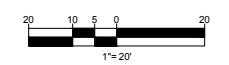
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**BOHLER //**  
BOHLER ENGINEERING NC, PLLC  
NCBELS P-1132

1927 S. TRYON STREET, SUITE 310  
CHARLOTTE, NC 28203  
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Fax: (980) 272-3401  
NC@BohlerEng.com

# PROPOSED EXPRESS OIL EXHIBIT B

2250 CHERRY RD, ROCK HILL, SC 29732



**CONCEPT PLAN NOTES**

(Rev. 1/2020)

1. THIS CONCEPT WAS PREPARED STRICTLY AND SOLELY BASED UPON INFORMATION IDENTIFIED IN THE PLAN REFERENCES.
2. THE CONCEPT DEPICTED HEREIN IDENTIFIES A DESIGN CONCEPT RESULTING SOLELY FROM LAYOUT PREFERENCES AND GUIDANCE DICTATED AND IDENTIFIED SOLELY BY THE CLIENT. THE FEASIBILITY WITH RESPECT TO OBTAINING LOCAL, COUNTY, STATE, AND OTHER APPLICABLE APPROVALS IS NOT WARRANTED, AND CAN ONLY BE ASSESSED AFTER FURTHER EXAMINATION AND VERIFICATION OF APPLICABLE REQUIREMENTS AND AFTER THE PROCUREMENT OF ALL NECESSARY JURISDICTIONAL APPROVALS.
3. THIS CONCEPTUAL PLAN IS PREPARED FOR CONCEPTUAL PRESENTATION PURPOSES, ONLY, AND IS NOT INTENDED TO AND SHOULD NOT BE UTILIZED AS A ZONING OR CONSTRUCTION DOCUMENT.
4. THE EXISTING CONDITIONS SHOWN HEREON ARE BASED UPON INFORMATION THAT WAS PROVIDED TO THE ENGINEER, AT THE TIME OF THE ENGINEER'S PREPARATION OF THIS CONCEPT PLAN, BY THE OWNER AND OTHERS NOT UNDER ENGINEER'S CONTROL, AND IS SUBJECT TO CHANGE AFTER PERFORMANCE OF ADDITIONAL DUE DILIGENCE, FIELD SURVEY OR BOTH.
5. IT IS STRONGLY RECOMMENDED THAT A ZONING CONFORMANCE ANALYSIS BE PERFORMED TO DETERMINE AND EVALUATE IF THERE ARE ANY RESTRICTIONS AND/OR ZONING ISSUES, CONCERNS OR RESTRICTIONS THAT MAY OR COULD IMPACT THE FEASIBILITY OF THIS PROJECT, AS THE OWNER HAS DESCRIBED IT.

BULK REQUIREMENTS		
MIN. BUILDING SETBACK	FRONT SETBACK	10'
	REAR SETBACK	20'
	SIDE SETBACK	10'
PARKING REQUIREMENTS	3 SPACES PER BAY + 1 PER VEHICLE STORED OVERNIGHT	25 SPACES PROVIDED
	ZONING	GENERAL COMMERCIAL (GC)
PROPERTY ACREAGE		0.68 AC



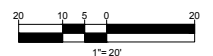
**TRUCK ACCESS:**  
**WB-67: LIKELY ACCESSIBLE**  
**SU-30: ACCESSIBLE**

**PROPOSED EXPRESS OIL**

2/17/22 | PAB | NCC211601


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



2250 CHERRY RD, ROCK HILL, SC 29732

## Z-2022-18

 Subject Property

### Zoning Districts

-  General Commercial (GC)
-  Limited Commercial (LC)
-  Office and Institutional (OI)
-  Single-Family 5 (SF-5)

**Zoning Data**  
Current Zoning  
**GC**



0 145 290  
Feet

Planning & Development  
Department  
City of Rock Hill  
03/15/2022

