



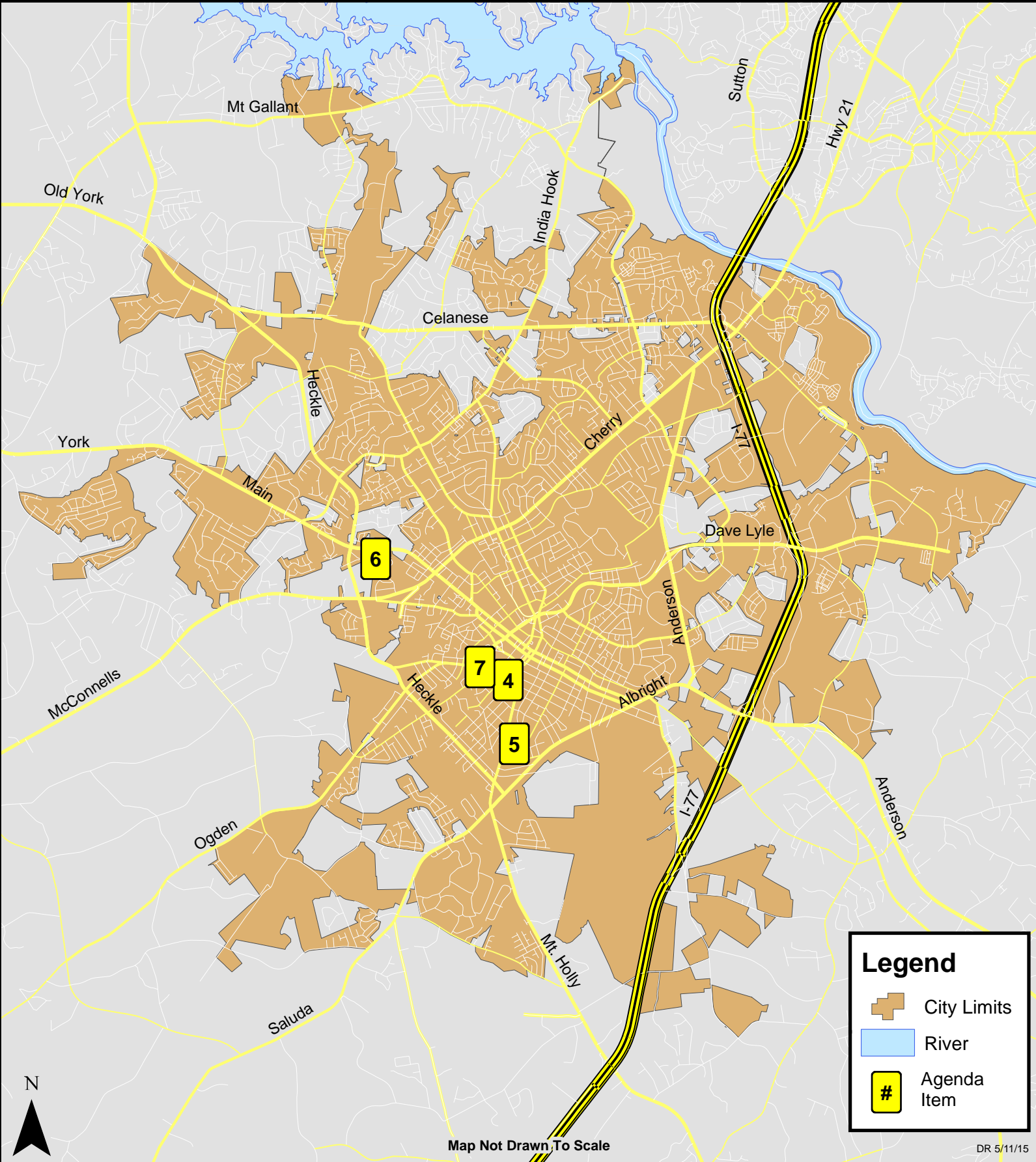
A G E N D A

Rock Hill Zoning Board of Appeals
April 19, 2022

1. Call to Order
2. Approval of Minutes from the March 15, 2022, meeting.
3. Approval of Orders from the March 15, 2022, meeting
4. Appeal Z-2021-42: Request by Ashley Elks for a variance from the side and rear yard setbacks for an accessory structure, playhouse, located at 302 State Street, which is zoned Single-Family Residential-4 (SF-4). Tax map number 600-02-03-036.
5. 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.
6. Appeal Z-2022-19: Request by Mike Smith for a variance from the secondary front setback for a fence taller than 4 feet located at 1274 Pelham Wood Drive, which is zoned Single-Family Residential-5 (SF-5). Tax map number 595-04-01-048.
7. Appeal Z-2022-20: Request by Vivian Ramseur with Excel Property Management Services, for a variance from the required number of parking spaces at 538 S. Dave Lyle Blvd., which is zoned Neighborhood Commercial (NC). Tax map number 598-24-01-017.
8. Other Business.
9. Adjourn.

Zoning Board of Appeals Agenda Items

City of Rock Hill, SC
April 19, 2022
Zoning Board of Appeals



Legend

- City Limits
- River
- Agenda Item

Map Not Drawn To Scale

A public hearing of the Zoning Board of Appeals was held Tuesday, March 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

MEMBERS ABSENT: Chad Williams

STAFF PRESENT: Melody Kearse, Eric Hawkins, Shana Marshburn, Bryman Suttle

Legal notices of the public hearing were published in *The Herald*, Friday, February 25, 2022. 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 February 15, 2022, meeting.

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

3. Approval of Orders of the February 15, 2022, meeting.

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

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.

Melody Kearse, Zoning Coordinator, presented the staff report.

Mr. Sutton asked if the design overlay district states that four-sided architecture and two-foot offsets are required. Ms. Kearse replied yes.

Mr. Sutton asked if all lots will be combined? Ms. Kearse replied yes.

Mr. Hawthorne asked if the parking on the south side of the entrance is adequate for the proposed use. Ms. Kearse replied that the proposed parking is based on retail uses which require one space per 250 square feet.

Mr. Cullum asked which portion of the property is the right-of-way that needs to be abandoned. Ms. Kearse pointed out the right-of-way area on the aerial photo and noted that when rights-of-way are closed, they are typically split between the adjoining owners.

Mr. Hawthorne asked whose right-of-way it is. Ms. Kearse stated that it is just a public right-of-way, and no one has responsibility for maintenance.

Mr. Sutton asked if the right-of-way was for a proposed street. Ms. Kearse responded that it was likely platted as a proposed street for a development that never materialized.

Mr. Hawthorne asked if the utility easement along Anderson extends further south beyond the entrance? Ms. Kearse replied yes.

Chair Crawford asked if there is a plan for the rest of the site showing all of the property. Ms. Kearse

stated that there are plans for future development on the back part of the property, but nothing is shown at this time.

Chair Crawford stated that there is a large buffer against the adjoining residential property now and asked if there will be less of a buffer in the future. Ms. Kearse stated that any proposed development on the remaining property will determine the buffer in the future.

Mr. Cullum asked if there was any consideration of traffic in this area. Ms. Kearse stated that no traffic study was required, and the roads are adequate to serve the proposed use.

Chair Crawford opened the floor to the applicant.

Emad Fahmy, 2078 Durand Road, Fort Mill (applicant) was available for questions.

Ms. Brown asked the applicant if he is moving from his current location. Mr. Fahmy stated yes, he wants to build his own site, so he doesn't have to keep moving.

Chair Crawford opened the floor for public comment.

Chad Simpson, 1324 E. Black Street, stated that he is the contractor for the proposed development and is in favor of the proposal. Mr. Simpson offered to answer any questions.

Chair Crawford noted that in terms of compatibility, there are several similar uses in the area.

Mr. Sutton made a motion to approve the application subject to the four conditions noted in the staff comments. The motion was seconded by Mr. Cullum and was approved by a vote of 6-0 (Williams absent).

Mr. Sutton presented the findings, noting that it complies with the use specific standards, it is compatible with surrounding property, minimizes any adverse impact, there is no environmental impact, roads are adequate, it will not injure neighboring land or property values, a site plan has been submitted, and it complies with all other relevant laws & ordinances.

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.

Shana Marshburn, Planner II, presented the staff report.

Chair Crawford opened the floor to the applicant.

George Riano, 1698 Hardy Drive (applicant), stated that he has a dog and people use the adjoining area as a common space. He is trying to avoid any incidents.

Mr. Hawthorne asked if there is a trail that this area leads to behind the neighborhood. Mr. Riano stated that people do go through the area and onto the adjoining property, but it is not a real trail.

Chair Crawford opened the floor for public comment.

James Sheedy, 1732 Hardy Dr, Bristol Park HOA President, stated that the property was originally planned to have a road but there are no plans for a road there now. The HOA previously talked to the City about taking ownership of the property for installation of playground. The neighborhood covenants state that fences should be see-through, but several fences have been installed that don't meet this standard. Mr. Sheedy stated that he is in favor of the proposal.

Mr. Cullum stated that it is nice of the HOA president to attend, and it shows neighborhood approval.

Ms. Brown made a motion to approve the application. The motion was seconded by Ms. Reeves and was approved by a vote of 6-0 (Williams absent).

Ms. Brown presented the findings, noting that the property is unique in that there is no street in the right-of-way, the conditions are unique and do not apply to other properties in the area, a smaller fence would not address the applicant's security concerns, and the granting of the variance would not be detrimental to the area.

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.

Melody Kearse, Zoning Coordinator, presented the staff report.

Chair Crawford asked about the green box at front of the site on the site plan. Ms. Kearse stated that the green box represents a small building that is on a separate parcel.

Chair Crawford opened the floor to the applicant.

Robert Whitaker, 1717 Gervais St, Columbia, SC (applicant), stated that his goal is to provide an affordable alternative for the community.

Mr. Sutton asked if someone local will operate the business. Mr. Whitaker stated that he will operate the business.

Chair Crawford asked what types of service will be offered. Mr. Whitaker stated that they will replace shocks, brakes, and do tune-ups.

Chair Crawford asked what the hours of operation will be. Mr. Whitaker replied that it will be open from nine until six or seven.

Chair Crawford opened the floor for public comment.

Vincent James, 1227 Saluda Street, member of the Saluda Corridor Business Association, spoke in opposition to the proposal stating that in order to change the mindset of a person or community, the conditions surrounding them need to change; there is blight in the area; the fence doesn't shield the use from public view; and the Saluda corridor leads to downtown, but its appearance is not representative of Rock Hill. Mr. James presented pictures to the board showing other businesses in the area.

Chair Crawford asked if any of the pictures were taken on this site. Mr. James noted that one of the pictures was of this site and pointed it out to the Board.

Ms. Reeves asked Mr. James if he is opposed to the proposed use. Mr. James stated that there are enough auto sales and repair businesses on Saluda. Mr. James noted that he has an auto sales business on Saluda that he is planning on moving. Adding one more would not be a good look for Saluda coming to downtown from I-77. Mr. James stated that the Saluda corridor doesn't look like what we want it to. Rock Hill is changing and growing, and the Saluda corridor also needs to change and grow. If you come into Rock Hill from Saluda Street, it doesn't show what Rock Hill really is.

Mr. Cullum asked Mr. James what he envisions for this property. Mr. James stated that the building should be torn down and offices with residential above should be built.

Mr. Hawthorne asked Mr. James if the yard is screened in, would it address your concerns. Mr. James stated that there are other properties in the area that should be screened but they are not.

Chair Crawford stated that since this is a new development, it would have to be screened and asked staff to verify. Ms. Kearse stated that since this property has been vacant for so long, all of the current standards have to be met.

Dr. Norma Gray, 407 Marshall St, on behalf of herself and Get Clear Social Justice Network, spoke in favor of the proposal. She believes the plan will make the Saluda Corridor better and go in the direction it should go. It will improve the property's appearance. She stated that she wants Saluda Street to look like the rest of Rock Hill. Economic challenges right now have caused used cars to cost as much as new cars and we are desperately in need of more repair shops. People are holding on to their vehicles longer and we need competitive businesses.

Lawrence Sanders, 604 ½ Saluda Street, spoke in opposition and stated that the applicant will not do anything he says. Mr. Sanders stated that the applicant has another place in Lancaster and asked why he needs another one here. Mr. Sanders commented that the applicant hasn't done anything to improve the property and other places in the area haven't done anything to clean their property up either.

Melvin Poole, owner of 523 Saluda Street, co-chairman of Saluda Corridor Business Association, spoke in opposition and stated that the character of Saluda Street is changing. It used to be a place with junk cars and mechanic shops, but it is changing. North Central Family Medical Center has invested and built new buildings, the Transformation Center has built a new church, and a pharmacy opened two weeks ago. Other auto businesses in the area have not followed the rules and the applicant will do the same thing. People in the area have fought to get things changed and want to keep the momentum going.

Eddie McFadden, 729 Rockdale Street, spoke in opposition and noted that he has put up a car port, paved the driveway, and installed a fence around his property. He stated that the proposal will knock down the value of his house. He pointed out properties in the area with junk cars and stated that he doesn't want to lose the value of his house.

Mr. Whitaker was given time for rebuttal and stated that improving the building will increase property values in the area and make the property more appealing to the area. He noted that he is planning to put stone on the building and add trees in accordance with the ordinance. He stated that he will go above and beyond the requirements. He also stated that Mr. James wanted to buy the property for the same use that he is proposing.

Mr. Hawthorne asked Mr. Whitaker if he has any plans showing what the building would look like after it is fixed up. Mr. Whitaker stated that he only has the sketch plan and noted that he wants to improve the entire location. He stated that the building has sat how it is because he can't do anything with the building until he gets City approval. He needs the approval before paying someone to do plans.

Ms. Brown asked Mr. Whitaker how long he has owned the building. He stated about 5 years.

Chair Crawford commented that drawings would help the Board envision what the building will look like. Mr. Whitaker stated that he wants to add slate panels on the building and the site will be paved. He noted that he has talked to the owner of building next door who has some design ideas. He stated that he will update the building to make it look more modern.

Ms. Reeves asked Mr. Whitaker what his time frame is for doing the work. Mr. Whitaker stated that he can start in 30-60 days.

Mr. Hawthorne stated it would be good for the applicant to have some renderings of the building to help the neighbors see what it will look like.

Ms. Reeves stated that anything will look better than a vacant building.

Ms. Brown stated that the Saluda Corridor Business Association has put a lot into the area and their voice should weigh on what we do.

Mr. Hawthorne stated that if someone wants to bring a business to the area, it should be well-received by the neighbors. He stated that giving the applicant time to provide more information would help inform our decision.

Ms. Reeves stated that she thinks the neighbors will have the same comments.

Chair Crawford stated that if we have more information, it will help determine if the design minimizes adverse impacts.

Mr. Hawthorne stated that he agrees that something is better than nothing but having more information will help us make a decision.

Ms. Reeves asked what exactly the applicant should provide. Mr. Hawthorne stated that he would like to see professionally drawn plans and renderings of the building.

Chair Crawford stated that it is unclear what he is willing to do that is above and beyond the requirements. If he shows up something, it will allow us to determine that.

Mr. Cullum commented that regarding property value, it looks like the City thinks it will improve values, but neighbors think it will hurt values. He stated that we need to clarify what the vision is for the area and be consistent with that.

Chair Crawford stated that the Board also needs to consider compatibility with the area.

Mr. Hawthorne made a motion to defer until more information is provided by the applicant, including building elevations and fence drawings. The motion was seconded by Mr. Cullum and was approved by a vote of 6-0 (Williams absent).

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.

Shana Marshburn, Planner II, presented the staff report.

Mr. Sutton asked what the appellant's options are if the appeal is denied. Ms. Marshburn stated that they would need to either remove the fence or combine the lots.

Mr. Hawthorne asked if the lots are combined, can fence stay as it is. Ms. Marshburn replied yes.

Chair Crawford asked what section of the code says fences cannot be on undeveloped lots. Ms. Marshburn referred to sections of the code that mention fences on undeveloped lots are specific to non-residential properties.

Mr. Sutton stated that he thinks it is a gray area in the code. Chair Crawford agreed.

Mr. Hawthorne stated that the code explicitly says fences should be on same lot as the principal structure.

Chair Crawford asked why fences are not allowed on undeveloped residential lots. Ms. Marshburn stated that you don't commonly see fences on undeveloped residential lots. There is normally no need to fence in an undeveloped residential lot.

Chair Crawford asked if staff initially thought that the fence was for the house next door. Ms. Marshburn replied yes, the code enforcement officer didn't realize the fence was on a separate lot.

Chair Crawford opened the floor to the appellant

Randy Williams, 4407 Harbor Inn Road, (appellant), presented pictures to the Board. Mr. Williams stated that the situation is very confusing. He was initially told that he just needed to get a permit.

He commented that the situation doesn't make logical sense. He stated that he inherited the lot from his father. His nephew who lives in the house on the adjoining lot cleaned up the subject lot to have a place for his kids to play and asked if he could fence it in. Mr. Williams stated that he plans to build a house on the property one day and commented that the fence looks better than an overgrown lot. He stated that the fence permit application is confusing where it says you don't have to get a building permit for fences unless they are over six feet. Mr. Williams stated that after he filled out the application, he got different e-mails from people at the City. He doesn't understand why staff asked questions about the location of fence if he wasn't allowed to have a fence and nobody mentioned that he couldn't have a fence between Dec. 6, and Feb. 2.

Mr. Cullum asked Mr. Williams if the fence was built before he applied for the permit. Mr. Williams stated that he wasn't aware that he needed a permit and when he started trying to get a permit, nobody said I couldn't have a permit. He is also confused by the staff report where it says that if the appeal is upheld, the fence will have to meet setbacks, but the permit application says you can build a fence up to the property line.

Ms. Reeves asked Mr. Williams if he could combine the lots. Mr. Williams stated that he doesn't want to combine the lots because he plans to build a house there one day.

Mr. Hawthorne asked Mr. Williams what he will do with the fence if he builds a house on the lot. Mr. Williams stated that by then, his nephew will probably be gone, and the kids will be grown so the fence wouldn't be needed.

Mr. Sutton asked why the fence is L-shaped. Mr. Williams stated that it was a high-crime area a couple of years ago and the fence helps provide privacy and security for the kids. It also helps things from being stolen.

Mr. Williams provided a picture of another house he has beside a commercial property where the commercial property has a fence. Mr. Hawthorne commented that the fence there looks a little out of place, but it makes sense why they did it.

Chair Crawford referred to Section 5.3.1.(F) of the Zoning Ordinance that states accessory structures are not to be constructed prior to the primary structure.

Mr. Cullum made a motion to affirm the decision of the Planning & Development Director. The motion was seconded by Chair Crawford.

Mr. Cullum commented that the appellant is a builder, and the fence was built without checking on the rules. This could've been avoided if the appellant had applied for a permit first.

Mr. Hawthorne commented that it would be helpful moving forward to have the ordinance clarified.

Chair Crawford called for the vote and the motion was approved by a vote of 5-1 (Sutton opposed, Williams absent).

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.

Melody Kearse, Zoning Coordinator, presented the staff report.

Mr. Hawthorne asked if there are bays on the back of the building. Ms. Kearse replied that they are and that there are bays on both sides of the building.

Mr. Hawthorne asked if the landscape island will be extended along the west side of the property. Ms. Kearse replied yes.

Mr. Hawthorne asked if staff has any concerns about vehicles backing up into the access drive to the rear of the property. Ms. Kearse stated that the access drive is not frequently used, and staff does not think this will create any conflicts that will be a problem.

Mr. Cullum asked if the property across the street is where a storage facility is proposed. Ms. Kearse stated that the storage facility will be on the back of the property with commercial uses fronting Cherry Road.

Mr. Cullum asked how a shared access drive is defined. Ms. Kearse stated that it is an agreement between property owners that allows an owner to access their property across another property.

Mr. Cullum stated that the access drive is full of potholes and asked who is responsible for maintenance. Ms. Kearse stated that she is not sure if there is a maintenance agreement between the owners that use it or not. She noted that the parking lot improvements for the welding school on the adjoining property includes improvements to the access drive.

Mr. Hawthorne asked if the common access is recorded at register of deeds. Ms. Kearse replied that it is.

Chair Crawford asked about the stacking requirement for service bays. Ms. Kearse replied that three parking spaces are required per bay but there is not a stacking requirement.

Mr. Hawthorne asked if the existing building will be demolished. Ms. Kearse replied that it will.

Mr. Hawthorne asked if a traffic study was required and if SCDOT has approved the access to Cherry Rd. Ms. Kearse stated that SCDOT previously approved an access in the same location for Captain D's, although the access for this proposal may need to be shifted to the east.

Mr. Cullum stated that there is a similar common access drive across from Wal-Mart on Old York Rd, and he thinks this one will be more heavily used over time.

Chair Crawford opened the floor to the applicant.

John Davis, 1880 Southpark Drive, Birmingham, Alabama (applicant's representative) stated that they recently opened the Old York Rd location and immediately started looking for a second location in Rock Hill. He noted that the plan to pave the entrance. He noted that cars will enter the site from the common access drive, and they have verified that they have rights to use it.

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

Mr. Sutton made a motion to approve the variance request. The motion was seconded by Ms. Reeves. Chair Crawford noted that the access easement helps reduce the need for a setback.

Chair Crawford called for the vote and the motion and was approved by a vote of 6-0 (Williams absent).

Mr. Sutton presented the findings, noting that the shape of the lot and surrounding conditions are unique and strict application of the requirements would deprive use of the property; and granting the variance will not be detrimental to the surrounding area.

9. Other Business.

- a. Ms. Kearse presented information about upcoming continuing education opportunities.

10. 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 6-0 (Williams absent). The meeting adjourned at 8:09 p.m.



Zoning Board of Appeals Order

Z-2022-14

The Zoning Board of Appeals held a public hearing on Tuesday, February 15, 2022, to consider a **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.**

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

Chad Williams was absent.

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

1. The site may be identified as 611, 633-647 N. Anderson Rd.
2. The property owner is Robert W. Hurst.
3. This property is zoned General Commercial (GC).
4. The request was for a special exception to establish an automobile sales use.
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
 - February 25: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - February 25: Public Hearing notification signs posted on subject property.
 - February 25: 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 design overlay district states that four-sided architecture and two-foot offsets are required. Ms. Kearse replied yes.

Mr. Sutton asked if all lots will be combined? Ms. Kearse replied yes.

Mr. Hawthorne asked if the parking on the south side of the entrance is adequate for the proposed use. Ms. Kearse replied that the proposed parking is based on retail uses which require one space per 250 square feet.

Mr. Cullum asked which portion of the property is the right-of-way that needs to be abandoned. Ms. Kearse pointed out the right-of-way area on the aerial photo and noted that when rights-of-way are closed, they are typically split between the adjoining owners.

Mr. Hawthorne asked whose right-of-way it is. Ms. Kearse stated that it is just a public right-of-way, and no one has responsibility for maintenance.

Mr. Sutton asked if the right-of-way was for a proposed street. Ms. Kearse responded that it was likely platted as a proposed street for a development that never materialized.

Mr. Hawthorne asked if the utility easement along Anderson extends further south beyond the entrance? Ms. Kearse replied yes.

Chair Crawford asked if there is a plan for the rest of the site showing all of the property. Ms. Kearse stated that there are plans for future development on the back part of the property, but nothing is shown at this time.

Chair Crawford stated that there is a large buffer against the adjoining residential property now and asked if there will be less of a buffer in the future. Ms. Kearse stated that any proposed development on the remaining property will determine the buffer in the future.

Mr. Cullum asked if there was any consideration of traffic in this area. Ms. Kearse stated that no traffic study was required, and the roads are adequate to serve the proposed use.

Chair Crawford opened the floor to the applicant.

Emad Fahmy, 2078 Durand Road, Fort Mill (applicant) was available for questions.

Ms. Brown asked the applicant if he is moving from his current location. Mr. Fahmy stated yes, he wants to build his own site, so he doesn't have to keep moving.

Chair Crawford opened the floor for public comment.

Chad Simpson, 1324 E. Black Street, stated that he is the contractor for the proposed development and is in favor of the proposal. Mr. Simpson offered to answer any questions.

Chair Crawford noted that in terms of compatibility, there are several similar uses in the area.

Mr. Sutton made a motion to approve the application subject to the four conditions noted in the staff comments. The motion was seconded by Mr. Cullum and was approved by a vote of 6-0 (Williams absent).

Mr. Sutton presented the findings, noting that it complies with the use specific standards, it is compatible with surrounding property, minimizes any adverse impact, there is no environmental impact, roads are adequate, it will not injure neighboring land or property values, a site plan has been submitted, and it complies with all other relevant laws & ordinances.

THE BOARD, THEREFORE, ORDERS:

The request by Emad Fahmy for a special exception to establish an automobile sales use at 611, 633-647 N. Anderson Rd, is APPROVED with CONDITIONS.

Conditions:

- 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.
- 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.
- The landscaping islands on the plan's left (south) side has an 8-foot landscaping median extending past the building, which currently 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.
- The DOD standards require a hedge or wall to be shown on both sides of the entrance drive for multi-tenant sites.

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-2022-15

The Zoning Board of Appeals held a public hearing on Tuesday, February 15, 2022, to consider a **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.**

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

Chad Williams was absent.

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

1. The site may be identified as 1698 Hardy Dr.
2. The property owner is George Riano.
3. This property is Multi-Family-15 (MF-15).
4. The request was for a variance from the secondary front setbacks for a fence.
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:
 - February 25: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - February 25: Public Hearing notification signs posted on subject property.
 - February 25: 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.

Chair Crawford opened the floor to the applicant.

George Riano, 1698 Hardy Drive (applicant), stated that he has a dog and people use the adjoining area as a common space. He is trying to avoid any incidents.

Mr. Hawthorne asked if there is a trail that this area leads to behind the neighborhood. Mr. Riano stated that people do go through the area and onto the adjoining property, but it is not a real trail.

Chair Crawford opened the floor for public comment.

James Sheedy, 1732 Hardy Dr, Bristol Park HOA President, stated that the property was

originally planned to have a road but there are no plans for a road there now. The HOA previously talked to the City about taking ownership of the property for installation of playground. The neighborhood covenants state that fences should be see-through, but several fences have been installed that don't meet this standard. Mr. Sheedy stated that he is in favor of the proposal.

Mr. Cullum stated that it is nice of the HOA president to attend, and it shows neighborhood approval.

Ms. Brown made a motion to approve the application. The motion was seconded by Ms. Reeves and was approved by a vote of 6-0 (Williams absent).

Ms. Brown presented the findings, noting that the property is unique in that there is no street in the right-of-way, the conditions are unique and do not apply to other properties in the area, a smaller fence would not address the applicant's security concerns, and the granting of the variance would not be detrimental to the area.

THE BOARD, THEREFORE, ORDERS:

The request by George Riano, for a variance from the secondary front setbacks for a fence at 1698 Hardy Dr, 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-2022-17

The Zoning Board of Appeals held a public hearing on Tuesday, February 15, 2022, to consider an **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.**

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

Chad Williams was absent.

After consideration of the evidence and arguments presented, the Board voted to affirm the Director's decision based on the following findings of fact:

1. The site may be identified as 539 Walnut St.
2. The property owner is Randy Williams.
3. This property is Single-Family Residential-5 (SF-5).
4. The appeal was from the Director's decision to deny a permit for a fence on an undeveloped residential property.
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:
 - February 25: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - 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 what the appellant's options are if the appeal is denied. Ms. Marshburn stated that they would need to either remove the fence or combine the lots.

Mr. Hawthorne asked if the lots are combined, can fence stay as it is. Ms. Marshburn replied yes.

Chair Crawford asked what section of the code says fences cannot be on undeveloped lots. Ms. Marshburn referred to sections of the code that mention fences on undeveloped lots are specific to non-residential properties.

Mr. Sutton stated that he thinks it is a gray area in the code. Chair Crawford agreed.

Mr. Hawthorne stated that the code explicitly says fences should be on same lot as the principal structure.

Appeal No. Z-2022-17

Randy Williams

Appeal of Director's decision to deny a fence permit on an undeveloped residential property

Page 1 _____

Chair Crawford asked why fences are not allowed on undeveloped residential lots. Ms. Marshburn stated that you don't commonly see fences on undeveloped residential lots. There is normally no need to fence in an undeveloped residential lot.

Chair Crawford asked if staff initially thought that the fence was for the house next door. Ms. Marshburn replied yes, the code enforcement officer didn't realize the fence was on a separate lot.

Chair Crawford opened the floor to the appellant

Randy Williams, 4407 Harbor Inn Road, (appellant), presented pictures to the Board. Mr. Williams stated that the situation is very confusing. He was initially told that he just needed to get a permit. He commented that the situation doesn't make logical sense. He stated that he inherited the lot from his father. His nephew who lives in the house on the adjoining lot cleaned up the subject lot to have a place for his kids to play and asked if he could fence it in. Mr. Williams stated that he plans to build a house on the property one day and commented that the fence looks better than an overgrown lot. He stated that the fence permit application is confusing where it says you don't have to get a building permit for fences unless they are over six feet. Mr. Williams stated that after he filled out the application, he got different e-mails from people at the City. He doesn't understand why staff asked questions about the location of fence if he wasn't allowed to have a fence and nobody mentioned that he couldn't have a fence between Dec. 6, and Feb. 2.

Mr. Cullum asked Mr. Williams if the fence was built before he applied for the permit. Mr. Williams stated that he wasn't aware that he needed a permit and when he started trying to get a permit, nobody said I couldn't have a permit. He is also confused by the staff report where it says that if the appeal is upheld, the fence will have to meet setbacks, but the permit application says you can build a fence up to the property line.

Ms. Reeves asked Mr. Williams if he could combine the lots. Mr. Williams stated that he doesn't want to combine the lots because he plans to build a house there one day.

Mr. Hawthorne asked Mr. Williams what he will do with the fence if he builds a house on the lot. Mr. Williams stated that by then, his nephew will probably be gone, and the kids will be grown so the fence wouldn't be needed.

Mr. Sutton asked why the fence is L-shaped. Mr. Williams stated that it was a high-crime area a couple of years ago and the fence helps provide privacy and security for the kids. It also helps things from being stolen.

Mr. Williams provided a picture of another house he has beside a commercial property where the commercial property has a fence. Mr. Hawthorne commented that the fence there looks a little out of place, but it makes sense why they did it.

Chair Crawford referred to Section 5.3.1.(F) of the Zoning Ordinance that states accessory structures are not to be constructed prior to the primary structure.

Mr. Cullum made a motion to affirm the decision of the Planning & Development Director. The motion was seconded by Chair Crawford.

Mr. Cullum commented that the appellant is a builder, and the fence was built without checking on the rules. This could've been avoided if the appellant had applied for a permit

first.

Mr. Hawthorne commented that it would be helpful moving forward to have the ordinance clarified.

Chair Crawford called for the vote and the motion was approved by a vote of 5-1 (Sutton opposed, Williams absent).

THE BOARD, THEREFORE, ORDERS:

That the Director’s decision to deny a permit for a fence on an undeveloped residential property located at 539 Walnut St, is AFFIRMED.

Section 2.12.1 (C) of the Zoning Ordinance states:

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

AND IT IS SO ORDERED.

Matt Crawford, Chairman

Date the Order Was Approved by the Board: _____

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



Zoning Board of Appeals Order

Z-2022-18

The Zoning Board of Appeals held a public hearing on Tuesday, February 15, 2022, to consider a **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.**

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

Chad Williams was absent.

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

1. The site may be identified as 2250 Cherry Rd.
2. The property owner is EMB-JMB Rock Hill, LLC.
3. This property is General Commercial (GC).
4. The request was for a variance from the rear yard setbacks for an automobile repair 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:
 - February 25: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - February 25: Public Hearing notification signs posted on subject property.
 - February 25: 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. Hawthorne asked if there are bays on the back of the building. Ms. Kearse replied that they are and that there are bays on both sides of the building.

Mr. Hawthorne asked if the landscape island will be extended along the west side of the property. Ms. Kearse replied yes.

Mr. Hawthorne asked if staff has any concerns about vehicles backing up into the access drive to the rear of the property. Ms. Kearse stated that the access drive is not frequently used, and staff does not think this will create any conflicts that will be a problem.

Mr. Cullum asked if the property across the street is where a storage facility is proposed. Ms. Kearse stated that the storage facility will be on the back of the property with commercial uses fronting Cherry Road.

Mr. Cullum asked how a shared access drive is defined. Ms. Kearse stated that it is an agreement between property owners that allows an owner to access their property across another property.

Mr. Cullum stated that the access drive is full of potholes and asked who is responsible for maintenance. Ms. Kearse stated that she is not sure if there is a maintenance agreement between the owners that use it or not. She noted that the parking lot improvements for the welding school on the adjoining property includes improvements to the access drive.

Mr. Hawthorne asked if the common access is recorded at register of deeds. Ms. Kearse replied that it is.

Chair Crawford asked about the stacking requirement for service bays. Ms. Kearse replied that three parking spaces are required per bay but there is not a stacking requirement.

Mr. Hawthorne asked if the existing building will be demolished. Ms. Kearse replied that it will.

Mr. Hawthorne asked if a traffic study was required and if SCDOT has approved the access to Cherry Rd. Ms. Kearse stated that SCDOT previously approved an access in the same location for Captain D's, although the access for this proposal may need to be shifted to the east.

Mr. Cullum stated that there is a similar common access drive across from Wal-Mart on Old York Rd, and he thinks this one will be more heavily used over time.

Chair Crawford opened the floor to the applicant.

John Davis, 1880 Southpark Drive, Birmingham, Alabama (applicant's representative) stated that they recently opened the Old York Rd location and immediately started looking for a second location in Rock Hill. He noted that the plan to pave the entrance. He noted that cars will enter the site from the common access drive, and they have verified that they have rights to use it.

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

Mr. Sutton made a motion to approve the variance request. The motion was seconded by Ms. Reeves. Chair Crawford noted that the access easement helps reduce the need for a setback.

Chair Crawford called for the vote and the motion and was approved by a vote of 6-0 (Williams absent).

Mr. Sutton presented the findings, noting that the shape of the lot and surrounding conditions are unique and strict application of the requirements would deprive use of the property; and granting the variance will not be detrimental to the surrounding area.

THE BOARD, THEREFORE, ORDERS:

The request by Andy Golden with Express Oil, for a variance from the rear yard setback

for an automobile repair use at 2250 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: _____

Z-2021-42

Requests: Request for a variance from the rear and side yard setbacks for an accessory structure.

Address: 302 State Street

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

Applicant: Ashley Elks





Requests:	Variance from the side and rear yard setbacks for an accessory structure
Address:	302 State Street
Tax Map No.:	600-0-203-036
Zoning District:	Single-Family Residential-4 (SF-4)
Owner/ Applicant:	Ashley K. Elks 302 State Street Rock Hill, SC 29730

Background

In June of 2021, a violation was issued after the City's Neighborhood Services Department found that both a playhouse and shed were added to the rear yard of the residence without a permit. In September 2021 the Zoning Board of Appeals (ZBA) granted the shed a variance and deferred the request of for the playhouse, a two-story structure, to give the applicant time to figure out with staff the best way to remedy the issue. After much back and forth, the applicant determined that they would lower the playhouse and remove the deck, and then seek a variance from the side and rear yard setbacks for a one-story accessory structure instead.

During the previous public hearing staff stated they could support a variance request if the playhouse was lowered to a one-story structure and the deck removed. Under the new request the playhouse would sit 14 inches off of one property line (rear) and 15 inches off of the other property line (side).

The Zoning Ordinance does allow staff to administratively adjust the required setbacks by up to 20% when a property is located in Old Town; however, this would still require a minimum distance of 4 feet from the property lines, and so this provision would be inadequate. Therefore, variances of 3 feet, 10 inches and 3 feet 9 inches are needed.

Site Description

The property is located on State Street at the Green Street intersection. It is mainly surrounded by single-family homes that are also zoned SF-4. Some multi-family residences also exist in the vicinity in the Multi-Family-15 zoning district. The lot abuts a property that was previously use as a convenience store but is currently vacant.

Description of Intent for the Single-Family Detached Zoning Districts

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

The primary difference between these districts is the minimum lot size for development and other dimensional standards that are listed in full in *Chapter 6: Community Design*

Standards. The following chart summarizes the differences in lot sizes for single-family residential development.

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

Analysis of Requests for Variance

Required Findings of Fact

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

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

1. *Extraordinary and Exceptional Conditions*

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

The applicant has stated that there is a large tree in the rear yard, in addition to the lot being very small. Staff has observed the significant size of the tree and notes that the applicant's lot is very small (~ 50-foot x 117-foot) and with the house setback 25 feet it only leaves a rear yard of approximately 38 feet in depth.

Staff recognizes the difficulty in placing the playhouse elsewhere in the rear yard given its size, the location of the tree and the existing shed.

2. *Unique Conditions*

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

Staff notes that the majority of the lots in the area are deeper than the applicant's lot by 34 to 51 feet. This would allow for other homeowners to have multiple accessory structures without utilizing the majority of their rear yards

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.

Requiring the applicant to meet the 5-foot setback would unreasonably restrict the utilization of the land as the rear yard is small in general compared to others in the area.

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 for the playhouse were granted, staff would not see it as a substantial detriment as the playhouse is located behind a fence and is only one-story in height. Also, no neighboring properties have contacted staff with concerns about the request.

Not Grounds for Variance

Variance requests cannot be based on the ability of the land to be used more profitably if the requests are granted. In this case, the variance request is not based on the ability of the land to be used more profitably if the request is granted because the land is not intended to be used to generate a profit but rather for a single-family residence.

Public Input

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

- April 1: Sent public hearing notification postcards to property owners within 300 feet of the subject property.
- April 1: Posted public hearing signs on subject property.
- April 1: 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 of any concerns from neighboring property owners.

Staff Recommendation

Staff recommends approval of the variance request since the applicant has lowered the playhouse to one-story and has removed the deck as previously discussed and the request meets all four findings as follows.

1. The lot is very small and there is a large tree that takes up substantial space in the rear yard.
 2. Other lots in the area are much deeper than this lot.
 3. Strict application would unreasonably restrict the utilization of the land as the rear yard is very small in general especially when compared to others in the area.
 4. The granting of a variance would not be detrimental to the public good or neighboring properties since the playhouse only one-story tall and is behind a solid 6-foot fence.
-

Attachments

- Application and supporting materials
- Site plan
- Zoning map

Staff Contact:

Melody Kearse, Zoning Coordinator

803.329.7088

melody.kearse@cityofrockhill.com

Applicant's photos of current location of playhouse



Staff's photos of current location of playhouse from street



VARIANCE APPLICATION

Plan Tracking # 20211331

Date Received: 8/11/21

Case # Z- 2021-42

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

PROPERTY INFORMATION

Street address of subject property: 302 State St., 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
Ashley Elks	302 State St. Rock Hill, SC, 29730	803-280-2501	ae1ks@icloud.com

Are you the owner of the subject property? Yes No

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

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: Ashley Elks Date: 7-28-21

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

Name of property owner: _____

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

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

Signature: _____ Date: _____

Preferred phone number: _____ Email address: _____

Mailing address: _____

INFORMATION ABOUT REQUEST

General description of your request

My lifted building (12x10) and connected deck (12x10) totaling 24x20 is only 5ft. off the property line instead of 10ft. as when I talked to the gentleman I was originally working with he advised me of the 5ft.

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.

I have a small, limited spaced backyard. I also have a large tree in the center of yard and a smaller building that was already placed there when I bought the home. This was the only place to build this that made the most sense and we thought we were within guidelines.

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

Other properties in the vicinity of my land has buildings less than/built on the actual property line such as the gas station behind me.

INFORMATION ABOUT REQUEST

General description of your request

My lifted building (12x10) and connected deck (12x10) totaling 24x20 is only 5ft. off the property line instead of 10ft. as when I talked to the gentleman I was originally working with he advised me of the 5ft.

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

I have a small, limited spaced backyard. I also have a large tree in the center of yard and a smaller building that was already placed there when I bought the home. This was the only place to build this that made the most sense and we thought we were within guidelines.

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

Other properties in the vicinity of my land has buildings less than/built on the actual property line such as the gas station behind me.

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

This is true because my yard has tree
in the middle of it as well as has
already limited space due to size.

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

I have spoken with my neighbors
before building as well as since this
project has been completed asking if
they had issues with this playhouse being
built and they informed me that it didn't
bother them and that they love it. Also
with its location it is the back corner of the
lot so it harms no one.

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






ROCK HILL
SOUTH CAROLINA
Always on.

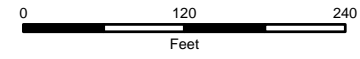
Z-2021-42

 Subject Property

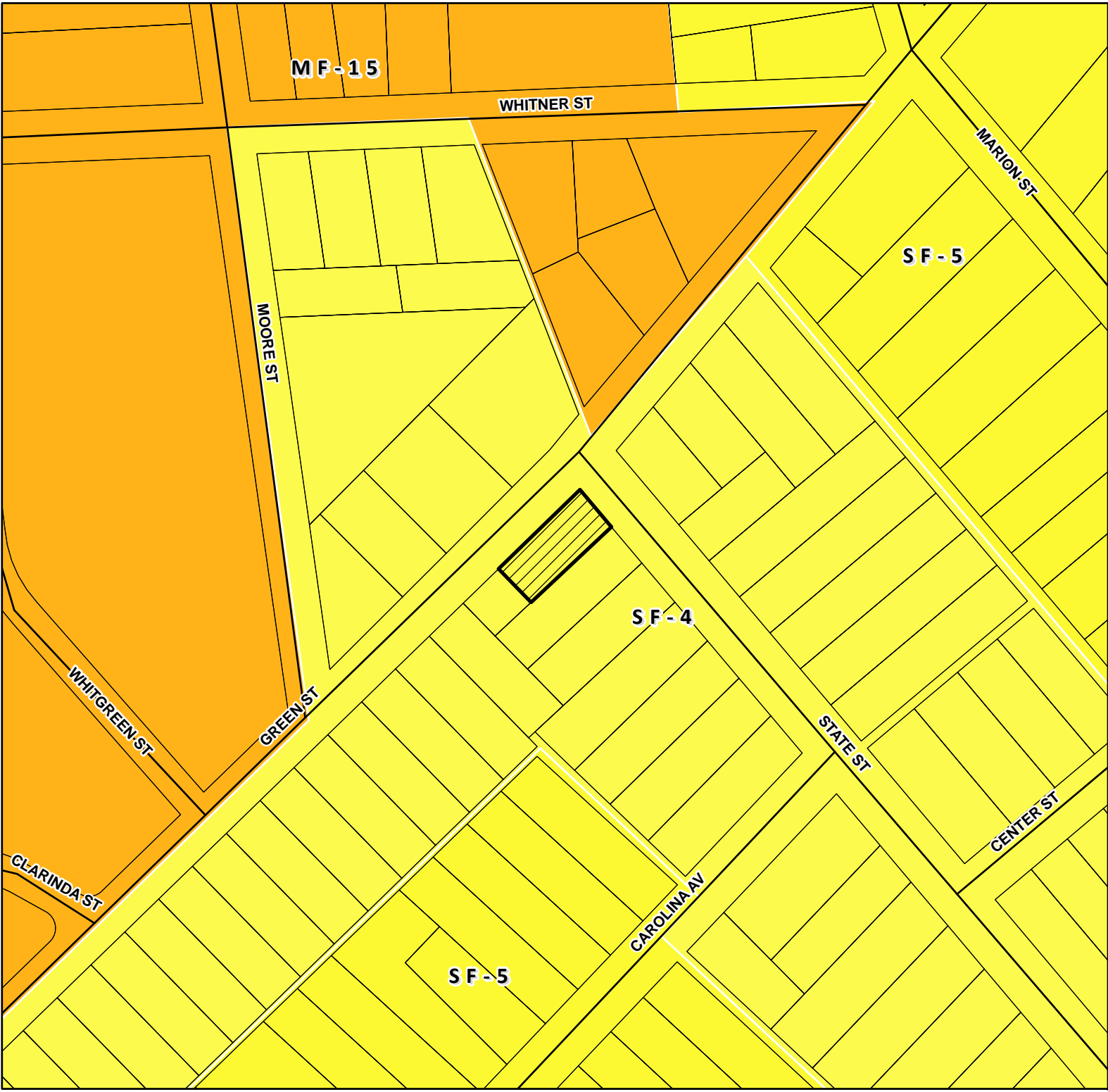
Zoning Districts

-  Multi-Family 15 (MF-15)
-  Single-Family 4 (SF-4)
-  Single-Family 5 (SF-5)

Zoning Data
Current Zoning
SF-4



Planning & Development
Department
City of Rock Hill
04/19/2022



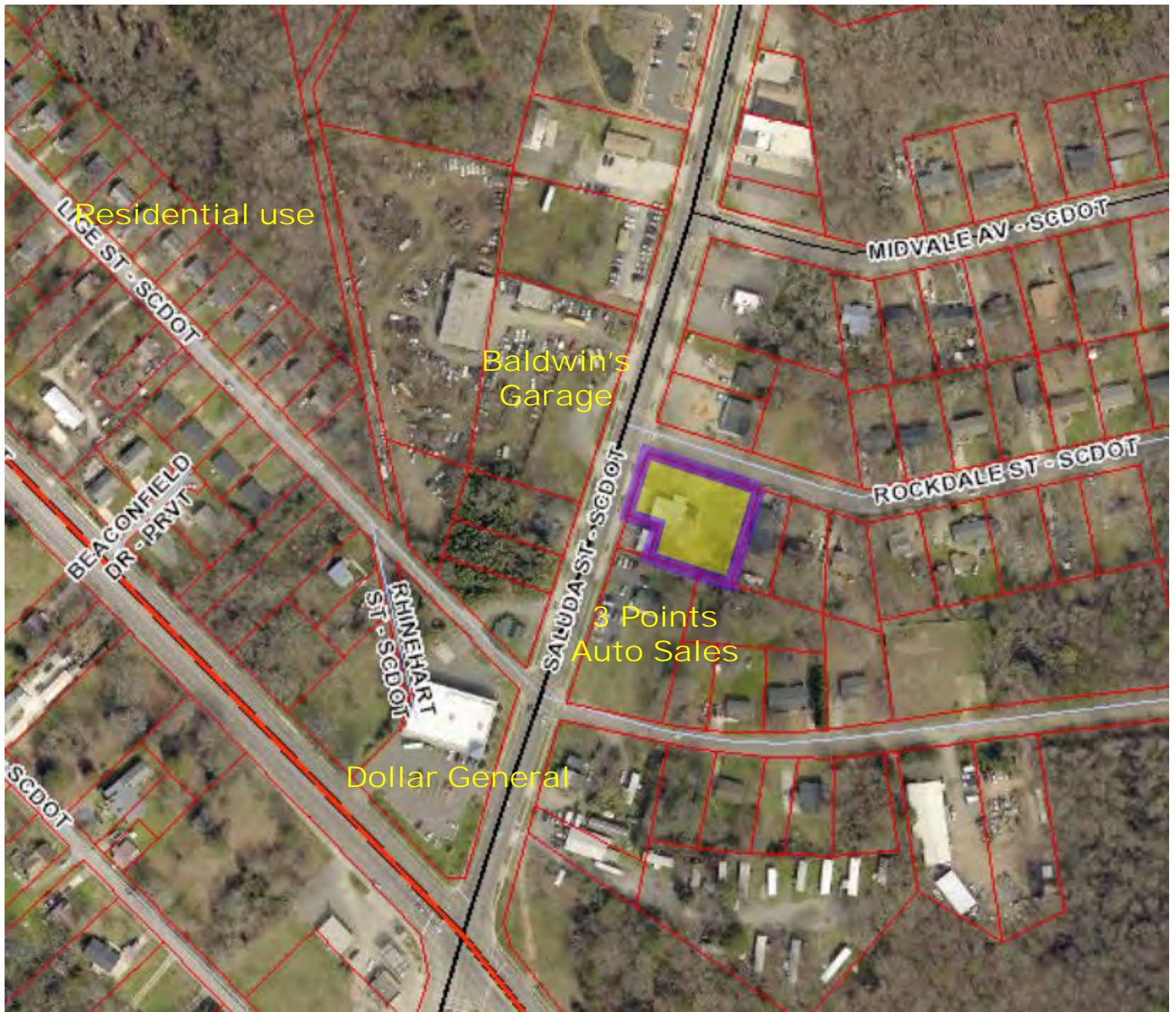
Z-2022-16

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. This request was deferred from the March 15, 2022, meeting to give applicant time to present elevations or examples of what he is proposing to do to the site and building.

Primary use table excerpt <ul style="list-style-type: none"> • Blank cell = prohibited • S = Special exception • C = Conditional use • P = Permitted use 	RESIDENTIAL										BUSINESS										
	SF-2	SF-3	SF-4	SF-5	SF-8	SF-A	MFR	MF-15	MX	NO	NC	OI	LC	GC	CC	CI	DTWN	MUC	IB	IG	IH
												S	C	C	C	S	C	S	S	C	
Definition of proposed use	<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. An existing fence and vegetation screen the property from the adjoining properties.

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, which can be surfaced with gravel.

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 the ZBA recently approved an expansion of an automobile sales use in this area in January of 2021. Part of staff's rationale in recommending approval is that while this is a redevelopment area of the City the following apply:

- 1) it is closer to Heckle Blvd, located along the south end of the corridor near other automobile sales and repair uses,
- 2) it is in an area that starts to have some of the characteristics of highway commercial development, and
- 3) it is further removed from more pedestrian-oriented areas that are closer to downtown.

This same rationale is being applied in this case as well.

Additionally, this building was specifically built for this use, and 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. As long as the building and site are maintained appropriately, compatibility with the surrounding uses should not be an issue.

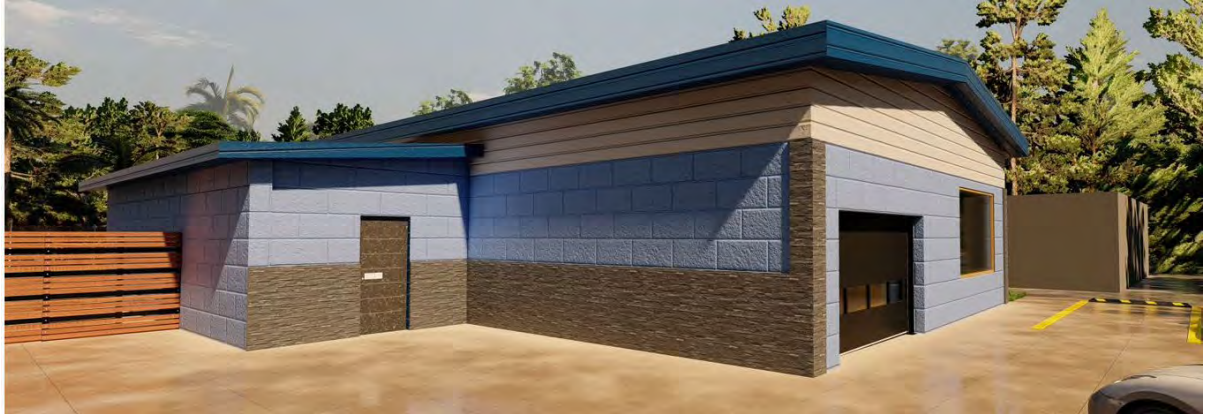
The applicant has submitted some renderings and examples of materials to be used in the building's restoration. Staff has worked with the applicant to help provide this information to the Board to address some of the concerns raised at the previous meeting.

- 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. See the two slides below for proposed improvements.

Some example renderings are shown below. Improvements will include solid screen fencing, landscaping around the fence, improved paving into the site, adding stone to bottom of the wall near the man-door entrance, and adding stone along corners of the car-door façade. The siding in the front gable and side of the building would be painted to coordinate with the stone treatments. Additional renderings have been added to the end of the report.





These design improvements are similar to other sites on Saluda that have been recently improved, i.e., landscaped, paved and building exteriors. Examples are shown below.

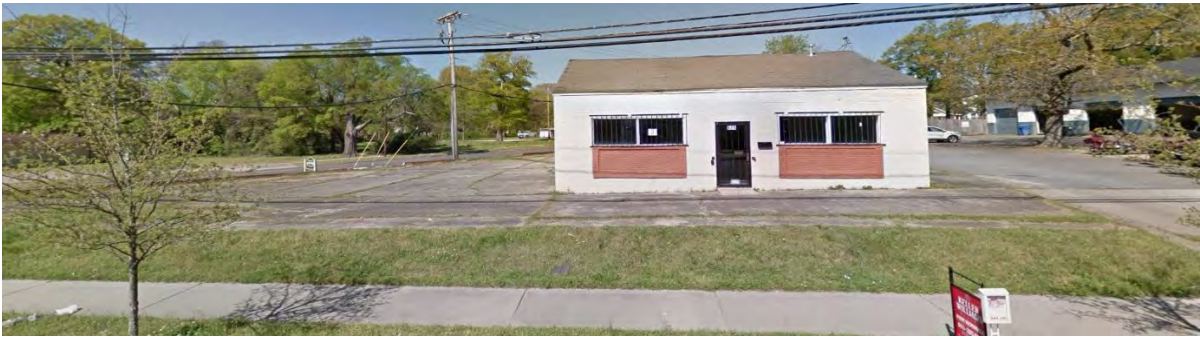
423 Saluda Street (before)



423 Saluda Street (after)



624 Saluda Street (before)



624 Saluda Street (after)



752 Saluda Street (before)



752 Saluda Street (after)



- 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 screening requirements.

- 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:

- April 1: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- April 1: Posted public hearing signs on subject property.
- April 1: 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 additional neighboring property owners or tenants other than those at the previous meeting. A letter was received from the Saluda Corridor Business Association and has been included as part of this report.

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, and the site is located on the south end of the corridor that has many other automobile-oriented businesses. Additionally, the area is more consistent with highway commercial development and approval is consistent with other recent approvals similar in use classification and impact.
- 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.
- The applicant has provided the Board with renderings and examples, as requested, of how he envisions his business to look, and the Board has the ability to make these conditions items of approval.

Attachments

- Application
- Site plan
- Renderings provided by applicant
- Letter received from Saluda Corridor Business Association
- Zoning map

Staff Contact:

Melody Kearse, Zoning Coordinator

803.329.7088

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 - 1302 - 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
Robert Whitaker	6130 Patricia Ave Charlotte NC 28216	704-890-5552	Robertjwhitakerjr@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: 2-9-22

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 light 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 its 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.

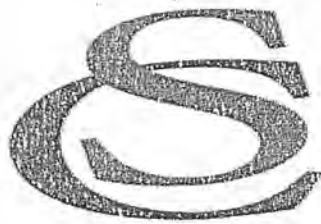
Renderings provided by the applicant











SALUDA
CORRIDOR
BUSINESS
ASSOCIATION

April 6, 2022

City of Rock Hill
Planning & Development Department
PO Box 11706
Rock Hill, SC 29731

Re: Case Z-2022-16

To Whom It May Concern:

We, the members of the Saluda Corridor Business Association, stand in opposition to Case Z-2022-16 which involves opening an automobile business on Saluda Street. We opposed to this application for several reasons.

Too many auto repair shops are already on Saluda Street and they have a history of violating code and zoning requirements. The applicant owned a similar business in Lancaster County, which was listed as a used car dealer, but it was nothing more than a junk yard for broken down cars. The applicant did not take the opportunity to meet with the SCBA, residents and business owners to present plans for his business showing how the area would be improved. We do not subscribe to the notion that any business is better than a vacant building. A business cluttered with dilapidated and inoperative cars in various stage of repair would be much more harmful to the area.


SCBA has embarked on an aggressive plan to work with and encourage businesses to revitalize and upgrade their businesses while lobbying political leaders to provide better lighting and improved streetscape. Many have come on board with us. Some new constructions have occurred and has replaced abandon property and vacant lots and we believe there is more to come. To allow another auto repair shop would destroy the momentum that has been made and would turn back toward the unattractive and unappealing area that existed in the past. Auto repair shops and the likes, have a long history of violating zoning and coding requirements and this location would be no different.

Finally, we are not against new businesses coming to the Saluda Corridor and we would be happy to support this applicant if he was proposing a business that would enhance the area. But from our experience we know that an auto repair shop/use car dealer is not the type of business that would accomplish this goal. This type of business should be confined to the lower end of Black Street where many other auto businesses are located. Therefore, we collectively and wholeheartedly believe allowing the applicant to open an auto repair business would create a worst situation that exist today for the vacant property and the Saluda Corridor.








Submitted by members of the Saluda Corridor Business Association

Saluda Corridor Business Association, PO Box 11293, Rock Hill, SC 29731

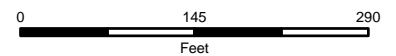
Z-2022-16

 Subject Property

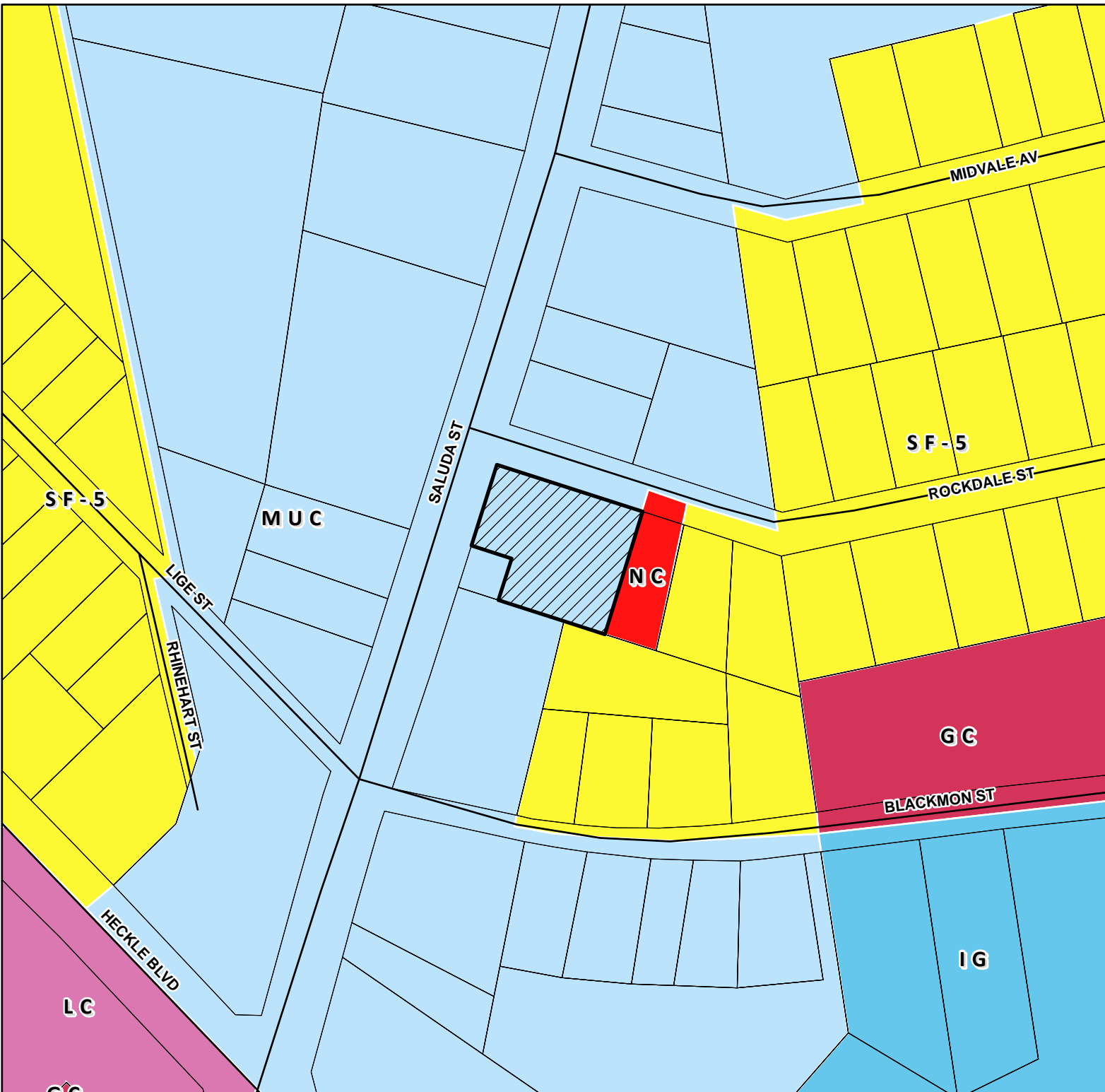
Zoning Districts

-  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
04/19/2022



Z-2022-19

Requests: Variance from the secondary front setback for a fence taller than 4 feet.

Address: 1297 Pelham Wood Drive

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

Applicant: Mike Smith



Requests: Variance from the secondary front setback for a fence taller than 4 feet

Address: 1274 Pelham Wood Dr.

Tax Map No.: 595-04-01-048

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

**Applicant /
Property Owner:** Mike Smith
Melody Carswell
4700 Harkey Road
Waxhaw, NC 28173

Background

On September 23, 2021, City Code Enforcement staff issued an initial Courtesy Notice of Zoning Violation to Mr. Smith for making changes to the fence without a permit. It was found that Mr. Smith, a brick mason by trade, had constructed a total of five, five-foot-high swirling brick columns connecting segments of a four-foot-high existing picket fence that is located along the property line.

The required action(s) for Mr. Smith was to contact permitting specifically regarding brick fence alterations and specified the need to apply for a fence permit and confirm sight right-of-way for Hwy 5 (also referred to as W. Main St.). The following is a summary timeline of process milestones to date (applicant actions in **bold**):

- 09/23/2021: courtesy notice of zoning violation issued
- **10/04/2021: fence permit application submitted**
- 10/12/2021: fence permit not approved (req. revised site plan / encroachment permit)
- 12/02/2021: notice of zoning violation issued (failure to make follow-up contact)
- **12/21/2021: encroachment on city ROW permit submitted** (10' public utility easement on w. main)
- 01/25/2022: fence permit not approved (req. remove, reduce or move fence, or apply for variance)
- **03/24/2022: variance application submitted**

- 03/25/2022: citation issued, April 6 court summons (failure to make follow-up contact) ¹

Mr. Smith has stated that he was not aware he needed a fence permit to substantially alter the existing fence or build the brick columns. Furthermore, he was unaware of the current City standards for fencing.

Because the property is a corner lot, it has a primary front yard along Pelham Wood Dr. and a secondary front yard along W. Main St. There are fence setback standards that apply along both road frontages. The fence along W. Main St. is limited to a six-foot-high privacy fence/wall with a setback that is half the distance of the front yard setback or ten feet (whichever is less); or a fence no higher than four feet and no more than 50% opaque located along the property line.

The application for a fence permit was denied, and Mr. Smith was informed that the fence could remain in its current location if the columns are either removed or reduced to a height of four feet. He was also given the options to either move the fence and columns as currently designed to comply with the ten-foot setback requirement or apply for a variance from the secondary front setback due to the height of the fence. Mr. Smith chose to request a variance from the ten-foot setback requirement and four-foot height restriction.

Site Description

The property is located on the southwest corner of Pelham Wood Dr. and West Main St. within the Glen Eagle neighborhood. It is primarily surrounded by single-family homes that are also zoned SF-5. The York County Family Court building is located just to the west in the Office and Institutional (OI) district, and there is a small gas station/convenience store located on the north side of West Main St in the County's jurisdiction.

Description of Intent for the Single Family Detached Zoning Districts

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

The primary difference between these districts is the minimum lot size for development and other dimensional standards that are listed in full in *Chapter 6: Community Design Standards*.

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

¹ Continued until after ZBA decision.

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 applicant asserts that the height of the brick columns was necessary to complete the twists at the top and that they appear taller than they are because of the slight grade increase of the hill up to the sidewalk. Staff can confirm there is a slight grade increase up to the sidewalk and street, but any visual impacts are the direct result of the height of the columns and the applicant shifting the new columns and fencing up the hill to be closer to the sidewalk.

If a fence permit had been sought prior to construction, staff would have advised the applicant on the appropriate fence location and allowable standards. Staff does not feel that the applicant has presented evidence of extraordinary and exceptional conditions that require the columns to be over four-feet tall.

2. *Unique Conditions*

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

The applicant states that no other homes in the area have the same issues related to fencing being installed on corner lots or having grade issues along the secondary frontage.

While other corner lots exist in the area, there does not appear to be any fencing in those instances. However, they would have to adhere to the same standards as Mr. Smith if they were to apply for a fence permit that involved a property with secondary road frontage.

While the grade change on the edge of the property may be a limitation of where a fence can best be built, there is no requirement that a 4-foot fence must be built to the edge of the property line, only that is allowable. Similarly, a 6-foot privacy fence could be built beyond the minimum 10-foot setback.

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.

The applicant believes moving the columns and fence to meet the 10-foot setback would unreasonably restrict utilization of the entire backyard. However, use of the

entire backyard is still an option if the fence is limited to 4-foot in height. Which would mean removing or reducing the height of the brick columns.

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 applicant purports to have neighborhood support for the newly installed columns and fencing, and he believes that it would increase home values in the area. While this could be true, authorization of this variance would go against regulations intended for the common good, given that the issues driving this request could have been prevented through the permitting process, and the request for a variance doesn't appear to be supported by any kind of special circumstances.

While the columns are professionally done and of quality workmanship, staff feels they are out of character with other fences within the neighborhood. However, the applicant noted that the brick columns are of similar materials and design to that of the York County Family Court complex.

Staff has not heard from any nearby property owners or tenants with concerns about the fence to date.

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. Granting this variance would not make the land more profitable.

Public Input

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

- April 1: Postcards mailed to property owners and tenants within 300' of subject property.
- April 1: Posted public hearing signs on subject property.
- April 1: 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 of any feedback from the public about the request to date.

Staff Recommendation

Staff was unable to meet any of the findings in this instance, so it recommends denial of the variance request based on the following findings and requests a deadline of 30 days to bring the fence into conformity:

1. The applicant has not presented evidence of extraordinary and exceptional conditions that require the columns to be over four-feet-high. Rather, the applicant is seeking to solve a nonconforming issue caused by failing to apply for a permit in advance of any construction.

2. The applicant has not presented evidence of unique conditions that do not generally apply to other property in the vicinity. The same standards are applied to this lot that would be for any other existing corner lot within this neighborhood and the City.
3. The applicant has not shown that reducing the height of the columns or moving them to meet the required setback would effectively prohibit or unreasonably restrict the utilization of the land.
4. Unless all of the required findings can be met, approval of the variance would undermine the regulations and not be in the best interest of the public good. If the variance is not granted, the property would still be used as a residence and the rear yard would continue as is with no loss in how it is currently utilized.

Attachments

- Application and supporting materials
- Zoning map

Staff Contact

Bryman Suttle, Planner I

803.329.5674

bryman.suttle@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: 1274 Delham Wood Drive, Rock Hill, SC 29732

Tax parcel number of subject property: 595-04-01-048

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
Mild Smith	1274 Delham Wood Dr Rock Hill	803-370-7123	Ideal Stone Solutions (R) 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) 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: Mild D. Smith Date: April 12-22

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

Name of property owner: <u>Melody Carlwell</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>Melody Carlwell</u>	Date: <u>4-12-22</u>
Preferred phone number: <u>704-455-9100</u>	Email address: _____
Mailing address: <u>4700 Harley Road Waxhaw NC 28173</u>	

INFORMATION ABOUT REQUEST

General description of your request

There is an existing standard height picket fence, I took the 4x4 posts down and built 5 foot tall twisted brick columns specially for looks, mounted nice solar LED lights on top as an accent

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.

I had to build the brick columns on the side of the bank, so they appear to be taller than they actually are, I had to bring the height of them up to 5 feet so they would have a complete twist to them and look appropriate, if I would've built them lower I would've they would have been taller than needed, there's a slight grade

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

No other homes has this particular extraordinary problem due to fences in their back yards, and the grade indifference is rather steep along the street side of our backyard

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

if I moved the columns and fence, it would make our back yard smaller, less room for my kids and neighbor kids to run around and play, try to utilize as much of the back yard because the children in the subdivision tend to come here and play

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

everyone that lives here in the subdivision approves of them and likes them to my knowledge I would assume it would drop of the value of homes in the immediate area along this side of the street is the new family court house, everyone assumed that the city hired me to build them because of the new court house honestly, a few neighbors would like some built as well

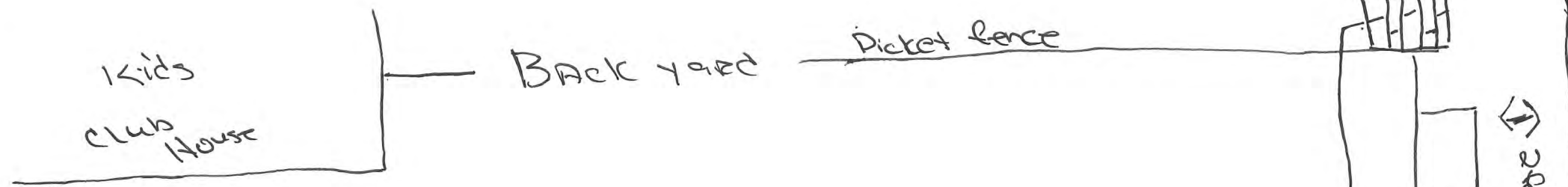
Exhibits

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.

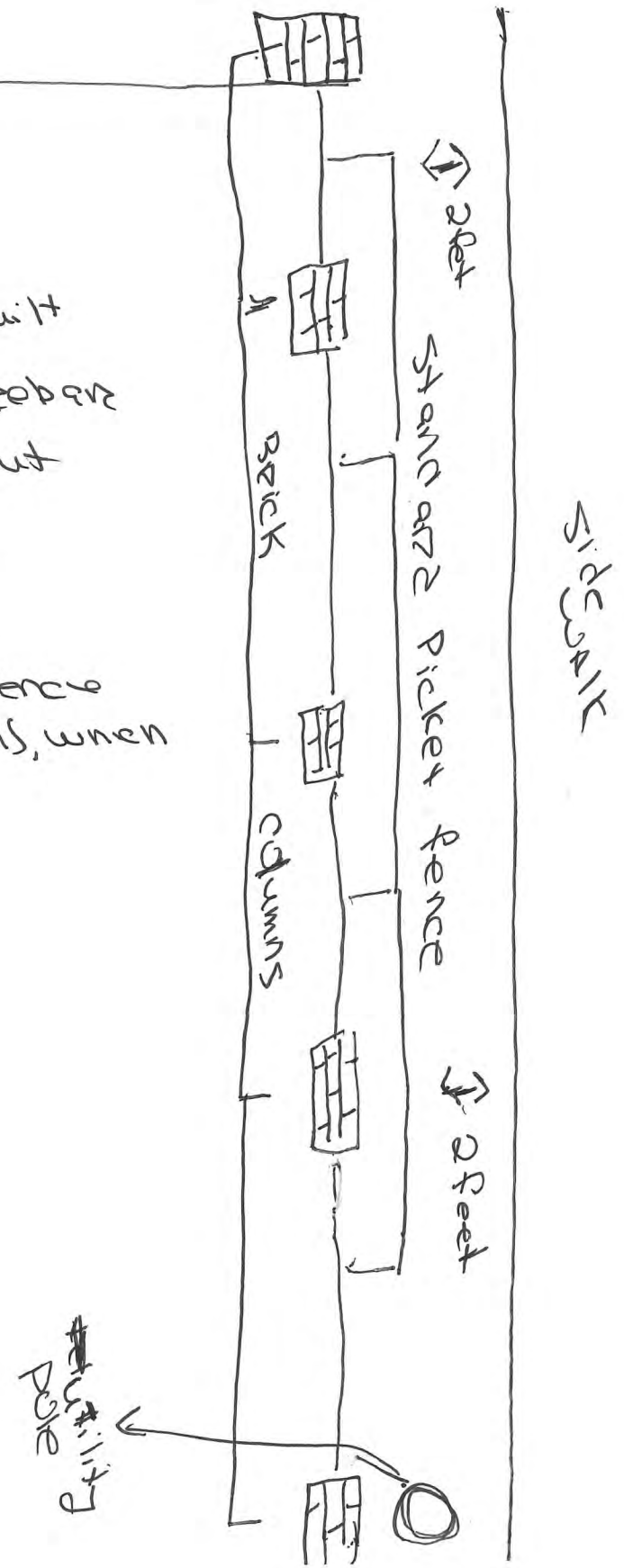
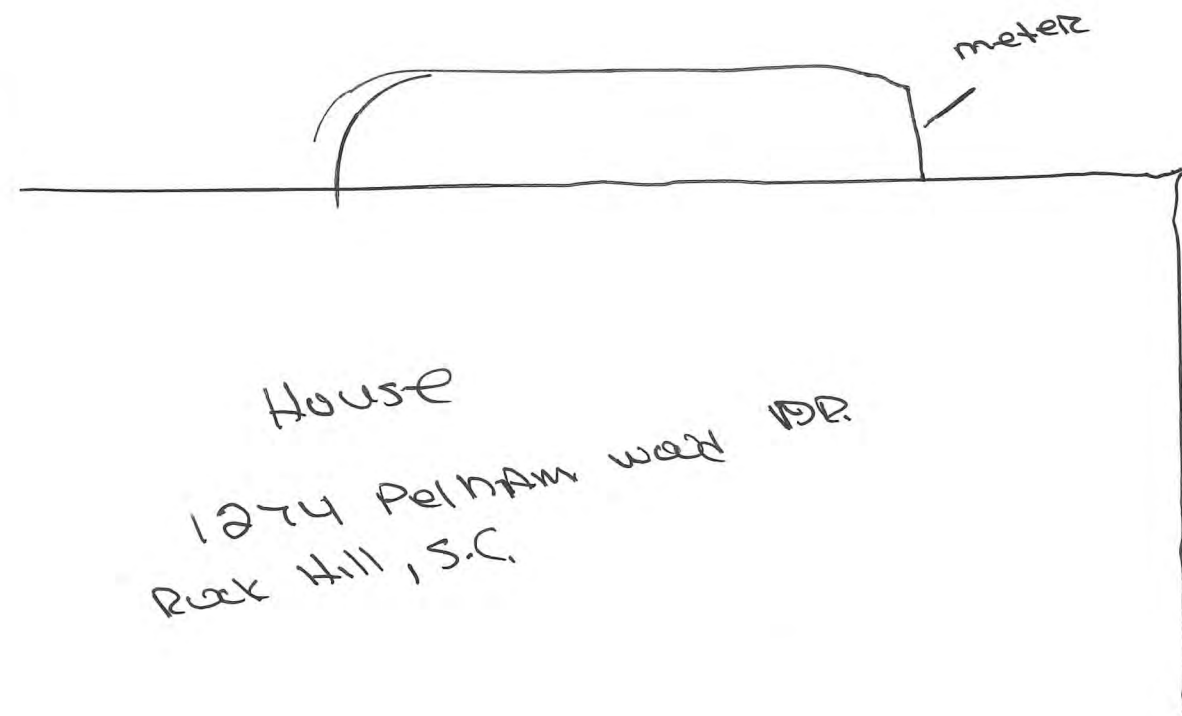
Site plan

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

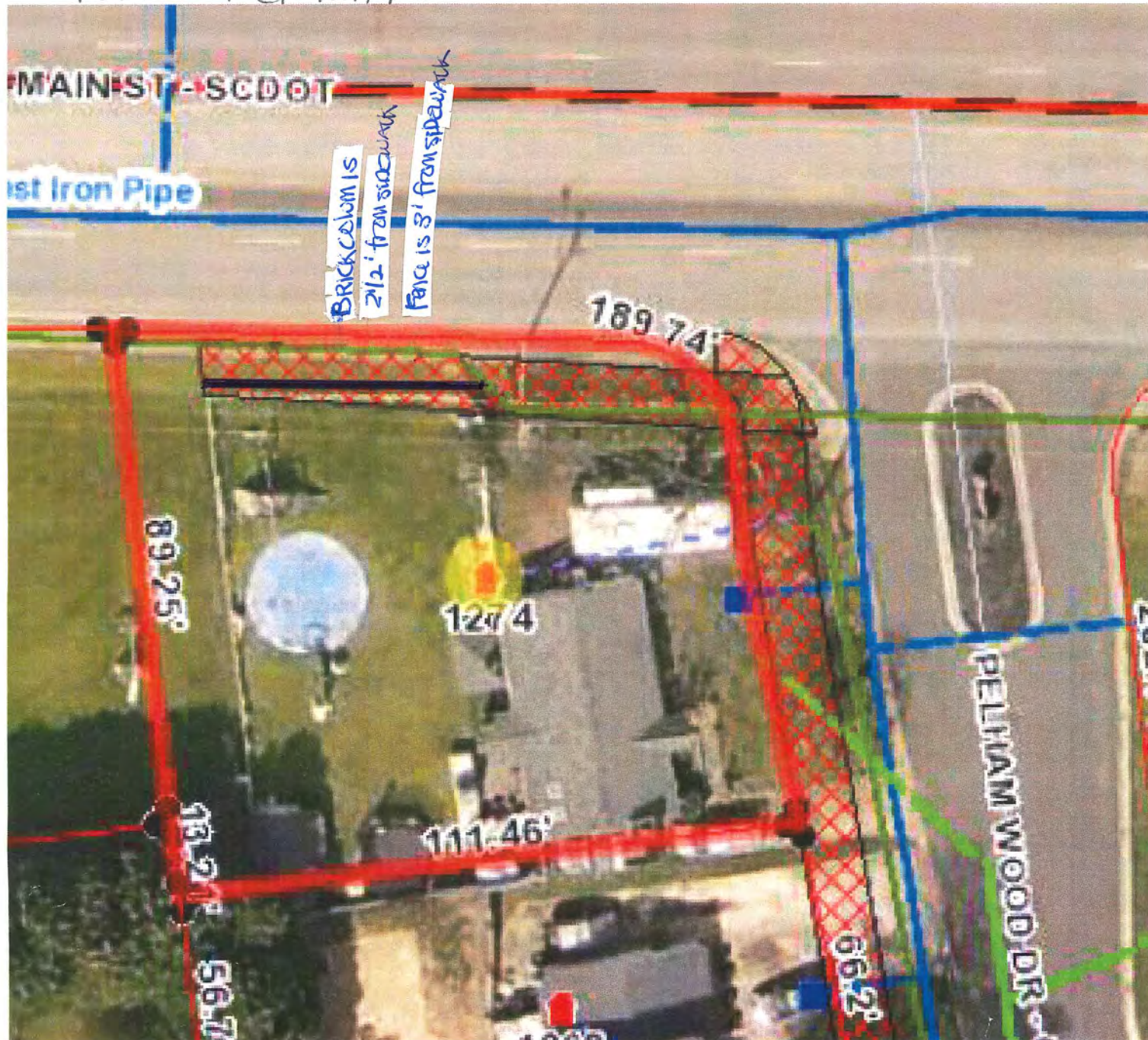
photos of the columns and area around them, the fence etc. also site plans, drawings of the layout of the back yard

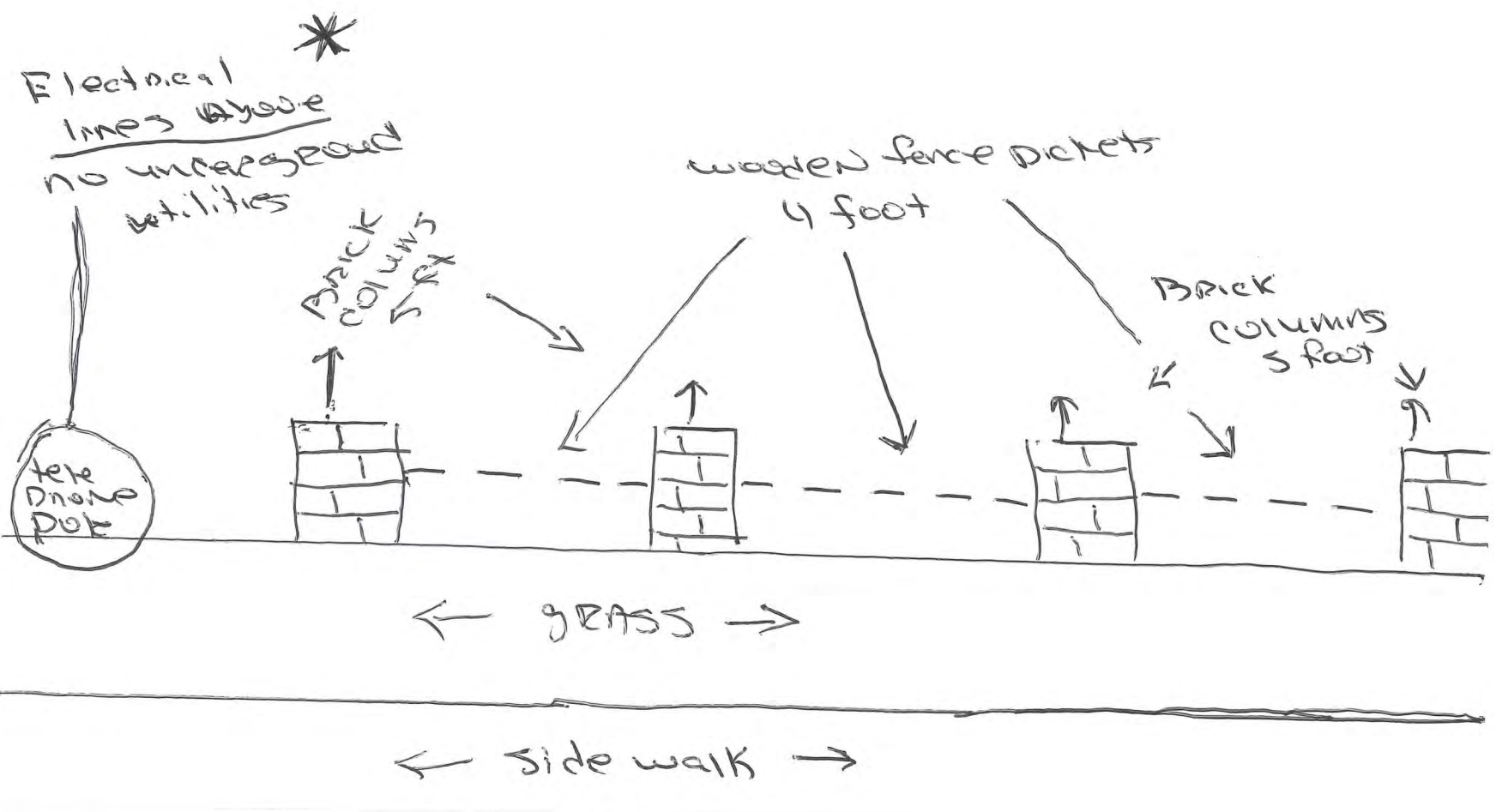
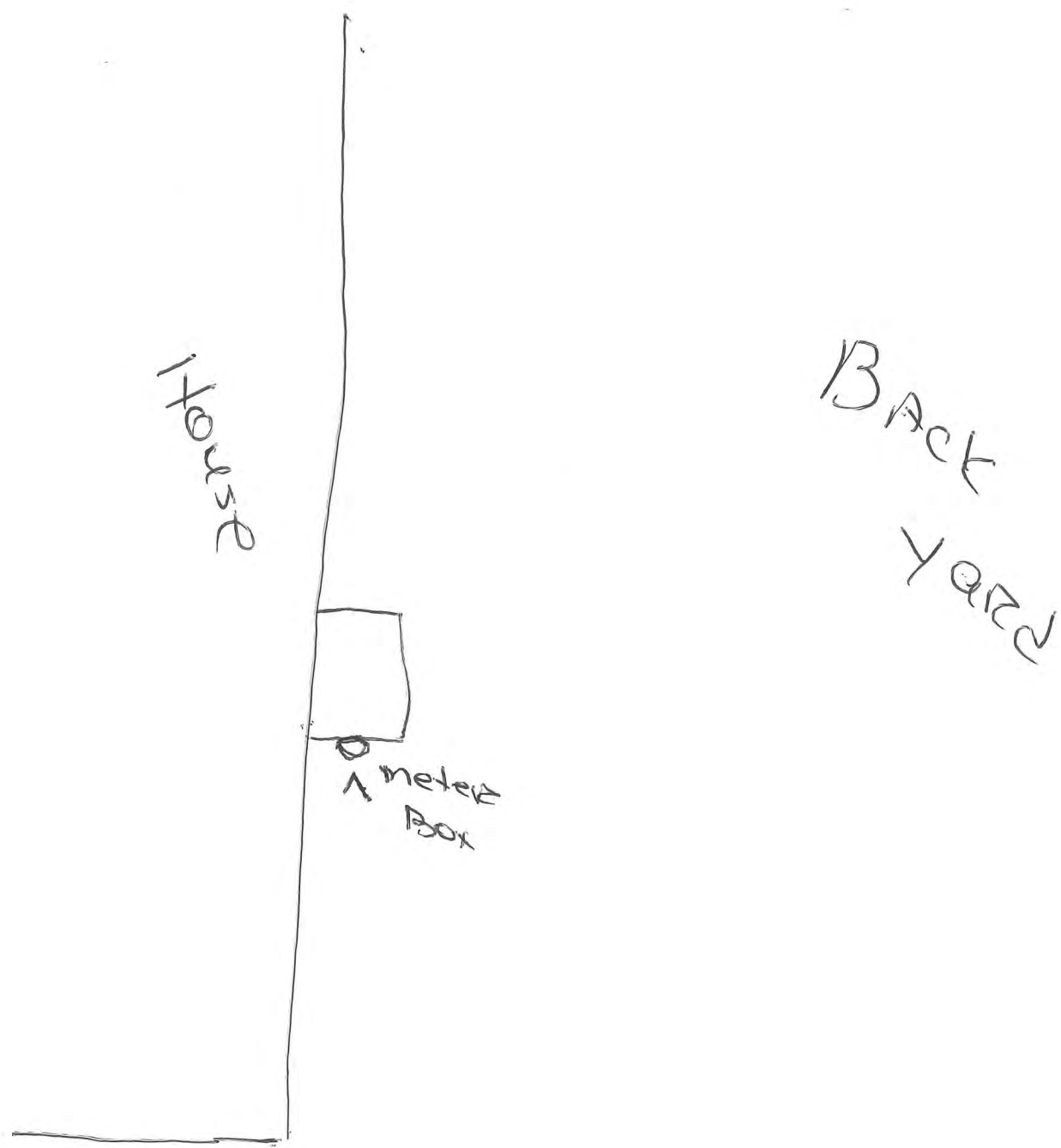


- * Height of columns on sidewalk side 5 feet, they are built on the bank (hill) pad side they are taller
- * Footers are 16/18 inches in depth, concrete and rebar
- * no ~~underground~~ underground lines, everything is about 20 feet above the columns
- * NO visibility issues when pulling out of the subdivision
- * the picket fence is your standard height fence but appears shorter because its on the bank (hill), when also makes the brick columns appear to be taller



1274 Pelham Woods
















ROCK HILL
SOUTH CAROLINA
Always on.

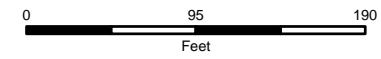
Z-2022-19

 Subject Property

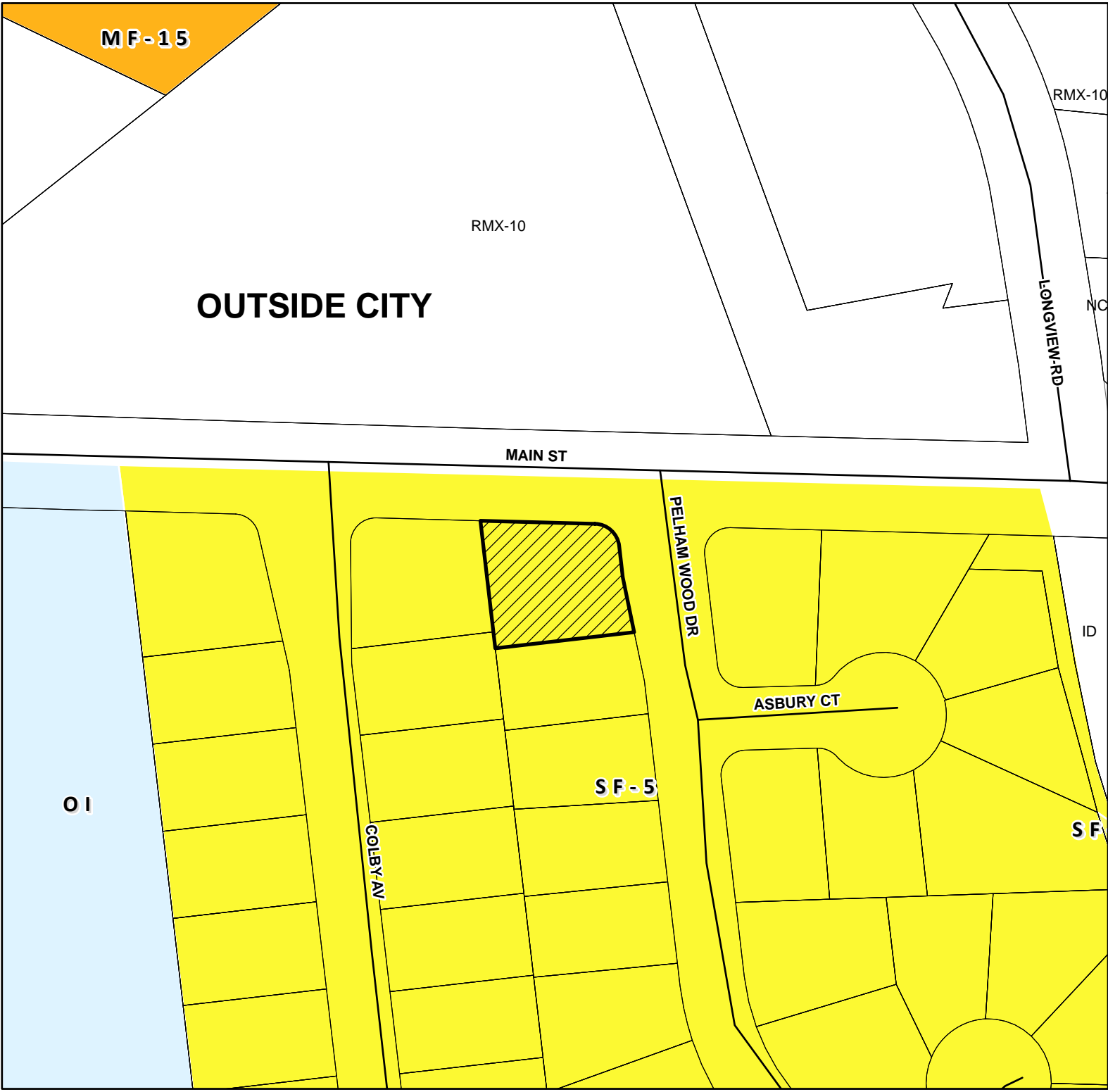
Zoning Districts

-  Multi-Family 15 (MF-15)
-  Office and Institutional (OI)
-  Single-Family 3 (SF-3)
-  Single-Family 5 (SF-5)

Zoning Data
Current Zoning
SF-5



Planning & Development
Department
City of Rock Hill
04/19/2022



MF-15

RMX-10

OUTSIDE CITY

RMX-10

LONGVIEW RD

MAIN ST

PELHAM WOOD DR

ASBURY CT

SF-5

COLBY AV

SF-3

OI

Z-2022-20

Request: Variance from the number of parking spaces for a business/professional office use

Address: 538 S. Dave Lyle Blvd

Zoning District: Neighborhood Commercial (NC)

Applicant: Excel Property Management, LLC (Mary Ramseur)





Requests: Variance from the number of parking spaces for a business/professional office use

Address: 538 Dave Lyle Blvd.

Tax Map No.: 598-24-01-017

Zoning District: Neighborhood Commercial (NC)

Property Owner: Excel Property Management, LLC (Mary Ramseur)
926 Lenoir Rhyne Blvd., Ste. 5
Hickory, NC 28602

Background

The subject property is developed with an historic, two-story building that sits on a lot that is triangular in shape and less than one-tenth of an acre in size. The building was constructed in 1909 and most notably served as the Afro-American insurance Company building, along with a restaurant on the second floor. By 1925, the building housed a grocery store and went on to serve as a seafood market in the 1970s and 1980s. Records show that zoning permits were issued for a photography studio in 1989, a TV/VCR repair business in 1991, and a record store in 1992.

The applicant, Mary Ramseur, owner and managing member of Excel Property Management, purchased the property in June of 2020 and intends to use it as a co-working space. Here, users would be able to rent out space within the facility to work independently or for the purposes of holding business meetings.

The Zoning Ordinance classifies a co-working space as a business/professional office use and requires parking to be provided at a rate of 1 space per every 250 square feet of building area, with a 20% discount given for properties that are located on the Old Town map. A few reasons exist for the Old Town discount—the properties are usually older and were developed under subdivision patterns that may not allow for all of the required parking on site, the properties are generally located such that some people may walk or ride the bus to them, and the properties frequently benefit from on-street or shared parking arrangements.

The proposed floor plan shows 995 square feet of active area in the building, so a total of 4 parking spaces are required even after the Old Town discount is applied. Due to its small size, staff believes that only two parking spaces can reasonably fit on the lot. Furthermore, the applicant has advised staff that due to the nature of how the business operates, the need for 10 parking spaces is more realistic of what the use will demand.

The applicant has attempted to contact owners of undeveloped properties in the area where parking could be developed but the property owners have not responded. In cases

where the applicant is unable to meet the required amount of parking, there is a provision to allow alternative parking options, including shared parking. The applicant has contacted several nearby property owners about establishing a shared parking arrangement and the only one that was willing to work with the applicant is a church that is approximately 900 feet away and across Dave Lyle Blvd. Unfortunately, this location would not meet the criteria of the Zoning Ordinance which requires shared parking to be within 500 feet and not separated by an arterial road. Recently, staff was able to confirm that SCDOT would be agreeable to adding a small number of on-street parking spaces to Pond Street, as long as SCDOT guidelines are met. The applicant was made aware of this possibility and has yet to gauge its feasibility. However, due to having exhausted nearly all resources possible to obtain shared parking with nearby users, the applicant is asking for a variance from the minimum parking requirement.

The standards from the Zoning Ordinance relative to shared parking are as follows:

Chapter 5: Section 8.8.13 (B) Shared Parking:

Shared Parking: Requests for shared parking by more than one development site must comply with all of the following standards:

1. **Located Within 500 Linear Feet:** Shared parking spaces must be located within 500 linear feet of the primary entrance of all uses served. Shared parking spaces must not be separated from the use they serve by an arterial or collector road. In addition, adequate and safe pedestrian access must be provided from and to the shared parking areas.
2. **Same or More Intensive Use:** A shared parking area must be located on a site with the same or a more intensive zoning district classification than required for the primary uses served.
 - a. Those wishing to use shared parking as a means of satisfying the off-street parking standards must submit a shared parking request that justifies the feasibility of shared parking. Justification must include information on the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
 - i. The maximum reduction in the number of parking spaces required for all uses sharing the parking area is 50%.
 - ii. Directional signage that complies with the standards of this ordinance must be added to direct the public to the shared parking spaces. It is preferable for the employees of an establishment to utilize these spaces.
 - b. A shared parking plan must be enforced through written agreement among all owners of record. Failure to maintain the agreement voids the Certificate of Occupancy.
3. **Less Intensive Use:** A shared parking area may be located on a site with a less intensive zoning district classification than required for the primary uses served, provided that both of the following are met.

- a. The proposal receives a special exception permit. The special exception analysis must include consideration of any appropriate buffering from adjacent uses.
- b. Vehicular access to the shared parking area is limited to the use(s) it serves.

Site Description

The property is located on Dave Lyle Boulevard just outside of Downtown in Old Town. Its general surroundings contain residential uses of varying densities in addition to both commercial and institutional uses. Surrounding zoning districts include Neighborhood Commercial (NC), Single Family-4 (SF-4), and Multi Family-15 (MF-15).

Neighborhood Commercial (NC) Zoning District Description of Intent

The Neighborhood Commercial district is established and intended to provide for small-scale retail, service, and professional offices that provide goods and services to serve the residents of the surrounding neighborhood. The district should not include establishments that attract traffic from areas of the City outside the neighborhood that is being served by the use. Non-residential uses in the NC district are limited to 10,000 square feet in area per use in an individual building.

The district should typically be located at the intersection of two collector (residential or commercial) streets or a collector street and arterial/major collector street in close proximity to the residential neighborhood which these serve.

The district is subject to development standards to ensure development is consistent with the neighborhood scale and form of the district, and compatible with surrounding uses through setbacks, height limitations, bulk, and other dimensional standards, connectivity requirements, controls on lighting, and site design. In addition, all non-residential development in the NC district must limit its public operating hours to between 6 a.m. and 10 p.m.

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 building was constructed in 1909; therefore, pre-dating the Zoning Ordinance. In addition, the lot is less than one-tenth of an acre and developed with a building that takes up one-third of the lot's area, making it extremely difficult to develop the required amount of parking spaces.

2. Unique Conditions

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

There is one other historic property in this area that pre-dates the Zoning Ordinance, however, that property is developed with parking and the owner also owns nearby properties that could be developed with more parking if needed. While there are other properties in the area with a similar lot-to-building ratio, those properties have access to parking whereas this one does not.

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 is not granted, the applicant would not be able to use the property for its intended use and would also not be able to use the property for its original historic use, if that were ever the desire. The historical use of an insurance office would require the same amount of parking that the proposed use of a co-working space does.

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 property is located on Dave Lyle Boulevard just outside of Downtown in Old Town. The proposed use is compatible with its general surroundings which contain residential uses of varying densities along with commercial and institutional uses. Approving a variance that would allow a vacant building that is both culturally and historically significant to re-open would be positive for the surrounding community and help prevent the building from falling into further disrepair. Also, staff has not heard from anyone with concerns about 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. The proposed variance would allow the property to be used rather than continuing to sit vacant. Although this would improve the profitability of the property, it would not be greater than originally intended.

Public Input

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

- April 1: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- April 1: Posted public hearing signs on subject property.
- April 1: 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 of any feedback from the public about the requests.

Staff Recommendation

Staff was able to meet all of the findings; however, due the applicant's assessment that 10 parking spaces are needed, the Board should decide whether the findings continue to be met.

1. The building was constructed in 1909, pre-dating the Zoning Ordinance. The lot is triangular in shape, less than one-tenth of an acre, and developed with a building that takes up one-third of the lot's area, making it extremely difficult to develop the required amount of parking spaces.
2. There is one other historic property in this area that pre-dates the Zoning Ordinance, however, that property is developed with parking and the owner also owns nearby properties that could be developed with more parking if needed. While there are other properties in the area with a similar lot-to-building ratio, those properties have access to parking whereas this one does not.
3. If the variance is not granted, the applicant would not be able to use the property for its intended use and would also not be able to use the property for its original historic use, if that were ever the desire. The historical use of an insurance office would require the same amount of parking that the proposed use of a co-working space does.
4. The property is located on Dave Lyle Boulevard just outside of Downtown in Old Town. The proposed use is compatible with its general surroundings which contain residential uses of varying densities along with commercial and institutional uses. Approving a variance that would allow a vacant building that is both culturally and historically significant to re-open would be positive for the surrounding community and help prevent the building from falling into further disrepair. Also, staff has not heard from anyone with concerns about the request.

Attachments

- Application and supporting materials
 - Zoning map
-

Staff Contact:

Shana Marshburn, Planner II

803.326.2456

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: 538 Dave Lyle Blvd, Rock Hill, SC 29730

Tax parcel number of subject property: 598-24-01-017

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
Excel Property Management Services - Vivian Ramseur	926 Lenoir Rhyne Blvd, Hickory NC 28602	828-358-9890	biz@excelpropertymanagementllc.com.

Are you the owner of the subject property? Yes No

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

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

Signature: _____ Date: _____

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

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

INFORMATION ABOUT REQUEST

General description of your request

538 Dave Lyle Boulevard is a national historic registry building with an existing footprint of approximately 800 sqft. The owner is looking to bring the 100+ year old brick building back to life and help it serve as a catalyst for this corridor in Rock Hill. Due to its age and the development within the surrounding area over time, the original building was not constructed on a site with the size to support the current code requirements for parking. Instead of remaining dormant and vacant we believe it is in the best interest of the community to have the building renovated and revitalized, thus we are requesting a variance from the parking requirements as prescribed by the city. Specifically, we are requesting a waiver of the requirement for shared parking spaces to be within 500 linear feet of the primary entrance. First Calvary has agreed in principal to share parking spaces for the office building proposed

Findings of fact

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

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

The size of the lot is primarily dominated by the 800 sqft area of the building. The building is on the historic registry and the building's brick exterior and foundation are aesthetically and structurally in good condition. It is adjacent to a funeral home, church, and residential buildings which all face a somewhat unconventional traffic intersection. Additionally, it is angled and the building is oriented on it in such a way that is not conducive to maximize parking area. We were only able to provide 2-3 parking spaces (see site plan attached)

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

No other properties in the area have the combination of a similar proposed use, historic significance or the same site size constraints as 538 Dave Lyle.

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 shown on the proposed site drawing attached, a maximum of 2-3 parking spaces are feasible in any configuration of the site. Unless a variance is obtained, the building will not be fit for commercial use of any sort in the future.

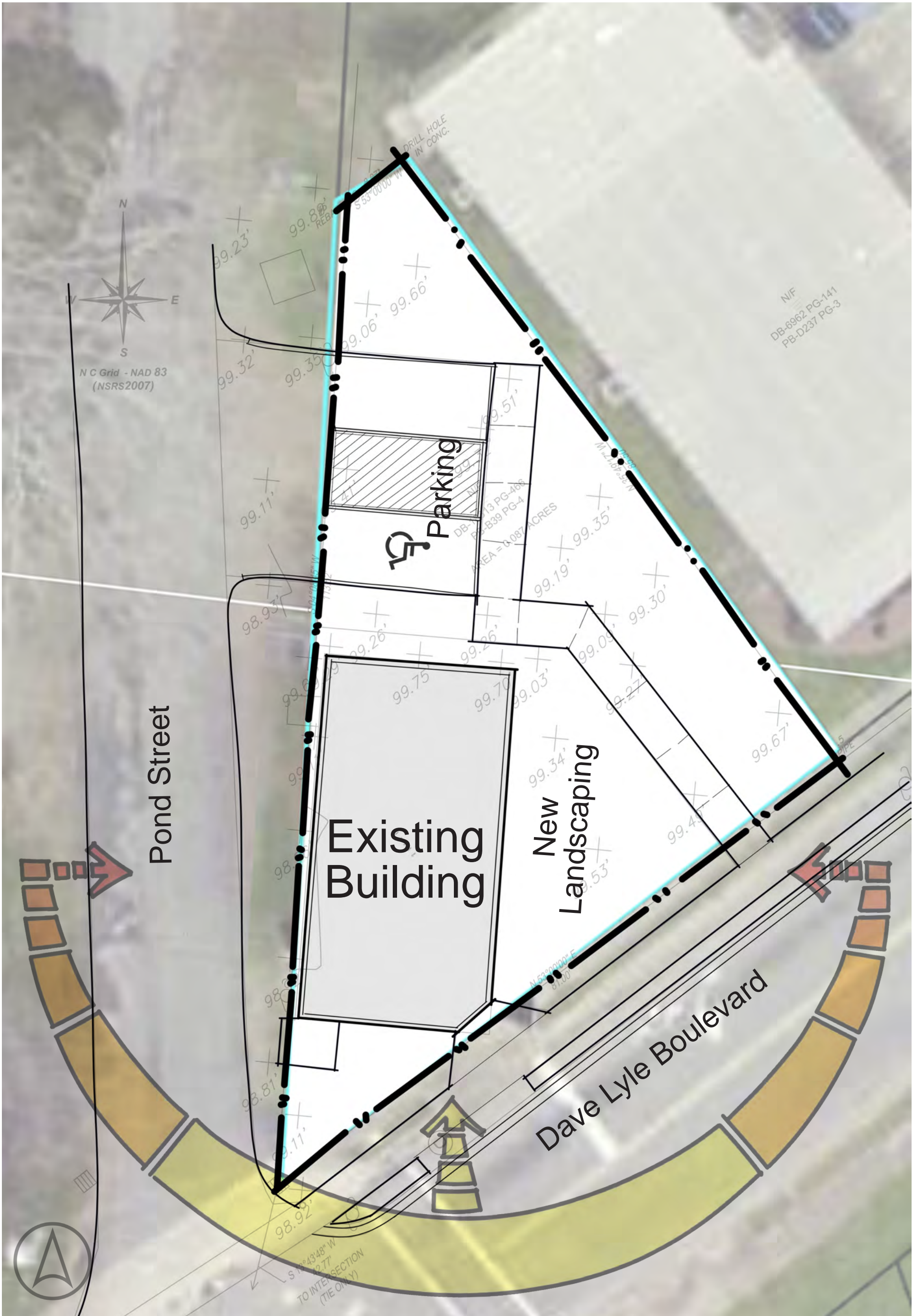
4. If the Zoning Board of Appeals grants the variance request, it will not harm adjacent land or the public good. If a variance request is granted by the ZBA, the adjacent land and public good will be significantly enhanced by the presence of a building which a) promotes the development of business owners b) serves as a catalysts for launching entrepreneurs from the local community c) highlights the historical significance of building which would otherwise be disregarded and unused.

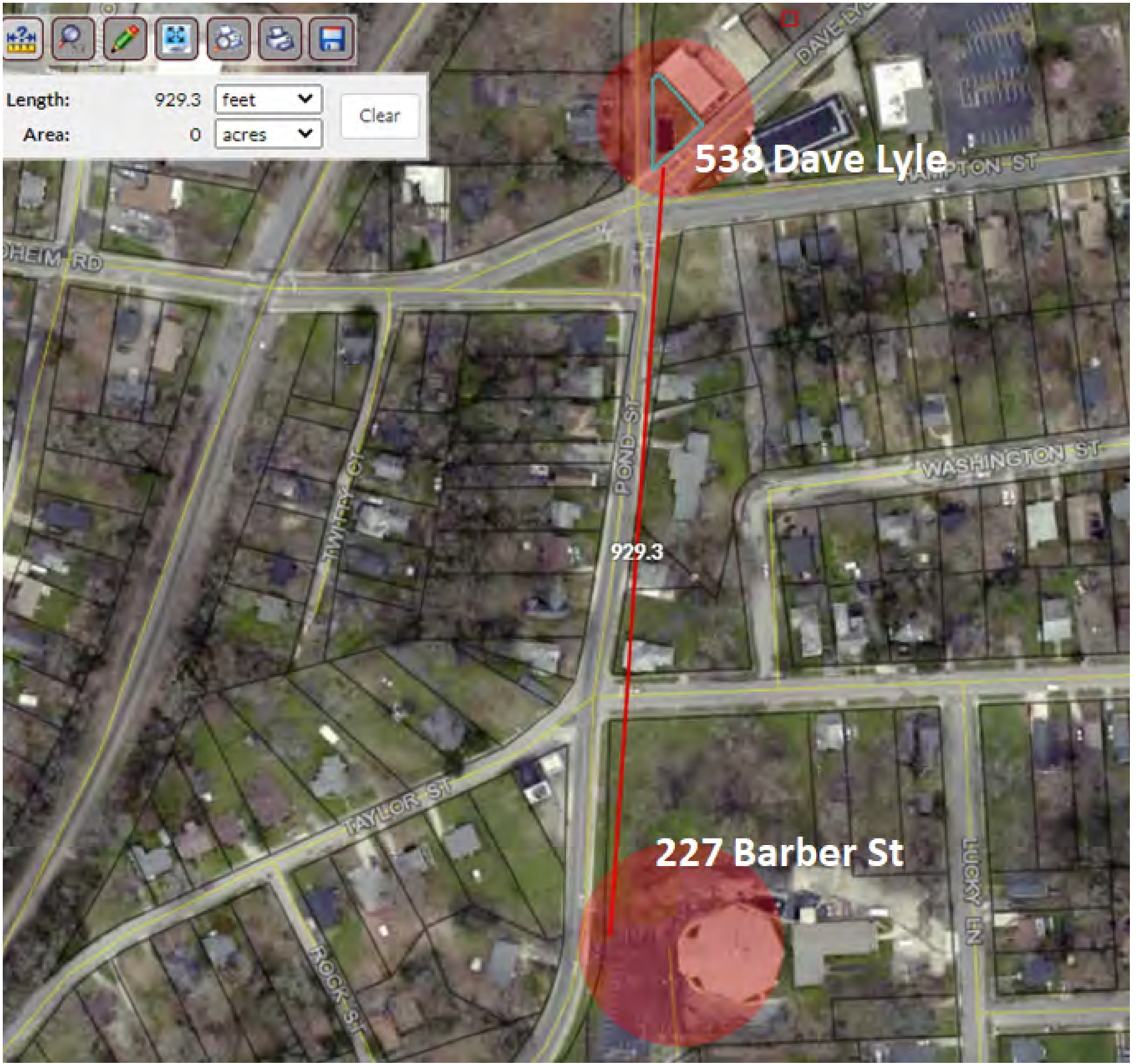
Exhibits

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

Owner's letter
Dave Lyle Afro-American Insurance Company Design, Program, and Analysis





Excel Property Management Services

“Hands over Hands”

926 Lenoir Rhyne Blvd SE, Ste 5

Hickory, NC 28602

828-578-6380 (Office)

828-358-9890 (Cell)

Mary Vivian Hunt Ramseur (Young)
Excel Property Management Services
538 Dave Lyle Blvd Ste A/B
Rock Hill, SC 29730
828-358-9890

March 22, 2022

To Whomsoever it may concern,

I, Mary Vivian Hunt Ramseur (Young) am writing this letter to introduce myself and as the spokesperson of Excel Property Management Service. First and foremost, I am a native of Rock Hill South Carolina a 1980 Graduate of Rock Hill High School, District 3. I recently moved a few years back from Catawba County, NC area to rekindle my “hometown feel” of Rock Hill, SC, and may I say the sun does rise beautifully.

I am the owner and managing member of Excel Property Management Service and it’s program “Hands Over Hands.” “Hands over Hands” is intended to embody the qualified individuals who successfully work as a team to complete any given project or tasks. Our main office is located at 926 Lenoir Rhyne Blvd., Hickory NC 28602 with an additional office located at 538 Dave Lyle Blvd. Rock Hill SC. This company was established 2019, which includes a service of general maintenance and repair to vacant and occupied residential and commercial buildings. Excel Property Management Services, of 538 Dave Lyle Blvd will extend operable services as a “Business Complex Center” which will target many levels of clients including upcoming business owners and future entrepreneurs. We are proposing a wonderful range of business products for this location and neighboring business owners.

In 1909, 538 Dave Lyle was created by William E. Smith, an African American who was a self-taught architect/designer who designed many other known properties in the region. This place is where African American individuals would visit to purchase life insurance. It is my objective to build upon the original intent of the insurance agency with a twist. Instead of relying solely upon external financial products to provide security, we are instead emphasizing self-insurance where an individual directs and manage their own conditional terms and coverage with reimbursements that have longevity.

The plans for this phenomenal building have been created by Stevyn Buie, Architect LLC of Charleston SC, and Justin Smith of Vin-Yet Architecture in Rock Hill. The plans are 99% complete and ready to be

presented to the city of Rock Hill SC for final approval, however we are unable to provide the minimum number of parking spots required by the city. Over the past 4 months I have reached out to several members of the local community within 500 ft of the building's entrance who may have parking spots available that the 538 Dave Lyle location can leverage, but for various reasons they have been unable to provide their properties as an option at this time. Nonetheless the occupants at First Calvary

I would like to include my contact number 828-358-9890, along with my email biz@excelpropertymanagementllc.com. Please feel free to contact me with any questions you may have with the included contact information listed above.

Sincerely,

Mary Ramsey

Owner/Managing member

Hands over Hands

"Growth with Education, strengthened by task, promoted by word of mouth"



Dave Lyle Afro-American Insurance Company Renovation Project

Design Program &
Planning Analysis

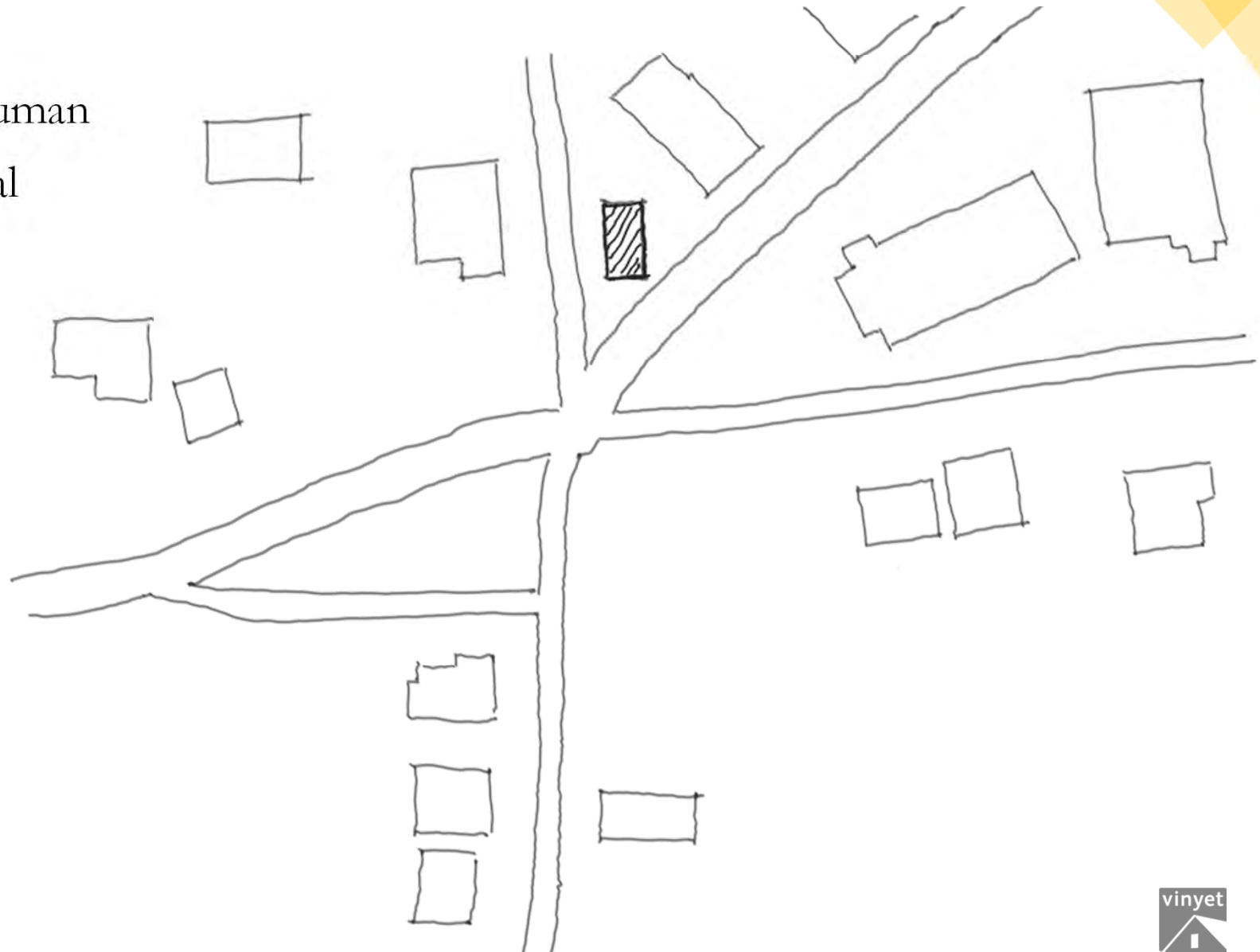
June, 25, 2021

Stevyn M. Buie, NCARB, PMP, MBA



Design Considerations

- Individual/Human
- Environmental
- Cultural
- Technical



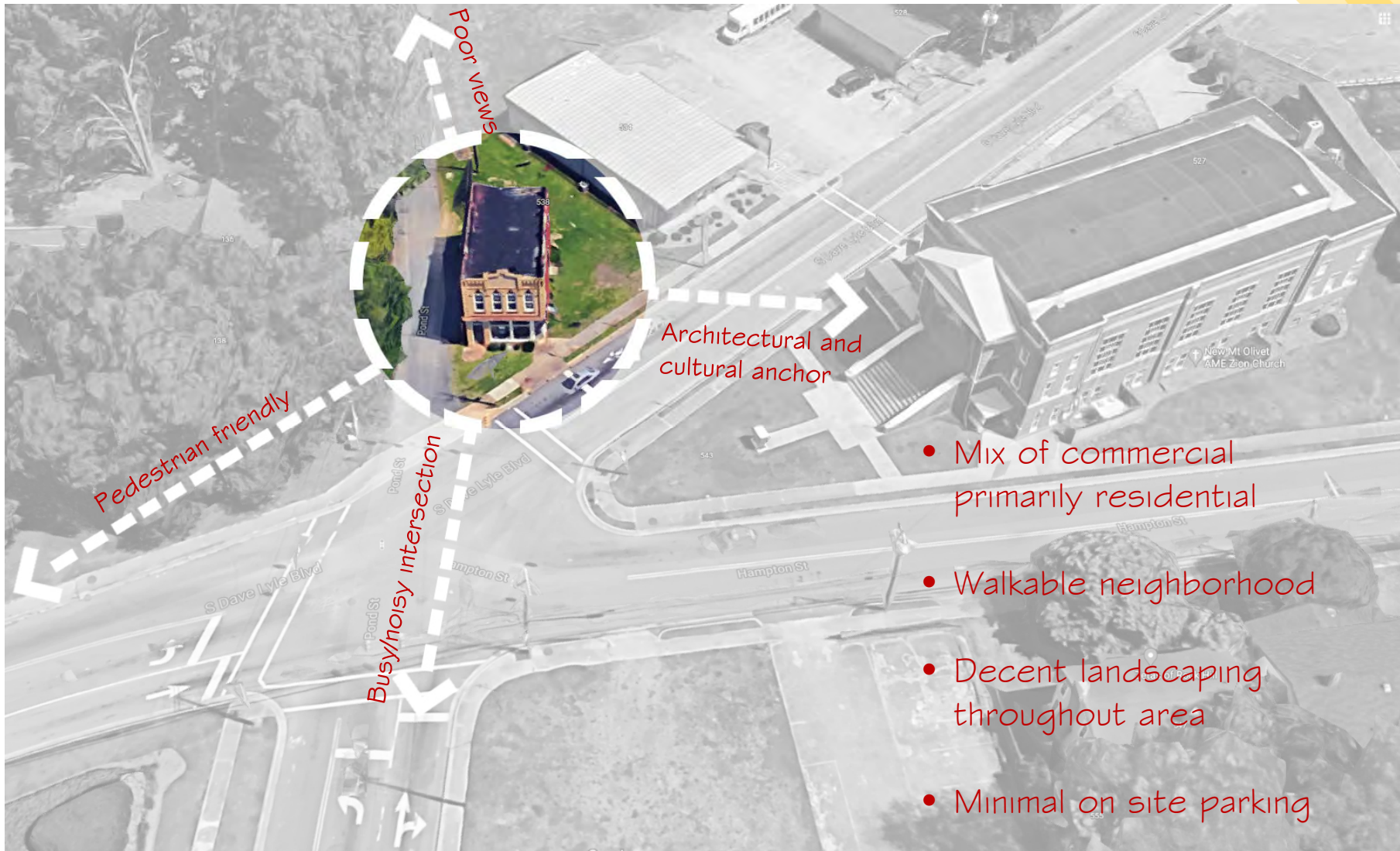
Design Considerations – Individual

“GO-GETTERS...

this idea and the *original prominence* of this building to be *continued*, yet with *explosion* of *creativity*.”

- The office center will be listed under Excel Property Management Services
- Business hub for entrepreneurs, contractors, and remote workers
- Personal office space, co-working spaces, conference area
- Kitchen/coffee area
- Reception area
- Accessible roof terrace
- Available 7 days/wk
- Collaborative spaces

Design Considerations – Environmental



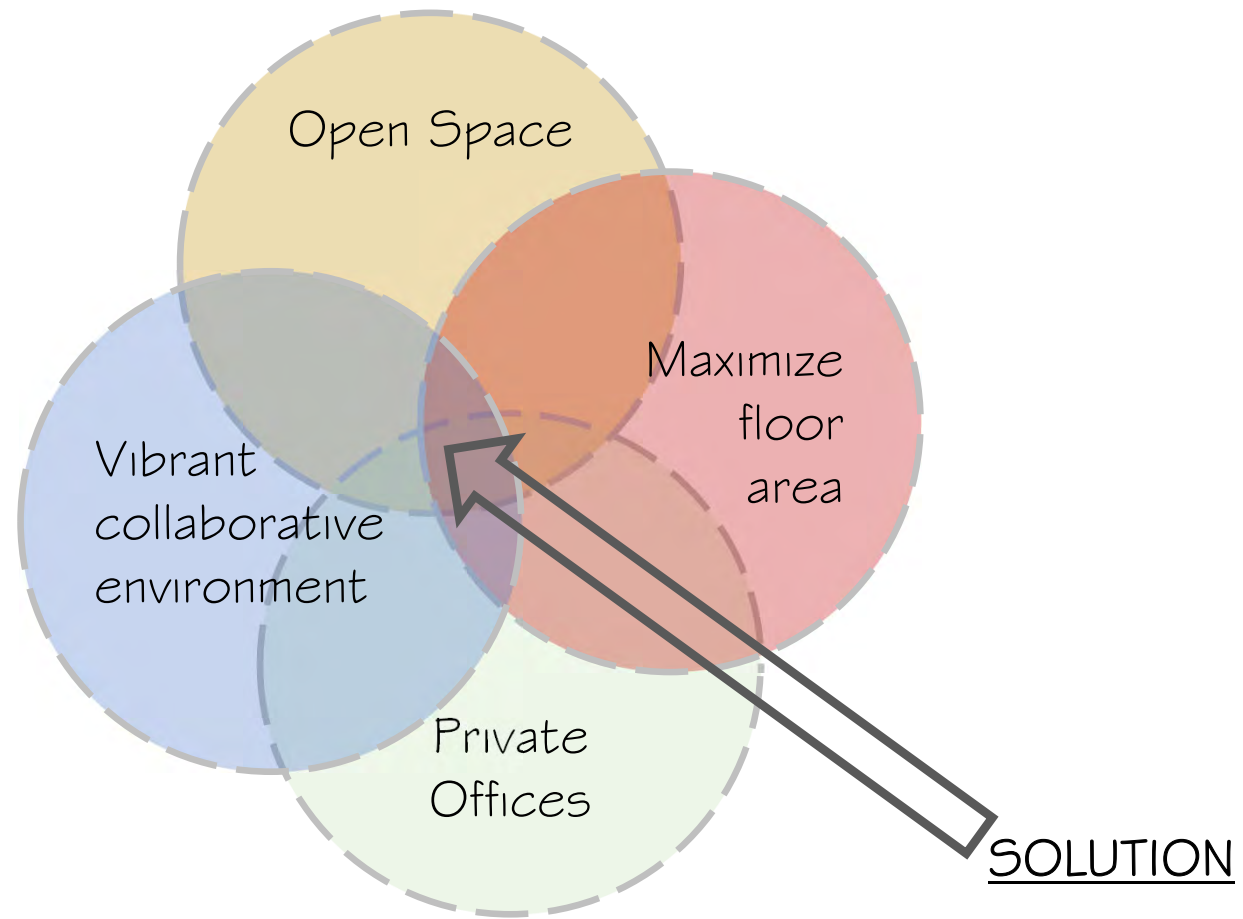
Design Considerations – Cultural

“... the most important surviving example of commercial building related to the black community...”

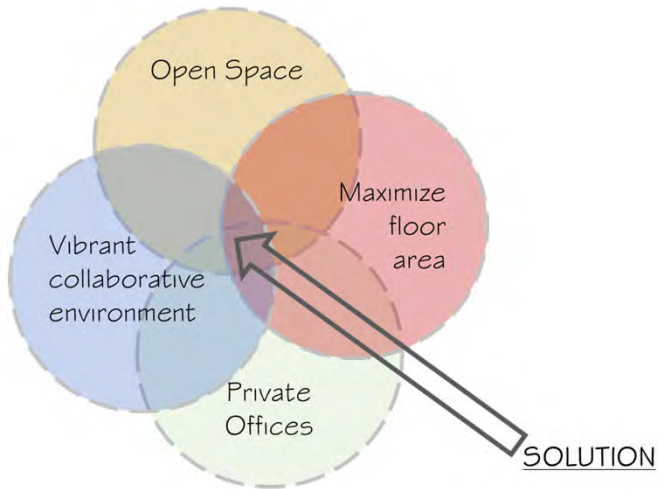
- National Register of Historic Places, DOI

- Built 1909
- Black-owners and patrons
- National Register of Historic Places – 1992; will significantly impact design process and decisions
- Previous uses included specialty and grocery stores
- Designed and built by William W. Smith
- One of several local offices for this company in the southeast
- Built as part of movement of urban blacks to develop business and culture within the community
- In addition to Afro-American Insurance Company, it was also used as a restaurant, grocery store, and retail

Design Considerations – Technical

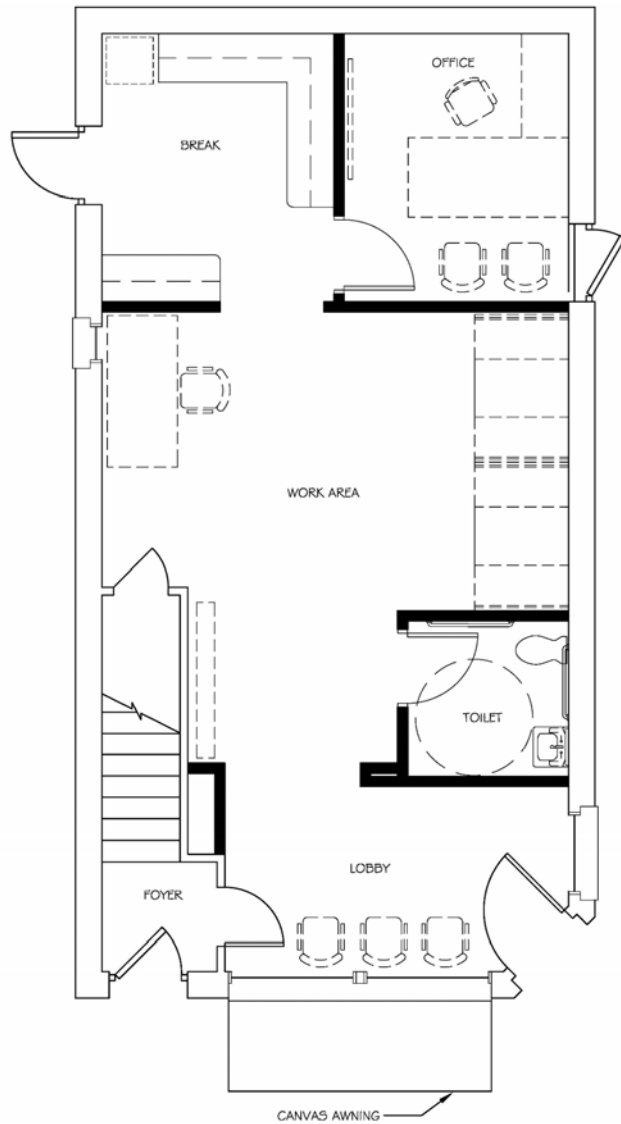


Design Considerations – Technical

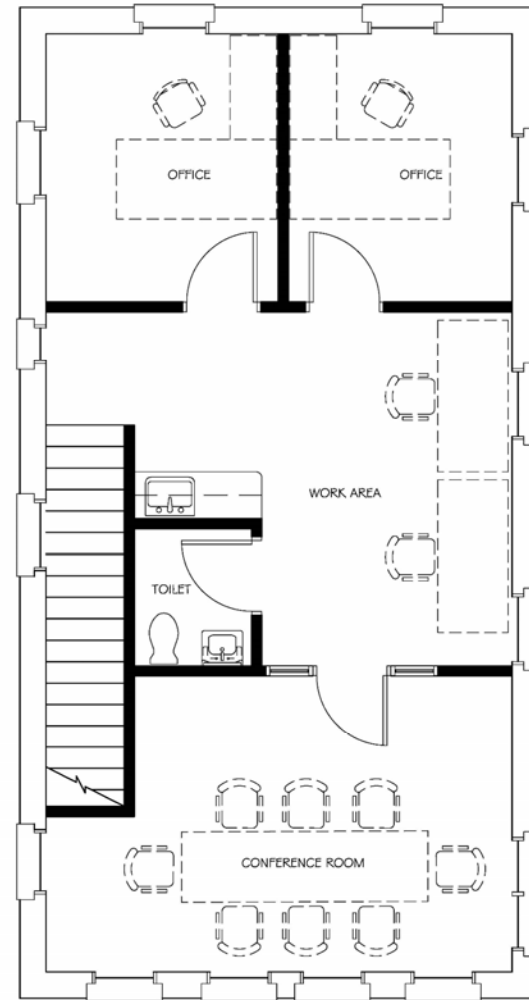


Function	Total Area (Sq. Ft.) of Initial Layout	Total Area (Sq. Ft.) of Proposed Plan
Lobby	243	188
Flexible Work Space	201	441
Office	286	329
Bathroom	80	74
Kitchenette	156	132
Vertical Circulation	145	145
Conference/Multi-purpose	185	225
Non-functional	275	37

Proposed Floor Plans

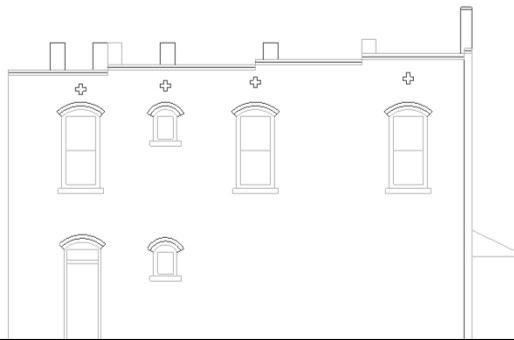


First Floor - NTS

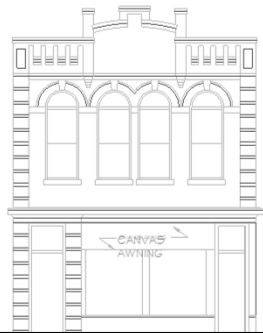


Second Floor - NTS

Exterior Elevations



West - NTS



South - NTS







East - NTS





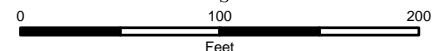
ROCK HILL
SOUTH CAROLINA
Always on.

Z-2022-20

-  Subject Property
- Zoning Districts**
-  Multi-Family 15 (MF-15)
-  Neighborhood Commercial (NC)
-  Single-Family 4 (SF-4)

Zoning Data

Current Zoning
NC



Planning & Development
Department
City of Rock Hill
04/19/2022

