



A G E N D A

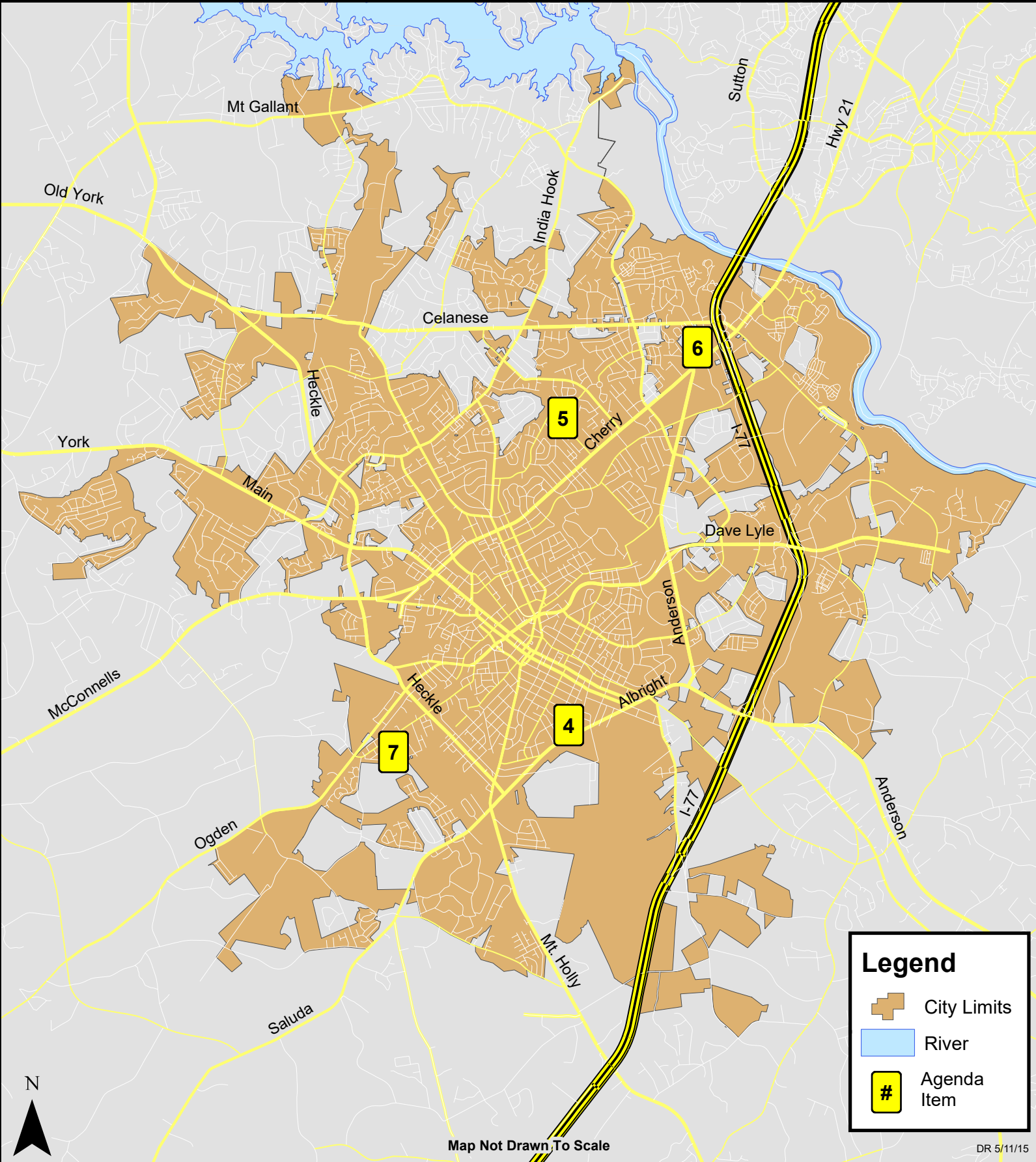
Rock Hill Zoning Board of Appeals
August 16, 2022

1. Call to Order
2. Approval of Minutes from the July 19, 2022, meeting.
3. Approval of Orders from the July 19, 2022, meeting.
4. Appeal Z-2022-26: Request by Beatriz Dela Cruz Guerrero for a variance from the maximum accessory structure size at 750 Briarcliff Road. The property is zoned Single-Family Residential-5 (SF-5). Tax map number 625-02-01-001.
Deferred by staff till September.
5. Appeal Z-2022-29: Request by Joshua Resha for a variance from the secondary front setback for a fence at 1324 Hollythorn Drive. The property is zoned Planned Unit Development (PUD). Tax map number 633-09-12-117.
6. Appeal Z-2022-30: Request by Claude W. Burns, III on behalf of Burns Automotive for a reduction from the required separation from residential uses at 2517 Cherry Road. The property is zoned Community Commercial (CC). Tax map number 662-07-01-011.
7. Appeal Z-2022-31: Request by Sandra Knox for a special exception for the re-establishment of a non-conforming convenience store at 1327 Crawford Road. The property is zoned Single-Family Residential-4 (SF-4). Tax map number 599-01-04-032 & -033.
8. Other Business.
 - a. Election of Officers
 - b. Continuing Education
9. Adjourn.

Zoning Board of Appeals Agenda Items



City of Rock Hill, SC
August 17, 2022
Zoning Board of Appeals



Legend

-  City Limits
-  River
-  Agenda Item

Map Not Drawn To Scale

DR 5/11/15

A public hearing of the Zoning Board of Appeals was held Tuesday, July 19, 2022, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill, SC.

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

MEMBERS ABSENT: Matt Crawford

STAFF PRESENT: Eric Hawkins, Melody Kearse, Shana Marshburn, Donna Welch

Legal notices of the public hearing were published in The Herald, Friday, July 1, 2022. Notice was posted on all property considered. Adjacent property owners and tenants were notified in writing.

1. Call to Order

Vice-Chair Keith Sutton called the meeting to order at 6:00 p.m.

2. Approval of Minutes of the June 21, 2022, meeting.

Mr. Chad Williams made a motion to approve the minutes as submitted. Mr. Rodney Cullum seconded, and the motion carried by a vote of 6-0 (Crawford absent).

3. Approval of Orders of the June 21, 2022, meeting.

Mr. Cullum made a motion to approve the orders. Mr. Williams seconded, and the motion carried by a vote of 6-0 (Crawford absent).

4. Appeal Z-2022-26: Request by Beatriz Dela Cruz Guerrero for a variance from the maximum accessory structure size at 750 Briarcliff Road. The property is zoned Single-Family Residential-5 (SF-5). Tax map number 625-02-01-001.

Deferred until August at the request of the applicant.

5. Appeal Z-2022-28: Request by Kiesa McCoy for a variance from the fence standards at 4 Graham Street. The property is zoned Single-Family Residential-5 (SF-5). Tax map number 628-03-05-012.

Shana Marshburn, Planner II, presented the staff report.

Mr. James Hawthorne asked if the one-foot addition to the retaining wall was for decorative measures only. Ms. Marshburn replied that it appears that it was added for height.

Mr. Cullum asked to see again a photo of the current fence and asked if the City had been notified and if there was a permit for the fence. Ms. Marshburn replied there had not been any notification to the City and the fence was installed without a permit.

Mr. Williams asked if staff would be happy if the applicant removed every other picket of the current fence. Ms. Marshburn replied yes.

Mr. Hawthorne stated that if every other picket was removed, the fence would not be able to contain the applicant's dogs.

Mr. Cullum asked if there was still some of the original galvanized chain link fence on the property. Ms. Marshburn replied that the galvanized chain link fence is still running along the sides of house and that the wooden fence is only in the front of the house.

Vice-Chair Sutton opened the floor to the applicant.

Kiesa McCoy, 4 Graham Street (applicant) stated that she had added a design by drilling holes in the pickets to allow for more visibility through the fence and that she did not realize it would be an issue when changing from a galvanized fence to a picket fence. Ms. McCoy also stated that the one-foot block addition was to prevent soil from eroding over the wall onto the sidewalk. Ms. McCoy is also concerned about the interaction of the mailman and her dogs.

Mr. Hawthorne asked if the mailman must come up to house to deliver mail. Ms. McCoy replied no.

Mr. Hawthorne asked the applicant if they were made aware of the 50% opacity standard when they received the fence violation notification. Ms. McCoy replied yes, but it does not say anything about every other picket and feels that the design she added to the fence does allow for more visibility.

Mr. Cullum stated that it appears that Ms. McCoy has put a lot of work into the design that was added to the fence and asked if Ms. McCoy would be willing to work with the City for a resolution. Ms. McCoy replied that she is trying to upgrade the appearance of her property and that some of the neighbors have commented that her property looks better. Ms. McCoy also stated the fence is to help prevent interaction between the mailman and her dogs.

Mr. Williams stated that the current fence is an improvement but is wondering if Ms. McCoy can add enough design in the fence to meet the 50% opacity standard.

Mr. Hawthorne asked if a wrought iron fence would work. Ms. McCoy replied that she cannot afford to change out the current fence.

Mr. Sutton asked if there is any possibility that the design could meet 50% opacity standard. Ms. Marshburn replied that the design would count towards the 50%; but was not sure that with more design added, it would meet the 50% opacity requirement.

Mr. Sutton asked who would decide if the fence meets the 50% opacity requirement if more design was added. Ms. Marshburn replied that it would be her.

Mr. Williams stated that the current shadowbox fence is closer to the 50% opacity than a solid fence and still feels that it looks better than what was previously there. Ms. Marshburn stated that the fence must be less than 50% opaque from a 90-degree view of the property.

Mr. Hawthorne asked if the fence is sitting on top of the retaining wall. Ms. McCoy replied that the fence is not attached to the retaining wall.

Mr. Cullum asked what the applicant's investment into the new fence was. Ms. McCoy replied \$1,000.00.

Mr. Hawthorne asked if the galvanized gate would count toward to the 50% visibility. Ms. Marshburn replied yes.

Mr. Hawthorne asked the applicant if they have larger dogs. Ms. McCoy replied yes and that the dogs can be somewhat destructive.

Mr. Eric Hawkins, Planning & Zoning Manager, asked the applicant if they would be able to keep the dogs in the backyard. Ms. McCoy replied that the dogs do not get along and need to be kept separated.

Mr. Hawthorne stated that he did not feel that adding more design to the fence would bring the visibility up to 50%; including the galvanized gate could help but does not see a viable solution.

Mr. Cullum stated that there might be a solution that has yet to be addressed and asked about a deferral to allow the homeowner time to work with the City for a viable solution. Mr. Williams stated

that the applicant has been working with the City.

Ms. Stacey Reeves asked about meeting all the other conditions.

Mr. Sutton stated that he feels the other conditions could be met if they can get the opacity percentage worked out.

Ms. Reeves asked what design pattern would continue to be used. Ms. Kearse replied that the one that is consistent across the entirety of the fence should be used.

Mr. Cullum suggested a 30-day deferral to come up with another solution. Mr. Williams stated that he would rather not defer.

Mr. Hawthorne asked about the height of the fence. Ms. Kearse replied that the height total is 8 feet, which encompasses the retaining wall and fence.

Mr. Williams made a motion to approve the variance from the fence opacity limit with the condition that the design pattern be continued on both sides of the fence to provide more visibility into the property. Mr. Sutton seconded, and the motion carried by a vote of 5-1 (Reeves opposed, Crawford absent).

Mr. Sutton presented the findings, specifically noting the soil conditions are extraordinary and exceptional; the topography and erosion are unique conditions; strict application of the ordinance deprives use in that the replacement fence with the design made with holes is an improvement over the previous galvanized fence; it is not detrimental to the area because there are other picket fences in the neighborhood.

6. Appeal Z-2022-29: Request by Joshua Resha for a variance from the secondary front setback for a fence at 1324 Hollythorn Drive. The property is zoned Planned Unit Development (PUD). Tax map number 633-09-12-117.

Deferred until August at the request of the applicant.

7. Other Business.

- a) Ms. Melody Kearse discussed continuing education opportunities.
- b) Ms. Kearse stated that she would be putting together a handbook for ZBA board members.
- c) Ms. Kearse stated that the moratorium for short-term rentals ends November 9th.

8. Adjourn.

There being no further business, Mr. Hawthorne made a motion to adjourn. The motion was seconded by Mr. Cullum and was approved by a vote of 6-0 (Crawford absent).

The meeting adjourned at 6:47 p.m.



Zoning Board of Appeals Order

Z-2022-28

The Zoning Board of Appeals held a public hearing on Tuesday, July 19, 2022, to consider a **request by Kiesa McCoy for a variance from the fence standards at 4 Graham Street, which is zoned Single Family-5 (SF-5). Tax map number 628-03-05-012.**

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

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

1. The site may be identified as 4 Graham Street.
2. The property owner is Kiesa McCoy.
3. This property is zoned Single Family-5 (SF-5).
4. The request was for a variance from the fence standards.
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
 - July 1: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - July 1: Public Hearing notification signs posted on subject property.
 - July 1: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Staff member, Shana Marshburn, Planner II, presented the staff report.

Mr. Cullum asked to see again a photo of the current fence and asked if the City had been notified and if there was a permit for the fence. Ms. Marshburn replied there had not been any notification to the City and the fence was installed without a permit.

Mr. Williams asked if staff would be happy if the applicant removed every other picket of the current fence. Ms. Marshburn replied yes.

Mr. Hawthorne stated that if every other picket was removed, the fence would not be able to contain the applicant's dogs.

Mr. Cullum asked if there was still some of the original galvanized chain link fence on the property. Ms. Marshburn replied that the galvanized chain link fence is still running along the sides of house and that the wooden fence is only in the front of the house.

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Kiesa McCoy, 4 Graham Street (applicant) stated that she had added a design by drilling holes in the pickets to allow for more visibility through the fence and that she did not realize it would be an issue when changing from a galvanized fence to a picket fence. Ms. McCoy also stated that the one-foot block addition was to prevent soil from eroding over the wall onto the sidewalk. Ms. McCoy is also concerned about the interaction of the mailman and her dogs.

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Ms. Stacey Reeves asked about meeting all the other conditions.

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Mr. Sutton presented the findings, specifically noting the soil conditions are extraordinary and exceptional; the topography and erosion are unique conditions; strict application of the ordinance deprives use in that the replacement fence with the design made with holes is an improvement over the previous galvanized fence; it is not detrimental to the area because there are other picket fences in the neighborhood.

THE BOARD, THEREFORE, ORDERS:

That the request by Kiesa McCoy for a variance from the fence standards at 4 Graham Street, 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-2022-29

Request: Variance from the secondary frontage setback for a fence
Address: 1324 Hollythorn Drive
Zoning District: Planned Unit Development (PUD)
Applicant/Owner: Joshua Resha





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

Address: 1324 Hollythorn Drive

Tax Map #: 633-09-12-117

Zoning District: Planned Unit Development (PUD)

**Applicant /
Property Owner:** Joshua Resha
1324 Hollythorn Drive
Rock Hill, SC 29732

Background

The homeowner of 1324 Hollythorn Drive, Joshua Resha, is proposing to build a six-foot-high wooden privacy fence in his back yard with two five-foot-wide, front-facing access gates on either side of his house. Because this is a corner lot, the Zoning Ordinance considers the property as having two fronts, which in this case would require the privacy fencing to be setback ten feet along the secondary frontage of Dillwin Road.

Until recently there was a row of Leyland Cypress trees along Dillwin Road within the road right-of-way. It is unknown who planted the trees, but they were removed by the applicant recently after they had been severely pruned by the City in 2019 due to sight distance concerns. Mr. Resha believes that the loss of this natural screening has created a privacy void for his family. Removal of the trees exposed an aging split-rail fence that is also located in the road right-of-way. Mr. Resha wishes to remove the split rail fence and construct the privacy fence along the property line. The applicant contends that the right-of-way area between the property line and the street pavement (approximately thirteen feet) should be sufficient for line-of-sight concerns. He would also like to have more flexibility as to where the fence will be placed to better allow him to avoid further removal of vegetation within his yard. If the fence is placed at the property line, it would be eighteen feet from the house whereas it would only be approximately eight feet from the house if the ten-foot setback is applied. He has also stated that the five-foot-wide gates located on either side of the house would be constrained by the required setback.

The Zoning Ordinance specifies that for corner lots, the required setback for a fence or wall on the secondary front be half the distance of the front yard, or ten feet, whichever is less. Because the applicant is proposing to construct the fence at or near the secondary front property line, a variance is needed.

Site Description

The property is located on the southwest corner of Hollythorn Drive and Dillwin Road, in the northeastern area of the City. The Hollythorn subdivision is bound by Ebinport Road to the north and Marett Boulevard to the south. The Hollythorn subdivision is zoned

Planned Unit Development (PUD), consisting of single-family detached housing. Surrounding uses are also single-family residential homes. Adjacent zoning districts include Single Family-3 (SF-3) to the north, Single Family-4 (SF-4) to the east, and Single Family-5 (SF-5) to the south/southwest.

Description of Intent for Master Planned and Planned Unit Development Zoning Districts

Master Planned districts, and precursor districts such as Planned Unit Developments (PUDs), Planned Residential Developments (PRDs) and Planned Developments (PDs) approved prior to this date are subject to the standards and conditions included within their approvals and the Zoning Ordinance provisions in place at the time of adoption. If approval of the plans associated with these districts expires, the provisions of the current ordinance will apply.

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.

Please note: Although staff was unable to make the findings for the applicant's request to waive the ten-foot setback, we were able to make the findings for a reduction of the setback to five feet. Assessment for each of these is presented below.

1. *Extraordinary and Exceptional Conditions*

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

Assessment of applicant's request:

The subject property is located on a corner, so the Zoning Ordinance does not allow it to have a six-foot privacy fence encompassing its entire rear yard the way that it allows interior lots to have. To maintain line-of-sight for drivers, homes on corner lots are required to place privacy fences ten feet from the property line along the secondary road frontage.

The Leyland Cypress trees that were planted on Dillwin Road years ago in the City right-of-way had become overgrown, yet the past and current property owners had become accustomed to the privacy they were afforded by the trees. It is unclear who initially planted these trees, but they became a significant liability from a line-of-sight perspective. The neighboring property on Dillwin Road had virtually no line-of-sight to ensure safety leaving their driveway. Motorists making a right turn onto Dillwin Road from Hollythorn Drive had poor visibility along the road, especially due to the roadway tapering inward as you make your way down Dillwin Road towards the neighboring property. The trees had to be cut back so

dramatically that the applicant felt it was better to subsequently remove them. Because they were on City right-of-way and created a liability, there was no guarantee they would always be there, nor would this be cause for removing the setback requirement. It should also be noted that the portion of the split rail fence along Dillwin Road was constructed in the City right-of-way.

In their permit review comments, City Utilities identified underground electric lines running parallel to the property line along Dillwin Road that are more-or-less in line with the existing split rail fence but offset just slightly within the City ROW. Utilities requires fence posts to be at least three feet from underground electric lines. A revised site plan must be submitted showing the existing electric utilities that are within the area of the proposed fence and should include the distance between any electrical equipment or underground lines and the proposed fence.

Assessment of reduction of setback to five feet:

The large right-of-way area of thirteen feet between the roadway and the property line would help provide adequate sight distance if the fence were set back five feet from the property line, which would also incorporate the additional spacing required due to the underground electric lines.

2. Unique Conditions

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

Assessment of applicant's request:

While there are other corner lots in the area, a field survey and GIS mapping analysis showed they are all in compliance with the secondary road frontage setback standard for fences.

Assessment of reduction of setback to five feet:

Although the other houses on corner lots in the area meet the 10-foot setback requirements, none of these situations had the underground lines in a location that would have affected this. Therefore, a lesser variance of up to 5 feet would be appropriate.

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.

Assessment of applicant's request:

If the variance were not granted, the fence would be ten feet from the property line and more than the required three feet separation from the underground electric lines. Additionally, any line-of-sight issues for motorists turning onto Dillwin Road from Hollythorn Drive and the abutting parcel to the rear of the property would be addressed.

Assessment of reduction of setback to five feet:

Considering there is 13 feet from the property line to the roadway and the required separation from the underground electric lines, a lesser variance may be appropriate.

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.

Assessment of applicant's request:

If the full variance request is granted, the property would be out of character with the neighborhood since there are a number of other houses on corner lots with privacy fences adhering to the 10-foot setback. Furthermore, the City's investment of resources to mitigate line-of-sight issues associated with the Leyland Cypress trees would be wasted because the proposed privacy fence would continue to impact this, although to a lesser degree. There is also the issue of fairness and potential degradation of neighborhood character being that the other neighbors nearby who live on corner lots have fully met the fence standards.

Assessment of reduction of setback to five feet:

A 5-foot setback would ensure the line-of-sight would be more or less 18 feet, leaving the neighbor to the rear of the property and others ample room to operate vehicles safely. With respect to character and perception of fairness, a lesser variance amount would likely be observably less impactful and granting a reasonable variance of up to 5 feet is justifiable being that it would incorporate the nearly 3 feet in separation the fence is required to be from the underground electric line.

Not Grounds for Variance

Variance requests cannot be based on the ability of the land to be used more profitably if the requests are granted. In this case, the granting of the variance request would allow the property to be used for a single-family residence, which is not a use that is expected to generate profit.

Public Input

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

- July 1: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- July 1: Posted public hearing signs on subject property.
- July 1: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff has not heard of any feedback from the public about the request.

Staff Recommendation

Staff was not able to make all of the findings for the applicant's request to waive the 10-foot setback, but we were able to make the findings to reduce the setback to 5 feet as outlined above. Staff recommends approval of a variance to reduce the secondary front setback for the privacy fence to 5 feet to account for the underground electric line separation requirements and to provide partial relief from the area lost by the unexpected conditions beyond the applicant's control leading to the removal the Cypress trees and the privacy they had provided.

Attachments

- Variance Application and supporting documents
 - Initial Fence Site Plan Submittal
 - 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: 1324 Hollythorne Dr, Rock Hill, SC 29732

Tax parcel number of subject property: 6 3 3 0 9 1 2 1 1 7

Property restrictions

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

If yes, please describe the requirements: _____

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
Josh Resha	1324 Hollythorne Dr	803-517-6634	jaresha2011@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: Josh Resha Date: 06-21-2022

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

Asking that the 10ft from property line rule be overlooked. In 2019 the city ordinance required 15 Leyland trees that were along the property line to be trimmed so that line of sight could be restored. The city mutilated the trees and in doing so removed the natural privacy they offered. This year, the home owners paid \$4000 to have the trees fully cut down and chose to replace them with a privacy fence. Doing this opened up the 13 feet between the road and the property line for line of sight. A current split rail fence that sits on the outside of the property line is being removed and replaced with a privacy fence that is intended to be on the property line, which is 13 feet away from the curb. Along the inside of the line is only 18ft to the side of the house. The required 10ft rule would be an excessive amount considering the newly opened visual and would increase curb appeal without obstructing the neighbor's line of sight.

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 lot tapers and has a curve to it that already allows for better line of sight in normal circumstances. Along with this, the removal of the trees already provides a new visual of 13ft that was previously unavailable at the time.

Another concern for building the fence and restoring privacy to as much of the yard as possible is because of safety. Along the Dilwin side of the road is a family that has been notorious among the neighborhood for being, violent, threatening, trespassing, and has had habits of druge use and intoxication in their front yard. We have been bothered by these neighbors and a previous one on more than one occasion and want to have a safe place for our child.

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

The house sits at a orintation that is unique only to it that would not set a standard of expectation for the rest of the neighborhood.

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

Due to the narrow section on the right side of the house, another gate is required on the left of the property for adequate transport of machinery and materials to the backyard. Having such a limit of space would prevent the construction of a gate on the left side of the property. There is a 2.5-3ft protrusion along the house that would limit movement and over 4ft alone is required to clear current landscaping along the house. Installation on the property line as intended also prevents two other concerns. Two Bradford pear trees would require removal depending on the allowed footage and the homeowner has already spent \$4000 to improve the line of sight by removing 15 trees. Having to remove more is excessive. Finally, if the 10ft rule is applied the new line will encroach on gas utilities closing in on the 3ft clearance rule for major utilities. Because of this, the home owner is requesting that all 10ft be allowed so that any adjustments within the property can be made at the discretion of the home owner and fence company to comply with other zoning codes and maintain other existing vegetation.

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

Line of sight has already been drastically improved by 13ft and the removal of the mutilated trees has improved the aesthetics of the road. Having a properly maintained privacy fence will only further improve this and encourage overall curb appeal.

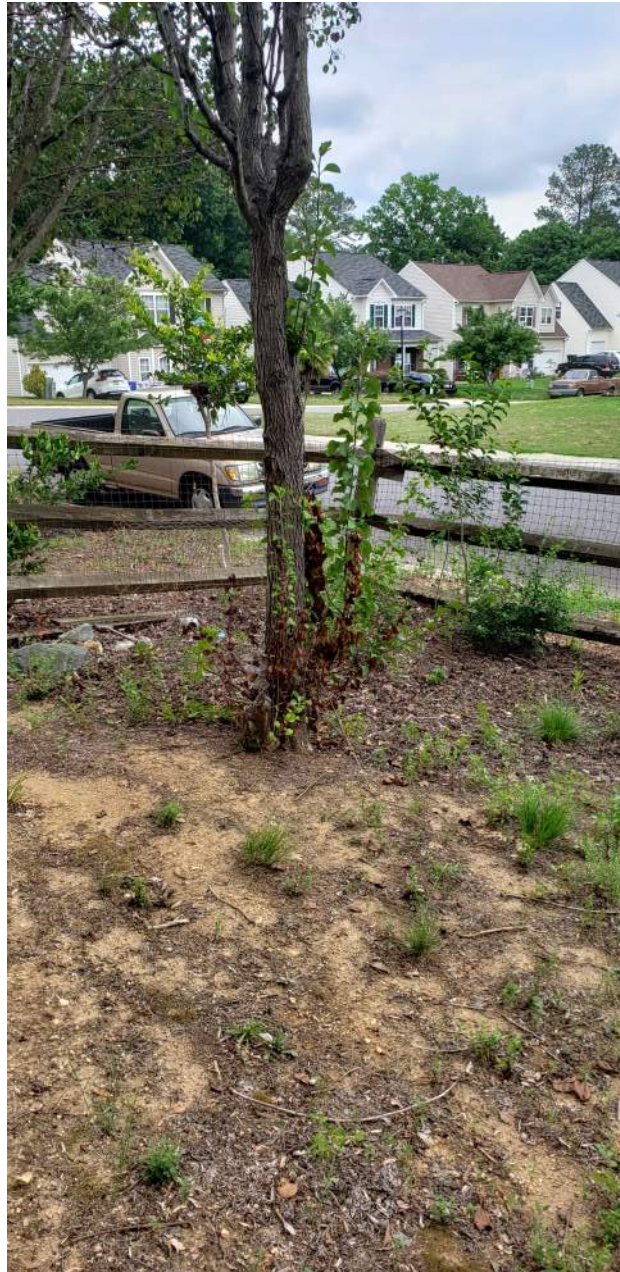
Exhibits

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

Pictures of contrast from 2008, 2012, and 2017-2022

Letters from neighbors promoting fence construction.



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	19.98'	31.20'	28.12'	N 44°01'53" W
C2	316.74'	55.47'	55.40'	N 05°40'29" E

LINE	BEARING	DISTANCE
L1	S 82°00'17" E	60.05'
L2	S 62°28'29" W	51.80'
L3	S 10°46'27" W	3.13'

LINE LEGEND

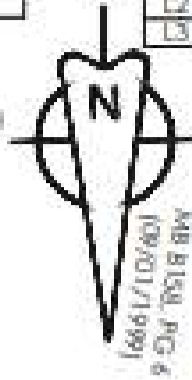
- PROPERTY BOUNDARY
- ADJACENT BOUNDARY (NOT SURVEYED)
- PROPERTY BOUNDARY TIE LINE ONLY
- EASEMENT LINE
- SETBACK LINE
- CURB AND GUTTER
- WOOD FENCE LINE

HATCH LEGEND

- CONCRETE
- PAVEMENT
- BUILDING
- BRICK



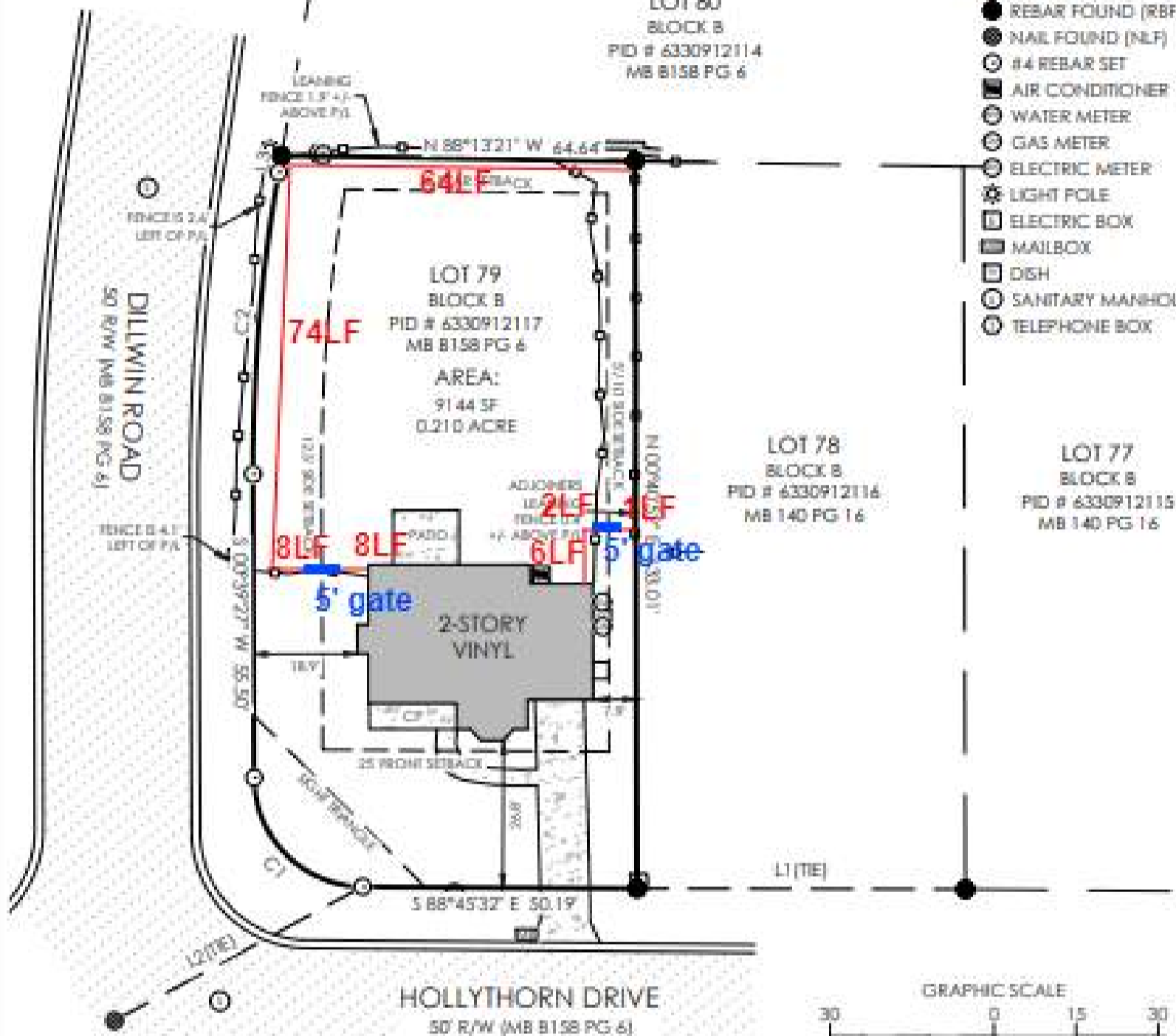
VICINITY MAP (NOT TO SCALE)



LOT 80
BLOCK B
PID # 6330912114
MB B158 PG 6

SYMBOL LEGEND

- REBAR FOUND (RBF)
- NAIL FOUND (NLF)
- #4 REBAR SET
- AIR CONDITIONER
- WATER METER
- GAS METER
- ELECTRIC METER
- LIGHT POLE
- ELECTRIC BOX
- MAILBOX
- DISH
- SANITARY MANHOLE
- TELEPHONE BOX



SURVEY NOTES:

1. NO NEW LOTS OR LOT LINES CREATED.
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
3. AREA COMPUTED BY THE COORDINATE METHOD.
4. REFERENCE(S): AS SHOWN.
5. ALL BUILDINGS SHOWN LIE WHOLLY ON THE SUBJECT PROPERTY.
6. LOT ZONED PUD PER MAP BOOK B158, PAGE 8. SETBACKS AND EASEMENTS SHOWN PER MAP BOOK B158, PAGE 8. SUBJECT TO VERIFICATION WITH YORK COUNTY ZONING DEPARTMENT.
7. PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY WHICH ARE NOT SHOWN HEREON.
8. THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE COMMITMENT REPORT. THIS PLAT/PROPERTY IS SUBJECT TO ANY AND ALL RIGHTS-OF-WAY, UTILITY EASEMENTS, DEED RESTRICTIONS, RESTRICTIVE COVENANTS OR AGREEMENTS WHICH MAY OR MAY NOT BE OF RECORD AND APPLICABLE HERE TO THE DATE OF THIS SURVEY.
9. UNDERGROUND UTILITIES ARE NOT LOCATED AT THE TIME OF SURVEY. IF SHOWN, UTILITY LOCATIONS ARE APPROXIMATE BASED ON LOCATIONS OF ABOVE GROUND APPURTENANCES. UNDERGROUND UTILITIES NOT SHOWN HEREON MAY EXIST.
10. PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA. (FIRM MAP NO. 45091C0309F, EFFECTIVE ON 05/16/2017).

SOURCE OF TITLE

DB 16529, PG 229

ABBREVIATIONS

- DB DEED BOOK
- MB MAP BOOK
- PG PAGE
- P/L PROPERTY LINE
- R/W RIGHT-OF-WAY
- SF SQUARE FEET
- CP COVERED PORCH

I HEREBY STATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN. THIS 10th DAY OF MARCH, A.D. 2022.

SURVEY OF PROPERTY FOR:

ADAM J. T. & AMY J. RESHA

1324 HOLLYTHORN DRIVE
LOT 79, BLOCK B, HOLLYTHORN, MAP 3
MAP BOOK B158, PAGE 8
ROCK HILL, SC 29732
YORK COUNTY



2970 Bluestem Drive Fort Mill, SC 29708
p: 803.367.1917 | www.EyottSurveying.com
SC FIRM LICENSE #: 5139

Hollythorn Neighborhood Corner Lot Examples with 10 Foot Setback on Secondary Road Frontage




Subject Property Underground Electric Line Flags, property line stakes and Existing Split Rail Fence







ROCK HILL
SOUTH CAROLINA
Always on.

Z-2022-29

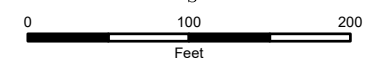
 Subject Property

Zoning Districts

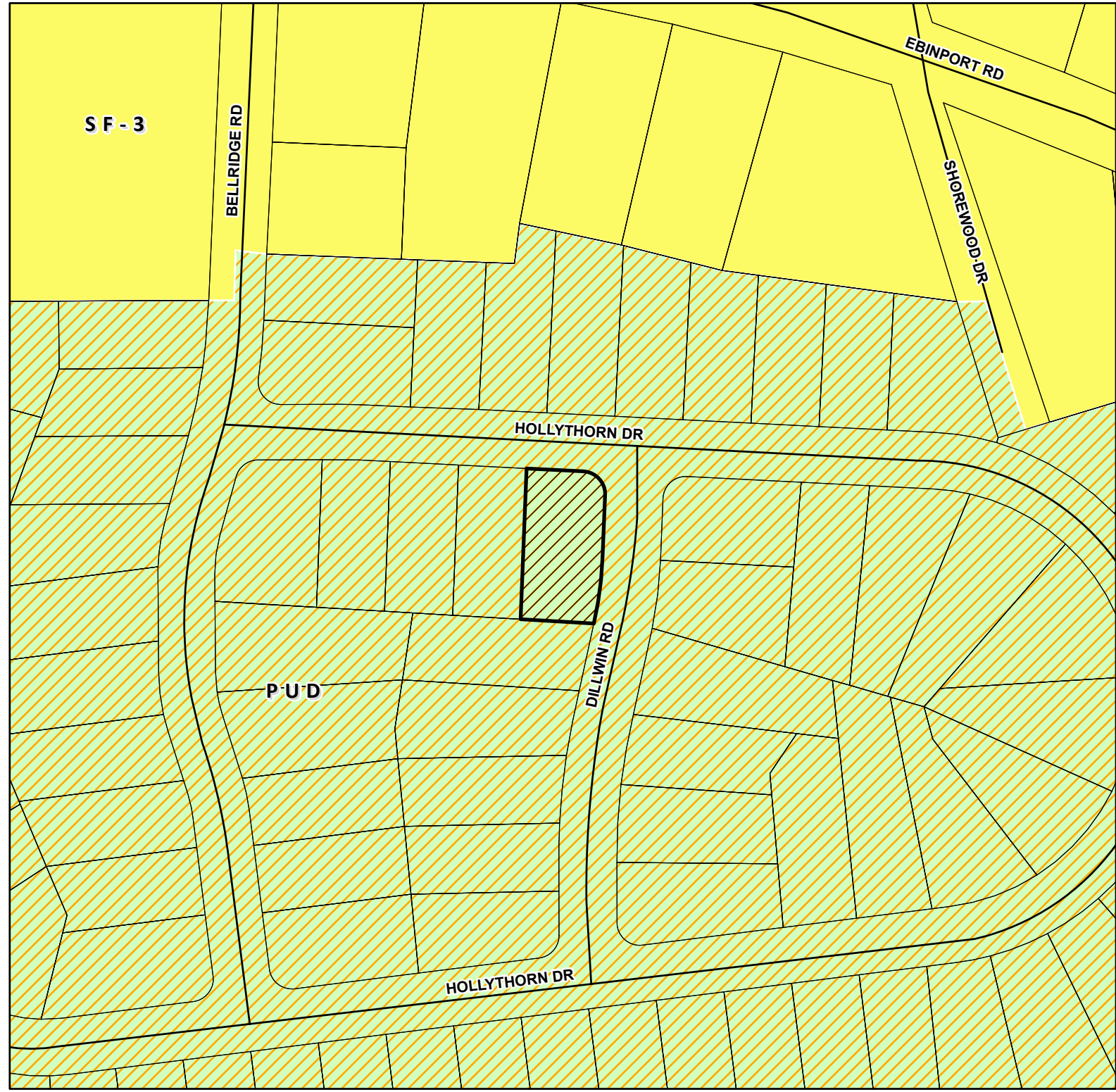
 Planned Unit Development (PUD)

 Single-Family 3 (SF-3)

Zoning Data
Current Zoning
PUD



Planning & Development
Department
City of Rock Hill
08/16/2022





Z-2022-30

Request: Reduction in the required separation from residential property

Address: 2517 Cherry Road

Zoning District: Community Commercial (CC)

Applicant/Owner: Claude W. Burns, III Family Limited Partnership





Request:	Reduction in the required separation from residential property.
Address:	2517 Cherry Rd.
Tax Map No.:	662-07-01-011
Zoning District:	Community Commercial (CC)
Applicant/Owner:	Claude W. Burns, III Family Limited Partnership 3256 Bridgewater Rd. Rock Hill, SC 29730

Background

The applicant, Burns Chevrolet, is an automobile sales use that also offers collision repair services in addition to automobile repair. Though the site spans about different parcels, some of which are located in York County, its collision repair area is located within the building that is located within the City. The applicant would like to add a 3,450 square foot addition to the rear of the building located at 2517 Cherry Rd. in order to expand its collision repair services.

The Zoning Ordinance requires that automobile painting and body shop uses must be located at least 250 feet from all existing residential uses and any undeveloped residentially zoned properties. The subject property is bordered to the north by Hunt Club Condominiums, which is located in the County; and, to the west by both vacant and developed single-family residentially zoned properties located in the City along Evans Street. The current building that houses the auto body use is non-conforming in regard to the required 250-foot separation, as it is approximately 40 feet away from the nearest single-family residentially used or zoned property along Evans Avenue. With the building proposed to be expanded 46 feet to the north, it would now become even closer to those properties; therefore, a reduction to the required separation from residentially used and/or zoned property is required.

Site Description

The combined Burns Chevrolet site which includes its automobile sales use, automotive repair use, and collision repair use is located on the northeast side of the City and is at the corner of Cherry Road and Automall Parkway. Surrounding uses include single-family detached, multi-family, a restaurant, and a fire station.

Description of Intent for Community Commercial (CC) Zoning District

The CC district is established and intended to provide lands for business uses that provide goods and services to residents of the entire community, including shopping centers and large retail establishments. These commercial uses should provide appropriate appearance, parking, traffic movement, and landscaping elements, and protect abutting

residential areas from adverse impacts. The CC district should typically be located along major arterials, at the intersection of arterials, and along growth corridors as identified in the Comprehensive Plan but should not create or promote strip commercial development.

Analysis of Request for Reduction in Separation Requirements

After the separation requirement has been determined, a use may receive a reduction in the separation requirements down to any number, including zero, if the approving authority for the particular use determines that the following two standards are met:

1. *The uses that necessitate the separation would experience no greater adverse impacts from the proposed use than those that are generally experienced in the area from permitted uses in the district. For this standard, the impacts measured may include but are not limited to noise, lighting, and traffic.*

Although the use is requesting a reduction in the required 250-foot separation from residential uses along Evans Avenue, the auto body shop use is existing, whereas it is only proposed to be expanded by 3,450 square feet. Since the use would not be changing, only expanding, the residences in this area should not experience more impacts than what are already present. In addition, though they are not zoned Community Commercial, the subject property is in the general vicinity of other non-residential uses such as a fire station and restaurants. However, out of the three phone calls that staff received in regard to the request, one caller, who lives in the nearby Hunt Club condominiums mentioned that she was concerned about the request due to being able to smell the paint fumes at the existing auto body shop at the corner of Automall Parkway and Celanese Rd. While this is a valid concern that was forwarded to the appropriate City personnel for follow-up, Hunt Club Condominiums are outside of the required 250-foot separation as the separation requirement most directly impacts the residential lots along Evans Street.

In addition, aside from the Zoning Ordinance requiring that all paint and body work take place inside of an enclosed building, the building plans that were submitted indicate that the expansion area will include space for body work and the space dedicated to paint will not be increasing.

2. *Any impacts of the proposed use can be mitigated through buffering, screening, or other mechanisms that are made a part of the site plan for the property.*

As mentioned above, the building plans submitted for the project indicate that the expansion will only include space for body work, leaving the area dedicated to painting as is. While staff does understand that the nature of body work may also include associated odors that could be seen as offensive, as also stated above, the call-in regard to the smell of odor came from a resident that lives outside of the required 250-foot separation distance; therefore, it does not feel that further mitigation efforts should be taken.

Public Input

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

- July 29: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- July 29: Posted public hearing signs on subject property.
- July 29: Advertised the Zoning Board of Appeals public hearing in *The Herald*.
- Information about this request was posted to the City's website

Staff received three phone calls about the request, all from residents of Hunt Club Condominiums. Of those callers, one was simply requesting more information, while another stated that while he had concerns, he was undecided as to whether he was in opposition. The third caller expressed concerns of smells of paint coming from the existing auto body shop located at the corner of Automall Parkway and Celanese Road.

Staff Recommendation

Staff recommends approval of the request based on the following analysis:

- This is an area of the City with a mix of both residential and non-residential uses, whereas the proposed expansion supports a use that is already existing in this area of the site; therefore, those within the required separation area should not experience an increase in any impact that they experience today; and
 - While staff does understand that the nature of body work may also include associated odors that could be seen as offensive, as also stated above, the call-in regard to the smell of odor came from a resident that lives outside of the required 250-foot separation distance; therefore, it does not feel that further mitigation efforts should be taken.
-

Attachments

- Application
 - Site plan
 - Zoning map
-

Staff Contact:

Shana Marshburn, Planner II

803-326-2456

shana.marshburn@cityofrockhill.com

SEPARATION REDUCTION APPLICATION

Plan Tracking # 2022 1183 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: 2017 Cherry Road, Rock Hill, SC

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

Property restrictions

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

If yes, please describe the requirements: _____

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
Claude W. Burns, III Family Limited Partnership A	P.O. Box 2815 Rock Hill, S.C. 29732	803-242-6279	CLAUDE@ BURNSAUTOMOTIVE.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) MEMBER

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: C Burns Date: 6-30-22

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

Name of property owner: <u>Claude W. Burns, III Family Limited Partnership A</u>	
If property owner is an organization/corporation, name of person authorized to represent its property interests: <u>Claude W. Burns, III</u>	
I certify that the person listed in the person listed above has my permission to represent this property in this application.	
Signature: <u>C Burns</u>	Date: <u>6-30-22</u>
Preferred phone number: <u>803-242-6279</u>	Email address: <u>CLAUDE@BURNSAUTOMOTIVE.COM</u>
Mailing address: <u>3256 Bridgewater Rd., Rock Hill, SC 29730</u>	

INFORMATION ABOUT REQUEST

What is your proposed use? EXPANSION to our existing Body Shop

Separation reduction 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. Would your proposed use create any adverse impacts to those uses from which separation is required greater than the impacts generally experienced in the area from other permitted uses in the district? (consider noise, lighting, traffic, and any other relevant impacts)

We have been located here since 1968. To my knowledge, there has been no new residential structures added within 250 feet of the impacted area in the past 5 decades. Our family owns the ⁽³⁾ lots closest to the proposed new construction. We comply with current zoning.

2. Can any impacts of the proposed use be mitigated through buffering, screening, or other mechanisms that are made a part of the site plan for the property?

There currently exists a dense hedge row between the proposed construction and residential properties.

Exhibits

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







- Site plan
- Photos of property that is the subject of the request

OUTSIDE CITY

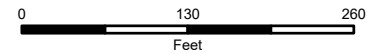
OUTSIDE CITY



Z-2022-30

-  Subject Property
- Zoning Districts**
-  Community Commercial (CC)
-  General Commercial (GC)
-  Multi-Family 15 (MF-15)
-  Office and Institutional (OI)
-  Single-Family 5 (SF-5)

Zoning Data
Current Zoning
GC



Planning & Development
Department
City of Rock Hill
08/16/2022

UD

UD

UD

AUTOMALL PKWY

O I

UD

CC

SF-5

EVANS AV

PECAN CIR

UD

OUTSIDE CITY

CC

GC

Z-2022-31

Request: Special Exception to re-establish a nonconforming convenience store use in a residential zoning district

Address: 1327 Crawford Road

Zoning District: Single Family-4 (SF-4)

Applicant/Owner: Sandra M. Knox





Request: Special Exception to re-establish a nonconforming convenience store use in a residential zoning district.

Address: 1327 Crawford Road

Tax Map No.: 599-01-04-032

Zoning District: Single Family-4 (SF-4)

Applicant: Sandra M. Knox
1952 Londonberry Drive
Rock Hill, SC 29730

Property Owner: Altavia C. & Sandra M. Knox, Trustees
1952 Londonberry Drive
Rock Hill, SC 29730

Background

A convenience store and laundromat operated at 1325 and 1327 Crawford Road since around 1990. As will be discussed further in the report, the store opened for a short period of time in December of 2016, before ceasing operations in March of 2019. The property is zoned Single Family-4, which does not allow indoor retail sales, such as convenience stores.

However, the Zoning Ordinance has a provision that allows businesses to re-establish in residential districts through a special exception process if certain criteria can be met. The applicant is therefore requesting a special exception to re-establish the store under this provision.

Site Description

The property is located at the corner of Crawford Road and Booker Washington Street. It is surrounded by the Single Family Residential-4 (SF-4) zoning district. Nearby land uses include single family and multi-family residential, a religious institution, and a fraternal lodge that is also approved to be used as an event venue.

Description of Intent for Single-Family Detached Zoning Districts

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

The primary difference between these districts is the minimum lot size for development and other dimensional standards that are listed in full in Chapter 6: Community Design Standards. The minimum lot size in the SF-4 zoning district is 9,000 square feet.

Analysis of Request for Special Exception

A nonconforming use in an established residential district may be permitted to be reestablished by a special exception under the criteria of Chapter 10, Section 10.4.6 (B)(3) of the Zoning Ordinance. The ordinary standards for special exception uses in *Chapter 2: Administration* do not apply. Staff will base its recommendation on an analysis of the below criteria.

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

- (a) *The proposed use is permitted by right, conditional use, or special exception in the Neighborhood Office (NO) or Neighborhood Commercial (NC) zoning district, and the proposed use is no more intense than the historical use of the property.*

Convenience stores without gasoline sales are considered an indoor retail use. That use type is currently permitted by special exception in the Neighborhood Office zoning district and by conditional use in the Neighborhood Commercial zoning district.

RESIDENTIAL								BUSINESS											
SF-3	SF-4	SF-5	SF-8	SF-A	MFR	MF-15	MX	NO	NC	OI	LC	GC	CC	CI	DTWN	MUC	IB	IG	IH
							c	s	c	s	c	c	c	c	c	c	c	s	

The proposed use is the same as has been on the property historically. The building was used as a convenience store and laundromat for many years, before eventually closing and re-opening as only a convenience store from December of 2016 until March of 2019.

- (b) *The existing structure is specialized to nonconforming use such that conversion to the conforming use would not be economically feasible. Historical nonconforming uses in converted residential structures would generally not be seen as meeting this standard.*

The building was designed for commercial use. Converting it to a residential use would be costly.

- (c) *No functional expansion of the use is permitted. Modifications for code compliance and aesthetic enhance are permitted.*

The applicant is not proposing to expand the use. However, some specific modifications to the building and site would be required to meet current building and fire codes. These are detailed in the attached feasibility study that was completed in November of 2019, when one of the owners expressed interest in re-opening the store after its tenant, Fred Hart, closed the store in March of 2019. Aside from building and fire code requirements noted in the study, the Zoning reviewer noted that the fence in the rear needed repair work done prior to final inspection; and, that old boards should be removed, and new boards should be attached where holes in the fencing exist. To date, this has not been completed and would be required prior to re-opening. In

addition, it was noted that a dumpster located on the site needed to be relocated to be behind the front plane of the building. Staff has verified that the dumpster has been removed altogether. All comments, including those made by the Industrial Pre-Treatment Inspector, would be required to be satisfied before the store can re-open, if the request is approved.

- (d) *There is demonstrated history of compatibility with the surrounding neighborhood including, but not limited to, a lack of demonstrated complaints, calls for police service, or other operational concerns such as traffic, parking, or other similar impacts.*

Complaints/code enforcement cases:

Since the March 2016 hearing, there have been three (3) code enforcement violations at the subject property. One violation involved overgrown grass (2016), another involving the need to paint untreated wood to prevent deterioration (2016), and lastly, one involving removing a tarp and repairing the roof (2017). All violations were abated.

Calls for police service:

Since the March 2016 hearing, there have been six (6) calls for police service at the subject site. The nature of the calls include: damage to property (1); motor vehicle collision (1); an instance where the caller hung up (1); a call for a police escort (2); and a property check (1). Regarding the call for damage to property, it was documented as juvenile suspects being involved, but prosecution being denied. The call for police escort was due to the caller reporting that there were five juveniles around the store, whereas she felt walking alone was unsafe. The two property check calls involved juveniles possibly being on the roof and an officer observing old damage to store.

Traffic:

Since it is designed as a neighborhood store, the proposed use is unlikely to generate substantial traffic counts. Some patrons would be expected to walk from their homes nearby.

Parking:

The site is developed with parking which includes a one-way circulation pattern, with angled spaces. Here, vehicles would enter the site from Crawford Road and exit the site onto Booker Washington Street.

Sanitation:

There currently isn't a dumpster on the site. While the Zoning Ordinance does not require a dumpster, it does provide that when one is present, it must be screened.

- (e) *Reestablishment of the use may be permitted for a trial period to determine if impacts are mitigated to the extent anticipated.*

The Board is allowed to require a trial period for the re-establishment of the use if it sees a need for one. Due to there being no concerns from the public during the March 2016 hearing, and no public feedback regarding the current request, staff does not believe a trial period to be necessary.

Public Input

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

- July 29: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- July 29: Posted public hearing signs on subject property.
- July 29: Advertised the Zoning Board of Appeals public hearing in *The Herald*.
- Information about this request was posted to the City's website

Staff has not received any feedback regarding the request.

Staff Recommendation

Because the building was built for commercial use and converting it to a residential structure would be costly, staff can support the proposed use; and therefore, recommends approval of the request.

Attachments

- Application and supporting materials
 - Police call records since March 2016
 - November 2019 feasibility study
 - Zoning map
 - Staff report and minutes from April 2016 hearing
-

Staff Contact:

Shana Marshburn, Planner II

803.326.2456

shana.marshburn@cityofrockhill.com

SPECIAL EXCEPTION APPLICATION FOR RE-ESTABLISHING A NON-CONFORMING USE IN A RESIDENTIAL ZONING DISTRICT

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: 1327 Crawford Road, 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
Sandra M. Knox	1952 Londonberry Dr. Rock H., S.C./29730	(803) 327-7785 (803) 524-5736	Sandra.Knox63@yahoo.com

Are you the owner of the subject property? Yes No

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

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

Signature: Sandra M. Knox Date: 1-

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?

To Rezone property From Residential to Commercial use.

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. Is the proposed use allowed by right, conditional use or special exception in the Neighborhood Office (NO) or Neighborhood Commercial (NC) zoning district? If so, please demonstrate how you plan to meet the use-specific standards for the use:

NE Zoning District. This building has been used for over 50 yrs. as a Community store. The building still has an existing Electrical Bill and Gas Bill in its name. These Bills are paid monthly.

2. Is the existing structure specialized to a non-conforming use, such that conversion to a conforming use would not be economically feasible?

Yes, This building was built for the sole purpose of being a store. It has counters, large coolers installed for cold beverages and everything else that pertains to being a store. The outside structure has the appearance of a store.

3. Would the non-conforming use be functionally expanded in any way?

NO

4. Is there a demonstrated history of compatibility with the surrounding neighborhood including, but not limited to, a lack of documented complaints, calls for police service, or other operational concerns such as traffic, parking or other similar impacts?

No See attached email

5. If the Board so chooses, re-establishment may be permitted for a possible trial period to determine if impacts are mitigated to the maximum extent possible; is the applicant agreeable to such trial period?

yes

Exhibits

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

- Site plan
- Photos of property that is the subject of the request

Kearse, Melody

From: Sandra Knox <sandraknox63@yahoo.com>
Sent: Tuesday, March 15, 2022 6:55 PM
To: Kearse, Melody
Subject: Re: Special exception application

Follow Up Flag: Follow up
Flag Status: Completed

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

The answer for question #3 compatibility to neighborhood should have been yes.

Sent from Yahoo Mail for iPhone

On Monday, February 28, 2022, 2:54 PM, Kearse, Melody <Melody.Kearse@cityofrockhill.com> wrote:

Sandra,

On your application you answered question 3 in the negative. Are you stating that there is not a demonstrated history of compatibility with the neighborhood? Also, do you have photos that you are wanting to submit?

Can you address those two items on your application.

I can then place you on the April ZBA agenda.

Thanks,

Melody Kearse

Zoning Coordinator
Planning & Development
City of Rock Hill
P.O. Box 11706
155 Johnston Street (29730)
Rock Hill, South Carolina 29731-1706
o: 803-329-7088

Melody.Kearse@cityofrockhill.com



Police Calls Request for Service Since March 2016

CFS #	Code : Description	CFS Date/Time	CFS Date	CFS Time	Case Number	How Reported	NOTES
2020027746	DAMA : Damage to Property	5/5/2020 10:43	5/5/2020	10:43	P2005050119	Phone	JUVENILE SUSPECTS, PROSECUTION DECLINED
2019073330	MVC : Motor Vehicle Collision	10/13/2019 9:59	10/13/2019	9:59		911	
2018044996	HANG : 911 Hang-up	6/30/2018 23:43	6/30/2018	23:43		911	
2018025834	ESCT : Escort	4/18/2018 4:16	4/18/2018	4:16		Phone	CALLER NEEDED POLICE TO WALK WITH HER, UNSAFE- 5 JUVENILES AROUND STORE
2018008532	PROC : Property Check	2/7/2018 4:49	2/7/2018	4:49		Phone	OFFICER OBSERVED OLD DAMAGE TO STORE
2017084917	PROC : Property Check	12/11/2017 20:40	12/11/2017	20:40	P1712110362	911	POSSIBLE JUVENILES ON ROOF, OWNER STATED ROOF IS BEING REPAIRED

Letter of Notification for Plan Review

Convenience Store -1327 Crawford Rd. - Feasibility

Plan Reviewed:
Feasibility Survey Report

Status:
Not Approved

20191532
Convenience Store -1327 Crawford Rd. - Feasibility
1327 Crawford Rd

Feasibility Survey Report -

Project Contact:

Altavia Chisholm
Knox Grocery
1952 Londonberry Dr.
Rock Hill, SC 29730
Phone: 803-242-6935
Email: tay_mccullough@yahoo.com

The feasibility survey is designed to help you anticipate changes that might be required for code compliance which will help you to anticipate associated costs with starting your business. It is based (in part) on information provided by the client, which has not been verified by the City of Rock Hill. The report usually contains 3 sections: Zoning, Building, and Fire. Each section will state the changes that need to be made before we can allow you to occupy the space.

**WARNING: THIS INFORMATION IS NOT ALL-INCLUSIVE.
DO NOT RELY ON THIS REPORT TO MAKE THE DECISION TO BUY A PROPERTY OR SIGN A LEASE. IF THIS REPORT IS BASED OFF OF A PRE-INSPECTION INTERVIEW RATHER THAN AN ON-SITE SURVEY, THE REPORT SHOULD NOT BE USED AS FACTUAL INFORMATION AS IT IS BASED ON APPLICANT'S KNOWLEDGE OF THE SITE, AND IT HAS NOT BEEN VERIFIED.**

Please consult an architect, engineer, licensed inspector, and/or contractor. Your business/organization is not permitted to open or operate until you have a Business License specific to this location.

Most alterations to commercial buildings require a licensed contractor to obtain a permit from our department before the work is completed. If you are making alterations, please give a copy of this report to your contractor so that they can understand what will be required.

Please feel free to respond to this email if you have any questions about what is included in this report or if you don't understand it.

Feasibility Survey Report -

Plan Review Comments

**Admin - Open for Business Program - Matthew Thomas -
matthewc.thomas@cityofrockhill.com - 803-329-7093**

Conditional

Review Comments:

Please call for final inspections once all permits for repairs and items listed on this feasibility report have been completed.

Fire - Travis McDaniel - travis.mcdaniel@cityofrockhill.com -

Conditional

Review Comments:

1. 505.1 Address Identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and place in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall not be less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved location to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.
2. 906.2 General Requirements. Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10. (Fire Extinguishers shall be serviced on an annual basis)
3. 605.6 Unapproved conditions. Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.
4. 5307.1 General. Carbon dioxide systems with more than 100 pounds of carbon dioxide used in beverage dispensing applications shall comply with Sections 5307.2 through 5307.5.2. **** If the CO2 tank is greater than 100 pounds.

Inspections - Mike Nugent - mike.nugent@cityofrockhill.com - 803-329-5598

Conditional

Review Comments:

The proposal is to reopen a convenience store at this location (Use Group M- Mercantile).
The prospective tenant advises that there will be no "kitchen equipment". He will have a steamer for hot dogs and a crock pot to heat prepackaged Chili for the hot dogs or tacos.

THERE ARE NO CURRECNT PERMITS for work at this location.

There are a number of electrical issues, consisting of but not limited to, wiring in the back room that was installed for additional outlets that does not meet code, uncovered junction boxes and switches/ outlets. A licensed electrician must obtain a permit and provide required repairs.

The utility sink is coming loose from the wall and requires repair. There is a leaky trap on the Utility sink. If

Feasibility Survey Report -

actual plumbing must be done a licensed plumber and a permit is likely required.

The lone restroom is not accessible for clients who are mobility challenged and the partition wall makes the restroom unavailable to the general public. Only repairs are proposed , not alterations . If there are no alterations and no change of use, there is no requirement for accessibility upgrades under the building code. The new occupant may be responsible for accessibility upgrades under the ADA, The City recommends that the Business consult an ADA specialist to understand any obligations under the Federal law.

HVAC must be reviewed to identify the capability of the system and if it is capable of supporting the required performance for the use.

All building features must be in good repair. All repairs or modifications to Building, Plumbing, Electrical and HVAC must be performed by licensed trades persons with required permits.

A subsequent review of the separated space on the right side revealed that the owner may want to open this as a barber shop. This must be reviewed separately,

Zoning - Melody Kearse - melody.kearse@cityofrockhill.com - 803-329-7088

Conditional

Review Comments:

The proposed use is to reopen a neighborhood convenience store. The store has only been closed a short while and still retains its vested rights under its Special Exception permit. If the applicant were to add uses later to the site a modification to the special exception would be needed.

The parking lot has been restriped and has adequate parking for this use. Additional uses to either of the other two suites may require additional parking. Parking analysis would be conducted at that time.

The fence in the rear needs repair work done prior to final inspection. Old boards should be removed and new boards should be attached where holes in fencing exist.

The dumpster is currently not on site. With the reorientation of the parking lot staff would ask that, if possible, the dumpster be pushed back to at least the front plane of the building. See attached streetview photo for suggested location.

All signage must comply with Signage Section of the Zoning Ordinance. With the exception of window signage, all permanent and temporary signs require a permit, this includes re-facings of wall or freestanding signs. Wall signage is calculated at 1 SF of sign per 1 LF of front tenant façade width. Grand Opening Signage is allowed with a no cost permit. Window signs in commercial zoning districts or commercial areas of mixed-use or planned zoning districts that are painted on or affixed to the inside or outside of the glass so as to be fully visible from off of the property. The total area of exempt window signs must not exceed the area allowed for permitted wall signs for the same façade or 50% of the window area, whichever is less. This exemption is not intended to allow prohibited sign types, such as flashing signs or lights, to be placed inside a window in order to draw attention to the business.

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Convenience Store -1327 Crawford Rd. - Feasibility
1327 Crawford Rd

Feasibility Survey Report -

Industrial Pre-Treatment - Matthew Erb - matthew.erb@cityofrockhill.com -
8033298707






Not Approved

Review Comments:

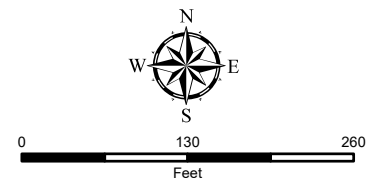
Facility has a three bay sink and internal mop sink. There are no floor drains. There is no grease trap internally or GRD outside of facility. Plans are to use a small streamer to warm hot dogs and buns. All other condiments will have liners so that grease from product can be thrown in the garbage. Please provide written Best Management Practices, identifying how you will prevent fats, oil and grease from entering the sanitary sewer system. Such BMPs should include how the 3 bay sink will not be used for food prep. Also any grease from floor will be cleaned up with a rag and thrown in garbage. Condiments like chilli will be served in plastic lined containers so that there is no dish washing needed after customer is finished with product. Everything should be thrown in garbage. No fats, oils, or grease should be dumped in any sink or drain.



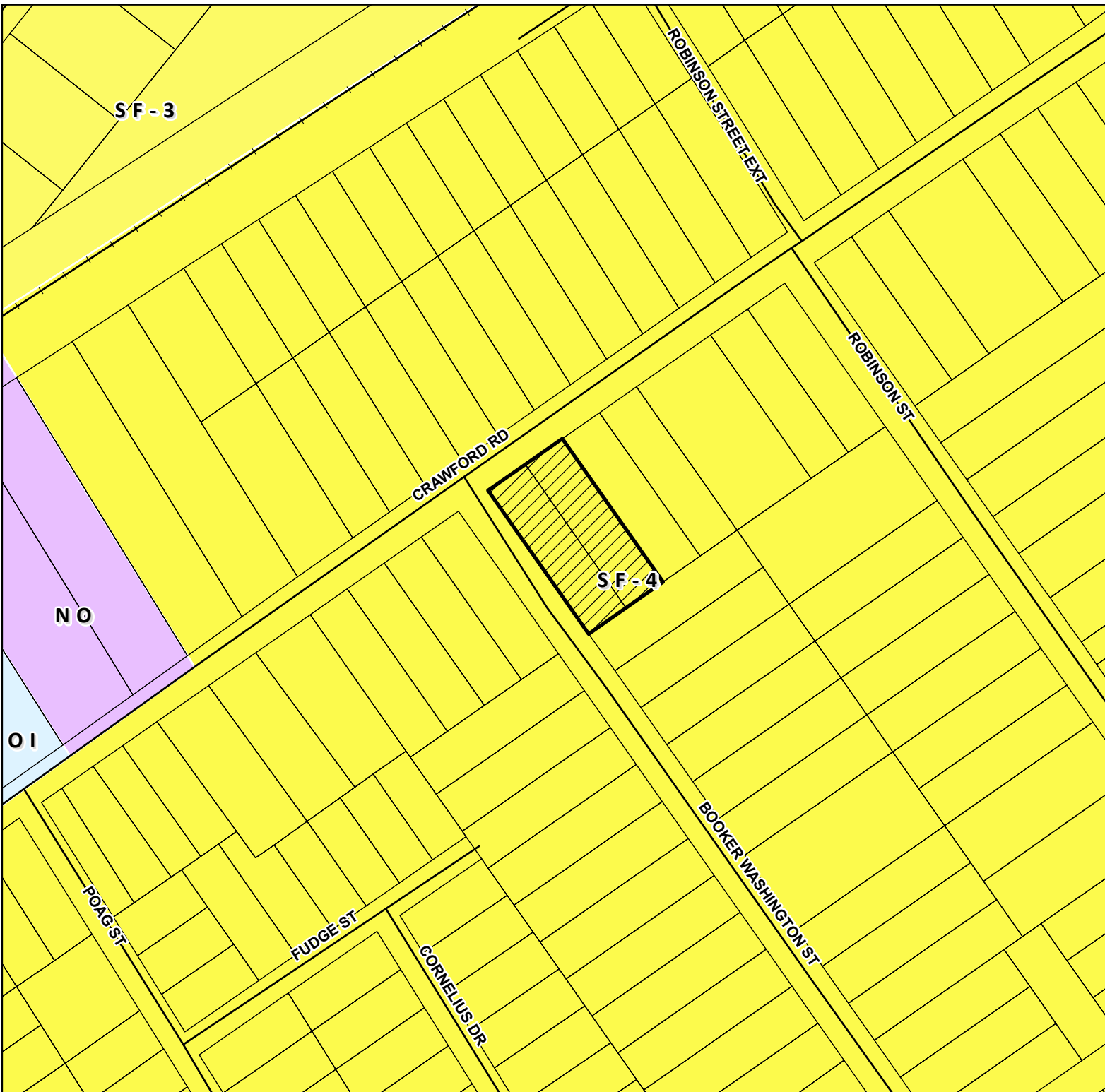
Z-2022-31

-  Subject Property
- Zoning Districts**
-  Neighborhood Office (NO)
-  Office and Institutional (OI)
-  Single-Family 3 (SF-3)
-  Single-Family 4 (SF-4)

Zoning Data
Current Zoning
SF-4



Planning & Development
Department
City of Rock Hill
08/16/2022





Location: 1325 and 1327 Crawford

Request: Special Exception for the re-establishment of a convenience store, without gasoline and fast food sales, and a laundromat in the Single-Family Residential-4 (SF-4) zoning district.

Tax Map Number: 599-01-04-032

Zoning Districts: Single-Family Residential-4 (SF-4)

Property Applicant: Fred Hart
128 Armstrong Ct
Rock Hill, SC 29730

Property Owner: Sandra Knox (trustee)
1952 Londonberry Dr
Rock Hill, SC 29730

Background

A convenience store and laundromat operated at 1325 and 1327 Crawford Road since on or before 1990. However, those uses have not operated there in the past six months.

The applicant, Fred Hart, is seeking to reestablish the convenience store and laundromat uses at this site. The properties are zoned Single-Family Residential-4 (SF-4), which does not allow for these uses by right. (In other words, they are nonconforming uses.) Ordinarily, when nonconforming uses abandon a site for more than 6 months, as is the case here, any new use must be one that is allowed (a conforming use).

However, the Zoning Ordinance allows certain types of businesses to reestablish in residential zoning districts by means of a Special Exception under certain conditions (see "Analysis of Criteria for Special Exception" section below for a list). Mr. Hart is therefore requesting a special exception to reestablish the convenience store and laundromat uses under this provision.

Site Description

The property is located at the corner of Crawford Road and Booker Washington Street. It is surrounded by the Single Family Residential-4 (SF-4) zoning district. Nearby land uses include single family and multi-family residential, a religious institution, and undeveloped land.

Relation to Zoning Ordinance

Section 8-200(D)(4) – Certain Nonconforming Uses in Residential Districts

A nonconforming use in an established residential district may be permitted to be reestablished by a Special Exception under the following criteria:

- (a) The proposed use is permitted by right in the Neighborhood Commercial (NC) zoning district, and the proposed use is no more intense than the historical use of the property.
- (b) The existing structure is specialized to nonconforming use such that conversion to the conforming use would not be economically feasible. Historical nonconforming uses in converted residential structures would generally not be seen as meeting this standard.
- (c) No functional expansion of the use is permitted. Modifications for code compliance and aesthetic enhancement are permitted.
- (d) There is a demonstrated history of compatibility with the surrounding neighborhood including, but not limited to, a lack of documented complaints, calls for police service, or other operational concerns such as traffic, parking, or other similar impacts.
- (e) Reestablishment of use may be permitted for a trial period to determine if impacts are mitigated to the extent anticipated.

TABLE 4-100(B): TABLE OF ALLOWED USES																						
P = Permitted Use C = Conditional Use S = Special Exception A = Allowed in NMU District																						
Blank Cell = Prohibited																						
Applicable Use Specific Standards Listed in Column on Far Right																						
Where those Use Specific Standards apply only in certain districts, those districts are marked with an asterisk.																						
USE CATEGORY	USE TYPE	RESIDENTIAL								BUSINESS					ADDITIONAL REQUIREMENTS							
		SF-2	SF-3	SF-4	SF-5	SF-8	SF-A AND MF-8	MF-R AND MF-15	MHP	RH	MIX	OI	NO	DTWN		NC	LC	CC	GC	MUC	IG	IH
Retail Sales and Services	Convenience store (without gasoline sales or fast food sales)									P	P		P	P	P	P	P	S			P	4-300(C)(7)(d)
	Laundromat									P	S		P	C	P	P	P	S				

Existing Zoning District Summary

SF-4, Single-Family Residential-4

The SF-4 district is established as a district in which the principal use of land is single-family residential development. Complementary uses customarily found in single-family residential zone districts, such as community facilities, religious institutions, parks and playgrounds, and elementary schools are allowed uses in the SF-4 district. The minimum lot area for development is nine thousand (9,000) square feet, and the maximum residential density allowed is four (4) units per acre.

Analysis of Request for Special Exceptions

A nonconforming use in an established residential district may be permitted to be reestablished by a Special Exception under the following criteria:

- (a) The proposed use is permitted by right in the Neighborhood Commercial (NC) zoning district, and the proposed use is no more intense than the historical use of the property.

The proposed uses are considered to be permitted by right in the NC zoning district. The historical use of the property was as a convenience store and laundromat.

- (b) The existing structure is specialized to nonconforming use such that conversion to the conforming use would not be economically feasible. Historical nonconforming uses in converted residential structures would generally not be seen as meeting this standard.

The existing structure was designed and built for commercial use, specifically the convenience store and later the laundromat. Converting this building to residential use is deemed not to be feasible.

- (c) No functional expansion of the use is permitted. Modifications for code compliance and aesthetic enhancement are permitted.

There are no plans to expand the use in the future. Only modifications for code compliance are planned. The building was recently repainted a more neutral tone.

- (d) There is a demonstrated history of compatibility with the surrounding neighborhood including, but not limited to, a lack of documented complaints, calls for police service, or other operational concerns such as traffic, parking, or other similar impacts.

The surrounding neighborhood seems to be supportive of the uses reestablishing based on feedback received by staff. There has been minimal activity in regards to police service calls to the location in recent years. The applicant has agreed to make improvements to the site. These

include making repairs to and striping the parking lot and adding landscaping to the side of the building to soften the appearance.

- (e) Reestablishment of use may be permitted for a trial period to determine if impacts are mitigated to the extent anticipated.

If the Board believes that a trial period would be helpful, it can allow the uses to reestablish for a specified period of time and require the applicant to return to the Board after that time passes for review of the impacts and a decision about whether to allow the uses to continue in operation.

Public Involvement

The following public notification actions have been taken:

- February 25: Public Hearing notification postcards sent to property owners within 300 feet of the subject property.
- February 25: Public Hearing notification signs posted on subject property.
- February 27: Zoning Board of Appeals public hearing advertisement published in *The Herald*.

Public Feedback

Staff received two calls from community members who called to learn more about the application. Both then expressed support for the uses, saying that the uses have always been there and that they didn't know why they had gone away.

Staff also received a call from a family member of the property owner, questioning his property rights relative to the property. Staff had the City Attorney look at whether he had any rights that would prevent the property owner from making this application, and the City Attorney determined that the application should come forward.

Attachments

- Application
 - Supporting Documents from Applicant
 - Zoning Map
-

Staff Recommendation

Staff has not heard any negative feedback from anyone with concerns about the proposed use; in fact, some community members seem to welcome the uses to return. The applicant has agreed to make improvements to the site to help bring it in compliance with the current Zoning Ordinance and to soften the site's appearance overall. For these reasons, staff recommends approval of the proposed special exception to re-establish the convenience store and laundromat uses.

Staff Contact:

Melody Kearse
melody.kearse@cityofrockhill.com
803-329-7088

Zoning Board of Appeals

City of Rock Hill, South Carolina

March 15, 2016

A public hearing of the Zoning Board of Appeals was held on Tuesday, March 15, 2016, at 6:30 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill, South Carolina.

MEMBERS PRESENT: Matt Crawford, Donovan Steltzner, John Antrim, Stacey Reeves, Michael Smith, Jeff Greene

MEMBERS ABSENT: Keith Sutton

STAFF PRESENT: Leah Youngblood, Melody Kearse, Janice Miller

Legal notice of the public hearing was published in *The Herald*, Saturday, February 27, 2016. Notice was posted on all property considered. Adjacent property owners and residents were notified in writing.

1. Call to Order

The meeting was called to order at 6:30 p.m.

2. Approval of minutes of the January 26, 2016, meeting.

Mr. Greene made a motion to approve the minutes as noted. Mr. Smith seconded the motion. The minutes were approved unanimously by a vote of 6-0.

3. Approval of Orders from January 26, 2016, meeting.

Mr. Antrim made a motion to approve the Orders as submitted. Mr. Greene seconded the motion. The Orders were approved unanimously by a vote of 6-0.

4. Appeal No. Z-2016-02: Request by David Shrum and Kenny Smith on behalf of The Haven Men's Shelter for a Special Exception to establish a Group Home use at 1197 Albright Road, which is zoned General Commercial (GC). Tax map number 623-02-01-005.

Ms. Youngblood presented the staff report.

Mr. Crawford asked what the buffer against the Terminix building (920 Albright Road) would be. Ms. Youngblood stated that she would need to check.

Mr. Crawford stated that a description of services had been provided, similar to that required for bars and nightclubs, and he asked if it became part of the application or was it binding in some degree. Ms. Youngblood stated that yes it was, but it could be made explicit as a condition of approval.

Mr. Jim Gill, 2137 Cavendale Drive, VP of the Board of Directors for The Haven, provided a background of the organization and the services provided. He noted that this location had good buffers with very little residential use areas nearby. He stated that this location is also close to Labor Finders, where many of the men go to find employment. He added that residents were required to complete applications with background checks and were subject to alcohol and drug testing prior to move in. He listed the numerous services that the Haven offers in addition to providing a bed. He stated the shelter would be closed to residents from 7:00 AM until 6:00 PM,

The Haven was a well-run organization that would help values.

5. Appeal Z-2016-03: Request by Ted Williams for a Variance from the required lot area size in order to expand an existing self-storage facility at 1401, 1405, & 1409 Albright Road. The property is zoned Limited Commercial (LC). Tax map numbers 623-04-01-004 & -005.

Ms. Kearse presented the staff report.

Mr. Steltzner asked the history of the laundromat, if it used to be a warehouse as well. Ms. Kearse stated that it had always been a laundromat and that Mr. Williams wanted to convert that building into a mini-warehouse facility.

Mr. Antrim asked if the laundromat would be converted into normal storage units, and if they would need to be reconfigured for exterior access. Ms. Kearse stated that it would.

Mr. Crawford asked if the property received an automatic Special Exception when it was rezoned. Ms. Kearse stated this was correct.

Mr. Crawford asked about an automatic Variance as well. Ms. Youngblood explained that if a property was rezoned, it automatically received the Special Exception but not variances.

Mr. Ted Williams, 2100 Cavendale Drive, applicant, spoke regarding his plans for the mini-warehouses. He stated that he would consider indoor climate-controlled units in the laundromat area depending upon the cost.

There were no further questions or comments from the audience.

Mr. Crawford closed the floor for Board discussion.

Mr. Crawford presented the motion to approve the Variance as requested. Mr. Steltzner seconded, and the motion carried unanimously by a vote of 6-0 (Sutton absent).

Mr. Crawford presented the findings, stating that the lot was mini-warehouses before the zoning changed, and that without the variance, the owner would not be able to use the property as intended when purchased.

6. Appeal Z-2016-04: Request by Fred Hart for Special Exceptions to re-establish a Convenience Store (without Gasoline and Fast Food Sales) and Laundromat uses at 1325 & 1327 Crawford Road, which is zoned Single-Family Residential-4 (SF-4). Tax map number 599-01-04-032.

Ms. Kearse presented the staff report.

Mr. Crawford asked if a Special Exception remained with the land or if it expired if the building was vacant for a period of time. Ms. Kearse stated that this was a different type of Special Exception.

Mr. Fred Hart, 128 Armstrong Court, applicant, provided a brief history of the store, noting that it had always been used as a store for the area. He stated that he was unaware of the six month vacancy clause, because if he had known, he would have

taken care of establishing the business sooner. He presented a petition signed by numerous nearby residents in support of the request. He added that this was an area populated by older residents who didn't have this type of service nearby.

Mr. Antrim asked if most customers would walk or drive. Mr. Hart stated most would likely walk there since many in the area did not have cars.

Mr. Smith asked if the store previously sold beer and wine. Mr. Hart stated that it did and that he would be applying for this license as well.

Mr. Steltzner asked about the building at the rear. Mr. Hart noted that those were duplexes. He added that many of the homes in the area had been built without washer and dryer connections, that would be costly renovations to make, and that re-establishing the laundromat would provide this service to a lot of residents.

Mr. Smith asked about upgrades to the building. Mr. Hart stated that he would clean up the outside, add landscaping, replace all the rotted wood, and repair the parking.

Mrs. Mary Byers, 1431 Todd Street, spoke in favor of the request, noting that there had been a store at that location for a number of years. Mr. Crawford asked if she thought this request would be an asset to the community. Mrs. Byers stated that it would.

Mr. Antrim asked if this site met the parking requirements. Ms. Kearse stated that it did, that the required was 1 space for every 150 square feet, and this site had enough parking based on the parking sketch that was done.

There were no more questions or comments from the audience.

Mr. Crawford closed the floor for Board discussion.

There was general discussion over the building upgrades and landscaping. It was noted that a building in use was usually in much better shape than one that was empty.

Mr. Smith presented the motion to approve the Special Exception as requested. Mr. Greene seconded, and the motion carried unanimously by a vote of 6-0 (Sutton absent).

Mr. Smith presented the findings, noting specifically that the building had been used for this previously, that the uses are compatible with the structure, there is ample parking for the uses and the petition provided by the applicant shows that community wants and needs the uses to be re-established.

7. Other Business

Ms. Kearse stated that the Board would receive copies of the comprehensive plan updates at the next meeting.

Mrs. Miller noted the continuing education opportunities available for the Board this year.

6. Adjourn.