



Rock Hill Zoning Board of Appeals Meeting

Date: Tuesday, November 15, 2022

Time: 6:00 P.M.

Location: Council Chambers
City Hall
155 Johnston Street
Rock Hill, SC 29730

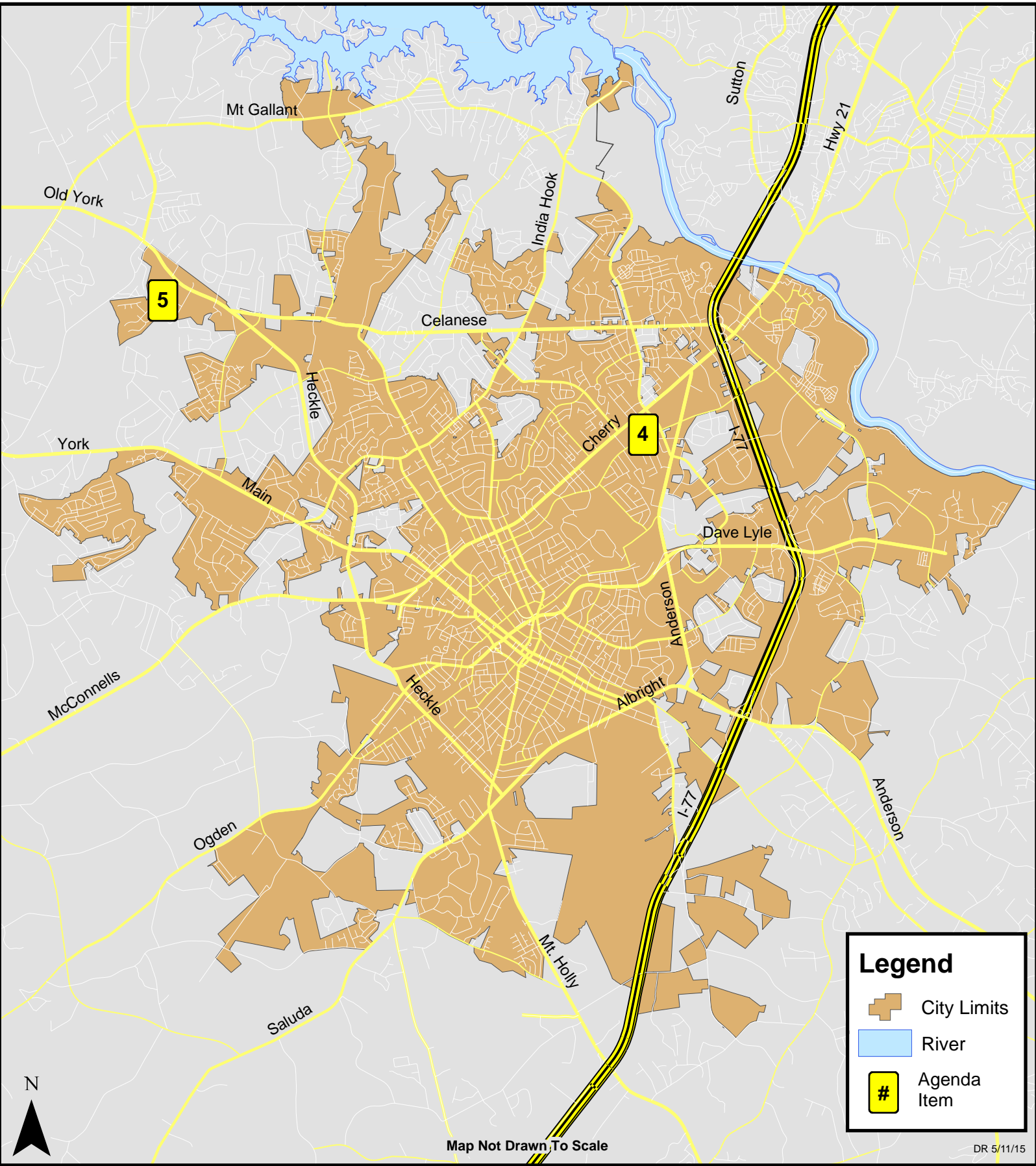
A G E N D A

1. Call to Order
2. Approval of Minutes from the October 18, 2022, meeting.
3. Approval of Orders from the October 18, 2022, meeting.
4. Appeal Z-2022-40: Request by Ankit Patel with KHODAL2022 LLC for a reduction of the required separation from residential uses for a liquor store at 2026 Cherry Rd. The property is zoned General Commercial (GC). Tax map number 632-11-01-003.
5. Appeal Z-2022-41: Request by Dean Archie and Sheldon Brown for a special exception for an indoor recreation facility greater than 3,000 square feet at 5025 Old York Rd. The property is zoned Industry Business (IB). Tax map number 542-07-01-022.
6. Other Business.
 - a. 2023 Board Calendar
 - b. Continuing education options.
7. Adjourn.

Zoning Board of Appeals Agenda Items



City of Rock Hill,
November 15, 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, October 18, 2022, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill, SC.

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

MEMBERS ABSENT: Rodney Cullum

STAFF PRESENT: Amy Britz, Eric Hawkins, Melody Kearse, Shana Marshburn,
Donna Welch, Bryman Suttle

Legal notices of the public hearing were published in The Herald, Friday, September 30, 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 6:01 p.m.

2. Approval of Minutes of the September 20, 2022, meeting.

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

3. Approval of Orders of the September 20, 2022, meeting.

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

4. Appeal Z-2022-36: Request by Barbara Robinson for a special exception for a child day care use at 748 Tigler Ct. The property is zoned General Commercial (GC). Tax map number 602-03-02-016.

Bryman Suttle, Planner I, presented the staff report.

Mr. Sutton asked for confirmation of the maximum number of children allowed for this child day care facility. Mr. Suttle confirmed the maximum number of children allowed is 25.

Mr. Williams asked should the change in number of children allowed be part of the motion or just for the Board's understanding. Mr. Suttle stated that it is for understanding purposes.

Chair Crawford asked if the 90-degree parking spaces will be reoriented. Mr. Suttle stated parking spaces will be reoriented to angled spaces to work with the flow-through traffic pattern.

Chair Crawford opened the floor to the applicant.

Ms. Barbara Robinson, 1329 Neelys Creek Road, Rock Hill, SC stated that she would greatly appreciate approval of the day care and feels the day care would be good for the neighborhood.

Chair Crawford opened the floor for public comments and there were none.

Mr. Williams made a motion to approve the special exception for a child day care use. The motion was seconded by Mr. Hawthorne and was approved by a vote of 6-0 (Cullum absent).

Mr. Williams presented the findings, specifically noting the enrollment cap is noted, the use is compatible with surrounding uses, and there was no negative feedback.

5. Appeal Z-2022-37: Request by Samuel Sackey on behalf of Church of Pentecost, USA,

Inc., for a special exception to establish a medium-sized religious institution use and a variance from the required number of parking spaces and the landscaped buffer yard requirements at 641 Annafrel St. The property is zoned Single-Family Residential-5 (SF-5). Tax map number 627-02-02-022.

Shana Marshburn, Planner II, presented the staff report.

Mr. Sutton asked how long the church had been vacant. Ms. Melody Kearse stated it had been vacant since approximately 2016.

Chair Crawford opened the floor to the applicant.

Mr. Samuel Sackey, 5005 Avington Court, Waxhaw, NC stated that the staff report presented was sufficient and there was nothing he could add.

Chair Crawford asked about the operating hours of the church. Mr. Sackey stated the church would be open on Sundays beginning at 9:00 a.m.; but that there could possibly be Friday evening services from 7:00-9:00 p.m. He added that there could be activities for children to share fellowship.

Mr. Hawthorne asked about a planned opening date for the church. Mr. Sackey stated as soon as possible once permits are issued.

Chair Crawford opened the floor for public comment.

Rev. Joseph Osarfo-Akoto, 5001 Hope Valley Road, Monroe, NC stated that he will be the head pastor and is in the process of entering into an agency agreement with the City's Police Department.

Mr. Hawthorne stated that he felt this was a good use to re-open a church in this residential area and a good use of the land.

Mr. Hawthorne stated that he had concerns about the parking with seating in the main sanctuary to be composed of 224 chairs, but the hours of operation have eased his concerns.

Mr. Hawthorne made a motion to approve a special exception to establish a medium-sized religious institution use, a variance from the required number of parking spaces and a variance from the landscaped buffer yard requirements. The motion was seconded by Mr. Sutton and was approved by a vote of 6-0 (Cullum absent).

Mr. Hawthorne presented the findings, specifically noting that the church complies with use-specific standards; the use has direct access to an arterial or collector road; adjacent residents are not expected to experience any greater impact upon the church being re-used; proposed religious institution use is compatible with the surrounding land uses; the design of the use minimizes adverse effects; use minimizes environmental impacts and does not cause significant deterioration of water and air resources; should not injure neighboring property values; and complies with City laws.

6. Appeal Z-2022-38: Request by Timas Nelson for a variance from the height requirements for an accessory structure at 946 Pebble Rd. The property is zoned Single-Family Residential-5 (SF-5). Tax map number 625-12-04-009.

Amy Britz, Zoning Coordinator, presented the staff report.

Mr. Sutton asked if the City has gone to out measure how much higher the accessory structure is than the roof of the primary structure. Ms. Britz stated the City has not been out; they have only seen photos from the applicant.

Mr. Hawthorne asked about compatibility when there are no other homes with a tree house above

roof line; is that a true measure of compatibility. Ms. Britz stated that the code states that the accessory structure cannot be higher than the roof line.

Ms. Marshburn stated that accessory structures are intended to be subordinate to the primary structure which is why the requirement is in place.

Chair Crawford asked if the rule is that the accessory structure cannot be higher than the primary structure. Ms. Marshburn stated that is correct and noted the different setback requirements for one-story and two-story accessory structures. This structure is considered two-stories because it is over twelve feet tall and although it meets the required setback, it cannot be taller than the primary structure.

Mr. Sutton is concerned we are trying to do code enforcement, and nobody knows how far out of variance they are.

Chair Crawford opened the floor to the applicant.

Mr. Timas Nelson, 946 Pebble Road, Rock Hill, SC asked for approval for his children's tree house.

Chair Crawford asked if he knew how much taller the treehouse was than his house. Mr. Nelson stated two feet.

Ms. Reeves asked how old the children are? Mr. Nelson stated two and six.

Mr. Sutton asked about taking two feet out of the legs of the treehouse. Mr. Nelson stated that everything would have to be shortened.

Mr. Nelson stated that he will do whatever it takes to get it right for his children and that he is a first-time home buyer and learning.

Mr. Hawthorne asked if the neighbors had any concerns. Mr. Nelson stated no.

Mr. Hawthorne asked if a permit was initially pulled when building the treehouse. Mr. Nelson stated no.

Chair Crawford opened the floor for public comment.

Mr. Lawrence Sanders, 604 Saluda Street, Rock Hill, SC spoke in favor of the special exception for the treehouse. Mr. Sanders stated that Mr. Nelson is a first-time home buyer and is helping improve the south side of town.

Mr. Williams stated that there was another case where a treehouse had to be lowered and unfortunately the rules cannot be changed; consistency and integrity must be maintained.

Mr. Hawthorne asked if the Board should consider a deferral until the correct amount of feet to be lowered is determined.

Mr. Hawkins stated that the City will work with the applicant to determine how to bring the treehouse into compliance.

Ms. Britz stated that it may just be a matter of lowering the roof, so it is less angled.

Ms. Reeves asked if it is even possible to lower the treehouse.

Mr. Sutton stated that readjusting the roof pitch might be best way to approach.

Mr. Williams asked if it would help to defer?

Mr. Hawkins stated that he doesn't see any reason to defer if it doesn't meet findings. It still won't

meet the findings, no matter how much taller it is than the house.

Mr. Williams made a motion to approve the variance from the height requirements for an accessory structure. The motion was seconded by Mr. Sutton and failed by a vote of 0 in favor and 6 opposed (Cullum absent).

Chair Crawford noted that the motion failed as the Board was unable to make the findings.

7. Appeal Z-2022-39: Request by Tom O’Neil with Caroland Equity, LLC for a variance from the minimum lot size standards and setback requirements to subdivide a property at 765-767 Carolina Ave. and 313 Heyward St. The property is zoned Single-Family Residential-5 (SF-5). Tax map number 600-02-02-001.

Shana Marshburn, Planner II, presented the staff report.

Chair Crawford asked if the required front setbacks would have an impact on providing driveways for the two structures. Ms. Marshburn stated that the duplex property that fronts Carolina Avenue has parking in the back, which would be expected to stay that way; and that considering that the driveway’s size, it should be sufficient. She added that the current size and configuration of the driveway for the Heyward Street house should also be sufficient and the driveways for both properties would be formally reviewed when permits are applied for.

Mr. Hawthorne asked about the close proximity of the Carolina Avenue home to the street and how it would affect the driveway. Ms. Marshburn stated that typically a driveway should be deep enough to fully accommodate a vehicle on the property without it overhanging into the right-of-way, and that this too would be reviewed.

Chair Crawford opened the floor to the applicant.

Mr. Thomas O’Neil, 1333 Clifflure Lane, Fort Mill, SC stated that he is looking forward to revitalizing the Old Town area.

Chair Crawford opened the floor for public comment.

Mr. Lawrence Sanders, 604 Saluda Street, Rock Hill, SC spoke in favor of the variance stating the property has been vacant for some time and granting the variance would make the neighborhood better.

Mr. Sutton made a motion to approve the variance from the minimum lot size standards and setback requirements to subdivide a property. The motion was seconded by Ms. Brown and was approved by a vote of 6-0 (Cullum absent).

Mr. Sutton presented the findings, noting exceptional conditions as both structures were constructed in 1925, pre-dating the Zoning Ordinance; unique conditions include the fact that there aren’t other instances where two primary structures exist on one lot, thus creating the need to subdivide; and it would not be detrimental to the area as the existing uses are compatible with their general surroundings.

8. Other Business

- 2023 Board Draft Calendar

Amy Britz presented the 2023 calendar for review and approval.

Mr. Hawthorne made a motion to approve the 2023 calendar with changing the November 21, 2023 meeting to November 14, 2023. The motion was seconded by Mr. Sutton and was

approved by a vote of 6-0 (Cullum absent).

- Continuing Education

Ms. Kearse stated she is still waiting for approval from the state for the 1.5-hour session, Crime Prevention Through Environmental Design (CPTED), for Continuing Education hours. Ms. Kearse also stated she will get information for Continuing Education videos and will email a list of videos to the Board.

9. Adjourn.

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

The meeting adjourned at 7:02 p.m.

DRAFT



Zoning Board of Appeals Order

Z-2022-36

The Zoning Board of Appeals held a public hearing on Tuesday, October 18, 2022, to consider a request by Barbara Robinson for a special exception to allow a child day care use at 748 Tigler Court. The property is zoned General Commercial (GC). Tax map number 602-03-02-016.

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

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

1. The site may be identified as 748 Tigler Court.
2. The property owner is Robert L. Brown.
3. This property is zoned General Commercial (GC).
4. The request was for a special exception to allow a child day care use.
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
 - September 30: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - September 29: Public Hearing notification signs posted on subject property.
 - September 30: 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:

Mr. Bryman Suttle, Planner I, presented the staff report.

Mr. Sutton asked for confirmation of the maximum number of children allowed for this child day care facility. Mr. Suttle confirmed the maximum number of children allowed is 25.

Mr. Williams asked should the change in number of children allowed be part of the motion or just for the Board's understanding. Mr. Suttle stated that it is for understanding purposes.

Chair Crawford asked if the 90-degree parking spaces will be reoriented. Mr. Suttle stated parking spaces will be reoriented to angled spaces to work with the flow-through traffic pattern.

Chair Crawford opened the floor to the applicant.

Ms. Barbara Robinson, 1329 Neelys Creek Road, Rock Hill, SC stated that she would greatly appreciate approval of the day care and feels the day care would be good for the neighborhood.

Chair Crawford opened the floor for public comments and there were none.

Mr. Williams made a motion to approve the special exception for a child day care use. The motion was seconded by Mr. Hawthorne and was approved by a vote of 6-0 (Cullum absent).

Mr. Williams presented the findings, specifically noting the enrollment cap is noted, the use is compatible with surrounding uses, and there was no negative feedback.

THE BOARD, THEREFORE, ORDERS:

That the request by Barbara Robinson, for a special exception to allow a child day care use at 748 Tigler Court, is APPROVED.

Section 2.12.1 (C) of the Zoning Ordinance states:

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

AND IT IS SO ORDERED.

Matt Crawford, Chairman

Date the Order Was Approved by the Board: _____

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



Zoning Board of Appeals Order

Z-2022-37

The Zoning Board of Appeals held a public hearing on Tuesday, October 18, 2022, to consider a **request by Samuel Sackey on behalf of Church of Pentecost, USA, Inc., for a special exception to establish a medium-sized religious institution use and a variance from the required number of parking spaces and the landscaped buffer yard requirements at 641 Annafrel Street. The property is zoned Single-Family Residential-5 (SF-5). Tax map number 627-02-02-022.**

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

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

1. The site may be identified as 641 Annafrel Street.
2. The property owner is Church of Pentecost, USA, Inc.
3. This property is zoned Single Family Residential-5 (SF-5).
4. The request was for a special exception to establish a medium-sized religious institution use and a variance from the required number of parking spaces and the landscaped buffer yard requirements.
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
 - September 30: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
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Shana Marshburn, Planner II, presented the staff report.

Mr. Sutton asked how long the church had been vacant. Ms. Melody Kearse stated it had been vacant since approximately 2016.

Chair Crawford opened the floor to the applicant.

Mr. Samuel Sackey, 5005 Avington Court, Waxhaw, NC stated that the staff report presented was sufficient and there was nothing he could add.

Chair Crawford asked about the operating hours of the church. Mr. Sackey stated the church would be open on Sundays beginning at 9:00 a.m.; but that there could possibly be Friday evening services from 7:00-9:00 p.m. He added that there could be activities for children to share fellowship.

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Rev. Joseph Osarfo-Akoto, 5001 Hope Valley Road, Monroe, NC stated that he will be the head pastor and is in the process of entering into an agency agreement with the City's Police Department.

Mr. Hawthorne stated that he felt this was a good use to re-open a church in this residential area and a good use of the land.

Mr. Hawthorne stated that he had concerns about the parking with seating in the main sanctuary to be composed of 224 chairs, but the hours of operation have eased his concerns.

Mr. Hawthorne made a motion to approve a special exception to establish a medium-sized religious institution use, a variance from the required number of parking spaces and a variance from the landscaped buffer yard requirements. The motion was seconded by Mr. Sutton and was approved by a vote of 6-0 (Cullum absent).

Mr. Hawthorne presented the findings, specifically noting that the church complies with use-specific standards; the use has direct access to an arterial or collector road; adjacent residents are not expected to experience any greater impact upon the church being re-used; proposed religious institution use is compatible with the surrounding land uses; the design of the use minimizes adverse effects; use minimizes environmental impacts and does not cause significant deterioration of water and air resources; should not injure neighboring property values; and complies with City laws.

THE BOARD, THEREFORE, ORDERS:

That the request by Samuel Sackey on behalf of Church of Pentecost, USA, Inc., for a special exception to establish a medium-sized religious institution use and a variance from the required number of parking spaces and the landscaped buffer yard requirements at 641 Annafrel Street, is APPROVED.

Section 2.12.1 (C) of the Zoning Ordinance states:

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Zoning Board of Appeals Order

Z-2022-38

The Zoning Board of Appeals held a public hearing on Tuesday, October 18, 2022, to consider a **request by Timas Nelson for a variance from the height requirements for an accessory structure at 946 Pebble Rd. The property is zoned Single-Family Residential-5 (SF-5). Tax map number 625-12-04-009.**

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

After consideration of the evidence and arguments presented, the Board voted to not grant the request based on the following findings of fact:

1. The site may be identified as 946 Pebble Rd.
2. The property owner is Timas Nelson.
3. This property is zoned Single Family Residential-5 (SF-5).
4. The request was for a variance from the height requirements for an accessory structure.
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
 - September 30: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
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Amy Britz, Zoning Coordinator, presented the staff report.

Mr. Sutton asked if the City has gone to out measure how much higher the accessory structure is than the roof of the primary structure. Ms. Britz stated the City has not been out; they have only seen photos from the applicant.

Mr. Hawthorne asked about compatibility when there are no other homes with a tree house above roof line; is that a true measure of compatibility. Ms. Britz stated that the code states that the accessory structure cannot be higher than the roof line.

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primary structure. Ms. Marshburn stated that is correct and noted the different setback requirements for one-story and two-story accessory structures. This structure is considered two-stories because it is over twelve feet tall and although it meets the required setback, it cannot be taller than the primary structure.

Mr. Sutton is concerned we are trying to do code enforcement, and nobody knows how far out of variance they are.

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Mr. Timas Nelson, 946 Pebble Road, Rock Hill, SC asked for approval for his children's tree house.

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Ms. Reeves asked how old the children are? Mr. Nelson stated two and six.

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Mr. Lawrence Sanders, 604 Saluda Street, Rock Hill, SC spoke in favor of the special exception for the treehouse. Mr. Sanders stated that Mr. Nelson is a first-time home buyer and is helping improve the south side of town.

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Mr. Williams made a motion to approve the variance from the height requirements for an accessory structure. The motion was seconded by Mr. Sutton and failed by a vote of 0 in

favor and 6 opposed (Cullum absent).

Chair Crawford noted that the motion failed as the Board was unable to make the findings.

THE BOARD, THEREFORE, ORDERS:

The request by Timas Nelson for a variance from the height requirements for an accessory structure at 946 Pebble Rd. is NOT 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: _____

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Zoning Board of Appeals Order

Z-2022-39

The Zoning Board of Appeals held a public hearing on Tuesday, October 18, 2022, to consider a **request by Tom O'Neil with Caroland Equity, LLC for a variance from the minimum lot size standards and setback requirements to subdivide a property at 765-767 Carolina Ave. and 313 Heyward Street. The property is zoned Single-Family Residential-5 (SF-5). Tax map number 600-02-02-001.**

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

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

1. The site may be identified as 765-767 Carolina Avenue and 313 Heyward Street.
2. The property owner is Caroland Equity, LLC.
3. This property is zoned Single Family Residential-5 (SF-5).
4. The request was for a variance from the minimum lot size standards and setback requirements to subdivide a 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:
 - September 30: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
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6. During the public hearing, the following comments were heard by the Board:

Shana Marshburn, Planner II, presented the staff report.

Chair Crawford asked if the required front setbacks would have an impact on providing driveways for the two structures. Ms. Marshburn stated that the duplex property that fronts Carolina Avenue has parking in the back, which would be expected to stay that way; and that considering that the driveway's size, it should be sufficient. She added that the current size and configuration of the driveway for the Heyward Street house should also be sufficient and the driveways for both properties would be formally reviewed when permits are applied for.

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how it would affect the driveway. Ms. Marshburn stated that typically a driveway should be deep enough to fully accommodate a vehicle on the property without it overhanging into the right-of-way, and that this too would be reviewed.

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Mr. Sutton made a motion to approve the variance from the minimum lot size standards and setback requirements to subdivide a property. The motion was seconded by Ms. Brown and was approved by a vote of 6-0 (Cullum absent).

Mr. Sutton presented the findings, noting exceptional conditions as both structures were constructed in 1925, pre-dating the Zoning Ordinance; unique conditions include the fact that there aren’t other instances where two primary structures exist on one lot, thus creating the need to subdivide; and it would not be detrimental to the area as the existing uses are compatible with their general surroundings.

THE BOARD, THEREFORE, ORDERS:

The request by Tom O’Neil with Caroland Equity, LLC for a variance from the minimum lot size standards and set back requirements to subdivide a property at 765-767 Carolina Ave. and 313 Heyward 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-2022-40

Request: Reduction of the required separation from residential uses for a liquor store.

Address: 2026 Cherry Road

Zoning District: General Commercial (GC)

Owner/Applicant: Ankit Patel with KHODAL2022 LLC





Request: Request to reduce the required separation of a liquor store use from residential uses.

Address: 2026 Cherry Road

Tax Map No.: 632-11-01-003

Zoning District: General Commercial (GC)

Applicant: KHODAL2022 LLC (Ankit Patel)
143 Halifax Drive
Indian Land, SC 29707

Property Owner: Love's Plaza, LLC
2401 Sharon Road
Charlotte, NC 28211

Background

Request by Ankit Patel with KHODAL2022 LLC for a reduction of the required separation from residential uses for a liquor store at 2026 Cherry Rd.

Proposal

Reduction in the required separation from residential uses for a liquor store.

The use-specific standards for a liquor store require them to be separated by at least 300 feet from all the following: all existing residential uses; all undeveloped residential zoning districts; all undeveloped portions of a Master Planned (MP) zoning district designated for residential uses; all religious institution uses; all day care/preschool uses; all school uses (elementary, middle/junior, or senior high); and all public parks. Separation is measured lot line to lot line and in this case the subject property shares a lot line with multi-family residential development to the rear. The required separation may be reduced or waived by the Zoning Board of Appeals if it is determined certain standards can be met (see "Analysis of Request" section below).

Site Description

The property is located at the corner of Cherry Road and Mt. Gallant Rd. and contains a variety of tenants in multi-use buildings. Surrounding development includes multi-family, single-family, commercial, and institutional uses in Multi-Family 15 (MF-15); Single-Family 5 (SF-5); Single-Family 4 (SF-4), General Commercial (GC), and Office and Institutional (OI).

Description of Intent for the General Commercial (GC) Zoning District

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

Analysis of Request for Reduction in Separation

Staff will base its recommendation on an analysis of the below standards. The Zoning Board of Appeals may approve a reduction in separation only upon a finding the applicant has demonstrated the following standards are met.

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

Possible 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 the following two standards are met:*

- 1. The uses necessitating the separation would experience no greater adverse impacts from the proposed use than those 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.*

The applicant states they are leasing the space adjacent to the property owner's jewelry store. All deliveries will use the front door. The rear entrance will only be used for trash disposal.

Given this is a highly urbanized area of the city with a variety of uses with differing intensities, including a restaurant serving alcohol, the proposed use would not result in greater adverse impacts than those already associated with the existing uses. Hours of operation of 9:00 AM to 7:00 PM are regulated by SC DOR and will be less than other tenants in the vicinity.

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

The applicant states Suite 6 is 400 feet from the northeast rear corner and 539 feet from the southeast rear corner of the shopping center.

Given the location of the entrance of the store facing Cherry Road and available parking, the existing rear alley, six-foot fence, and landscape buffers, staff does not feel additional buffering is needed.

Public Input

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

- October 27th: Sent public hearing notification postcards to 129 property owners and tenants within 300 feet of the subject property.

- October 28th: Posted public hearing signs on subject property.
- October 28th: Advertised the Zoning Board of Appeals public hearing in *The Herald*.
- Information about this request was posted to the City's website

Staff has not received any public feedback about this request.

Staff Recommendation

Staff recommends approval of the request based on the above analysis and specifically as follows:

- The proposed use is compatible with adjacent uses, and staff has not heard any negative feedback from surrounding property owners.
-

Attachments

- Application
 - Site plan
 - Zoning map
 - Supporting Documents
-

Staff Contact:

Amy Britz, Zoning Coordinator

803.329.5586

Amy.Britz@cityofrockhill.com

SEPARATION REDUCTION 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: 2026 Cherry Road, Rock Hill, SC

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

Property restrictions

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

If yes, please describe the requirements: _____

None

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
KHODAL2022, LLC Ankit (Andy) Patel	143 Halifax Drive Indian Land, SC 29707	678-333-3470	ankitpatel78@yahoo.in

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) Lease Agreement 6/7/2022 between KHODAL2022, LLC and Loves Plaza, LLC and Mr. Patel as Licensee Principal

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: Ankit Patel By Vijay Patel with Authority Date: 10/21/2022

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

Name of property owner: <u>Love's Plaza, LLC</u>
If property owner is an organization/corporation, name of person authorized to represent its property interests: <u>Linda C. Dalton - Miracle & Company - Property Leasing Agent</u>
I certify that the person listed in the person listed above has my permission to represent this property in this application.
Signature: <u>Linda C. Dalton</u> Date: <u>10-21-22</u>
Preferred phone number: <u>704-661-8470</u> Email address: <u>leaseace@aol.com</u>
Mailing address: <u>2401 Sharon Road, Charlotte, NC 28211</u>

INFORMATION ABOUT REQUEST

What is your proposed use? _____

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)

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?

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

SEPARATION REDUCTION APPLICATION

(ADDITIONAL PAGE TO INFORMATION REQUEST)

The proposed use is common for a retail shopping center and will not create any adverse impact and certainly no greater impact than already experienced in the area. The owners of the shopping center have their own well-established jewelry business right beside us and they will require strict compliance with our Lease Agreement. We will operate pursuant to the attached License issued by SC DOR and under its supervision. By law, our business must operate between 9:00 a.m. and 7:00 p.m. and cannot operate on Sunday. The shopping center includes a restaurant with a bar that is open until 11:00 p.m. daily and until midnight on Friday and Saturday.

As reflected on the attached shopping center layout, Suite 6 does not extend through the entire depth of the building. Our customers and all of our deliveries must use the front door. Suites 6, 7 and 8 share a common fire exit in the rear, but this exit will not be used by our customers or for deliveries. We will have access to common recycling and trash receptacles located at the rear of the building that are currently used by the other tenants at the shopping center. We do not consider these common receptacles be part of our leased space or proposed use, but if the Board determines otherwise, we request a separation reduction in the full amount necessary as calculated by the proximity between our proposed use (as determined by the Board) and the closest use from which separation is required.

The shopping center has a combination of a 6' fence and dense shrubbery/landscaping along the rear property line that together separate the shopping center from the residential uses located behind it.

As a result of the above configuration and physical features, Suite 6 is not oriented toward or easily accessible to the residential uses located behind it. For a pedestrian using sidewalks, Suite 6 is located approximately 400 feet from the northeast rear corner of the shopping center property and approximately 539 feet from the southeast rear corner of the shopping center property (and this corner is fenced with no pedestrian access).

We will present additional information at the hearing in support of the application and to establish that the proposed use is typical for a retail shopping center and will not create any adverse impact on the adjacent uses.

We respectfully request that our Separation Reduction Application be granted.

KHODAL2022, LLC and Ankit (Andy) Patel

October 21, 2022

ROBINSON
BRADSHAW

November 8, 2022

BJohnson@robinsonbradshaw.com
803.325.2903 : Direct Phone
803.985.3783 : Direct Fax

City of Rock Hill Zoning Board of Appeals
Attn: Ms. Amy Britz, Zoning Coordinator
P.O. Box 11706
Rock Hill, SC 29713-1706

Re: Separation Reduction Application - KHODAL2022, LLC and Ankit (Andy) Patel

Dear Members:

In anticipation of the ZBA Hearing on November 15, 2022, enclosed herewith are supplemental materials in support of the Separation Reduction Application submitted by our client KHODAL2022, LLC and its owner Ankit (Andy) Patel, who are opening an ABC Store in the Love's Plaza Shopping Center.

The proposed ABC Store is typical for a busy retail shopping center like Love's Plaza and the planned store will not create any adverse impact on neighbors and certainly no greater impact on neighbors than already experienced in the well-established shopping area. As addressed more fully in the Application, the proposed ABC Store is not in any way oriented toward or easily accessible to the residential uses located behind the shopping center.

Thank you for your consideration in this matter.

Sincerely,

ROBINSON, BRADSHAW & HINSON, P.A.



Benjamin A. Johnson
BAJ

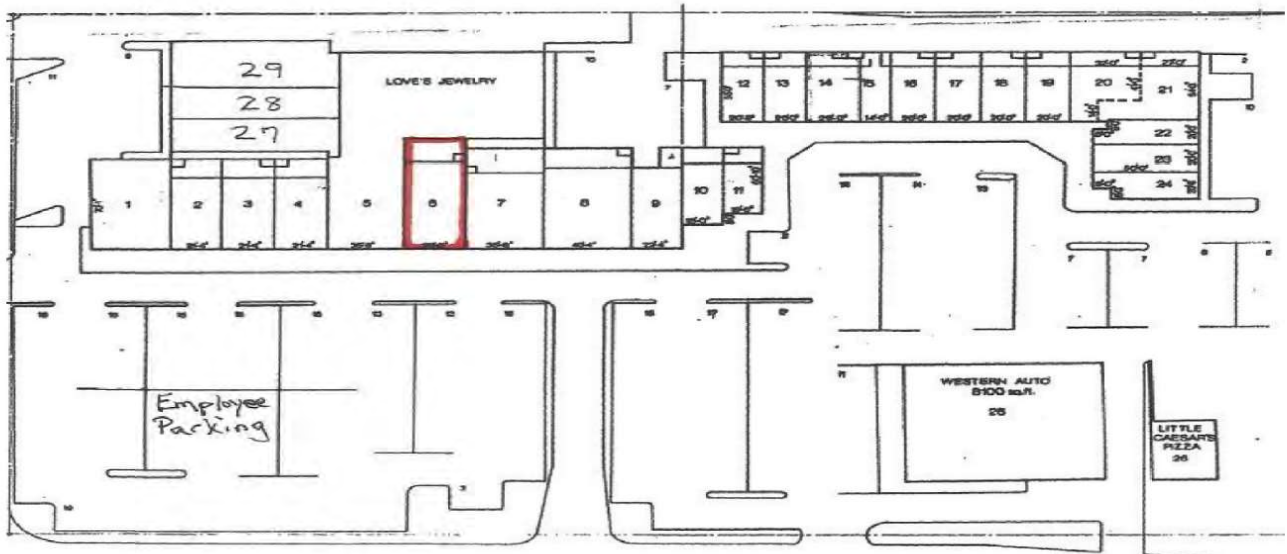
Enclosures

PHOTO-2022-10-20-13-21-01.jpg



Done





U.S. 21 CHERRY ROAD

Exhibit A
Exhibit B





Legend

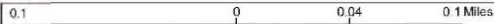
- Address
- Occupied
- Meter
- Vacant

1:2,257



Notes

Enter Map Description



WGS_1984_Web_Mercator_Auxiliary_Sphere
GIS@YorkCountyGov.com

Printed: 10/20/2022

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- Address
- ▲ Occupied
- ▲ Meter
- ▲ Vacant

1:2,257



Notes

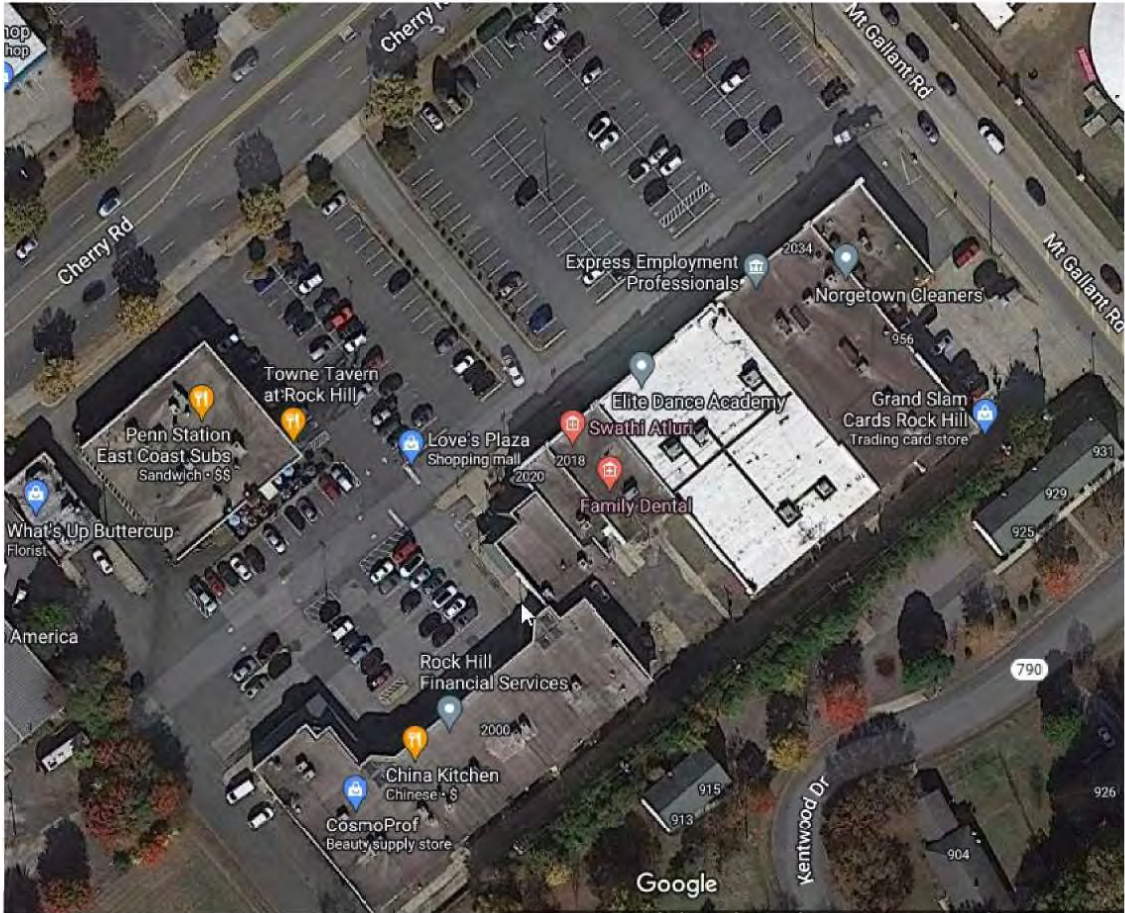
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WGS_1984_Web_Mercator_Auxiliary_Sphere
GIS@YorkCountyGov.com

Printed: 10/20/2022

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION



LOVE'S PLAZA TENANTS

Little Caesar's Pizza

Towne Tavern

1st Franklin Financial

Penn Station

The Flower Bar

Cosmo Prof – Sally Beauty Systems

China Kitchen

Rock Hill Financial

Lee Shoe Repair

Elite Dance Academy

I Color Nail Bar

Jackson Hewitt Tax Service

Family Dental – Palmetto Dental Management, LLC

Loves Liquor Store (Pending)

Allison Love's Fine Jewelry

Aristocrat Styling Salon –

Express Personnel

Express Health

Norgetown Cleaners




Starlight Healthcare Services

Grand Slam Cards



Towne Tavern at Rock Hill

4.2 ★★★★★ 955 reviews · \$\$
Restaurant

-  Directions
-  Save
-  Nearby
-  Send to phone
-  Share

ORDER ONLINE

- ✓ Dine-in · ✓ Curbside pickup
- ✓ No-contact delivery

 2012 Cherry Rd, Rock Hill, SC 29732
Located in: Love's Plaza






Hours

Towne Tavern at Rock Hill

Friday	11AM-12AM
Saturday	11AM-12AM
Sunday	11AM-10PM
Monday	11AM-11PM
Tuesday	11AM-11PM
Wednesday	11AM-11PM
Thursday	11AM-11PM


Penn Station East Coast Subs

4.3 ★★★★★ 539 reviews · \$\$
Sandwich shop

-  Directions
-  Save
-  Nearby
-  Send to phone
-  Share


ORDER ONLINE

Grilled sub sandwiches, fries & fresh-squeezed lemonade star at this counter-serve chain.
✓ Dine-in · ✓ Takeout · ✓ Delivery

 2012 Cherry Rd, Rock Hill, SC 29732
Located in: Love's Plaza

Friday	10:30AM-10PM
Saturday	10:30AM-10PM
Sunday	10:30AM-8PM
Monday	10:30AM-10PM
Tuesday	10:30AM-10PM
Wednesday	10:30AM-10PM
Thursday	10:30AM-10PM







[Suggest new hours](#)

 penn-station.com

The Flower Bar Rock Hill

4.9  17 reviews
Flower delivery

-  Directions
-  Save
-  Nearby
-  Send to phone
-  Share

-  1988 Cherry Rd, Rock Hill, SC 29732
- Located in: Love's Plaza
-  Open - Closes 9PM
See more hours
-  rockhillsflorist.com
-  (803) 417-7149
-  XX6X-J4 Rock Hill, South Carolina
-  Send to your phone



Hours

The Flower Bar Rock Hill	
Friday	10AM-9PM
Saturday	10AM-9PM
Sunday	Closed
Monday	9AM-8PM
Tuesday	9AM-8PM
Wednesday	9AM-8PM
Thursday	9AM-8PM



Google



China Kitchen

4.2 ★★★★★ 459 reviews · \$
Chinese restaurant

1998 Cherry Rd, Rock Hill, SC 29732

Located in: Love's Plaza

- Directions
- Save
- Nearby
- Send to phone
- Share

Closed ^

Bare-bones Chinese eatery serving classic dishes & lunch specials for dine-in, take out & delivery. >

✓ Takeout · ✗ Delivery

- Friday 2-9:30PM
- Saturday 2-9:30PM
- Sunday 2-9:30PM
- Monday 2-9:30PM
- Tuesday 2-9:30PM
- Wednesday 2-9:30PM
- Thursday 2-9:30PM

1998 Cherry Rd, Rock Hill, SC 29732

Located in: Love's Plaza



Norgetown Cleaners

4.1 ★★★★★ 25 reviews

Dry cleaner



Directions



Save



Nearby



Send to phone



Share

2036 Cherry Rd, Rock Hill, SC 29732

Located in: Love's Plaza









Open now ↕

- Friday 7AM-6PM
- Saturday 9AM-2PM
- Sunday Closed
- Monday 7AM-6PM
- Tuesday 7AM-6PM
- Wednesday 7AM-6PM
- Thursday 7AM-6PM



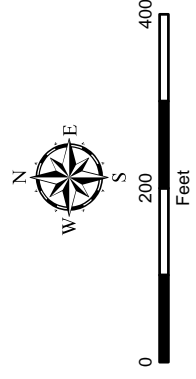
Z-2022-40

Zoning Districts

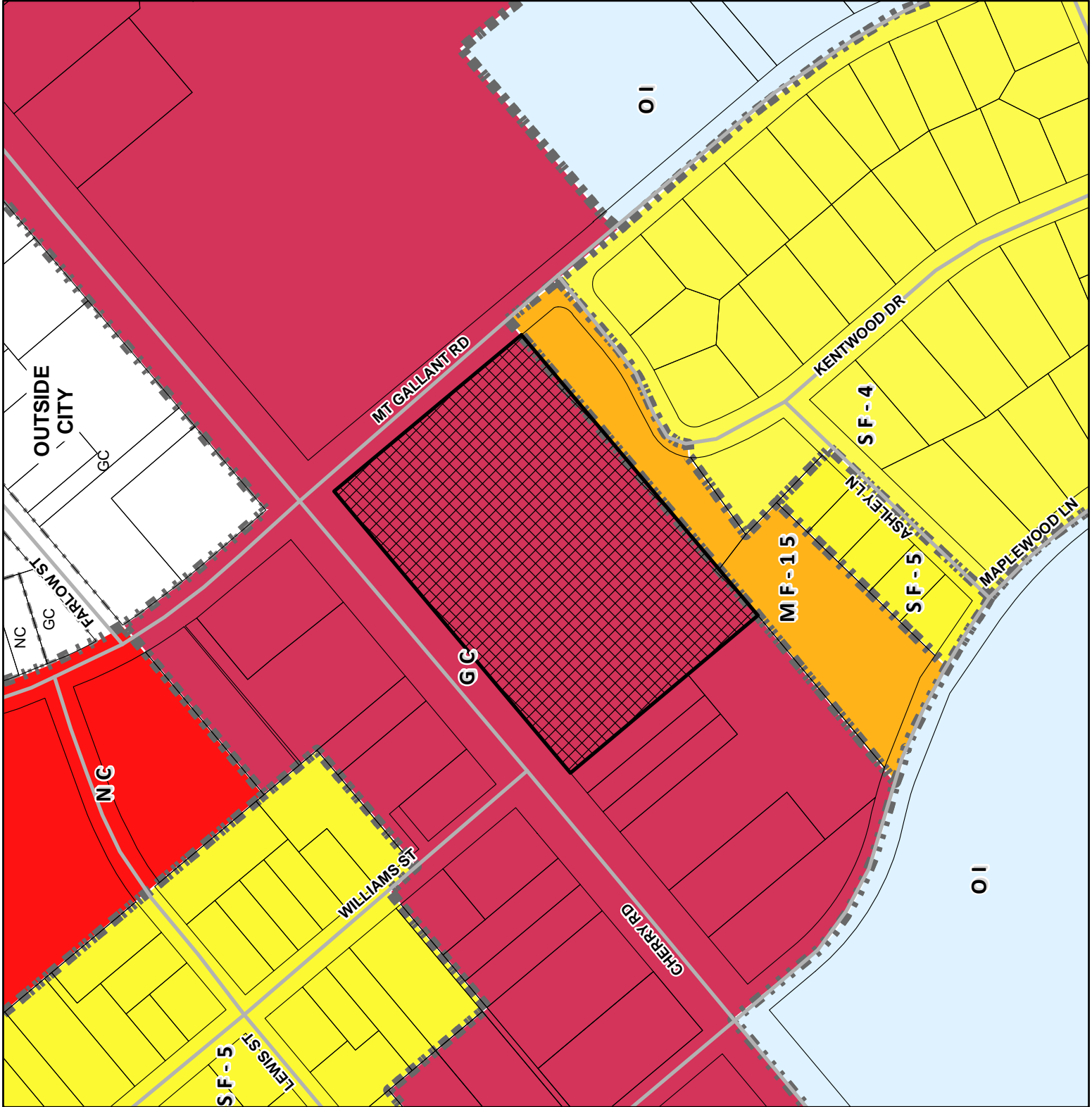
-  Subject Property
-  General Commercial (GC)
-  Multi-Family 15 (MF-15)
-  Neighborhood Commercial (NC)
-  Office and Institutional (OI)
-  Single-Family 4 (SF-4)
-  Single-Family 5 (SF-5)
-  Zoning District Boundaries

Zoning Data

Current Zoning GC



Planning & Development
Department
City of Rock Hill
11/15/2022



Z-2022-41

Request: Special exception to establish an indoor recreation use greater than 3,000 square feet

Address: 5025 Old York Road

Zoning District: Industry Business (IB)

Applicant: Sheldon Brown
2701 Windswept Cove
York, SC 29745

Property Owner: Jimmy Dean Archie
2233 Shangri la Drive
Winnsboro, NC 29180





Request: Special exception to establish an indoor recreation use greater than 3,000 square feet

Address: 5025 Old York Road

Tax Map No.: 542-07-01-022

Zoning District: Industry Business (IB)

Applicant: Sheldon Brown
 2701 Windswept Cove
 York, SC 29745

Property Owner: Jimmy Dean Archie
 2233 Shangri la Drive
 Winnsboro, NC 29180

Background

The applicant, Sheldon Brown, would like to utilize an existing industrial building for indoor youth travel baseball training. A brief narrative of how the facility would operate season to season has been provided by the applicant and is attached to this report. The property is zoned Industry Business (IB) and was last used as a machine shop. The Zoning Ordinance classifies indoor recreation in two categories based on size. Those of more than 3,000 square feet are allowed only by special exception in the IB zoning district. At any given time, the applicant expects for the business to have up 4 to 5 employees present, and two teams, each consisting of approximately 10 players. The building is approximately 15,000 square feet.

Primary use table excerpt <ul style="list-style-type: none"> • Blank cell = prohibited • S = Special exception • C = Conditional use • P = Permitted use 	RESIDENTIAL										BUSINESS											
	RU	SF-2	SF-3	SF-4	SF-5	SF-8	SR	SF-A	MFR	MF-15	MX	NO	NC	OI	LC	GC	CC	CI	DTWN	MUC	IB	IG
										S	S	S	S	P	P	P	P	P	P	P	S	S
Definition of proposed use	<p>Indoor Recreation</p> <p>An indoor (entirely within an enclosed structure) use providing for sports and recreational activities. Examples may include gymnasiums; fitness centers; dance/gymnastics/martial arts' studios; swimming pools; skating rinks; bowling alleys; "bounce houses"; climbing centers; trampoline centers; and billiards' halls. These are divided into two types:</p> <ul style="list-style-type: none"> • Indoor recreation uses of 3,000 square feet or less; • Indoor recreation uses of more than 3,000 square feet. 																					

Site Description

The property is located along Old York Road, generally west of the intersection at Miller Pond Road and the Super Wal-Mart Shopping Center. Across the street from the site is The Building Center, a building supply store. It is bordered to the southeast by Dixie Exterminating, a pest control company and to the south and southwest by vacant, wooded property. Surrounding zoning districts include Limited Commercial (LC), Industry General (IG), and Master Planned-Residential (MP-R).

It is important to note that the above-referenced property bordering the site to the south, was approved as a Master Planned development in April of 2022. The proposed Master Plan would offer a mix of uses at the southwest corner of Old York and Miller Pond Roads that will include commercial uses and single-family residential homes, geared towards families. The Master Plan consists of 38 single-family detached homes, 72 single-family attached (townhomes), and up to 25,000 square feet of commercial space. The development proposes to build a collector street that would abut the vacant property to the southwest.

Description of Intent for Industry Business (IB) Zoning District

The IB District is established and intended to accommodate a wide range of employment-generating office, institutional, research and development, and light manufacturing uses and associated commercial uses that serve the employment-generating uses. Such uses must take place entirely inside buildings; or must be developed in a manner compatible with surrounding land uses, to minimize potential nuisances or damage to the environment. In addition, by allowing a wide range of permitted uses, the IB District is intended to accommodate the development of “flex space” arrangements, where the developer can establish different combinations of allowable uses on a site over time, as the market dictates, as long as all uses, and development conform to the standards established by this ordinance.

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 the 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.*

4.3.3.3.12 Recreation

A. Indoor Recreation Uses of >3,000 Square Feet

- 1. Specialized Building: As part of the application for a special exception for indoor commercial recreation uses in the IB (Industry Business) and Industry*

General (IG) zoning districts, the Zoning Board of Appeals must evaluate whether a specialized industrial building is required for the use. Applicants must provide information about the nature of the proposed activity and the need for an industrial-scale building, such as but not limited to specialized equipment needs, noise impacts, or high ceiling height.

Indoor baseball training requires a large open building with tall ceilings due to it having batting cages. This is difficult to find in many commercial zoning districts, so industrial buildings are generally a good fit for the use.

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

The proposed indoor recreation use would be fully indoors, which helps it be compatible with surrounding uses. The business's operating times would vary season to season due to practice times being based around school scheduling; however, when the facility is open, hours are expected to be from 8:00 a.m. to 10 p.m. Although these hours overlap with the peak hours of other businesses, it is not expected to have a negative impact.

- 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.*

All activity, other than parking, would take place completely inside of an enclosed building. Parking for the use is not expected to create an adverse impact. The use itself, does not require a set number of parking spaces, as it is a use with a variable parking demand. Here, staff sets a minimum number of required spaces based on its understanding of how the business operates. Based on the information that staff obtained from the applicant regarding things such as the ages of attendees, class start and end times, and average class size, it was able to determine that a minimum of 22 parking spaces should be required of the use. The site currently has 22 spaces, whereas there is room on the site to add more, if needed. The applicant, would however, be required to pave a drive aisle from the entrance into the site to the existing spaces, as the current drive aisle consists of gravel

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

The building is existing. Aside from paving a drive aisle from the entrance into the site to the existing parking spaces, no additional site work would be necessary for the proposed use. If additional parking is needed in the future, staff would review it for compliance with applicable environmental regulations.

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

The property is located along Old York Road, which has the capacity to serve the proposed use. However, the South Carolina Department of Transportation (SCDOT) is requiring that the applicant conduct turning movement counts at the intersection of Hampton Ridge Road and Old York Road. The results of these counts could lead to off-site improvements being required. The turning movement counts are warranted due to safety concerns regarding left turn movements into the site from westbound Old York Road. The counts will provide additional information that City staff and SCDOT staff need to determine whether the existing left turn lane onto Hampton Ridge Road from Old York Road will need to be converted into a two-way left turn lane.

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

The proposed use is not anticipated to injure neighboring land or property values as the use would take place fully within the enclosed building.

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

There are no planned site improvements associated with the use aside from removing the gravel and paving the drive aisle from the entrance into the site to the existing parking spaces, in addition to restriping those spaces. Staff has attached the site plan to show how the drive aisle would be added to the site and the spaces restriped. However, as previously mentioned, off-site road improvements could be required as a result of turning movement counts.

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

The applicant agrees to comply with all other laws and ordinances.

Public Input

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

- October 27: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- October 28: Posted public hearing signs on subject property.
- October 28: 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

Staff recommends approval of the special exception conditional upon the applicant making any off-site improvements resulting from the SCDOT-required turning movement counts. Aside from that, staff believes that the request meets the standards for granting the special exception, specifically noting the following:

- The use is not expected to have any adverse impacts, the provided parking areas should be able to accommodate the proposed use, and staff has not heard from anyone with concerns about it.
-

Attachments

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

Staff Contact:

Shana Marshburn, Planner II

803-326-2456

melody.kearse@cityofrockhill.com

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: 5025 OLD YORK RD., Rock Hill, SC

Tax parcel number of subject property: 542-07-01-022

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
SHELDON BROWN	2702 WINDSWEPT CV. YORK, SC 29745	856 404-2571	SBROWN24@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) IN NEGOTIATIONS TO PURCHASE PROPERTY

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: 10-24-22

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

Name of property owner: Jimmy Dean Archie

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: J. Dean Archie Date: 10-25-22

Preferred phone number: 803-323-7220 Email address: darchie@rockhillind.com

Mailing address: 2233 Shangri-la Drive, Winnsboro, SC 29180

INFORMATION ABOUT REQUEST

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

INDOOR BATTING AND TRAINING FACILITY

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.)

A SPECIALIZED BUILDING IS NEEDED DUE TO THE NATURE OF
A BASEBALL TRAINING FACILITY.

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

NEWPORT FIRE DEPARTMENT HAS OUTDOOR BASEBALL FIELD
AND BATTING CAGES. THIS LOCATION IS APPROXIMATELY WALKING
DISTANCE FROM THIS LOCATION.

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

EVERYTHING WILL BE INDOORS. I DON'T FORESEE ANY
ADVERSE IMPACTS ON SURROUNDING PROPERTIES.

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

IT WILL NOT IMPACT THE ENVIRONMENT

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

I PERSONALLY DON'T THINK IT WILL BE A SAFETY ISSUE FOR THOSE COMING AND LEAVING THE SITE

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?

IT WILL NOT IMPACT THE ABILITY OF NEIGHBORING LAND OWNERS AND THEIR PROPERTY VALUES



Travel Baseball is divided into 3 Seasons.

March 1-July 31 (Spring Summer Season)

- During this season the facility would sit empty a lot because teams will be outdoors using practice fields. If rainy days occur, we typically schedule 2 teams to come in practice for 1hr30 mins. After those 2 teams leave 2 more teams come in for 1hr30mins. Most teams have 10 players. Team ages can range from 8 to 16 years of age. 8 to 12 is considered youth ages and the majority of parents still drop their player off and go run errands while they are practicing.
- Summer Camps- When School is out we will offer summer camps from 8am to 3pm. Parents will drop off and pick-up.
- Hours of Operation 8am-10pm

August 1- November 31 (Fall Season)

- Facility would operate the same as summer except no camps because school is in during the day.
- Hours of Operation 8am-10pm








December 1-February 31 (Winter Season)

- Would be the busiest time for facility because of the outdoor weather. School is still in so the busy drop off times would be between 5-6:30pm and 7-8:30pm.
- Hours of Operation 8am-10pm
- **We Don't Have Awards Banquets for Travel Baseball**



Z-2022-41

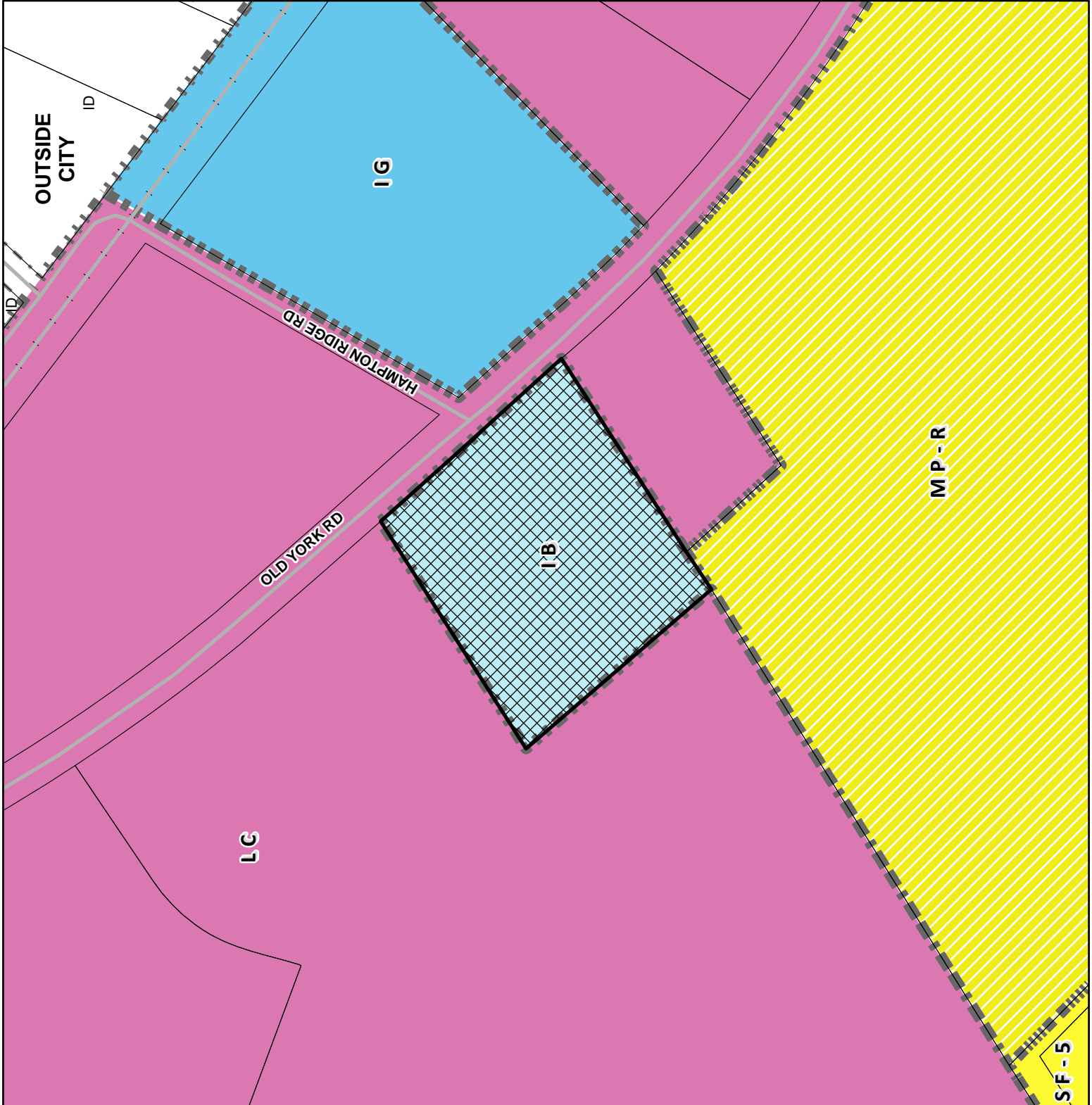
Zoning Districts

-  Subject Property
-  Industry Business (IB)
-  Industry General (IG)
-  Limited Commercial (LC)
-  Master Planned Residential (MP-R)
-  Single-Family 5 (SF-5)
-  Zoning District Boundaries

Zoning Data
Current Zoning
IB



Planning & Development
Department
City of Rock Hill
11/15/2022





MEMORANDUM

TO: Zoning Board of Appeals
FROM: Amy Britz
RE: Regular Meetings for 2023
DATE: October 18, 2022

The following is a schedule of proposed meeting dates for the 2023 calendar year. In 2023 the ZBA will continue to meet on the 3rd Tuesday of the month. An alternative meeting date (in parentheses below) of the following Tuesday will be advertised if the originally scheduled meeting date must be postponed due to unforeseen circumstances. We will ask you to adopt the calendar at your November meeting. Thank you.

January 17, 2023 (Jan. 24)
February 21, 2023 (Feb. 28)
March 21, 2023 (March 28)
April 18, 2023 (April 25)
May 16, 2023 (May 23)
June 20, 2023 (June 27)
July 18, 2023 (July 25)
August 15, 2023 – Election of Officers (Aug. 22)
September 19, 2023 (Sept. 26)
October 17, 2023 - Draft 2024 Calendar (Oct. 24)
November 14, 2023 – (Nov. 21)
December 19, 2023 (Dec. 26)