



A G E N D A

Rock Hill Zoning Board of Appeals
July 18, 2023

1. Call to Order
2. Approval of the Minutes from the June 20, 2023, meeting.
3. Approval of the Orders from the June 20, 2023, meeting.
4. Appeal Z-2023-20: Request by Luther Douglas with Tru, LLC for a special exception for a residential infill use at 1129 Cherokee Avenue. The property is zoned Multi-Family 15 (MF-15). Tax map number 631-12-02-016.
5. Appeal Z-2023-21: Request by Kathryn Eiff for a special exception for an elementary school use at 2132 Ebenezer Rd. The property is zoned Single Family Residential-3 (SF-3). Tax map number 593-01-03-001.
6. Appeal Z-2023-22: Request by Mariah Williams for a special exception for a residential infill use at 150 Glenwood Drive. The property is zoned Office and Institutional (OI). Tax map number 594-01-05-007.
7. Other Business.
 - a. Confirmed annual election of Chairman will be at the August meeting.
 - b. City website changing to links per case instead of all one packet document.
Do you want to add pledge of allegiance to agenda?
 - c. Continuing education opportunity.
8. Adjourn.

PLANNING & DEVELOPMENT

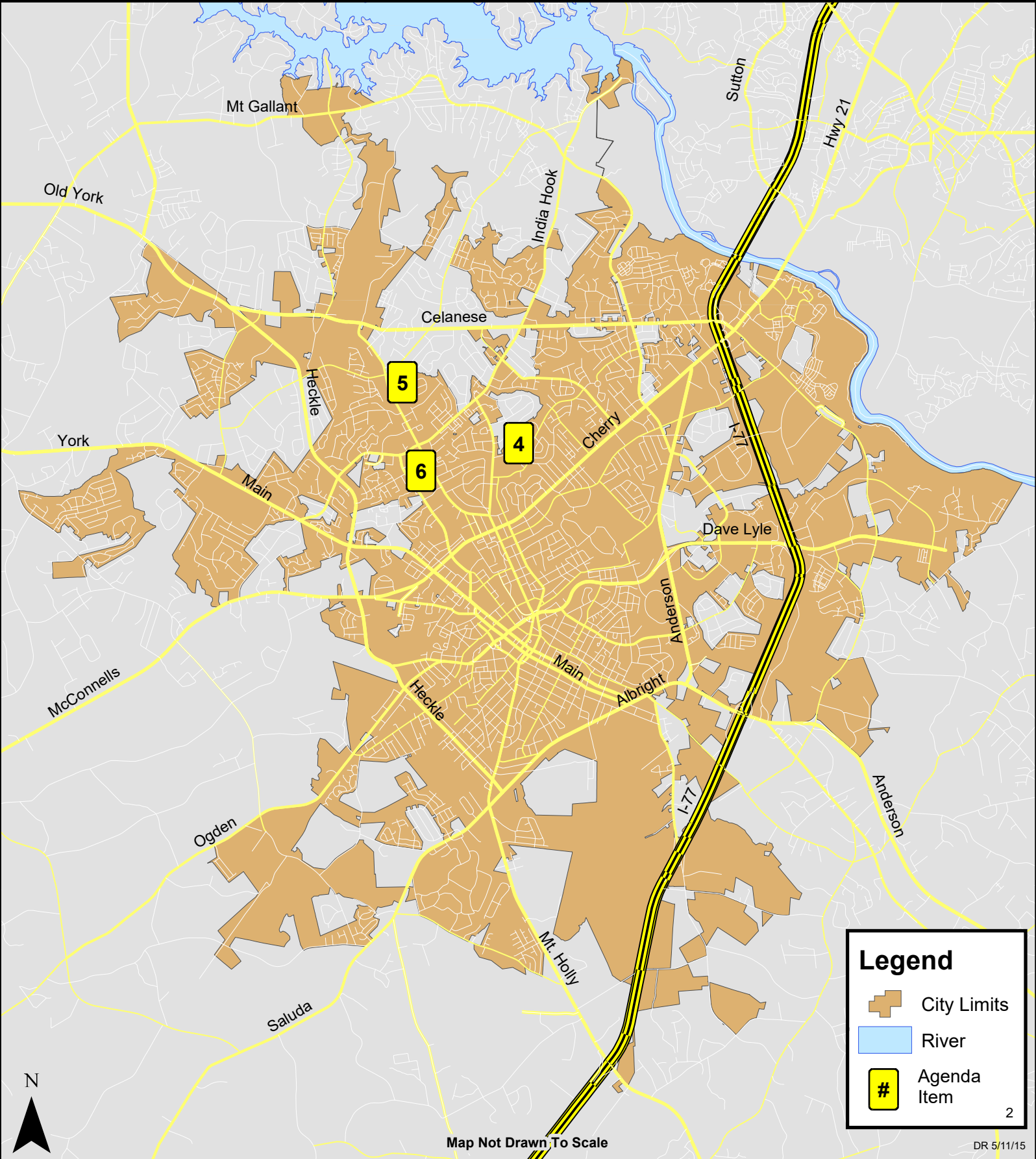
155 JOHNSTON STREET, ROCK HILL, SC 29730 (803) 329-7080

The City of Rock Hill is committed to ensuring accessibility, with reasonable accommodations, of city services, facilities, employment, and programs for all individuals, in compliance with Federal law. * Please contact Ann Morgan, ADA Coordinator, at 803 329 7025 if you need assistance.

Zoning Board of Appeals Agenda Items



City of Rock Hill, SC
July 18, 2023
Zoning Board of Appeals



Legend

-  City Limits
-  River
-  Agenda Item

A public hearing of the Zoning Board of Appeals was held Tuesday, June 20, 2023, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill SC.

MEMBERS PRESENT: Charlotte Brown, Matt Crawford, James Hawthorne, Nathaniel Robinson, Barry Chitwood

MEMBERS ABSENT: Rodney Cullum, Stacey Reeves

STAFF PRESENT: Eric Hawkins, Shana Marshburn, Amy Britz, Diana Fragomeni, Ryan Hammond

Legal notice of the public hearing was published in *The Herald* on Friday, June 2, 2023. Notice was posted on all case properties involved. Adjacent property owners and tenants within 300 feet were notified via postcards.

1. Call to Order

Chair Crawford called the meeting to order at 6:01 p.m.

2. Approval of Minutes of the May 23, 2023, meeting.

Mr. Chitwood made a motion to approve the minutes as submitted. Mr. Hawthorne seconded, and the motion carried by a vote of 5-0 (Cullum and Reeves absent).

3. Approval of Orders of the May 23, 2023, meeting.

Ms. Brown made a motion to approve the orders as submitted. Mr. Hawthorne seconded, and the motion carried by a vote of 5-0 (Cullum and Reeves absent).

4. Appeal Z-2023-15. Request by Emily Parrish with Children's Attention Home for a special exception for a type A group home use and variances for minimum lot area, width, buffer, and setbacks at 322 & 328 Kuykendal St. The property is in the process of being rezoned from Single Family Residential-5 (SF-5) to Office and Institutional (OI). Tax map numbers 629-22-07-003 and 629-22-07-004.

Chair Crawford noted this item has been deferred to a future meeting.

5. Appeal Z-2023-16. Request by Justin Smith for a variance to the maximum allotment of wall signage at 110 Southern Street. The property is zoned Downtown (DTWN). Tax map number 627-14-01-002.

Amy Britz, Zoning Coordinator, presented the staff report.

Ms. Brown asked if this is a mural. Ms. Britz stated because the image is in reference to the business, it is considered part of their signage. If the image did not reference the business and its type of operation, then it would be considered a mural and not signage.

Mr. Crawford asked how the front of the store is defined. Ms. Britz stated the main entrance to the building is on Southern Street which is how customers will enter the building. Mr. Robinson asked if the actual address of the building is Southern Street. Ms. Britz stated at one time the address was Dave Lyle Boulevard. Because the main access to the building is on Southern Street, the address was changed to Southern Street for E-911 purposes.

Chair Crawford opened the floor to the applicant. Joe Gullede, 4514 Chestwood Court, stated he is the owner, and Justin Smith (the applicant) was not able to attend the meeting. Mr. Gullede said he was happy with the Staff's findings and believes the additional signage

will bring a lot of value to the building.

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

The board members discussed the findings presented by Staff were on target and the signage will make the business more visible from Dave Lyle Boulevard area because the building is set back, and the curb appearance will be a great improvement as well.

Mr. Crawford made a motion to approve the variance to the maximum allotment of wall signage at 110 Southern Street. The motion was seconded by Mr. Hawthorne and was approved by a vote of 5-0 (Cullum and Reeves absent).

Mr. Crawford presented the findings, noting there are extraordinary and exceptional conditions with the side of the building being larger than the front of the building which would limit the amount of signage, there is a unique condition which is the building itself, the strict application would restrict the use of the land, and authorizing the variance would not be a detriment to surrounding properties.

6. Appeal Z-2023-17. Request by Inga Carey for a special exception for animal care use and a special exception for the number of animals at 247 E. Mt. Gallant Rd. The property is zoned Limited Commercial (LC). Tax map number 667-01-01-153.

Amy Britz, Zoning Coordinator, presented the staff report.

Mr. Robinson asked if other businesses in the building had any concerns. Ms. Britz stated there was no feedback from other businesses.

Chair Crawford opened the floor to the applicant. Inga Carey, 705 Atherton Way, stated Dr. Colletto is the landlord of the building, and he as well as other tenants are all in favor of the cat café. Ms. Carey described all the areas of the building with details of each room and its' function. The cat café will partner with the York County Humane Society which will increase the adoptions of cats.

Mr. Hawthorne asked if there would be a veterinarian on site. Ms. Carey stated if a cat needs medical care, it will be quarantined and taken to the York County Humane Society veterinarian.

Ms. Brown asked if there will be 24-hour staffing. Ms. Carey stated there will be staffing through the night, yet since cats are independent, 24-hour staffing is not necessary. There will be staff at the location seven days a week.

Ms. Brown asked if cats will be in the outside area of the café where the public can order food. Ms. Carey stated the outside area is a cat-free zone. The public cannot bring their own cats to the cat café.

Mr. Robinson asked what the difference was between the York County Humane Society and the cat café was with regards to caging. Ms. Carey stated the Humane Society cages their cats, whereas at the cat café, cats are allowed to roam. Mr. Robinson asked if cats are caged in off hours. Ms. Carey stated cats are not caged at all so the public can see a cat's personality.

Mr. Crawford asked if the numbers of cats can be explained in more detail. Ms. Carey stated that the cat café area will have about 12 cats, which is the recommended limit thru the ASPCA. There also will be a corner called the "catio" which will house a litter of kittens. The cat café will educate the public about the different stages of a kitten's growth. Once the

kittens are eight weeks and are spayed and neutered, they will join the rest of the cats in the lounge. There also may be 10 cats in the boarding area. Mr. Crawford asked if the boarding area is a separate part of the business. Ms. Carey stated the boarding cats will never interact with the adoptable cats in the lounge area. Mr. Crawford asked if the adoptions are happening in the cat café. Ms. Carey stated the adoptions are happening in the cat café. The adoptions are not a same day adoption because the Humane Society of York County will handle the paperwork, research, and background checks. Mr. Crawford asked if all the cats are neutered since there will be kittens. Ms. Carey stated that is why there will be a separate area for the kittens since they cannot be neutered until the kittens are eight weeks old.

Mr. Hawthorne asked if the only source of revenue is the café since the business is not taking any monies for the adoption process. Ms. Carey stated the adoption fees will benefit the Humane Society. Anyone wanting to visit the cat lounge will be charged an admission fee of \$10 to \$12 per person. The admission fees will help pay for the food, litter, and housing for the foster cats.

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

Chair Crawford reminded the board they would be voting on two special exceptions which could be combined into one motion. Board members discussed how this would have a low impact in the area and is isolated from the residences.

Mr. Hawthorne made a motion to approve for a special exception for animal care use and a special exception for the number of animals at 247 E. Mt. Gallant Rd. The motion was seconded by Mr. Robinson and was approved by a vote of 5-0 (Cullum and Reeves absent).

Mr. Hawthorne presented the findings for the use, noting that it complies with the use specific standards, the café is compatible with surrounding uses, the design minimizes adverse impact to the building itself, applicant will use odor locking garbage bags to be placed into an onsite dumpster daily to minimize environmental impacts, no traffic issues due to the proximity of Dave Lyle Blvd., the proposed use is not expected to injure property values, the site plans show how the building will be partitioned with separate use of the café, lounge, and boarding, and it complies with all other relevant laws and ordinances. Mr. Hawthorne presented the findings for the number of animals, noting that it complies with use specific standards, it is compatible with surrounding uses, it will have separate spaces designed for separate uses within the interior of the building which minimizes adverse impact, there will be minimal environmental impacts as the animals will be inside the building and the waste will be disposed daily, adequate road capacity to serve the proposed use, the proposed use will increase the number of visitors to the area which will improve the property values, the applicant's site plan shows how the building will provide separate spaces and access based on the intended use of the café, lounge, and boarding, and it also complies with all other relevant laws and ordinances.

- 7. Appeal Z-2023-18. Request by Lauren Burleson with Driven Brands, Inc. for a special exception for car wash use at 1263, 1269, 1277 E. Main St. The property is zoned Limited Commercial (LC). Tax map numbers 626-04-01-012, 626-04-01-014, 626-04-01-015.**

Chair Crawford noted this item has been deferred to a future meeting.

- 8. Appeal Z-2023-19. Request by Barbara Pendergrass with Hope Fellowship Church for a special exception for commissary use at 95 Bird St. The property is zoned Office**

and Institutional (OI). Tax map number 630-06-03-007.

Ryan Hammond, Planner I, presented the staff report.

Ms. Brown asked if the site is going to be used as the commissary kitchen. Mr. Hammond stated that was correct and it is part of the requirement for the food cart thru SCDHEC and her business license. No food prep will be done on site, only storage of items and cleaning of items. Ms. Brown asked if a lot of vendors in the area use churches as commissary kitchens to food prep and are these vendors required to go thru the ZBA as well. Mr. Hammond stated that was correct. If the vendors were within city limits, they would have to go through the same process. The zoning of the property would determine if ZBA review is required.

Mr. Crawford asked if the kitchen needs to be inspected. Mr. Hammond stated it is a question for the applicant since it is not a requirement of the city, yet probably is a requirement of the health department.

Chair Crawford opened the floor to the applicant. Barbara Pendergrass, 1154 Doris Circle stated the health department already gave her the license for the commissary use and the cart.

Mr. Crawford asked if the applicant could explain the process of her operations and how she is going to use the commissary. Ms. Pendergrass stated all the food purchased for the cart is already prepared and packaged. What she would do at the commissary is collect the items, load up the hot dog cart and go out and prep food to sell to customers. At the end of the day, she would return to the commissary, wash the pans and tongs, and then store them away. She would also store any leftover condiments or food items in the refrigerator.

Ms. Brown asked where the hot dog cart operates. Ms. Pendergrass stated she has not started yet.

Mr. Hawthorne asked how many hot dogs she can sell out of the cart. Ms. Pendergrass stated hundreds.

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

Ms. Brown made a motion to approve a special exception for commissary use at 95 Bird Street. The motion was seconded by Mr. Robinson and was approved by a vote of 5-0 (Cullum and Reeves absent).

Ms. Brown presented the findings, noting it complies with use specific standards for a commissary catering kitchen, the use is compatible with surrounding mix use, no outside storage or parking of trucks or trailers, no visual impact on the external portion of the property, the design minimizes environmental impacts, no onsite food preparation, all items on the cart are precooked, the roads are adequate to serve this use without any upgrades, no injury to neighboring lands or property values, photographs of the cart and kitchen were approved on how the kitchen will be used, and complies with all applicable laws and ordinances.

9. Other Business. Discussion of Continuing Education with the board members.

10. Adjourn.

There being no further business, Mr. Hawthorne made a motion to adjourn. The motion was seconded by Ms. Brown and approved by a vote of 5-0 (Cullum and Reeves absent). The meeting was adjourned at 7:01 p.m.



Zoning Board of Appeals Order

Z-2023-16

The Zoning Board of Appeals held a public hearing on Tuesday, June 20, 2023, to consider a **request by Justin Smith for a variance to the maximum allotment of wall signage at 110 Southern Street. The property is zoned Downtown (DTWN). Tax map number 627-14-01-002.**

Board members in attendance included: Charlotte Brown, Matt Crawford, James Hawthorne, Nathaniel Robinson, Barry Chitwood (Stacey Reeves and Rodney 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 110 Southern Street.
2. The property owner is Justin Smith.
3. This property is zoned Downtown (DTWN).
4. The request was for a variance to the maximum allotment of wall signage.
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
 - June 1: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - June 2: Public Hearing notification signs posted on subject property.
 - June 2: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - June 2: 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 Amy Britz, Zoning Coordinator, presented the staff report.

Ms. Brown asked if this is a mural. Ms. Britz stated because the image is in reference to the business, it is considered part of their signage. If the image did not reference the business and its type of operation, then it would be considered a mural and not signage.

Mr. Crawford asked how the front of the store is defined. Ms. Britz stated the main entrance to the building is on Southern Street which is how customers will enter the building. Mr. Robinson asked if the actual address of the building is Southern Street. Ms. Britz stated at one time the address was Dave Lyle Boulevard. Because the main access to the building is on Southern Street, the address was changed to Southern Street for E-911 purposes.

Chair Crawford opened the floor to the applicant. Joe Gullledge, 4514 Chestwood Court, stated he is the owner, and Justin Smith (the applicant) was not able to attend the meeting. Mr. Gullledge said he was happy with the Staff's findings and believes the additional



signage will bring a lot of value to the building.

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

The board members discussed the findings presented by Staff were on target and the signage will make the business more visible from Dave Lyle Boulevard area because the building is set back, and the curb appearance will be a great improvement as well.

Mr. Crawford made a motion to approve the variance to the maximum allotment of wall signage at 110 Southern Street. The motion was seconded by Mr. Hawthorne and was approved by a vote of 5-0 (Cullum and Reeves absent).

Mr. Crawford presented the findings, noting there are extraordinary and exceptional conditions with the side of the building being larger than the front of the building which would limit the amount of signage, there is a unique condition which is the building itself, the strict application would restrict the use of the land, and authorizing the variance would not be a detriment to surrounding properties.

THE BOARD, THEREFORE, ORDERS:

The request by Justin Smith for a variance to the maximum allotment of wall signage at 110 Southern 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 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-2023-17

The Zoning Board of Appeals held a public hearing on Tuesday, June 20, 2023, to consider a **request by Inga Carey for a special exception for animal care use and a special exception for the number of animals at 247 E. Mt. Gallant Rd. The property is zoned Limited Commercial (LC). Tax map number 667-01-01-153.**

Board members in attendance included: Charlotte Brown, Matt Crawford, James Hawthorne, Nathaniel Robinson, Barry Chitwood (Stacey Reeves and Rodney 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 247 E. Mt. Gallant Road.
2. The applicant is Inga Carey. The property owner is Manchester Development LLC.
3. This property is zoned Limited Commercial (LC).
4. The request was for a special exception for animal care use and a special exception for the number of animals.
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:
 - June 1: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - June 2: Public Hearing notification signs posted on subject property.
 - June 2: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - June 2: 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 Amy Britz, Zoning Coordinator, presented the staff report.

Mr. Robinson asked if other businesses in the building had any concerns. Ms. Britz stated there was no feedback from other businesses.

Chair Crawford opened the floor to the applicant. Inga Carey, 705 Atherton Way, stated Dr. Colletto is the landlord of the building, and he as well as other tenants are all in favor of the cat café. Ms. Carey described all the areas of the building with details of each room and its' function. The cat café will partner with the York County Humane Society which will increase the adoptions of cats.

Mr. Hawthorne asked if there would be a veterinarian on site. Ms. Carey stated if a cat needs medical care, it will be quarantined and taken to the York County Humane Society veterinarian.



Ms. Brown asked if there will be 24-hour staffing. Ms. Carey stated there will be staffing through the night, yet since cats are independent, 24-hour staffing is not necessary. There will be staff at the location seven days a week.

Ms. Brown asked if cats will be in the outside area of the café where the public can order food. Ms. Carey stated the outside area is a cat-free zone. The public cannot bring their own cats to the cat café.

Mr. Robinson asked what the difference was between the York County Humane Society and the cat café was with regards to caging. Ms. Carey stated the Humane Society cages their cats, whereas at the cat café, cats are allowed to roam. Mr. Robinson asked if cats are caged in off hours. Ms. Carey stated cats are not caged at all so the public can see a cat's personality.

Mr. Crawford asked if the numbers of cats can be explained in more detail. Ms. Carey stated that the cat café area will have about 12 cats, which is the recommended limit through the ASPCA. There also will be a corner called the "catio" which will house a litter of kittens. The cat café will educate the public about the different stages of a kitten's growth. Once the kittens are eight weeks and are spayed and neutered, they will join the rest of the cats in the lounge. There also may be 10 cats in the boarding area. Mr. Crawford asked if the boarding area is a separate part of the business. Ms. Carey stated the boarding cats will never interact with the adoptable cats in the lounge area. Mr. Crawford asked if the adoptions are happening in the cat café. Ms. Carey stated the adoptions are happening in the cat café. The adoptions are not a same day adoption because the Humane Society of York County will handle the paperwork, research, and background checks. Mr. Crawford asked if all the cats are neutered since there will be kittens. Ms. Carey stated that is why there will be a separate area for the kittens since they cannot be neutered until the kittens are eight weeks old.

Mr. Hawthorne asked if the only source of revenue is the café since the business is not taking any monies for the adoption process. Ms. Carey stated the adoption fees will benefit the Humane Society. Anyone wanting to visit the cat lounge will be charged an admission fee of \$10 to \$12 per person. The admission fees will help pay for the food, litter, and housing for the foster cats.

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

Chair Crawford reminded the board they would be voting on two special exceptions which could be combined into one motion. Board members discussed how this would have a low impact in the area and is isolated from the residences.

Mr. Hawthorne made a motion to approve for a special exception for animal care use and a special exception for the number of animals at 247 E. Mt. Gallant Rd. The motion was seconded by Mr. Robinson and was approved by a vote of 5-0 (Cullum and Reeves absent).

Mr. Hawthorne presented the findings for the use, noting that it complies with the use specific standards, the café is compatible with surrounding uses, the design minimizes adverse impact to the building itself, applicant will use odor locking garbage bags to be



placed into an onsite dumpster daily to minimize environmental impacts, no traffic issues due to the proximity of Dave Lyle Blvd., the proposed use is not expected to injure property values, the site plans show how the building will be partitioned with separate use of the café, lounge, and boarding, and it complies with all other relevant laws and ordinances. Mr. Hawthorne presented the findings for the number of animals, noting that it complies with use specific standards, it is compatible with surrounding uses, it will have separate spaces designed for separate uses within the interior of the building which minimizes adverse impact, there will be minimal environmental impacts as the animals will be inside the building and the waste will be disposed daily, adequate road capacity to serve the proposed use, the proposed use will increase the number of visitors to the area which will improve the property values, the applicant's site plan shows how the building will provide separate spaces and access based on the intended use of the café, lounge, and boarding, and it also complies with all other relevant laws and ordinances.

THE BOARD, THEREFORE, ORDERS:

The request by Inga Carey for a special exception for animal care use and a special exception for the number of animals at 247 E. Mt. Gallant Road 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-2023-19

The Zoning Board of Appeals held a public hearing on Tuesday, June 20, 2023, to consider a **request by Barbara Pendergrass with Hope Fellowship Church for a special exception for commissary use at 95 Bird St. The property is zoned Office and Institutional (OI). Tax map number 630-06-03-007.**

Board members in attendance included: Charlotte Brown, Matt Crawford, James Hawthorne, Nathaniel Robinson, Barry Chitwood (Stacey Reeves and Rodney 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 95 Bird Street.
2. The applicant is Barbara Pendergrass. The property owner is Hope Fellowship Church.
3. This property is zoned Office & Institutional (OI).
4. The request was for a special exception for commissary 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:
 - June 1: 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:

Staff member Ryan Hammond, Planner I, presented the staff report.

Ms. Brown asked if the site is going to be used as the commissary kitchen. Mr. Hammond stated that was correct and it is part of the requirement for the food cart thru SCDHEC and her business license. No food prep will be done on site, only storage of items and cleaning of items. Ms. Brown asked if a lot of vendors in the area use churches as commissary kitchens to food prep and are these vendors required to go thru the ZBA as well. Mr. Hammond stated that was correct. If the vendors were within city limits, they would have to go through the same process. The zoning of the property would determine if ZBA review is required.

Mr. Crawford asked if the kitchen needs to be inspected. Mr. Hammond stated it is a question for the applicant since it is not a requirement of the city, yet probably is a requirement of the health department.

Chair Crawford opened the floor to the applicant. Barbara Pendergrass, 1154 Doris Circle stated the health department already gave her the license for the commissary use and the cart.

Mr. Crawford asked if the applicant could explain the process of her operations and how she is



going to use the commissary. Ms. Pendergrass stated all the food purchased for the cart is already prepared and packaged. What she would do at the commissary is collect the items, load up the hot dog cart and go out and prep food to sell to customers. At the end of the day, she would return to the commissary, wash the pans and tongs, and then store them away. She would also store any leftover condiments or food items in the refrigerator.

Ms. Brown asked where the hot dog cart operates. Ms. Pendergrass stated she has not started yet.

Mr. Hawthorne asked how many hot dogs she can sell out of the cart. Ms. Pendergrass stated hundreds.

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

Ms. Brown made a motion to approve a special exception for commissary use at 95 Bird Street. The motion was seconded by Mr. Robinson and was approved by a vote of 5-0 (Cullum and Reeves absent).

Ms. Brown presented the findings, noting it complies with use specific standards for a commissary catering kitchen, the use is compatible with surrounding mix use, no outside storage or parking of trucks or trailers, no visual impact on the external portion of the property, the design minimizes environmental impacts, no onsite food preparation, all items on the cart are precooked, the roads are adequate to serve this use without any upgrades, no injury to neighboring lands or property values, photographs of the cart and kitchen were approved on how the kitchen will be used, and complies with all applicable laws and ordinances.

THE BOARD, THEREFORE, ORDERS:

The request by Barbara Pendergrass with Hope Fellowship Church for a special exception for commissary use at 95 Bird 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 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: _____

Z-2023-20

Request: Special exception for a residential infill use.
Address: 1129 Cherokee Avenue
Zoning District: Multi-Family-15 (MF-15)
Applicant/Owner: Luther Douglas with Tru, LLC



Requests: Special exception for a residential infill use.

Address: 1129 Cherokee Avenue

Tax Map No.: 631-12-02-016

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

Applicant/Owner: Luther Douglas with Tru, LLC

Background

The applicant, Luther Douglas, would like to build a duplex at 1129 Cherokee Ave. The structure proposed is a single level with 1,392 square feet per unit.

Primary use table excerpt • Blank cell = prohibited • S = Special exception • C = Conditional use • P = Permitted use	RESIDENTIAL										BUSINESS											
	SF-2	SF-3	SF-4	SF-5	SF-8	SF-A	MFR	MF-15	MX	NO	NC	OI	LC	GC	CC	CI	DTWN	MUC	IB	IG	IH	
				S			S		S	S	S					S	S					
Definition of proposed use	<p>Residential infill: The residential infill use consists of small-scale residential uses with multiple dwellings on one lot. Examples include:</p> <ul style="list-style-type: none"> the construction of one or a small number of single-family detached dwellings, duplexes, triplexes, or quadruplexes on an undeveloped lot, or on a lot with an existing single-family detached residence, duplex, triplex, or quadruplex. residential structure that has historically been used as a single-family dwelling but that is now divided into multiple units; or the construction of one or a small number of accessory dwelling units on a lot with an existing single-family detached residence, duplex, triplex, or quadruplex. 																					

Site Description

1129 Cherokee Ave. is located in the Catawba Terrace neighborhood surrounded by a combination of single-family and duplex homes.

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

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

Analysis of Request for Special Exception

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

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

A. *When the Zoning Board of Appeals is considering special exception requests for residential infill uses, the Board must evaluate the following criteria in addition to the other standard questions regarding special exception uses from Chapter 2: Administration:*

- i. *Does the surrounding area have a mix of commercial and residential uses, or a mix of residential use types of varying densities?*

The surrounding area has a mixture of duplex and single-family homes.

- ii. *Does the proposed residential infill use meet a sufficient number of the standards of Chapter 9.4: Design Standards for Residential Infill Uses for it to be compatible with its surroundings?*

The design standards, and examples contained within an appendix to the Zoning Ordinance, are attached in full for your reference. Staff's assessment regarding whether this proposal meets each standard follows here. This proposal meets several of the standards, but not all of them; the question is whether it meets a sufficient number of them to be compatible with the surroundings.

- a. Form of Structures

The structure proposed is a single level duplex similar to others in the area.

- b. Architectural Standards

The building presence along the street is designed to mimic the appearance of a single-family dwelling and is compatible with

surrounding residential structures with respect to its general architectural style and individual architectural components. Architectural drawings submitted show the use of horizontal siding and a crawl space foundation. Foundation skirting is to be clad with parged concrete. Additional details include a covered front porch and rear patio.

c. Orientation of Buildings to Streets

The proposed structure is facing directly to the street whereas the majority of other duplexes are perpendicular to the street.

d. Building Scale

The surrounding area has a mixture of single-family one-story homes and duplexes. Given the varying structure types, the proposed structure would be compatible.

e. Setbacks

As proposed, the side setbacks are not met; the site plan notes 4.73 feet on the left, 4.35 feet on the right. The front and rear have been met. The majority of other structures in this area meet the requirement. None of the existing duplexes have carports.

- Side: 5
- Rear: 15
- Front: 20

f. Off-Street Parking

Two off street parking spaces are to be provided for each unit.

g. Pedestrian Walkways

Each unit will have a continuous paved surface to connect off street parking and primary access.

h. Garages and Carports

The proposal does not include a garage or carport. The area has a mixture of homes with a carport and without, none of the duplexes have either a carport or garage.

i. Outdoor Areas

Each unit will have a front and rear porch, total combined space is 164 square feet for each unit. There is a mixture of homes with porches and those without, most have a covered entry.

j. Landscaping

All landscaping requirements were provided to the applicant and will be required during the full plan review by staff.

k. Fencing

6' privacy fencing will be required on both sides and along the rear.

l. Outdoor Storage

A small storage area is being provided.

m. Roof Penetrations and Equipment

All roof penetrations and equipment are to be placed on the rear.

n. Signage

No signage will be used.

- 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.*

A duplex would be compatible to this immediate area. There is a mixture of single family and duplexes along the same block.

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

The design of the structure would not cause any adverse impacts.

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

The design would be reviewed, and inspections would be performed by staff for compliance with all environmental regulations to minimize any impacts to neighboring properties, streams, creeks and storm water systems. There was a duplex on this lot previously, which was recently demolished.

- 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 roadway is an SCDOT road and has the capacity to support the addition of two residences.

- 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.*

There are no anticipated negative results to neighboring land or property owners.

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

A site plan has been provided.

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

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

Public Input

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

- June 28: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- June 28: Information about this request was posted to the City's website.
- June 29: Posted public hearing signs on subject property.
- June 30: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff has not received input in support or against this case.

Staff Recommendation

This area has a mix of detached single-family homes and duplexes. Staff has determined the proposal meets the use-specific standards as outlined above. Therefore, staff sees the development of a duplex as being compatible and recommends approval of the request.

Attachments

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

Staff Contact:

Name: Ryan Hammond

Number: 803.326.5674

Email: ryan.hammond@cityofrockhill.com

Planning & Development Department

803-329-5586 / Amy.Britz@cityofrockhill.com

Physical (By Appointment Only): 155 Johnston Street, Rock Hill, SC 29730

Mailing: PO Box 11706, Rock Hill, SC 29731-1706

www.cityofrockhill.com



SPECIAL EXCEPTION APPLICATION

Tax map number	Address(es)	Property owner
<i>Example:</i> 233-21-23-576	420 Example St.	Rock Hill Cars, LLC
6311202016	1129/1131 Cherokee Ave	Tru, LLC

APPLICANT

Primary Applicant Name: Tru, LLC (luther Douglas)

Mailing Address: 8407 Rolling Fields Rd Charlotte NC 28227

Phone: 7042314516 Email: luthersdouglas@gmail.com

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: _____

Are you the owner of the subject property? Yes No

- If no, what is your relationship the property (e.g., have it under contract to purchase, tenant, contractor, real estate agent)? _____
- If you are not the owner of the subject property, the property owner must complete the gray box below.

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.

Applicant signature: Luther Douglas Date: 06/23/2023

PROPERTY OWNER

Property owner name (authorized representative, if corporation): Luther Douglas

Mailing Address: 8407 Rolling Fields Rd Charlotte NC 28227

Phone: 803-231-4516 Email: luthersdouglas@gmail.com

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

Signature: Luther Douglas Date: 06/23/2023

INFORMATION ABOUT REQUEST

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

Build Duplex

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.)

N/A

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

The community is comprised primarily of duplexes.

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

Adding privacy fence and appropriate parking onto the property.

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

N/A

5. How would the use impact traffic issues (road capacity, safety of those coming into or leaving the site, etc.)?
Primary parking will be expanded and be off the street.

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?

Would not affect their ability to use their property.

List any exhibits that you have provided to help explain your request to the Board. Site plans and photographs are usually very helpful.

From: [luther douglas](#)
To: [Britz, Amy](#)
Subject: Fwd: Payment Due (Project 20230194) - ZBA Special Exception/ Variance/ Appeal
Date: Monday, June 26, 2023 3:58:18 PM
Attachments: [Residential Infill Conditional Standards_06262023085241.pdf](#)

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

Hi Amy,

See below for infill standards that are being met.

Our plan will satisfy infill standards with the site and house plans. They will include the following items which have been called out by the zoning department:

- Standards for residential infill state new structure should be similar to others in the area. Plan includes at least 18# above grade for crawlspace-
- Setbacks- They are shorter than others in the area due to placing the duplex to face the street The plan will include measures to satisfy fire and building code.
- Privacy fence completely around sides and rear of duplex
- Each unit will have a pedestrian pathway leading from front entrance to public sidewalk.
- Additional landscaping will be provided of a scale and type that is characteristic of the surrounding area.
- No signage being proposed.

Let me know if anything else is needed. Payment was also processed.

Thanks.

Luther Douglas

----- Forwarded message -----

From: <ssm-donotreply@cityofrockhill.com>

Date: Mon, Jun 26, 2023 at 3:06 PM

Subject: Payment Due (Project 20230194) - ZBA Special Exception/ Variance/ Appeal

To: <luthersdouglas@gmail.com>

We have received your Special Exception application for 1129 Cherokee Ave. Please refer to attached Infill Standards and respond how you will meet these standards with your building plans (which is the answer to question #1 on the application). Once you respond and pay your fee noted below, we will add your request to the July 18th Zoning Board Meeting.

Your fee for project 20230194 - ZBA Special Exception/ Variance/ Appeal is ready for payment. Please see your invoice below.

INVOICE

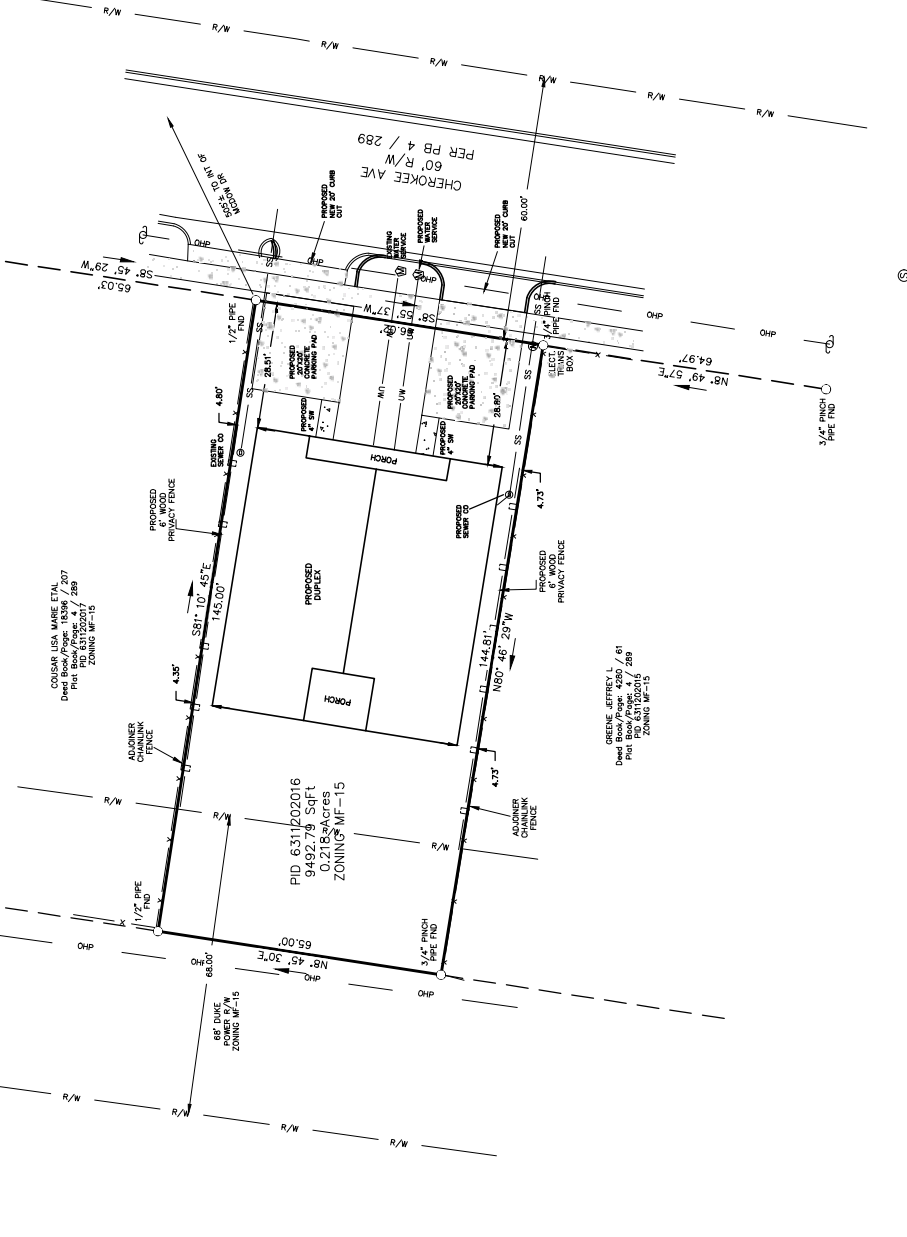
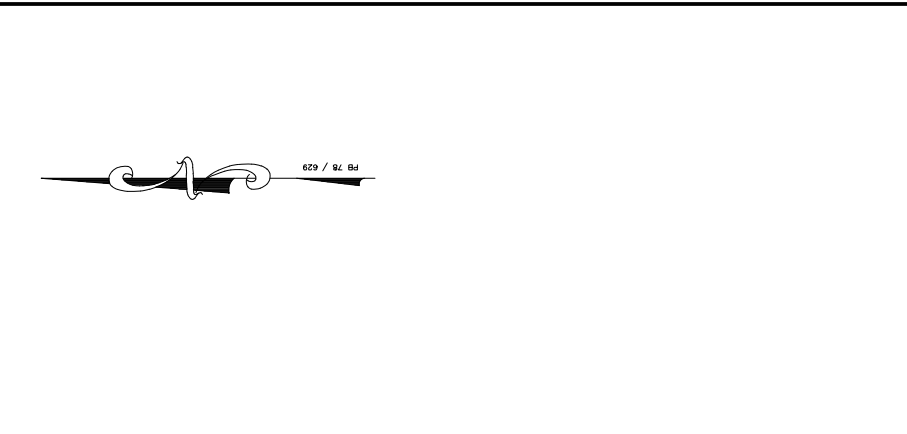
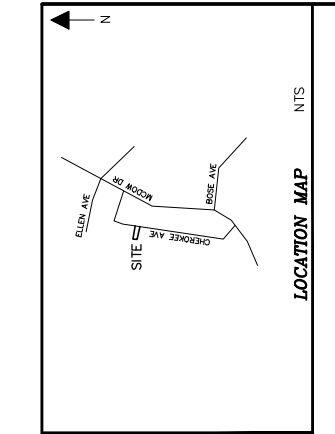
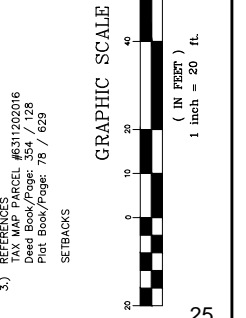
Invoice Number:P5417318

Invoice Date:06/26/2023

LEGEND

○	PROPERTY CORNER
●	IRON PIN SET (#4 REBAR)
●	POINT NOT SET
○	GAS VALVE
○	TELEPHONE MANHOLE
○	SANITARY SEWER MANHOLE
○	STORM SEWER MANHOLE
○	WATER VALVE
○	WATER METER
○	TELEPHONE PEDESTAL
○	ELECTRIC PEDESTAL
○	ELECTRIC MANHOLE
○	DROP INLET
□	CATCH BASIN
○	CLEAN OUT
○	SION
○	GUY POLE
○	POWER POLE
○	FIRE HYDRANT
○	LIGHT POLE
○	IRRIGATION VALVE
○	CABLE PEDESTAL
○	ELECTRICAL TRANSFORMER
○	BLOW OFF VALVE
○	WELL
○	ELECTRIC METER
—	SURVEY LINE
—	ADJOINER LINE
—	RIGHT OF WAY LINE
—	TIE LINE
—	EASEMENT LINE
—	SETBACK LINE
—	FENCE LINE
—	FLOOD LINE
—	CENTERLINE CREEK
—	OVERHEAD POWER
—	OVERHEAD ELECTRIC
—	GAS LINE
—	SANITARY SEWER
—	WATER LINE
—	UNDERGROUND ELECTRIC
—	UNDERGROUND FIBER
—	OVERHEAD TELEPHONE
—	UNDERGROUND CABLE
—	UNDERGROUND FORCE MAIN
—	UNDERGROUND STORM PIPE
—	UNDERGROUND TELEPHONE
—	FENCE LINE SPLIT RAIL
—	FENCE LINE WOOD

- NOTES:**
- 1.) NO TITLE COMMENT WAS PROVIDED TO BE USED IN PREPARING THIS PLAT.
 - 2.) PROPERTY MAY BE SUBJECT TO RIGHT (S) AND EASEMENTS, NOT SHOWN ON THIS PLAT.
 - 3.) REFERENCES:
 - Parcel #6311202016 Deed Book/Page: 429 / 61
 - Parcel #54 / 128 Deed Book/Page: 78 / 629








LUTHER DOUGLAS
1131 CHEROKEE AVE
CITY OF ROCK HILL YORK COUNTY SOUTH CAROLINA

HUCKS and ASSOCIATES, PC.
Land Surveyors and Land Planners
5212 Hampton Ridge Road
Rock Hill, SC 29732

SCALE: 1" = 20'
DATE: MAR. 10, 2023
FILE NO: 23037
CHK BY: TWH
803-366-4677
803-366-4128

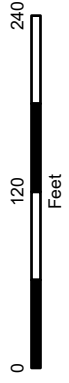
Z-2023-20

Zoning Districts

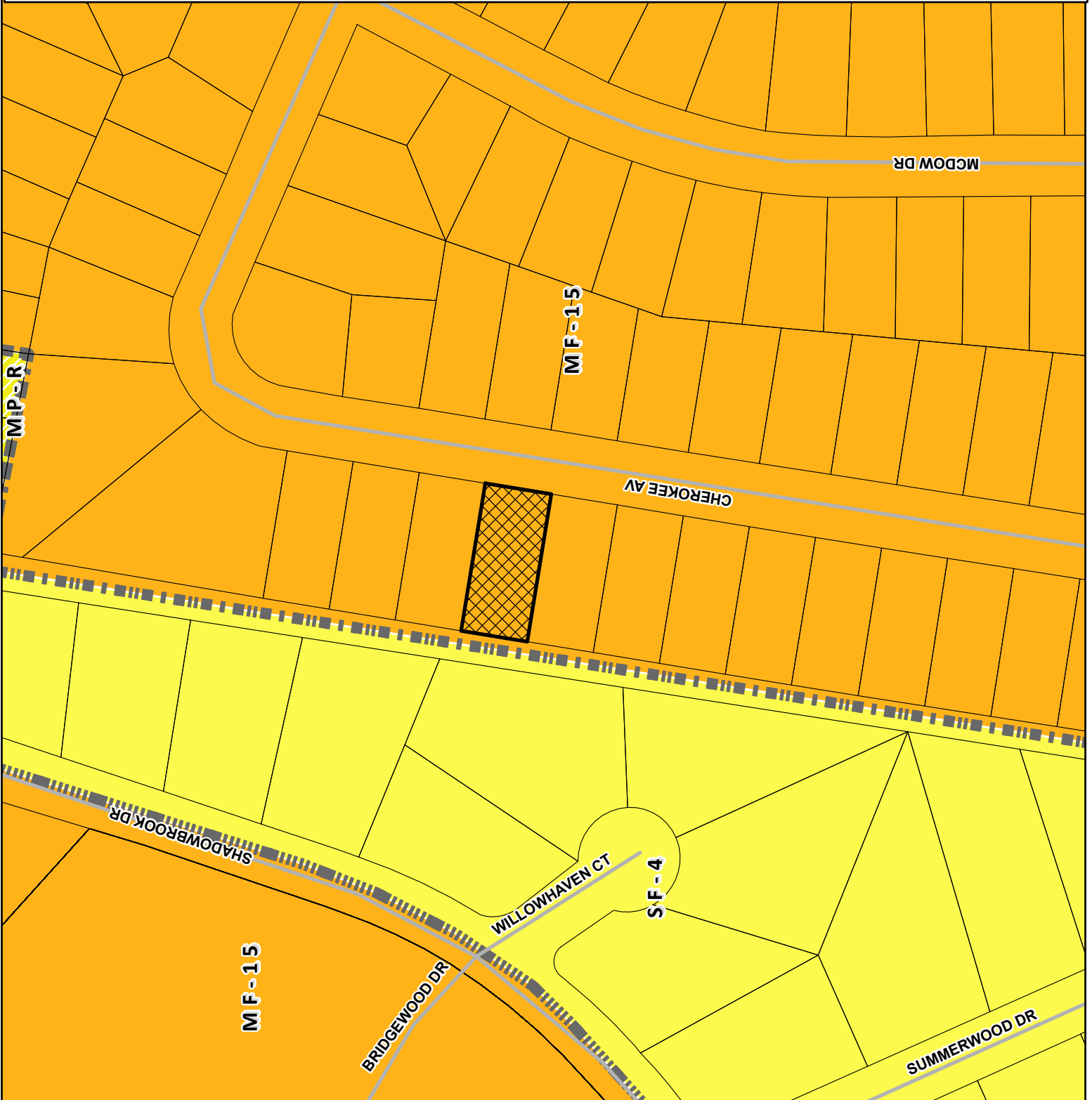
-  Subject Property
-  Multi-Family 15 (MF-15)
-  Master Planned Residential (MP-R)
-  Single-Family 4 (SF-4)
-  Zoning District Boundaries

Zoning Data

Current Zoning MF-15



Planning & Development
Department
City of Rock Hill
07/18/2023



Z-2023-21

Request: Special exception for an elementary school use.

Address: 2132 Ebenezer Road

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

Applicant: Kathryn Eiff with Simply Providence

Property Owner: Ebenezer Presbyterian Church



Request: Special Exception to establish an elementary school use.
Address: 2132 Ebenezer Road
Tax Map No.: 593-01-03-001
Zoning District: Single Family Residential-3 (SF-3)
Applicant: Kathryn Eiff with Simply Providence
Property Owner: Ebenezer Presbyterian Church

Background

The applicant would like to operate an elementary school use at 2132 Ebenezer Road, which is zoned Single-Family Residential-3 (SF-3). The Zoning Ordinance only allows this use through special exception approval by the Zoning Board of Appeals in the Single-Family Residential-3 zoning district. Simply Providence is an educational partnership with Providence Classical School (located at 318 N. Jones Street) and will be starting as a pilot program in August 2023, with a maximum of twelve students. There is no room at 318 N. Jones for this program.

Primary use table excerpt <ul style="list-style-type: none"> • Blank cell = prohibited • S = Special exception • C = Conditional use • P = Permitted use 	RESIDENTIAL												BUSINESS									
	SF-2	SF-3	SF-4	SF-5	SF-8	SF-A	MFR	MF-15	MX	NO	NC	OI	LC	GC	CC	CI	DTWN	MUC	IB	IG	IH	
	S	S	S	S	S	S	S	S	S	S	S	C	S	S	S	S	S	S	S	S	S	
Definition of proposed use	<p>School: A public or private institution for the State-mandated teaching of children or a comparable equivalent. Elementary schools may include grades 4K through 6. Middle school/junior highs and high schools may include grades 5 through 12.</p>																					

Site Description

The property is the location of Ebenezer Presbyterian Church. It is located on Ebenezer Road and is zoned Single Family Residential-3 (SF-3). The school will be using the Ebenezer Academy building, which is located beside the sanctuary and has a large open space, a kitchen area, a restroom, and a smaller corner room. The Academy building is listed on the National Register of Historic Places.

Surrounding uses include a funeral home and other businesses to the west, residential to the south and east, and residential and undeveloped property in York County to the north. Surrounding zoning is Office and Institutional (OI) and Single-Family Residential-3 (SF-3) in the City and Urban Development (UD) and Residential Single Family-40 (RSF-40) in York County.

Description of Intent for the Single-Family Detached Zoning Districts

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

The primary difference between single family districts is the minimum lot size for development and other dimensional standards listed in full in *Chapter 6: Community Design Standards*. The minimum lot size in the SF-3 zoning district is 14,000 square feet for residential uses and one acre for non-residential uses.

Analysis of Request for Special Exception

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

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

A. *Road Capacity:* *All schools must be located on streets that have adequate capacity for the ultimate size of the campus. For schools with an enrollment of more than 100 students at expected ultimate capacity, this means that the use will have direct access to an arterial or collector road without passing residential properties. The access points must be located to minimize vehicular traffic through local streets in residential areas. The school also must be designed to ensure safe ingress onto and egress from the site, safe road conditions around the site, and adequate access onto the site for fire, police, and emergency medical services.*

Access to Ebenezer Presbyterian is provided through an entry drive on Bailey Avenue with the exit drive onto Ebenezer Road, which is an arterial road. Ebenezer Presbyterian Church has parking between the academy building and the sanctuary. There will be twelve students, five full time employees, a few therapists, and volunteers throughout the week. There is adequate parking for student drop-off and pick-up, as well as for all employees and volunteers.

B. *Athletic Facilities:* *Athletic facilities must be located and designed to minimize impacts, especially noise and light, on any surrounding residential property.*

The school will not be using any athletic facilities.

- 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 elementary school use is compatible with the surrounding uses due to its operational hours being the same as the normal workday and low enrollment. The impacts to the traffic flow during pick-up and drop-off hours will be minimal.

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

The school will be on the west side of the church adjacent to the cemetery and additional acreage owned by the church. Due to the buffers already in place and adequate parking, there will be no adverse impacts to surrounding lands.

- 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 school may improve the environment with planting a small garden as part of science enrichment.

- 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.*

Due to the proximity to Ebenezer Road, no traffic issues are expected. The school will only operate Monday-Thursday 9AM to 1:30PM.

- 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 expected to injure property values.

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

The building will provide two classrooms and an ADA compliant restroom. The large room will be used for the Level 2 students and group gathering. A corner of the large room will be used as a sensory corner. There is a smaller room for instruction of the Level C students. Lunch will not be prepared at the school. Students and faculty will be responsible for bringing their own lunch.

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

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

Public Input

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

- June 28: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- June 28: Information about this request was posted to the City's website.
- June 29: Posted public hearing signs on subject property.
- June 30: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff has not received any feedback from the public about the application.

Staff Recommendation

Staff recommends approval of the special exception request based on the above analysis, particularly noting the proposed use is compatible with surrounding uses.

Attachments

- Application and supporting documents
 - Zoning Map
-

Staff Contact:

Amy Britz, Zoning Coordinator

803.329.5586

amy.britz@cityofrockhill.com

Planning & Development Department

803-329-5586 / Amy.Britz@cityofrockhill.com

Physical (By Appointment Only): 155 Johnston Street, Rock Hill, SC 29730

Mailing: PO Box 11706, Rock Hill, SC 29731-1706

www.cityofrockhill.com



SPECIAL EXCEPTION APPLICATION

Tax map number	Address(es)	Property owner
<i>Example:</i> 233-21-23-576	420 Example St.	Rock Hill Cars, LLC
593-01-03-001	2132 Ebenezer Road	Ebenezer Church

APPLICANT

Primary Applicant Name: Kathryn Eiff

Mailing Address: 3216 Hitching Post Lane

Phone: 334-201-4354 Email: kathyeiff@gmail.com

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: _____

Are you the owner of the subject property? Yes No

- If no, what is your relationship the property (e.g., have it under contract to purchase, tenant, contractor, real estate agent)? Prospective Tenant
- If you are not the owner of the subject property, the property owner must complete the gray box below.

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.

Applicant signature: *Kathryn Eiff* Date: 6/23/23

PROPERTY OWNER

Property owner name (authorized representative, if corporation): Eddie Kimbrell (Property Chair)

Mailing Address: 2132 Ebenezer Road Rock Hill, SC 29732

Phone: 803 487 8017 Email: eddie.kimbrell@comparium.com

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

Signature: *Eddie Kimbrell* Date: 6/23/23

INFORMATION ABOUT REQUEST

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

We are requesting the exception to be used as an education building for a micro-school for children with intellectual and developmental disabilities

Special exception standards

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

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

We are proposing to use the Ebenezer Academy building which is on the National Register of Historical Buildings. This building is listed as the "second proposal" in the feasibility study. We are prepared to partner with the city and the church to meet school and ADA code requirements.

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

Ebenezer Academy was established circa 1812 as a building for instruction. It sits quietly between Ebenezer Church's sanctuary and cemetery and is surrounded by private acreage. It is the perfect size for a 12-student school.

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

We will collaborate with the church and city to preserve the building's historic registry requirements. Because the building is located on private church property surrounded by extensive acreage, there would be no adverse impacts on surrounding properties.

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

Our use of the Academy Building will not have any negative impact on water, natural resources nor wild life. We are interested in teaching through gardening with our students and so it is possible we will add value to the environment as we do so.

5. How would the use impact traffic issues (road capacity, safety of those coming into or leaving the site, etc.)?
With only a 12 student maximum capacity, there will be no negative impacts on traffic.

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?

The location of the Academy Building is secluded from neighboring land owners therefore would not impact their properties.

List any exhibits that you have provided to help explain your request to the Board. Site plans and photographs are usually very helpful.

The Ebenezer Academy contains one large learning space alongside an additional classroom with door. We would use the large space for our Level 2 students (typically students ages 8-13 years old) as well as for group instruction for all students (including, but not limited to prayer, recitation, music and lunch). When entering the building from the ramped entrance, there is a corner to the left currently containing a sofa sitting area. We would create a sensory corner for students needing a quiet space to reset with a variety of sensory tools to assist them. The restroom currently designated as a men's restroom would become our gender neutral ADA compliant restroom. The additional classroom would be the instructional space for our Level C students (typically students ages 5-7 years old). We will cap enrollment at no more than 12 students for the 2023-2024 school year.



















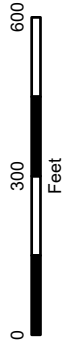


Z-2023-21

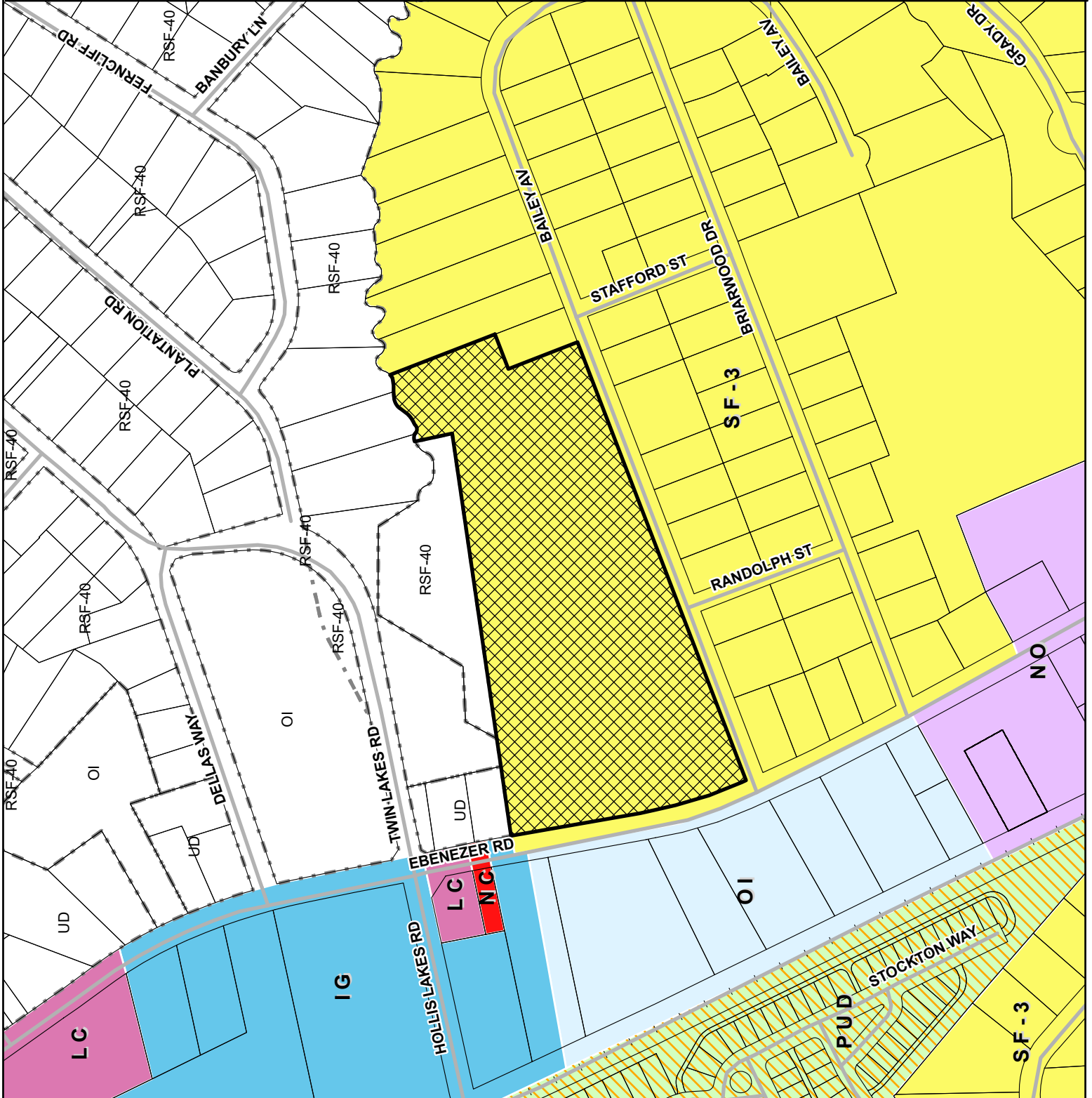
Zoning Districts

- Industry General (IG)
- Limited Commercial (LC)
- Neighborhood Commercial (NC)
- Neighborhood Office (NO)
- Office and Institutional (OI)
- Planned Unit Development (PUD)
- Single-Family 3 (SF-3)
- Subject Property

Zoning Data
Current Zoning
SF-3



Planning & Development
Department
City of Rock Hill
07/18/2023



Z-2023-22

Request: Special exception for a residential infill use.
Address: 150 Glenwood Drive
Zoning District: Office and Institutional (OI)
Applicant/Owner: Mariah Williams



Requests: Special exception for a residential infill use.

Address: 150 Glenwood Drive

Tax Map No.: 594-01-05-007

Zoning District: Office and Institutional (OI)

Applicant/Owner: Mariah Williams

Background

The applicant, Mariah Williams, would like to build a duplex at 150 Glenwood Dr. each side will be 1,594 square feet. The structure is proposed to be two levels with a 3-bedroom 2.5 bath layout.

Primary use table excerpt <ul style="list-style-type: none"> • Blank cell = prohibited • S = Special exception • C = Conditional use • P = Permitted use 	<table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th colspan="7">RESIDENTIAL</th> <th colspan="10">BUSINESS</th> </tr> <tr> <th>SF-2</th> <th>SF-3</th> <th>SF-4</th> <th>SF-5</th> <th>SF-8</th> <th>SF-A</th> <th>MFR</th> <th>MF-15</th> <th>MX</th> <th>NO</th> <th>NC</th> <th>OI</th> <th>LC</th> <th>GC</th> <th>CC</th> <th>CI</th> <th>DTWN</th> <th>MUC</th> <th>IB</th> <th>IG</th> <th>IH</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td>S</td> <td></td> <td></td> <td>S</td> <td></td> <td>S</td> <td>S</td> <td>S</td> <td></td> <td></td> <td></td> <td></td> <td>S</td> <td>S</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	RESIDENTIAL							BUSINESS										SF-2	SF-3	SF-4	SF-5	SF-8	SF-A	MFR	MF-15	MX	NO	NC	OI	LC	GC	CC	CI	DTWN	MUC	IB	IG	IH					S			S		S	S	S					S	S			
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Definition of proposed use	<p>Residential infill: The residential infill use consists of small-scale residential uses with multiple dwellings on one lot. Examples include:</p> <ul style="list-style-type: none"> • the construction of one or a small number of single-family detached dwellings, duplexes, triplexes, or quadruplexes on an undeveloped lot, or on a lot with an existing single-family detached residence, duplex, triplex, or quadruplex. • residential structure that has historically been used as a single-family dwelling but that is now divided into multiple units; or • the construction of one or a small number of accessory dwelling units on a lot with an existing single-family detached residence, duplex, triplex, or quadruplex. 																																																											

Site Description

150 Glenwood Dr. is located between Constitution Blvd. and Ebenezer Rd. across from Parkwood Villas, a townhome community. It is surrounded by single family and multi-family residential uses as well as commercial uses; all are zoned Office Institutional (OI).

Description of Intent for Office and Institutional (OI) Zoning District

The OI district is established to provide a wide variety of professional and business offices and institutions proximate to residential and the more intense business districts to satisfy the City's demand for services. These regulations are designed to encourage the formation and continuance of a quiet, compatible, and uncongested environment for offices intermingled with residential and institutional uses.

Analysis of Request for Special Exception

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

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

A. *When the Zoning Board of Appeals is considering special exception requests for residential infill uses, the Board must evaluate the following criteria in addition to the other standard questions regarding special exception uses from Chapter 2: Administration:*

- i. *Does the surrounding area have a mix of commercial and residential uses, or a mix of residential use types of varying densities?*

The surrounding area has a mix of single family, multi-family and commercial uses. There is a single-family residence to each side, multi-family directly across the street and a medical park directly to the rear.

- ii. *Does the proposed residential infill use meet a sufficient number of the standards of Chapter 9.4: Design Standards for Residential Infill Uses for it to be compatible with its surroundings?*

The design standards, and examples contained within an appendix to the Zoning Ordinance, are attached in full for your reference. Staff's assessment regarding whether this proposal meets each standard follows here. This proposal meets several of the standards, but not all of them; the question is whether it meets a sufficient number of them to be compatible with the surroundings.

a. Form of Structures

There is a variety of different types of structures in the area and the proposed structure will not be out of place.

- b. Architectural Standards - The building presence along the street is designed to mimic the appearance of a single-family dwelling and is

compatible with surrounding residential structures with respect to its general architectural style and individual architectural components. Building materials on existing residential structures consist of brick and horizontal siding. Architectural drawings submitted for the proposed structure calls for vinyl siding with a shaker style siding in the gables and a brick skirt along the foundation. Additional details include a full length covered front porch.

c. Orientation of Buildings to Streets

The proposal consists of one two-story structure which will directly face Glenwood Dr.

d. Building Scale

The surrounding area has a mixture of commercial structures, single-family one-story homes as well as single and two-story multi-family buildings. Given the varying structure types, the proposed structure will be compatible.

e. Setbacks

Placement of the structure will be consistent with other residential structures on the same block, approximately 45' from edge of roadway.

- Side: 10'
- Rear: 20'
- Front: 10'

f. Off-Street Parking

Each unit will have two off street spaces.

g. Pedestrian Walkways

Each driveway will have a continuous paved surface to connect off street parking and primary access.

h. Garages and Carports

None proposed. Other houses in the vicinity do not have garages.

i. Outdoor Areas

A covered porch will run the length of the front façade, each will have 113 sq. ft. of space.

j. Landscaping

All landscaping requirements were provided to the applicant and will be required during the full plan review by staff.

k. Fencing

A 6' tall privacy fence is to be installed along the property abutting single family residences; this will be along the right side and a small portion of the rear.

l. Outdoor Storage

No additional storage space is proposed. A storage area will need to be provided to meet the residential infill standards.

m. Roof Penetrations and Equipment

All roof penetrations are on the rear elevations, wall mounted equipment is to be painted a similar color of the applicable façade.

n. Signage

No signage will be used.

- 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.*

A duplex is generally compatible with the area, which already contains a mix of uses including detached and attached, multi-family residential and office. There is a multi-family development directly across the street, and a multi-family attached development closer to Constitution Blvd.

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

The design of the structure would not cause any adverse impact. There is a combination of commercial, single-family and multi-family structures along this portion of Glenwood Dr.

- 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 design will be reviewed, and inspections will be performed by staff for compliance with all environmental regulations to minimize any impacts to neighboring properties, streams, creeks and storm water systems. There was a single-family structure on this parcel previously, which was recently demolished.

- 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 roadway is an SCDOT road and has the capacity to support the addition of two residences.

- 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 compatible with the existing mix of uses in the neighborhood, so there are no anticipated negative results to neighboring land or property values.

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

A site plan has been provided.

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

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

Public Input

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

- June 28: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- June 28: Information about this request was posted to the City's website.
- June 29: Posted public hearing signs on subject property.
- June 30: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff has not been contacted by the public regarding this case.

Staff Recommendation

This area has a mix of residential and commercial uses, including other single-family attached developments. Staff has determined the proposal meets the use-specific standards as outlined above. Therefore, staff sees the development of a duplex as being compatible, staff recommends approval of the request with the condition the applicant determine a way to meet the outdoor storage area requirement.

Attachments

- Application
- Site plan
- Zoning map
- Supporting Documents

Staff Contact:

Name: Ryan Hammond

Number: 803.329.5674

Email: ryan.hammond@cityofrockhill.com

Planning & Development Department

803-329-5586 / Amy.Britz@cityofrockhill.com

Physical (By Appointment Only): 155 Johnston Street, Rock Hill, SC 29730

Mailing: PO Box 11706, Rock Hill, SC 29731-1706

www.cityofrockhill.com



SPECIAL EXCEPTION APPLICATION

Tax map number	Address(es)	Property owner
<i>Example:</i> 233-21-23-576	420 Example St.	Rock Hill Cars, LLC
594-01-05-007	150 Glenwood Dr. Rock Hill, SC 29732	Mariah Williams

APPLICANT

Primary Applicant Name: Mariah Williams

Mailing Address: 731 3rd Ave. Columbus, GA 31901

Phone: 803-230-4697 Email: wmariah52@yahoo.com

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: _____

Are you the owner of the subject property? Yes No

- If no, what is your relationship the property (e.g., have it under contract to purchase, tenant, contractor, real estate agent)? _____
- If you are not the owner of the subject property, the property owner must complete the gray box below.

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.

Applicant signature: _____ Date: 06/26/2023

PROPERTY OWNER

Property owner name (authorized representative, if corporation): _____

Mailing Address: _____

Phone: _____ Email: _____

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

Signature: _____ Date: _____

INFORMATION ABOUT REQUEST

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

Residential Infill: residential duplex

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.)

See Residential Infill Annotated Responses

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

Residential Infill is appropriate for the location and a duplex is compatible with the surrounding land and uses. The nearby lots are comprised of single family homes and multifamily units. Across the street from 150 Glenwood Drive are single-story townhouses. Adjacent to 150 Glenwood drive is a single-family home.

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

There will be a privacy fence between the duplex and any adjacent single-family homes. The duplex will not affect the adjacent properties from entering their driveways. The duplex will meet appropriate standards for Residential Infill zoning.

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

The use would not affect natural resources, water, or wildlife habitat.

5. How would the use impact traffic issues (road capacity, safety of those coming into or leaving the site, etc.)?
The duplex would have a 2-car driveway for each unit with clear sight-lines so that coming or leaving the site is safe. The duplex is not on a main road and will not affect road capacity.

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?

The neighboring land is residential (adjacent to and across from the site). Residential Infill zoning to allow for building a duplex would not affect the surrounding neighbors and their ability to use their property. Currently there is an old, abandoned home on the lot of 150 Glenwood Drive. This delapidated home would be demolished and a new duplex built. This new build would likely help increase surrounding property values.

List any exhibits that you have provided to help explain your request to the Board. Site plans and photographs are usually very helpful.

Residential Infill Annotated Responses, site plans, and elevations drawing

Residential Infill Annotated Response

Address: 150 Glenwood Drive Rock Hill, SC 29732

9.4.15

- A. All windows and doors for the duplex will be recessed within the façade or have dimensional surrounds / trim at least 4 inches wide
- B. There are no false balconies

9.4.16

- A. There will not be a garage or carport located on the duplex
- B. N/A (there will not be a garage or carport)

9.4.17

- A. All roof vents, pipes, antennas, or other roof penetrations will be located on the rear elevations of the duplex. There will not be a chimney.
- B. Any wall mounted equipment that is visible from the street will be the same or similar color as the façade of the duplex.

9.4.18

Not applicable.

9.5.1

Applicability and intent: Residential Infill

9.5.2

Form of dwelling structure: C. Duplex. One duplex on the lot of 150 Glenwood Drive. The units will be side-by-side (the dwelling units will be next to each other).

9.5.3

The architectural standards will be met with quality building materials being used (such as architectural shingles). The duplex will complement / be compatible with the surrounding structures. The duplex will be raised with a crawl space, have a small front porch for each unit, and have vinyl siding. Below are homes in close proximity for comparison. All the homes are less than 0.5 miles from 150 Glenwood Drive. Addresses and photos below:

- A. 1631 Rosedale St, Rock Hill, SC 29732
- B. 1568 Ebenezer Rd, Rock Hill, SC 29732
- C. 198 Glenwood Dr, Rock Hill, SC 29732
- D. 353 Glenwood Dr, Rock Hill, SC 29732



A.



B.



C.



D.

9.5.4

Orientation: the duplex will face the street of Glenwood Drive. The two primary entrances (one for each side of the duplex) will face the street.

9.5.5

Building scale: the duplex will be 1,594 sqft on each side. Each unit will have 3 bedrooms, 2 full baths, and 1 half bath. Total square footage of the duplex will be 3,188 sqft. The structure is two stories.

9.5.6

The duplex will have similar setbacks of the property lines compared to nearby homes.

9.5.7

Off-street parking: The existing parking spaces of nearby structures are predominately in the front or to the side of the structure. Each duplex will have a concrete driveway for off-street parking. Each concrete driveway will be in front of the structure and will be able to accommodate two vehicles for each side. The driveways will not be used for trailers, recreational vehicles, boats, or other equipment.

9.5.8

There are no public sidewalks adjacent to the structure.

9.5.9

Not applicable. There will not be a garage or carport.

9.5.10

Outdoor areas: each unit of the duplex will have a covered front porch that is 113 sqft.

9.5.11

Landscaping: landscaping will be comparable to scale and type of the surrounding area.

9.5.12

Fencing: The duplex will have a six-foot-tall privacy fence on the right side of the lot between the duplex and the adjacent lot which has a single-family detached dwelling. The lot on the left (154 Glenwood Drive) does not have an existing single-family detached dwelling.

9.5.13

Bicycles and outdoor furniture will be stored on the covered front porch. There will not be storage of any nontraditional items on the grass or other outside areas.

9.5.14

A. All roof vents, pipes, antennas, or other roof penetrations will be located on the rear elevations of the duplex. There will not be a chimney.

B. Any wall mounted equipment that is visible from the street will be the same or similar color as the façade of the duplex.

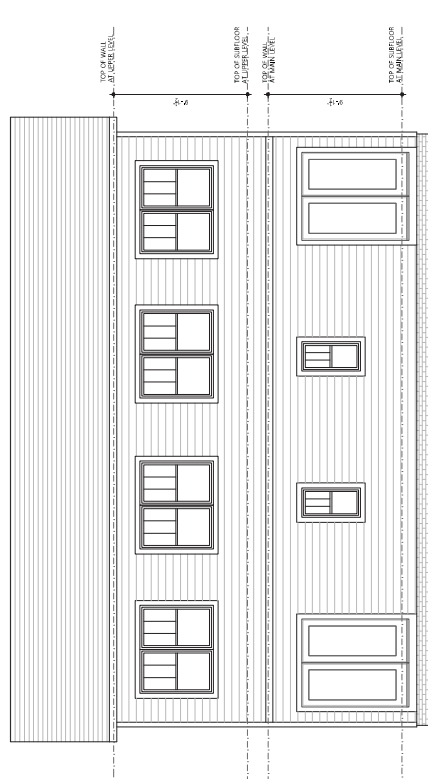
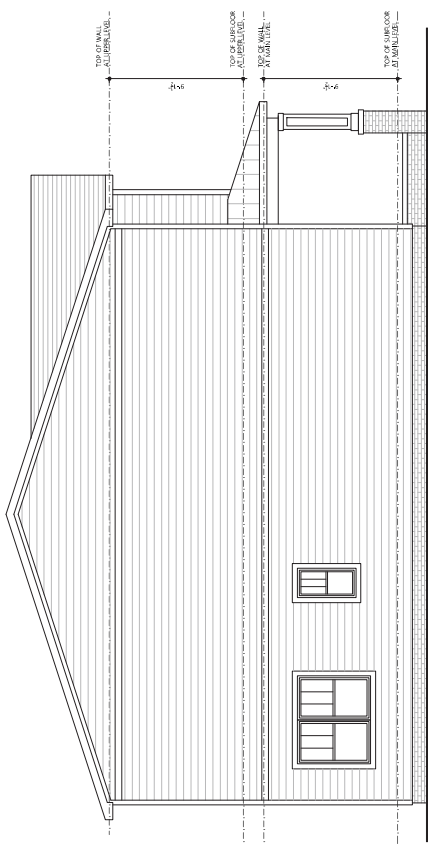
9.5.15

There will not be any signage on the duplex aside from the address and designation of duplex unit A and unit B on the front doors.



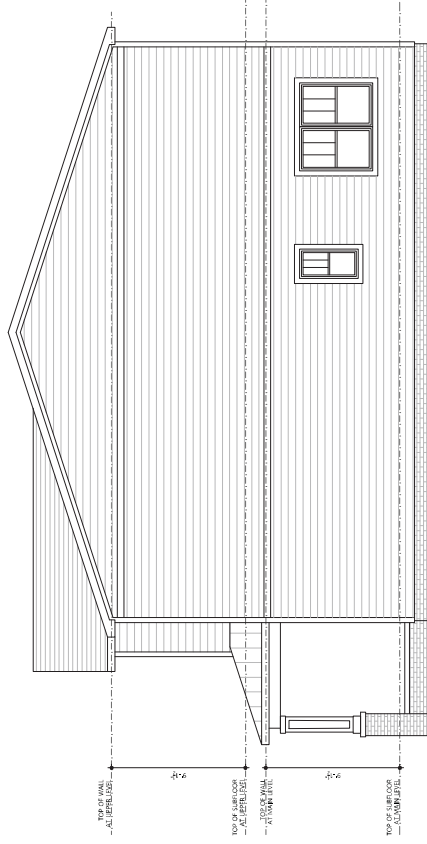
201 FRONT ELEVATION
1/4" = 1'-0"

202 LEFT SIDE ELEVATION
1/4" = 1'-0"



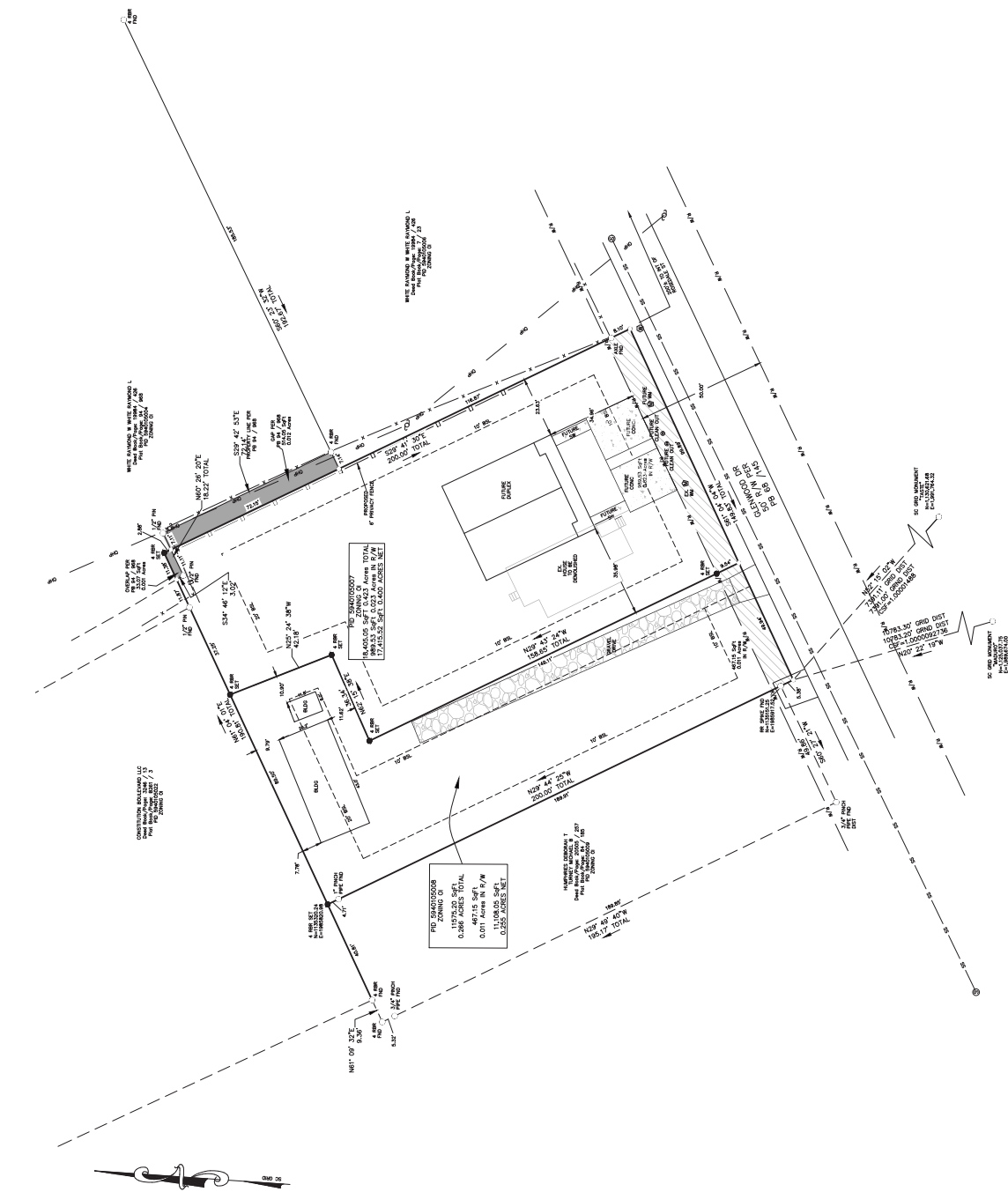
203 REAR ELEVATION
1/4" = 1'-0"

204 RIGHT SIDE ELEVATION
1/4" = 1'-0"



LEGEND

●	PROPERTY CORNER
○	PROPERTY CORNER (BY RECORD)
○	POINT NOT SET
○	GAS VALVE
○	TELEPHONE MANHOLE
○	SANITARY SEWER MANHOLE
○	STORM SEWER MANHOLE
○	WATER METER
○	TELEPHONE FEDESTAL
○	ELECTRIC FEDESTAL
○	ELECTRIC MANHOLE
○	CATCH BASIN
○	SOIL
○	GOLF POLE
○	PIPE
○	PIPE
○	PIPE
○	IRRIGATION VALVE
○	CABLE FEDESTAL
○	ELECTRICAL TRANSFORMER
○	BLOW OFF VALVE
○	WELL
○	ELECTRIC METER
○	UTILITY LINE
○	ADJOINER LINE
○	RIGHT OF WAY LINE
○	EASEMENT LINE
○	SETBACK LINE
○	FENCE LINE
○	FLOOD LINE
○	CENTURINE CREEK
○	OVERHEAD POWER
○	ELECTRIC
○	GAS LINE
○	SANITARY SEWER
○	WATER LINE
○	UNDERGROUND ELECTRIC
○	OVERHEAD CABLE
○	UNDERGROUND FORCE MAIN
○	UNDERGROUND STORM PIPE
○	FENCE LINE SPIKE RAIL
○	SILT FENCE



NOTES:

- NO TITLE COMMENT WAS PROVIDED TO BE USED IN PREPARING THIS PLAN. RIGHT OF WAYS AND EASEMENTS NOT SHOWN ON THIS PLAN.
- SEE MAP PARCELS #201015007 & 5008 FOR BOOK #23 / 489. Plot Book/Parcel #4 / 085. Plot Book/Parcel #4 / 085. Plot Book/Parcel #4 / 085.
- PURPOSE OF THIS MAP IS TO RECONFIGURE TWO PARCELS. SETBACKS, OVERHEAD POWER, UNDERGROUND FORCE MAIN, UNDERGROUND STORM PIPE, FENCE LINE SPIKE RAIL, SILT FENCE.

PLOT PLAN FOR MARIAM WILLIAMS
 150 & 154 GEDWOOD DR
 CITY OF ROCK HILL
 YORK COUNTY, SOUTH CAROLINA

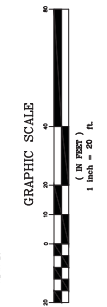
HUCKS and ASSOCIATES, P.C.
 Land Surveyors and Land Planners
 8212 Hampton Ridge Road
 Rock Hill, SC 29732

DATE: MAY 22, 2023 FILE NO: 23076 ONE SHEET OF TWO
 SCALE: 1" = 20'



FOR REVIEW ONLY
 DEPT. W. HUCKS PLS
 05-10-2023

This property lies within a Zone X unshaded area as designated on the Flood Hazard Map, Community Panel 450910338E, dated March 26, 2008. No New lot lines or parcels have been created. See Reference Dates / Plans as noted. I hereby state that to the best of my knowledge, information, and belief, this plan complies with the provisions of the South Carolina Code of Laws, Title 46, Chapter 10, and the requirements of the South Carolina Code of Laws, Title 46, Chapter 10, and the requirements of the South Carolina Code of Laws, Title 46, Chapter 10. Also there are no visible encroachments or projections other than shown.

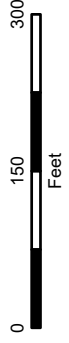


Z-2023-22

Zoning Districts

- Single-Family Attached (SF-A)
- General Commercial (GC)
- Neighborhood Commercial (NC)
- Neighborhood Office (NO)
- Office and Institutional (OI)
- Zoning District Boundaries
- Subject Property

Zoning Data
Current Zoning
OI



Planning & Development
Department
City of Rock Hill
07/18/2023

