



TO: Rock Hill Zoning Board of Appeals
FROM: Melody Kearse, Zoning Coordinator
RE: Meeting Agenda
DATE: November 10, 2016

The Rock Hill Zoning Board of Appeals will hold a public hearing on Tuesday, November 15, 2016, at **6:30 p.m.** in **Council Chambers** at City Hall, 155 Johnston Street, to consider the following appeals. Please feel free to contact me regarding any item on the agenda. Thank you.

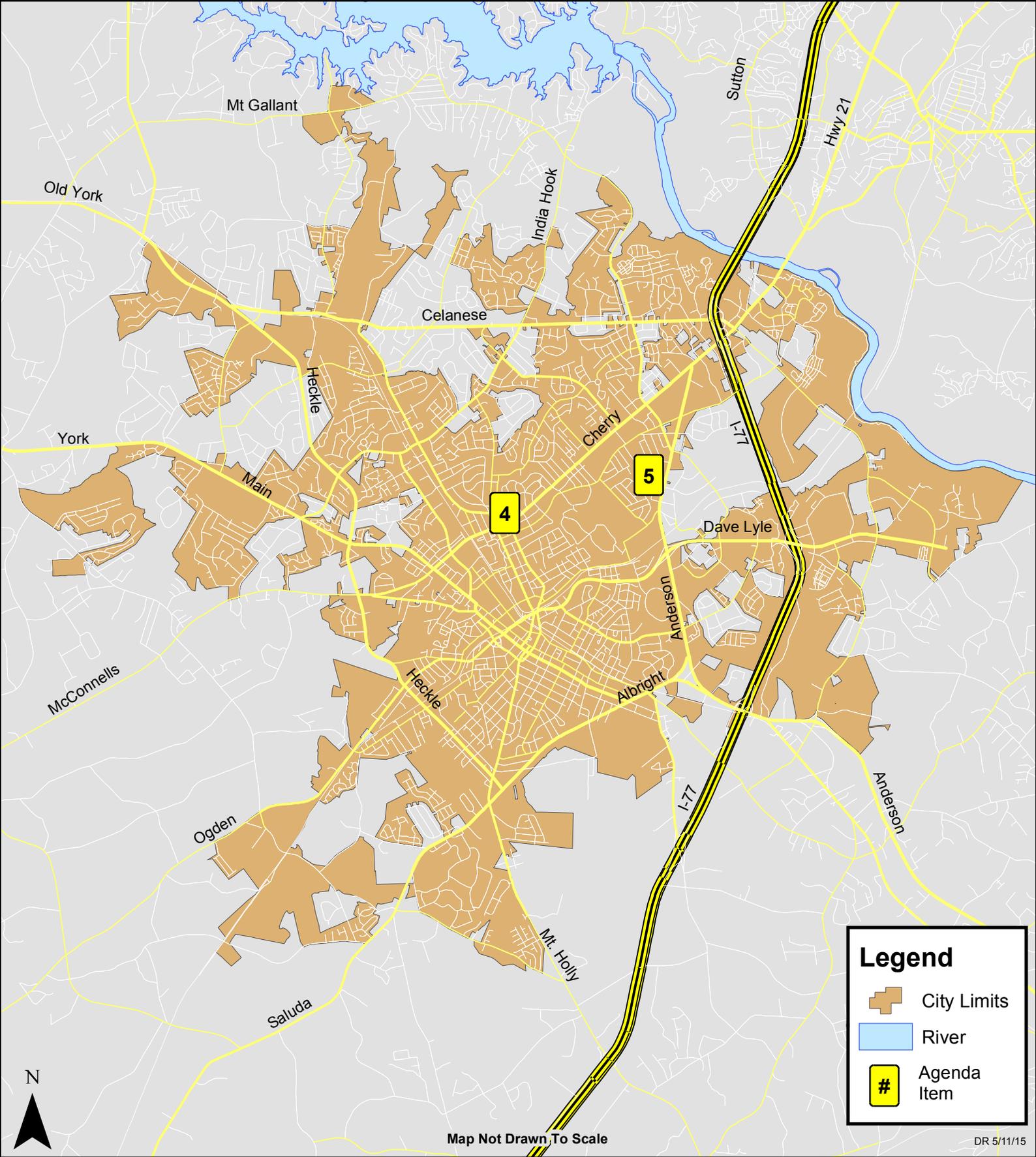
A G E N D A

Rock Hill Zoning Board of Appeals
November 15, 2016

1. Call to Order
2. Approval of minutes from the October 18, 2016, meeting.
3. Approval of Orders from the October 18, 2016, meeting.
4. Appeal Z-2016-25 Request by Tiffany Bradley, Kreative Kreations, for a Special Exception for a hair salon, which is classified as a personal service establishment use at 1029 Charlotte Avenue. The property is zoned Neighborhood Office (NO). Tax map number 629-01-05-009.
5. Appeal Z-2016-26: Request by Habitat for Humanity for a variance from the lot width requirements for the subdivision of a lot located at 1635 Pineburr Lane. The property is zoned Single-Family Residential-5 (SF-5). Tax map number 630-04-03-003.
6. Other Business
7. Adjourn.

Zoning Board of Appeals Agenda Items

City of Rock Hill, SC
November 15, 2016
Zoning Board of Appeals



Zoning Board of Appeals

City of Rock Hill, South Carolina

October 18, 2016

A public hearing of the Zoning Board of Appeals was held on Tuesday, October 18, 2016, at 6:30 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill, South Carolina.

MEMBERS PRESENT: Matt Crawford, John Antrim, Michael Smith, Jeff Greene, Keith Sutton, Rodney Cullum, Stacey Reeves

MEMBERS ABSENT: None

STAFF PRESENT: Melody Kearse, Shana Marshburn, Leah Youngblood, Janice Miller

Legal notice of the public hearing was published in *The Herald*, Saturday, October 1, 2016. Notice was posted on all property considered. Adjacent property owners were notified in writing.

1. Call to Order

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

2. Approval of minutes of the September 20, 2016, meeting.

Mr. Greene made a motion to approve the minutes as noted. Mr. Antrim seconded the motion. The minutes were approved unanimously by a vote of 7-0.

3. Approval of Orders from September 20, 2016, meeting.

Mr. Antrim made a motion to approve the Orders as submitted. Mr. Greene seconded the motion. The Orders were approved unanimously by a vote of 7-0.

4. Appeal No. Z-2016-22: Request by Nancy Boulware, Skinny Me, LLC, for a Special Exception to add massage therapy and esthetic services, which are classified as personal service establishment uses, to an existing Medical Office use at 850 Cherry Road. The property is zoned Neighborhood Office (NO). Tax map number 629-14-01-007.

Staff member Melody Kearse presented the staff report.

Mr. Sutton asked if there were other personal services uses that would require a Special Exception. Ms. Kearse stated that the original request included laser treatments but as this use required doctors' supervision it was already covered under the building's current use as a medical office.

Mr. Crawford asked if these uses would only be located in the structure at the front of the property. Ms. Kearse stated they would.

The applicant was not present to answer questions.

There were no further comments or questions from the audience. Mr. Crawford closed the floor for board discussion.

Mr. Smith presented the motion to approve the Special Exception to add massage

therapy and esthetic services to an existing Medical Office use. Mr. Cullum seconded, and the motion carried unanimously by a vote of 7-0.

Mr. Smith presented the findings, specifically noting the uses were compatible for the location, the roads were adequate to service the site, the uses would not injure the property value or neighborhood, and the uses would comply with all laws and ordinances.

5. Appeal Z-2016-23: Request by Angelo Dieguez for a variance from the rear and right side yard setback requirements for a tool shed attached to the rear of the detached garage located at 630 College Avenue. The property is zoned Single-Family Residential-5 (SF-5). Tax map number 629-06-03-003.

Staff member Shana Marshburn presented the staff report.

Mr. Antrim asked for clarification on the adjoining property also having a structure close to the property line. Ms. Marshburn stated they did and that a variance would be required if it was torn down and rebuilt.

Mr. Sutton asked under what conditions they could rebuild. Ms. Marshburn stated that they would apply for permits and come to the Board for a variance.

Mr. Sutton observed that there were no conditions the shed could have been built to meet current standards. Ms. Marshburn stated this was correct.

Mr. Greene asked if maintenance could be done to prolong the life of these buildings. Ms. Marshburn stated it could.

Mr. Crawford asked the size of the new structure. Ms. Marshburn stated that it was smaller than what existed previously as indicated by the existing tar lines that indicate where the shed roof was attached to the garage.

Mr. Crawford asked the money value threshold required for repairs to nonconforming structures. Ms. Marshburn stated 75%.

Mr. Angelo Dieguez, 630 College Avenue, applicant, was available to answer questions. He stated that the property had required a great deal of work and that he decided to focus on interior renovations rather than the shed as he thought he had a year to replace it.

Mr. Sutton asked the condition of the shed. Mr. Dieguez stated that it was in poor enough condition that he needed to tear it down.

Mr. Crawford asked where Mr. Dieguez understood he had a year timeframe to rebuild. Mr. Dieguez stated that he had been told by Ms. Kearse. Ms. Youngblood stated that it was difficult to determine anything about the shed as it had been torn down prior to staff learning about it. She added that Mr. Dieguez had a record of getting permits in a timely manner for other work.

There were no further questions or comments from the audience. Mr. Crawford closed the floor for Board discussion.

Mr. Greene presented the motion to approve the variance for the shed structure as submitted. Mr. Antrim seconded.

Mr. Greene stated that the most unique condition about this situation was the fact that when Mr. Dieguez purchased the property, there was a shed on the rear of the garage, and that the standards of the current Zoning Ordinance made the shed nonconforming. Mr. Antrim added that it was not incompatible with the surrounding neighborhood.

Mr. Crawford called for a vote and the motion carried unanimously by a vote of 7-0.

Mr. Greene presented the findings, noting specifically that while it was not known when the shed was constructed, it existed prior to and was made nonconforming by the current Zoning Ordinance, that the owner removed the shed as a safety concern, that the owner would be deprived the use of a shed that was there when he purchased the property, and that the neighbors do not have an issue with the new shed.

6. Appeal Z-2016-24: Request by Dustin Knape, C4J LLC, for a Special Exception for an Automobile Sales use at 1103, 1107 & 1115 East Black Street. The property is zoned General Commercial (GC). Tax map numbers 626-09-01-104 to -106.

Staff member Dennis Fields presented the staff report.

Mr. Antrim asked if additional parking would be required for the added sales use. Mr. Fields stated that the site met the parking requirements for the use proposed.

Mr. Greene asked about condition on the limit of ten cars to this user. Mr. Fields stated that the limit would be for the entire site in order to keep a future tenant from overusing the site for car display. He added that the applicant had requested only five, but that staff stated ten would be adequate.

Mr. Greene asked about the auto parts sales. Mr. Fields stated the business was not like a walk-in auto parts store, that the space was used mainly for storage of parts that were sold online.

Mr. Sutton asked about the addresses. Mr. Fields explained that there was one building on three separate tax parcels, so each required their own address.

Ms. Sutton asked if the Special Exception would apply to all three addresses. Mr. Fields stated that it would.

Mr. Crawford asked why the conditions for limiting the number of vehicles or tying it to the sales of parts were being recommended by staff. Mr. Fields stated that this was to prevent someone in the future from filling the lot and structure with vehicles.

Mr. Greene asked if cars for sale could be placed in the building. Mr. Fields stated that it was possible but that this might take away from the amount of spaces used for outside display, parking, and warehousing.

Mr. Sutton commented on the number of parking spaces and changes in use. Mr. Fields stated that if future automobile sales uses wanted to locate in the building, they would have to submit a new site plan and request a new Special Exception.

Mr. Cullum asked if vehicles could be stored in the rear of the building. Mr. Fields stated they could but that there were shelving units there currently.

Mr. Dustin Knappe, 375 Peppermill Drive, applicant, spoke regarding the use of the building. He stated that the business plan was to have only five vehicles on site due to insurance requirements, adding that these would be accessorized and sold as conversion vehicles.

Mr. Antrim asked about the products inside the warehouse. Mr. Knappe stated these were after-market accessories, such as hubcaps and headlights that were sold online. He added that none of the products were mechanical in nature, only exterior accessories.

Mr. Sutton asked if the vehicles were modified Jeeps. Mr. Knappe stated these were vehicles to drive around town, not monster trucks or rock crawlers.

Mr. Patrick McCullough, 104 Workman Street, spoke in opposition to the request, specifically noting concern over increase in traffic and vandalism. He stated that he was concerned that people would park on his property when at the site. He added that there was a trailer that was on the site every day and expressed concern over where it would move on the site.

Mr. Crawford asked if Mr. McCullough would be more comfortable with five cars on the lot. Mr. McCullough stated that his concern was that the building could have more vehicles inside if the shelves were removed and would increase the amount of traffic.

Mr. Knappe was given the opportunity to rebut, and stated that the trailer was under a separate owner who understood he would have to relocate to another place if the Special Exception was approved. He noted that there would not be any more than two or three cars on site at any one time, adding that the biggest part of his business was internet retail sales of parts. He explained that his company purchased Jeep Wrangler Sport vehicles and added accessories that appealed to a niche market of purchasers.

Mr. Antrim asked if the vehicles were customized on site. Mr. Knappe stated they were not.

Mr. Antrim asked if the parts for the customization were at this site. Mr. Knappe stated that the parts were drop shipped to the customizers' locations of business.

Mr. Crawford asked if Mr. Knappe was OK with the condition of the five-vehicle limit with none inside the building. Mr. Knappe stated that he was agreeable to this condition.

Mr. Cullum asked if these vehicles would attract vandals or theft. Mr. Knappe stated that these were not like customized trucks, adding that he had parked his own Jeep on site overnight without issue.

Mr. Cullum asked if he believed he would see an increase in customers by one or two each day. Mr. Knappe stated that he would be surprised if there was an increase in customers by one or two each week.

There were no further questions or comments from the audience. Mr. Crawford closed the floor for Board discussion.

The Board discussed the limited uses of the building due to its size, the ample existing lighting that served as a deterrent, and that this business seemed to be a positive change to the area.

Mr. Sutton presented the motion to approve the Special Exception for the automobile sales use as requested, under the condition that the number of vehicles for sale on the site be limited to ten. Mr. Smith seconded, and the motion carried unanimously by a vote of 7-0.

Mr. Sutton presented the findings, specifically noting that the use met the use-specific regulations, it was compatible with and would not injure the surrounding area, and that the roads were adequate to serve this use.

7. Other Business:

a. Adopt 2017 Calendar and consider an earlier meeting time

Ms. Youngblood presented the calendar. After general discussion over dates, it was decided to adopt the calendar as presented and look closer at meeting dates in September 2017. Mr. Sutton presented the motion to approve the calendar as presented. Mr. Greene seconded, and the motion carried unanimously by a vote of 7-0.

Ms. Youngblood presented meeting time options of other local jurisdictions. There was general discussion regarding the ability of Board members and applicants to meet at an earlier time. Mr. Greene presented the motion to move the meeting time for the 2017 meetings to 6PM. Mr. Sutton seconded, and the motion carried unanimously by a vote of 7-0.

b. Discuss holiday dinner

Ms. Youngblood stated that The Pump House could be an option if the dinner was held in January. After general discussion, it was decided that the dinner would be held on Thursday, December 15, at Michael's, 7PM.

8. Adjourn

There being no further business, the meeting adjourned at 7:53PM.



Order on Application for a Special Exception Zoning Board of Appeals

Date Application Filed: September 23, 2016

Appeal No. Z-2016-22

The Zoning Board of Appeals held a public hearing on October 18, 2016, to consider a request by **Skinny Me, LLC for a Special Exception to add massage therapy and esthetic services, which are classified as personal service establishment uses, to an existing Medical Office use at 850 Cherry Road. The property is zoned Neighborhood Office (NO).**

Board members in attendance included Chairman Matt Crawford, Michael Smith, Stacey Reeves, John Antrim, Keith Sutton, Jeff Greene, and Rodney Cullum.

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 850 Cherry Road, Tax Map Number 629-14-01-007.
2. The property is owned by K & D Properties LLC.
3. This property is Neighborhood Office (NO).
4. The proposed uses are classified as a Personal Service Establishment uses.
5. Neighborhood Office (NO) allows a Personal Service Establishment use to be established by special exception only.
6. 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 29: Public Hearing notification postcards sent to property owners within 300 feet of the subject property.
 - September 29: Public Hearing notification signs posted on subject property.
 - October 1: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
7. During the public hearing, the following comments were heard by the Board:

Ms. Kears presented the staff report.

Mr. Sutton asked if there were other personal services uses that would require a Special Exception. Ms. Kears stated that the original request included laser treatments but as this use required doctors' supervision, it was already covered under the building's current use as a medical office.

Mr. Crawford asked if these uses would only be located in the structure at the front of the property. Ms. Kears stated they would.

The applicant was not present to answer questions.

There were no further comments or questions from the audience. Mr. Crawford closed the floor for board discussion.

8. The Board made the following findings:

a) *Complies with Use Specific Regulations*

The proposed special exception complies with all standards in Section 4-300, *Use Specific Standards*.

The proposed use complies as follows:

- *Floor Area: The building is a total of 2,950 square feet, and therefore meets the 3,000-square-foot restriction for NO zoning district.*
- *Enclosed Building: The business will be conducted inside of the structure only.*
- *Retail Sales Only: The business will only sale products at retail (not at wholesale).*
- *Hours of Operation: Operational hours are already in place and will meet the district's requirements of 6:00 am to 10:00 pm.*

b) *Compatibility*

The proposed special exception is appropriate for its location and compatible with the character of surrounding lands and the uses permitted in the zone district(s) of surrounding lands.

The use is similar in nature to several of the surrounding uses and is therefore compatible with neighboring properties.

c) *Design Minimizes Adverse Impact*

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

The site is already developed and no changes are being proposed.

d) *Design Minimizes Environmental Impact*

The proposed special exception minimizes environmental impacts and does not cause significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

The site is already developed and no environmental impacts are expected.

e) *Roads*

There is adequate road capacity available to serve the proposed special exception, and the proposed special exception use is designed to ensure safe ingress and egress onto

the site and safe road conditions around the site.

Existing roads are adequate for the use and adequate parking is available on site.

f) Not Injure Neighboring Land or Property Values

The proposed special exception will not substantially and permanently injure the use of neighboring land for those uses that are permitted in the zone district, or reduce property values.

The uses would not injure the property value or the neighborhood since it is similar in nature to neighboring property uses.

g) Site Plan

A site plan has been prepared that demonstrates how the proposed special exception use complies with the other standards of this subsection.

No site plan is necessary since the site is already developed.

h) Complies With All Other Relevant Laws and Ordinances

The proposed special exception 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.

THE BOARD, THEREFORE, ORDERS:

That the request by **Skinny Me, LLC for a Special Exception to add massage therapy and esthetic services, which are classified as personal service establishment uses, to an existing Medical Office use at 850 Cherry Road. The property is zoned Neighborhood Office (NO), is APPROVED.**

Section 2-300 (D)(6) of the Zoning Ordinance states:

A person having a substantial interest affected by a decision of the ZBA on a Special Exception Permit may appeal from the decision of the ZBA 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 shall be filed within thirty (30) days after the decision of the ZBA is mailed. For the purposes of this subsection, person includes persons jointly or severally aggrieved by the decision of the ZBA.

AND IT IS SO ORDERED.

Date Issued

Matt Crawford, Chairman

Date Mailed



Order on Application for a Special Exception Zoning Board of Appeals

Date Application Filed: September 23, 2016

Appeal No. Z-2016-23

The Zoning Board of Appeals held a public hearing on October 18, 2016, to consider a request by **Angelo Dieguez for a Variance from the rear and side yard setback requirements for a toolshed on an otherwise non-conforming detached garage located at 630 College Avenue.**

Board members in attendance included Matt Crawford, John Antrim, Michael Smith, Jeff Greene, Keith Sutton, Rodney Cullum, and Stacey Reeves.

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 630 College Avenue.
2. The property owner is Angelo Dieguez.
3. This property is zoned Single-Family 5 (SF-5).
4. The request was for a variance from the rear and side yard setback requirements for a toolshed on an otherwise non-conforming detached garage.
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 29: Public Hearing notification postcards sent to property owners within 300 feet of the subject property.
 - September 29: Public Hearing notification signs posted on subject property.
 - October 1: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. Staff received feedback from a neighbor requesting more information.
7. During the public hearing, the following comments were heard by the Board:

Staff member Shana Marshburn presented the staff report.

Mr. Antrim asked for clarification on the adjoining property also having a structure close to the property line. Ms. Marshburn stated they did, and that a variance would be required if it was torn down and rebuilt.

Mr. Sutton asked under what conditions they could rebuild. Ms. Marshburn stated that they would apply for permits and come to the Board for a variance.

Mr. Sutton observed that there were no conditions the shed could have been built to meet current standards. Ms. Marshburn stated this was correct.

Mr. Greene asked if maintenance could be done to prolong the life of these buildings. Ms. Marshburn stated it could.

Mr. Crawford asked the size of the new structure. Ms. Marshburn stated that it was smaller than what existed previously as indicated by the existing tar lines that indicate where the shed roof was attached to the garage.

Mr. Crawford asked the money value threshold required for repairs to nonconforming structures. Ms. Marshburn stated 75%.

Mr. Angelo Dieguez, 630 College Avenue, applicant, was available to answer questions. He stated that the property had required a great deal of work and that he decided to focus on interior renovations rather than the shed as he thought he had a year to replace it.

Mr. Sutton asked the condition of the shed. Mr. Dieguez stated that it was in poor enough condition that he needed to tear it down.

Mr. Crawford asked where Mr. Dieguez understood he had a year timeframe to rebuild. Mr. Dieguez stated that he had been told by Ms. Kears.

Ms. Youngblood stated that it was difficult to determine anything about the shed as it had been torn down prior to staff learning about it. She added that Mr. Dieguez had a record of getting permits in a timely manner for other work.

There were no further questions or comments from the audience. Mr. Crawford closed the floor for Board discussion.

Mr. Greene presented the motion to approve the variance for the shed structure as submitted. Mr. Antrim seconded.

Mr. Greene stated that the most unique condition about this situation was the fact that when Mr. Dieguez purchased the property, there was a shed on the rear of the garage, and that the standards of the current Zoning Ordinance made the shed nonconforming. Mr. Antrim added that it was not incompatible with the surrounding neighborhood.

Mr. Crawford called for a vote and the motion carried unanimously by a vote of 7-0.

Mr. Greene presented the findings, noting specifically that while it was not known when the shed was constructed, it existed prior to and was made nonconforming by the current Zoning Ordinance, that the owner removed the shed as a safety concern, that the owner would be deprived the use of a shed that was there when he purchased the property, and that the neighbors do not have an issue with the new shed.

8. The Board made the following findings:

1. Extraordinary and Exceptional Conditions

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

Because of the age of the property, the shed was developed before the existence of the Zoning Ordinance and therefore does not meet the code's setbacks.

2. Unique Conditions

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

The applicant stated that the previous shed was in posed a safety threat - something that was not known to be shared with any of the other properties in the vicinity.

3. Strict Application Deprives Use

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

The owner would not be able to receive the full use of the property as when he purchased it if the previous shed were not allowed to be rebuilt.

4. Not Detrimental

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

The neighbors did not express any concerns about the toolshed.

THE BOARD, THEREFORE, ORDERS:

That the request by **Angelo Dieguez for a Variance from the rear and side yard setback requirements for a toolshed on an otherwise non-conforming detached garage is APPROVED.**

Section 2-300 (E)(4) of the Zoning Ordinance states:

Any person having a substantial interest affected by a decision of the ZBA on a variance permit may appeal from the decision of the ZBA 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 shall be filed within thirty (30) days after the decision of the ZBA is mailed. For the purposes of this section, person includes persons jointly or severally aggrieved by the decision of the ZBA.

AND IT IS SO ORDERED.

Date Issued

Matt Crawford, Chairman

Date Mailed



Order on Application for a Special Exception Zoning Board of Appeals

Date Application Filed: September 28, 2016

Appeal No. Z-2016-24

The Zoning Board of Appeals held a public hearing on August 18, 2016, to consider a request by **Dustin Knape, for a Special Exception to establish an Automobile Sales use at 1107 East Black Street. The property is zoned General Commercial (GC).** Board members in attendance included Chairman Matt Crawford, Michael Smith, Stacey Reeves, John Antrim, Keith Sutton, Jeff Greene, and Rodney Cullum.

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 1107 East Black Street, Tax Map Numbers 626-09-01-104, -105, & -106.
2. The property is owned by Appletree / B.G. Simpson Sr. Family LPTD.
3. This property is zoned General Commercial (GC).
4. The proposed use is to establish an Automobile Sales use.
5. The General Commercial zoning district allows an Automobile Sales to be established by special exception only.
6. 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:
 - Sept 29: Public Hearing notification postcards sent to property owners within 300 feet of the subject property.
 - Sept 29: Public Hearing notification signs posted on subject property.
 - Oct 1: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
7. During the public hearing, the following comments were heard by the Board:

Mr. Fields presented the staff report.

Mr. Antrim asked if additional parking would be required for the added sales use. Mr. Fields stated that the site met the parking requirements for the use proposed.

Mr. Greene asked about condition on the limit of ten cars to this user. Mr. Fields stated that the limit would be for the entire site in order to keep a future tenant from overusing the site for car display. He added that the applicant had requested only five, but that staff stated ten would be adequate.

Mr. Greene asked about the auto parts sales. Mr. Fields stated the business was not like a walk-in auto parts store, that the space was used mainly for storage of parts that were sold online.

Mr. Sutton asked about the addresses. Mr. Fields explained that there was one building on three separate tax parcels, so each required their own address.

Ms. Sutton asked if the Special Exception would apply to all three addresses. Mr. Fields stated that it would.

Mr. Crawford asked why the conditions for limiting the number of vehicles or tying it to the sales of parts were being recommended by staff. Mr. Fields stated that this was to prevent someone in the future from filling the lot and structure with vehicles.

Mr. Greene asked if cars for sale could be placed in the building. Mr. Fields stated that it was possible but that this might take away from the amount of spaces used for outside display, parking, and warehousing.

Mr. Sutton commented on the number of parking spaces and changes in use. Mr. Fields stated that if future automobile sales uses wanted to locate in the building, they would have to submit a new site plan and request a new Special Exception.

Mr. Cullum asked if vehicles could be stored in the rear of the building. Mr. Fields stated they could but that there were shelving units there currently.

Mr. Dustin Knape, 375 Peppermill Drive, applicant, spoke regarding the use of the building. He stated that the business plan was to have only five vehicles on site due to insurance requirements, adding that these would be accessorized and sold as conversion vehicles.

Mr. Antrim asked about the products inside the warehouse. Mr. Knape stated these were after-market accessories, such as hubcaps and headlights, that were sold online. He added that none of the products were mechanical in nature, only exterior accessories.

Mr. Sutton asked if the vehicles were modified Jeeps. Mr. Knape stated these were vehicles to drive around town, not monster trucks or rock crawlers.

Mr. Patrick McCullough, 104 Workman Street, spoke in opposition to the request, specifically noting concern over increase in traffic and vandalism. He stated that he was concerned that people would park on his property when at the site. He added that there was a trailer that was on the site every day and expressed concern over where it would move on the site.

Mr. Crawford asked if Mr. McCullough would be more comfortable with five cars on the lot. Mr. McCullough stated that his concern was that the building could have more vehicles inside if the shelves were removed and would increase the amount of traffic.

Mr. Knape was given the opportunity to rebut, and stated that the trailer was under a separate owner who understood he would have to relocate to another place if the Special Exception was approved. He noted that there would not be any more than two or three cars on site at any one time, adding that the biggest part of his business was internet retail sales of parts. He explained that his company purchased Jeep Wrangler Sport vehicles and added accessories that appealed to a niche market of purchasers.

Mr. Antrim asked if the vehicles were customized on site. Mr. Knape stated they were not.

Mr. Antrim asked if the parts for the customization were at this site. Mr. Knape stated that the parts were drop shipped to the customizers' locations of business.

Mr. Crawford asked if Mr. Knape was OK with the condition of the five-vehicle limit with none inside the building. Mr. Knape stated that he was agreeable to this condition.

Mr. Cullum asked if these vehicles would attract vandals or theft. Mr. Knape stated that these were not like customized trucks, adding that he had parked his own Jeep on site overnight without issue.

Mr. Cullum asked if he believed he would see an increase in customers by one or two each day. Mr. Knape stated that he would be surprised if there was an increase in customers by one or two each week.

There were no further questions or comments from the audience. Mr. Crawford closed the floor for Board discussion.

The Board discussed the limited uses of the building due to its size, the ample existing lighting that served as a deterrent, and that this business seemed to be a positive change to the area.

Mr. Sutton presented the motion to approve the Special Exception for the automobile sales use as requested, under the condition that the number of vehicles for sale on the site be limited to ten. Mr. Smith seconded, and the motion carried unanimously by a vote of 7-0.

Mr. Sutton presented the findings, specifically noting that the use met the use-specific regulations, it was compatible with and would not injure the surrounding area, and that the roads were adequate to serve this use.

8. The Board made the following findings:

a) *Complies with Use Specific Regulations*

The proposed special exception complies with all standards in Section 4-300, *Use Specific Standards*.

4-300 (C)(8)(c) Automobile Sales

1. Vehicle Display Pad

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

2. Public Address Systems

None

3. Other Materials for Sale

No other materials will be sold

4. Test Drives

Will not test drive vehicles on residential streets.

5. Off-Street Parking Standards

The applicant has provided a site plan that shows all driving surfaces paved with concrete or asphalt in compliance with all applicable off-street parking standards.

6. *Vehicle Signage*

The applicant agrees that signage will be limited to a maximum letter size of six (6) inches and an overall area of ten (10) square feet per vehicle.

7. *Special Exception*

Meet the following standards in addition to the regular criteria for special exceptions listed in Article 2-300(D), Special Exception Permit:

a. Compatibility with Land-use Plans

The property is within the Old Town Character Area of the Comprehensive Plan. The Comprehensive Plan encourages redevelopment and infill development in that character area with a mix of uses.

b. Avoidance of key redevelopment areas and pedestrian-oriented corridors

Regarding the Key redevelopment areas of the City are areas such as Downtown or Knowledge Park where significant public investment has been or is being made in an effort to encourage private development. Black Street runs through Downtown, and parts of it certainly would be considered part of a key redevelopment area, but the east portion of this street, which is where the subject site is located, is pretty far removed from Downtown proper. It is located near the Albright Road corridor, which is considered more of a traditional highway commercial corridor, with uses typically seen on those types of corridors such as shopping centers and automobile sales uses.

Similarly, regarding the avoidance of pedestrian-oriented corridors, while pedestrianism is generally encouraged in the Old Town Character Area, this site is located in a transitional area of the Black Street corridor between uses that are more pedestrian-oriented and those that are more automobile-oriented

c. Site Plan

The applicants have submitted a site plan showing how they would comply with applicable code requirements.

8. *Sites with Multiple Uses*

There are no other proposed uses on the site.

9. *Automobile Sales in Industry Business (IB) District*

The property is not located in the IB district.

b) *Compatibility*

The proposed special exception is appropriate for its location and compatible with the character of surrounding lands and the uses permitted in the zone district(s) of surrounding lands.

Several other automobile uses exist in the area, and this particular site is located towards the east end of Black Street in an area that has more of a highway commercial-type feel.

c) Design Minimizes Adverse Impact

The design of the proposed special exception minimizes adverse effects, including visual impacts of the proposed use on adjacent lands; furthermore, the proposed special exception 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 use is not expected to create any delivery, parking, loading, odors, noise, glare or vibration issues. The site plan shows the parking area and site layout meeting the City's design requirements for spacing and landscaping, which will minimize any adverse effects or visual impacts of the proposed use.

d) Design Minimizes Environmental Impact

The proposed special exception minimizes environmental impacts and does not cause significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

The development is existing, and no further exterior improvements are needed. The site is not expected to have any environmental impacts, but if any are identified during the site plan review process, they would be addressed according to all local, state, and federal laws.

e) Roads

There is adequate road capacity available to serve the proposed special exception, and the proposed special exception use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site.

The proposed use is not a high-traffic generator. The project is located along Black Street, an arterial which will support traffic from this type of use without any additional upgrades.

f) Not Injure Neighboring Land or Property Values

The proposed special exception will not substantially and permanently injure the use of neighboring land for those uses that are permitted in the zone district, or reduce property values.

The proposed use is not anticipated to reduce property values. Many other automobile uses exist in the area, and the use is compatible with other surrounding uses.

g) Site Plan

A site plan has been prepared that demonstrates how the proposed special exception use complies with the other standards of this subsection.

A site plan was submitted and is attached to this staff report.

h) Complies With All Other Relevant Laws and Ordinances

The proposed special exception 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.

THE BOARD, THEREFORE, ORDERS:

That the request by **Dustin Knape, for a Special Exception to establish an Automobile Sales use on property zoned General Commercial (GC), is APPROVED WITH CONDITIONS. The condition is that the number of vehicles for sale on the site be limited to ten.**

Section 2-300 (D)(6) of the Zoning Ordinance states:

A person having a substantial interest affected by a decision of the ZBA on a Special Exception Permit may appeal from the decision of the ZBA 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 shall be filed within thirty (30) days after the decision of the ZBA is mailed. For the purposes of this subsection, person includes persons jointly or severally aggrieved by the decision of the ZBA.

AND IT IS SO ORDERED.

Date Issued

Matt Crawford, Chairman

Date Mailed



Staff Report to Zoning Board of Appeals Z-2016-25



Meeting Date: November 15, 2016

Tiffany Bradley, Kreative Kreations, is requesting a Special Exception for Hair Salon at 1029 Charlotte Avenue. The property is zoned Neighborhood Office (NO).
Tax map Numbers 629-01-05-009



SEE ATTACHED REPORT FOR MORE INFORMATION



Location:	1029 Charlotte Avenue
Request:	Special Exception for a hair salon, a type of personal services establishment use.
Tax Map Number:	629-01-05-009
Zoning Districts:	Neighborhood Office (NO)
Property owner:	Walter M Martinson 116 E Main St, Ste 201 Rock Hill, SC 29730
Applicant:	Tiffany Bradley Kreative Kreations 5045 Theodore Road Catawba, SC 29704

Background

The applicant, Tiffany Bradley, is seeking to move a hair salon to 1029 Charlotte Ave. from 875 Albright, Ste. 111. Hair salons are a type of personal services establishment use. The site is zoned Neighborhood Office (NO), which requires a special exception for personal service establishment uses.

Site Description

The property is located on Charlotte Avenue off Cherry Road near the Earth Fare grocery store and CVS pharmacy. The site is located adjacent to an office building to the right, a bridal boutique to the left, and a residential unit to the rear. The site is surrounded by a mix of office, retail, and restaurant uses in the Neighborhood Office (NO) and General Commercial (GC) zoning districts.

Relation to Zoning Ordinance

Table 4-100 (B): Table of Allowed Uses

TABLE 4-100(B): TABLE OF ALLOWED USES																							
P = Permitted Use C = Conditional Use S = Special Exception A = Allowed in NMU District																							
Blank Cell = Prohibited																							
Applicable Use Specific Standards Listed in Column on Far Right																							
Where those Use Specific Standards apply only in certain districts, those districts are marked with an asterisk.																							
USE CATEGORY	USE TYPE	RESIDENTIAL								BUSINESS							ADDITIONAL REQUIREMENTS						
		SF-2	SF-3	SF-4	SF-5	SF-8	MF-8	MF-15	MHP	RH	MX	OI	NO	DTWN	NC	LC		CC	GC	MUC	IG	IH	IB
Retail Sales and Services	Personal Services Establishment										P*	P	S*	P	C*	P	P	P	P	S*			4-300(C)(7)(i)

4-300 Relevant Use-Specific Standards

4-300(C)(7)(i) Personal Service Establishment

1. Personal service establishments in the NC and NO districts shall
 - a. Floor Area
Have floor areas of an individual establishment that do not exceed three thousand (3,000) square feet in area;
 - b. Enclosed Building
Conduct the business activities of the establishment within an enclosed building, with no more than twenty percent (20%) of the gross floor area devoted to storage;
 - c. Retail Sales Only
Only sell products at retail; and
 - d. Hours of Operation
Limit the hours of operation to between 6:00 AM and 10:00 PM within the NO district.

Existing Zoning District Summary

NO, Neighborhood Office District

The NO district is established to provide for a mix of small-scale professional office uses together with limited service uses and single-family detached dwellings in close proximity to one another, subject to design and compatibility standards. Nonresidential uses shall be located in buildings that are consistent with surrounding residential uses in physical design, scale, character, and shall not exceed ten thousand (10,000) square feet in area. Legally established nonconforming Retail Sales and Services uses in existence on March 1, 2006, shall be allowed to remain, recommence, and expand in accordance with Section 8-200(D)(2), Retail Sales and Services Uses in the Neighborhood Office (NO) District.

Structures exceeding ten thousand (10,000) square feet in size in existence on March 1, 2006, shall be allowed to remain, but in no instance shall such structures be allowed to expand. Live/work dwellings may be included at densities of eight (8) units an acre. In addition, all non-residential development in the NO district shall limit its hours of operation to between the hours of 6:00 AM and 10:00 PM.

Analysis of Request for Special Exceptions

A Special Exception Permit shall be approved only upon a finding the applicant demonstrates that the applicable standards are met. The Board may find that not all of these standards will be applicable in every case.

- (a) The proposed special exception complies with all standards in Section 4-300, *Use Specific Standards*.

The proposed use complies with the use-specific standards in the following manner:

- Floor Area: The building is a total of approximately 1,000 square feet, and therefore meets the 3,000-square-foot restriction for NO zoning district.
- Enclosed Building: The business will be conducted inside of the structure only.
- Retail Sales Only: The business will only sale products at retail (not at wholesale).
- Hours of Operation: Operational hours are already in place and will meet the district's requirements of 6 a.m. to 10 p.m.

- (b) **Compatibility**

The proposed special exception is appropriate for its location and compatible with the character of surrounding lands and the uses permitted in the zone district(s) of surrounding lands.

The proposed use would be considered a relatively low-intensity use due to its size, compared to some of the surrounding uses, such as a chain grocery store and a pharmacy.

- (c) **Design Minimizes Adverse Impact**

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

The site is already developed; no changes are being proposed to the site, and no site improvements are necessary for this use.

- (d) **Design Minimizes Environmental Impact** The proposed special exception minimizes environmental impacts and does not cause significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

The site is already developed. No foreseeable environmental impacts are expected from the use.

- (e) **Roads**
There is adequate road capacity available to serve the proposed special exception, and the proposed special exception use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site.

There are no foreseen negative impacts to roads, traffic and pedestrian safety. The existing road network in the area is sufficient to handle any additional traffic from the new use. Parking is adequate for the site, and parking is available in the front and rear of the building.

- (f) **Not Injure Neighboring Land or Property Values**
The proposed special exception will not substantially and permanently injure the use of neighboring land for those uses that are permitted in the zone district, or reduce property values.

The proposed use is not anticipated to have any negative effects on neighboring land or property values in the area. The proposed use is similar to other businesses on neighboring properties.

- (g) **Site Plan**
A site plan has been prepared that demonstrates how the proposed special exception use complies with the other standards of this subsection.

The site is developed, so the applicant was not required to provide a site plan.

- (h) **Complies With All Other Relevant Laws and Ordinances**
The proposed special exception use complies with all other relevant City laws and ordinances, state and federal laws, and regulations.

This use will be required to comply with all other relevant laws and ordinances.

Public Involvement

The following public notification actions have been taken:

- October 28: Public Hearing notification postcards sent to property owners within 300 feet of the subject property.
- October 28: Public Hearing notification signs posted on subject property.
- October 29: Zoning Board of Appeals public hearing advertisement published in *The Herald*.

Public Feedback

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

Attachments

- Application
 - Zoning Map
-

Staff Recommendation

The proposed use is similar in nature to many of the surrounding uses, and due to its size would be considered a relatively low-intensity use.

The proposed use is compatible with the surrounding community, and actually already exists on neighboring properties. Hours of operation would conform to those allowed in the Neighborhood Office zoning district. Impacts to neighboring properties should be negligible.

For these reasons, staff recommends approval of the special exception request.

Staff Contact:

Melody Kearse

Zoning Coordinator

melody.kearse@cityofrockhill.com

803-329-7088

Planning and Development Dept. – Permit Application Center

P.O. Box 11706, or 155 Johnston St.
Rock Hill, SC 29731-1706
Phone: 803-329-5590 Fax: 803-329-7228
www.cityofrockhill.com



SPECIAL EXCEPTION APPLICATION

Case #: Z - _____

PROPERTY AND PROPERTY OWNER INFORMATION (Part I)

If more than one parcel is involved, please complete this page in full for each parcel. How many parcels are involved in the application? 1

Physical address(es) and tax map number(s) for property where special exception is being sought:

Physical address: 1029 CHARLOTTE AVE., Rock Hill, SC Tax map #: _____

Property owner's contact information:

Property Owner's Name(s): WALTER M. MARTINSON

If an organization/corporation, name of registered agent or person with authority to represent organization/corporation: _____

Phone: (803) 524-6219 E-mail address: WM1498@GMAIL.COM

Mailing address: 116 EAST MAIN ST. #201 ROCK HILL, SC

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: _____

Certifications

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. If I am not representing myself in this application, I certify that the person(s) listed in the "designated representative" section of this application has my permission to represent me.

Signature: _____ Date: _____

Are you representing yourself in this application? Yes ___ No ___

If no, have the person(s) who are representing you complete the "designated representative" section in Part II.

DESIGNATED REPRESENTATIVE INFORMATION (Part 2)

If someone besides the property owner is representing the application, the designated representative(s) must complete this section.

Name of Designated Representative: RANDY GRAHAM

Company (if applicable): SVN- SOUTHERN COMMERCIAL REAL ESTATE

Phone: (803) 322-7228 E-mail address: RANDY.GRAHAM@SVN.COM

Mailing Address: 116 EAST MAIN ST. #201 R/HSC

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.

Randy Graham
Signature

10/19/16
Date

Name of Designated Representative: Tiffany Bradley

Company (if applicable): Kreative Kreaturis Salon

Phone: 803 322-9649 E-mail address: creativebradley@gmail.com

Mailing Address: 5045 Theodor Rd Catawba SC 29704

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.

Tiffany Bradley
Signature

10-24-16
Date

Name of Designated Representative: _____

Company (if applicable): _____

Phone: _____ E-mail address: _____

Mailing Address: _____

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

Signature

Date

More names attached on separate paper.

INFORMATION ABOUT REQUEST

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

HAIR SALON

Special exception criteria

Please explain to the Board why you believe your request meets these criteria. These are the criteria the Board will consider when deciding whether to approve your request, although it may find that some of these are not applicable to your circumstances. Please feel free to use additional paper if needed.

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.)

Meets the SF requirements
All business conduct inside
retail sales of products
Monday - Closed
Tues - Fri 9am - 8pm
Sat 6am - 1pm
Sunday closed

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

Other retail shops in the
area

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

All business conduct inside
No changes to site

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

No Changes to site

5. How would the use impact roads, traffic and pedestrian safety?

No impact Same uses in area

6. How would the use impact neighboring land and property values?

NONE

Please note that if the Board approves it, the use would be required to comply with all other relevant City, State and Federal laws and regulations.

Exhibits

Please list any documents that you are submitting in support of this application. Please note that in most cases for a special exception request, a site plan that accurately shows the property dimensions and locations of all structures and improvements must be provided.

(Attach additional pages if necessary.)

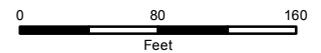
Z-2016-25

Legend

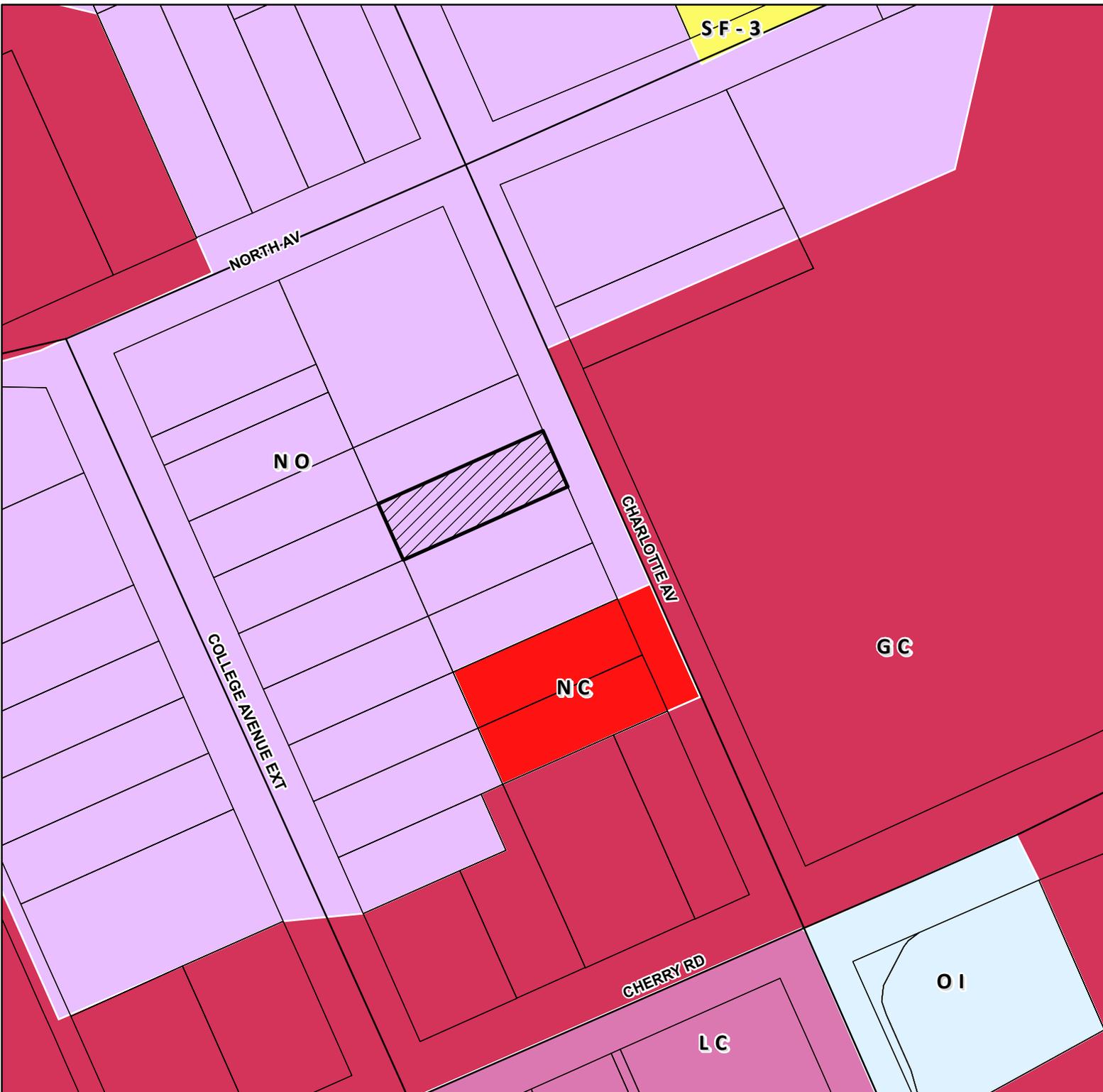
- Single-Family-3 (SF-3)
- Neighborhood Office (NO)
- Neighborhood Commercial (NC)
- Limited Commercial (LC)
- General Commercial (GC)
- Office and Institutional (OI)
- Subject Properties

Zoning Data

**Current Zoning
NO**



Development Services
Department
City of Rock Hill
11/15/16





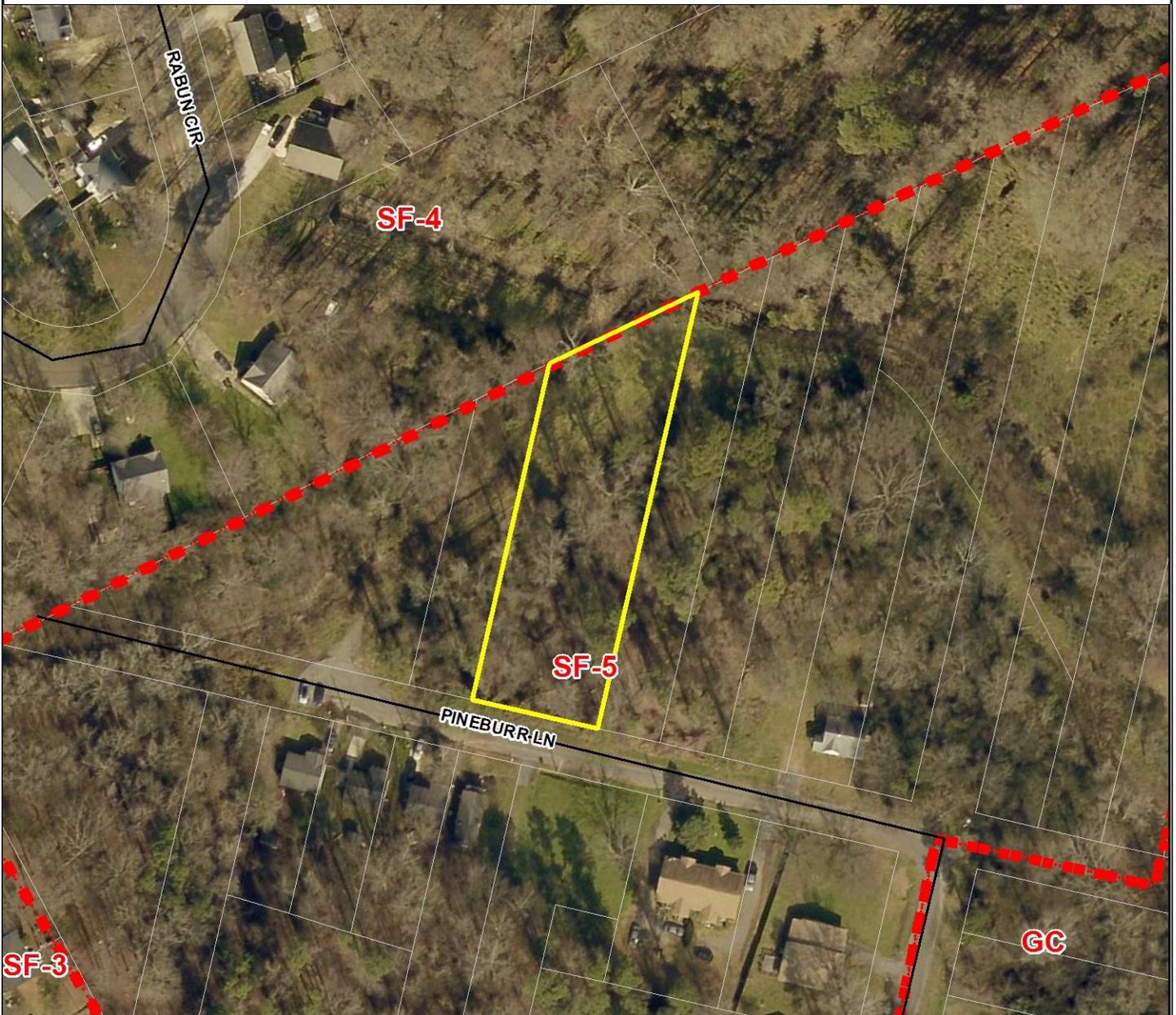
Staff Report to Zoning Board of Appeals

Z-2016-26



Meeting Date: November 15, 2016

Habitat for Humanity is requesting a Variance from the lot width requirements for the subdivision of a lot located at 1635 Pineburr Lane. The property is zoned Single-Family Residential-5 (SF-5).
Tax map Numbers 630-04-03-003



SEE ATTACHED REPORT FOR MORE INFORMATION



Location:	1635 Pineburr Lane
Request:	Variance from lot width requirements in Single Family-5 (SF-5) zoning district.
Tax Map Number:	630-04-03-003
Zoning District:	Single Family-5 (SF-5)
Applicant and Owner:	Habitat for Humanity of York County P.O. Box 4255 Rock Hill, SC 29732

Background

The Single-Family 5 (SF-5) zoning district requires a lot width of at least 60 feet. 1635 Pineburr Lane has width of 100 feet. Habitat for Humanity would like to build two single-family residences on this land after subdividing the parcel into two, with each future lot having 50 feet in width. Therefore, Habitat for Humanity is requesting a variance from the minimum lot width on this land¹—specifically, a variance of 10 feet on each of the future parcels. (Any approval of this request would need to be contingent upon the land actually being subdivided in such a fashion.)

Site Description

The lot is located on Pineburr Lane near Tucker Street off of N. Anderson Road and is a part of the Mt. Gallant subdivision.

The property is surrounded by properties zoned both Single Family-5 and Single-Family-4 in addition to GC-General Commercial fronting along N. Anderson Road. Nearby uses include single-family residential and commercial.

¹ As a side note, the proposed lots would be able to meet the minimum lot area requirement (they would be 14,388 and 16,374 square feet, when 7,500 square feet is required in the SF-5 zoning district), so no variance is needed from that requirement. Moreover, the site plan as submitted shows the proposed house locations as meeting the front, side, and rear setbacks for a single-family residence in the SF-5 zoning district, so no variance should be needed relative to the setback requirements, either.

Relation to Zoning Ordinance

Article 5: Density, Intensity, & Dimensional Standards

Table 5-100 (B)(1): Table of Dimensional Standards in the Residential Zone Districts

TABLE 5-100(B)(1): TABLE OF DIMENSIONAL STANDARDS IN THE RESIDENTIAL ZONE DISTRICTS									
DISTRICT AND USE	MIN. LOT AREA (SQ FT)	MIN. LOT WIDTH (FT) [3]	REQUIRED YARDS [1]				MAX. LOT COVER -AGE [2]	MAX. HEIGHT (FT) [4]	MAX. GROSS DENSITY (DU/AC)
			FRONT YARD (FT)	SIDE YARD (FT)	REAR YARD (FT)	SIDE/ REAR YARD (FT) (Accessory Structures)			
SF-5 DISTRICT									
Single-family detached dwellings	7,500	60	15	4 one side; 10 combined	6; 10 when abutting side lot line of lot containing a single-family detached dwelling	6; 10 for > 1 story	75%	35	5

Section 5-200 Measurements and Exceptions

5-200 (B)(1)(f)

(f) **Lot Width**

The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the front building setback line. Except for lots fronting the turning circle of a cul-de-sac street, the distance between side lots lines at the frontage line shall not be less than eighty percent (80%) of the required lot width.

Existing Zoning District Summary

SF-5, Single-Family Residential-5

The SF-5 district is established as a district in which the principal use of the land is single-family detached dwellings. The regulations of this district are intended to encourage diverse functioning neighborhoods which include various types of residential development, limited neighborhood-serving non-residential uses, and customary complementary uses. Complimentary uses customarily found in residential zoning districts, such as community facilities, religious institutions, parks and playgrounds, elementary schools, and middle schools are also allowed. The minimum lot area for development is seven thousand five hundred (7,500) square feet and maximum residential density allowed is five (5) units per acre.

Analysis of Request for Variance

2-300 (E) (4) Variance Standards

(a) Findings

A Variance Permit shall be approved only upon a finding, made in writing, that the applicant demonstrates that all of the following standards are met:

1. Extraordinary and Exceptional Conditions

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

The lot has a sewer easement and an electrical easement crossing it, as well as a significant amount of City-designated flood-prone area.

2. Unique Conditions

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

Several other lots in the immediate vicinity also have a sewer easement, an electrical easement, and flood-prone areas on them, and remain undeveloped.

Many other lots in the area are also only 50 feet wide. However, most of the 50-foot-wide lots already have residences built on them. Of the ones that do not, several would be allowed to have a single-family residence built on them in spite of not meeting modern dimensional standards, such as the 60-foot width requirement in SF-5. (The Zoning Ordinance allows a single-family residence to be built on a nonconforming lot, as long as it is not under common ownership with adjacent lots, which case the Ordinance would require the lots to be combined and only one house built upon the land.)

3. Strict Application Deprives Use

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

If the variance is not granted, the applicant would still be able to use the property and build a single-family residence on the parcel. However, Habitat argues that due to the significant development costs that it would incur to develop the land (quite a number of trees would need to be removed), it is not financially feasible for it to develop just one residence on the parcel.

4. Not Detrimental

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

The granting of the variance to allow for a narrower lot width should not result in any substantial detriment to any adjacent lands or the public good because the majority of lots in the area already have a lot width of 50 feet.

(b) Not Grounds for Variance

The following do not constitute grounds for a Variance Permit:

1. Property Could Be Utilized More Profitably

The fact that land may be utilized more profitably should a Variance permit be granted.

The variance would allow the development of two residences on the land instead of one. However, Habitat for Humanity is a non-profit organization whose mission is to provide affordable housing—it is not a for-profit developer attempting to make a profit.

(c) Prohibitions

No Variance Permit shall be granted to:

1. Allow a use not permitted by right, Conditional Use Permit, or by Special Exception Permit in the district in which the land subject to the Variance Permit is located.

Single-family dwellings are an allowed use in the Single Family-5 (SF-5) zoning district.

2. Extend physically a nonconforming use of land.

The use of a single-family dwelling is allowed in the zoning district, so granting the variance would not extend a non-conforming use of land.

3. Change the zone district boundaries on the Official Zone District Map.

The zoning of the parcel will remain Single Family-5 (SF-5) regardless of whether the variance is granted.

Staff Recommendation

Staff views the property as meeting findings Nos. 1, 2, and 4:

- 1. The property has extraordinary and exceptional conditions due to the sewer easement, the electrical easement, and the flood-prone areas.

- 2. The conditions that apply to 1635 Pineburr generally do apply to other lots in the vicinity in that a number of the other lots share the same easements and flood-prone areas as the subject property. However, because these properties are already platted and have 50-foot lot widths, as long as the Zoning Ordinance does not prohibit development for some other reason (as explained above), these lots can be developed with a single-family residence in spite of not meeting the 60-foot lot width minimum.
- 4. The proposed 50-foot lot widths are similar to those already existing in the area, so no harm would come from the proposed parcels also being that same relative size.

Staff has more difficulty making finding No. 3:

- 3. Because one single-family residence could be built on the land as is, the failure to grant the variance would not result in a prohibition against using the land. Therefore, the question is whether the utilization of the land is unreasonably restricted if only one residence can be built on it. Staff has difficulty making that finding because the property could be used for single-family use as currently configured—just not for two single-family residences. Additionally, some of the nearby 50-foot lots would be required to be combined into larger parcels instead of developed with two single-family residences as they sit today. However, if the Zoning Board of Appeals concurs with Habitat's argument that the cost of developing just one single-family residence on the land unreasonably restricts its utilization, the Board can make this finding.
-

Public Involvement

The following public notification actions have been taken:

- October 28: Public Hearing notification postcards sent to property owners within 300 feet of the subject property.
- October 28: Public Hearing notification signs posted on subject property.
- October 29: Zoning Board of Appeals public hearing advertisement published in *The Herald*.

Public Feedback

A neighbor contacted staff and requested more information.

Attachments

- Application and supporting documents from applicant
 - Zoning Map
 - Site Plan
-

Staff Contact:

Shana Marshburn

Planner I

803-326-2456

shana.marshburn@cityofrockhill.com

Planning and Development Dept. – Permit Application Center

P.O. Box 11706, or 155 Johnston St.
Rock Hill, SC 29731-1706
Phone: 803-329-5590 Fax: 803-329-7228
www.cityofrockhill.com



VARIANCE APPLICATION

Case #: Z - _____

PROPERTY AND PROPERTY OWNER INFORMATION (Part I)

If more than one parcel is involved, please complete this page in full for each parcel. How many parcels are involved in the application? 1

Physical address(es) and tax map number(s) for property where variance is being sought:

Physical address: 1635 Pineburr Lane _____, Rock Hill, SC Tax map #: 6300403003_

Property owner's contact information:

Property Owner's Name(s): Habitat for Humanity of York County

If an organization/corporation, name of registered agent or person with authority to represent organization/corporation: Dane Bayag

Phone: 803-493-2174 E-mail address: dbayag@yorkcountyhabitat.org

Mailing address: PO Box 4255

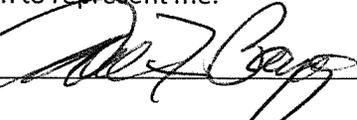
Property restrictions

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: _____

Certifications

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. If I am not representing myself in this application, I certify that the person(s) listed in the "designated representative" section of this application has my permission to represent me.

Signature:  Date: 10/24/16

Are you representing yourself in this application? Yes x No _____

- If no, have the person(s) who are representing you complete the "designated representative" section in Part II.

INFORMATION ABOUT REQUEST

General description of your request

Habitat for Humanity of York County is requesting a variance to subdivide 1635 Pineburr Lane into two lots. Habitat for Humanity of York County is a nonprofit affordable housing provider serving families in York County whose income is between 30-60% of the area median income. In order to provide services to these families Habitat must maximize cost effectiveness in order to maintain affordability. 1635 Pineburr Lane will require extensive site development and the financial impacts of the required development are not cost effective for one home.

Findings of fact

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

1. Your land has extraordinary and exceptional conditions that pertain to it.
1635 Pineburr Lane is heavily wooded and will require extensive development to make the lot buildable. This would not be cost effective for one house and will prohibit us from building on the lot. If a variance is granted it would allow Habitat to build two homes and give us the ability to spread the expenses over multiple builds lessening the financial impacts and ensuring affordability for the families we serve.
 2. Other property in the vicinity of your land does not generally have those same extraordinary and exceptional conditions.
All of the surrounding properties are 50ft wide therefore they do not share the same development cost impact.
-

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

Habitat for Humanity of York County is a nonprofit housing provider serving residents of York County whose average monthly income is \$1508 for a family of three. The families we serve are not able to utilize traditional homeownership options due to their income and credit histories. In order to provide affordable housing options for families in this income bracket Habitat must utilize building methods that minimize the costs. As 1635 Pineburr Lane currently stands the cost of development is not conducive for building and Habitat would unreasonably cost burdened and unable to build. If the lot is subdivided, Habitat can spread those costs over two builds and be able to use the property and provide affordable housing for two families.

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

All of the properties adjacent to 1635 Pineburr Lane are 50ft wide. Subdividing 1635 Pineburr is in-keeping with the current neighborhood and will help preserve the neighborhood's existing integrity.

Exhibits

Please list any documents that you are submitting in support of this application. Please note that in most cases for a variance request, a site plan that accurately shows the property dimensions and locations of all structures and improvements must be provided.

Site plan showing the two proposed properties

(Attach additional pages if necessary.)

OFFICE USE ONLY

Sections of Zoning Ordinance for which a variance is being requested:

Tax map number: _____ Zoning district: _____

Date Received: _____ Complete: _____ If Not, Date Returned: _____

Date Advertised for Public Hearing: _____ (copy of ad in file)

Date Property Posted: _____

Date Written Notice Mailed: _____ (copy & distribution list filed)

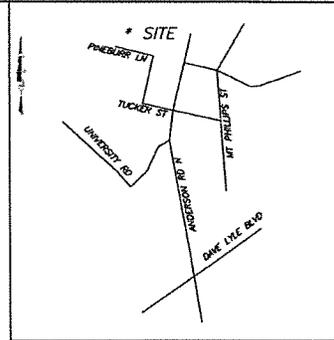
Date Staff Report Forwarded to ZBA: _____

Final Decision Regarding Appeal:

Zoning Permit Issued: _____

Staff Signature: _____ Date: _____

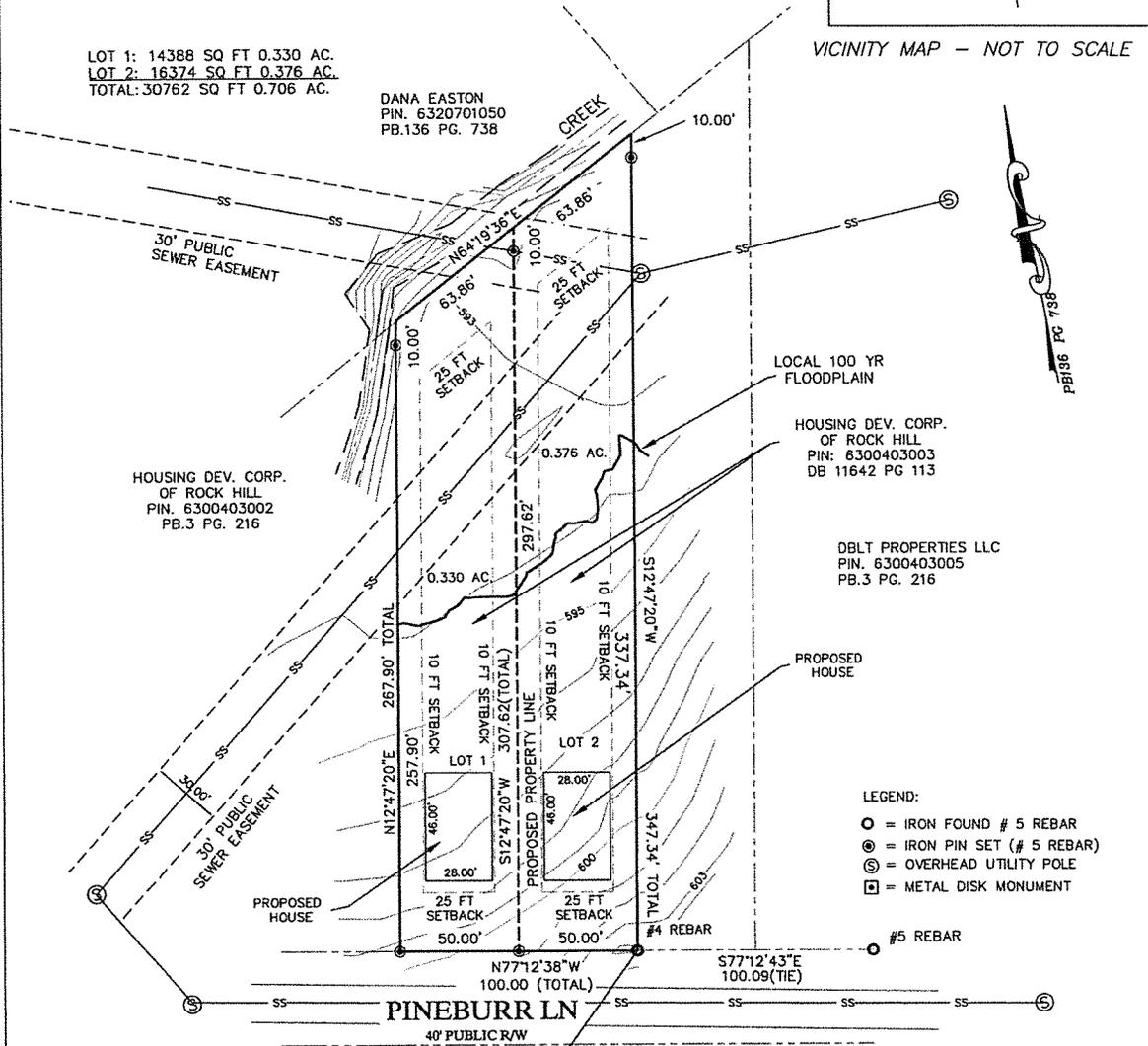
- PROPERTY IS NOT LOCATED IN A ZONE "X" SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP 45091C0309E DATED 09/26/2008.
- PROPERTY SURVEYED WITHOUT THE BENEFIT OF A TITLE SEARCH.
- THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
- THIS PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS EITHER RECORDED OR IMPLIED.
- NORTH ARROW AND BEARINGS ARE BASED ON PB 136 PG 738



LOT 1: 14388 SQ FT 0.330 AC.
 LOT 2: 16374 SQ FT 0.376 AC.
 TOTAL: 30762 SQ FT 0.706 AC.

DANA EASTON
 PIN. 6320701050
 PB.136 PG. 738

VICINITY MAP - NOT TO SCALE

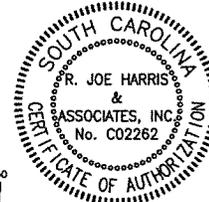
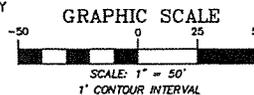
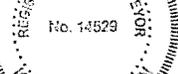


- LEGEND:
- = IRON FOUND # 5 REBAR
 - ⊙ = IRON PIN SET (# 5 REBAR)
 - ⊕ = OVERHEAD UTILITY POLE
 - = METAL DISK MONUMENT

NGS MONUMENT
 A44360(NAD 83)
 N: 1125037.750'
 E: 1989674.000'
 ELEV: 625.700'

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

Kenneth M. Green
 KENNETH M. GREEN, PLS #14529



BOUNDARY & TOPO SURVEY FOR HABITAT FOR HUMANITY OF YORK COUNTY CITY OF ROCK HILL, YORK COUNTY, SOUTH CAROLINA		
Drawn By: LAS	Date: 09-07-2016	DB 11642 PG 113
Surveyor: K.M.G.	Rev.	PB 03 PG 216
DWG. 1537.23		

R. Joe Harris & Associates, Inc.
 Engineering • Land Surveying • Planning Management
 127 Ben Casey Drive, Suite 101, Fort Mill, S.C. 29708



ROCK HILL
SOUTH CAROLINA
Always on.

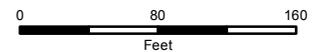
Z-2016-26

Legend

-  Single-Family-3 (SF-3)
-  Single-Family-4 (SF-4)
-  Single-Family-5 (SF-5)
-  General Commercial (GC)
-  Subject Properties

Zoning Data

**Current Zoning
SF-5**



Development Services
Department
City of Rock Hill
11/15/16

RABUN CIR

SF-4

SF-5

PINEBURR LN

PINEVIEW RD

SF-3

GC