

RECEIVED

Mar 31 2023

SC Court of Appeals

EXHIBIT I

Evidence Submission

FOIA Request

City of Rock Hill SC 29730

Provided by City Hall Records Department

Letter to City rescinding Application to Convert

721 Ogden Rd to Daycare

All Documentation and Exhibits are Considered Confidential and

Not for Public Viewing

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FREEDOM OF INFORMATION ACT (FOIA) REQUEST FOR PUBLIC RECORDS

DATE OF REQUEST 12/2/2020

REQUESTOR Joe L. Adams Jr

STREET ADDRESS 721 Golden Rd

CITY/STATE/ZIP Rock Hill SC, 29730

EMAIL tj-malik@yahoo.com PHONE 704-469-3171 / 858-848-7311/cell

PLEASE INDICATE DEPARTMENT REQUEST SHOULD BE FORWARDED TO:

- LAW ENFORCEMENT
- FIRE DEPARTMENT (FIRE CODE VIOLATIONS, CURRENT INSPECTIONS, ETC.)
- BUILDING CODE (CERTIFICATES OF OCCUPANCY, BUILDING CODE VIOLATIONS, ETC.)
- ZONING CODE (ZONING DISTRICTS, ZONING CODE VIOLATIONS, ETC.)
- OTHER _____ (PLEASE SPECIFY)

DESCRIPTION OF RECORDS REQUESTED:

Need copy of original documentation for Request SE for Type A group home, Appeal: Z-2009-26 and any additional receipts of payment information. Please include all related docu

ARE THESE RECORDS FOR A COMMERCIAL USE/PURPOSE? YES NO

PURSUANT TO S.C. CODE ANN. § 30-2-50, A PERSON OR PRIVATE ENTITY SHALL NOT KNOWINGLY OBTAIN OR USE PERSONAL INFORMATION OBTAINED FROM THE CITY FOR COMMERCIAL SOLICITATION DIRECTED TO ANY PERSON IN THIS STATE. ALL PERSONS MAKING FOIA REQUESTS TO THE CITY ARE HEREBY NOTIFIED THAT ALL PERSONS OBTAINING OR USING PUBLIC RECORDS FOR COMMERCIAL SOLICITATION DIRECTED TO ANY PERSON IN THIS STATE IS PROHIBITED. A PERSON KNOWINGLY VIOLATING THE PROVISIONS OF S.C. CODE ANN. § 30-2-50 IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, MUST BE FINED AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS OR IMPRISONED FOR A TERM NOT TO EXCEED ONE YEAR, OR BOTH.

PLEASE INDICATE HOW YOU WOULD LIKE TO RECEIVE THIS INFORMATION:

- INSPECTION AT CITY OFFICES
- HARD COPY FOR PICK UP
- FAX TO
- EMAIL TO tj-malik@yahoo.com
- OTHER Please send the fastest route @ tj-malik@yahoo.com and mail.
- HARD COPY BY MAIL (WILL BE SENT TO ADDRESS ABOVE)

IN ACCORDANCE WITH FOIA, THE CITY OF ROCK HILL MUST:

1. FOR RECORDS LESS THAN 24 MONTHS OLD, NOTIFY THE PERSON MAKING THE REQUEST OF THE CITY'S DETERMINATION AS TO THE PUBLIC AVAILABILITY OF THE REQUESTED PUBLIC RECORD¹ WITHIN 10 WORKING DAYS (EXCLUDES SATURDAYS, SUNDAYS AND LEGAL PUBLIC HOLIDAYS) AND PRODUCE THE REQUESTED INFORMATION WITHIN 30 CALENDAR DAYS OF THE LATER OF EITHER CITY'S NOTIFICATION AS TO THE AVAILABILITY OF THE REQUESTED PUBLIC RECORD OR THE DATE THE ADVANCE DEPOSIT IS MADE IF REQUIRED BY THE CITY.

¹ The determination is not required to include a final decision or express an opinion as to whether specific portions of the documents or information may be subject to redaction according to exemptions provided for by Section 30-4-40 or other state or federal laws



- 2. FOR RECORDS MORE THAN 24 MONTHS OLD, NOTIFY THE PERSON MAKING THE REQUEST OF THE CITY'S DETERMINATION AS TO THE PUBLIC AVAILABILITY OF THE REQUESTED PUBLIC RECORD¹ WITHIN 20 WORKING DAYS (EXCLUDES SATURDAYS, SUNDAYS AND LEGAL PUBLIC HOLIDAYS) AND PRODUCE THE REQUESTED INFORMATION WITH 35 CALENDAR DAYS OF THE LATER OF EITHER CITY'S NOTIFICATION AS TO THE AVAILABILITY OF THE REQUESTED PUBLIC RECORD OR THE DATE THE ADVANCE DEPOSIT IS MADE IF REQUIRED BY THE CITY.

THE CITY MAY REQUIRE AN ADVANCE DEPOSIT OF UP TO 25% OF THE REASONABLY ANTICIPATED COSTS FOR REPRODUCTION OF THE RECORDS PRIOR TO THE CITY SEARCHING FOR OR MAKING COPIES OF RECORDS.

BY MY SIGNATURE, I HEREBY STATE THAT I HAVE RECEIVED INFORMATION ABOUT THE CITY OF ROCK HILL'S FOIA PROCESS AND A COPY OF THE FEE SCHEDULE OUTLINING POSSIBLE CHARGES I MAY INCUR AS PART OF THIS REQUEST. I ALSO CERTIFY TO THE CITY OF ROCK HILL THAT I WILL NOT USE PERSONAL INFORMATION OBTAINED FROM THE CITY FOR PURPOSES OF COMMERCIAL SOLICITATION NOR WILL I PROVIDE SUCH PERSONAL INFORMATION TO OTHERS FOR PURPOSES OF COMMERCIAL SOLICITATION.

SIGNATURE: *[Handwritten Signature]* DATE: 12/2/2020

PLEASE SUBMIT YOUR REQUEST TO: CITY OF ROCK HILL, CITY MANAGER'S OFFICE
 PO BOX 11706 ROCK HILL SC 29731
 FAX 803-329-7007 EMAIL FOIA@CITYOFROCKHILL.COM

FOR OFFICE USE ONLY		Date Received: _____	Date of Initial Response: _____
City Attorney Involvement	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Associated Fees: _____	Paid: <input type="checkbox"/> YES <input type="checkbox"/> NO		

(2)

Zoning Board of Appeals

Staff Report

Appeal No. Z-2004-26

Date of Report: November 12, 2004 **Date of Meeting:** November 30, 2004

Applicant: Betty Ogbuneke

Property Owner: Joe L. Adams, Sr.

Location: 721 Ogden Road

Zoning: RS – 2, Single Family

Type of Appeal: Special Exception

Request: To allow for the operation of a home Type A Group Home.

Relation to the Zoning Code:

Type A Group Homes are allowed by Special Exception in the RS-2 zoning district.

RS-1	RS-2	RS-3	RS-4	RG	RG-O	PRD	PUD	NMU	OI	LC	T	NC	GC	C-H	TC	CBD	M-L	M-H	RH	PMHS	MUC
Z	Z	Z	Z	O	O	Z	Z	Z	O	O	O	O	O	O	X	X	X	X	Z	Z	O

Note: O=Permitted, Z=ZBA Review (Special Exception), X=Specifically Prohibited

Comments:

The applicant is requesting a Special Exception to allow for the operation of a Type A Group Home. This use is allowed in the RS – 2, Single Family district upon approval of a Special Exception. The Planning and Development Department will review the application for conformance to all applicable City codes.

Staff has received no public comment regarding this application.

(3)

Analysis of Request for Special Exception (Section 320.02)

To approve a Special Exception, the Board shall make the following findings:

1. That it is empowered under the section of this ordinance described in the application to grant the Special Exception requested.
2. That no other section of this ordinance would be violated by granting the permit;
3. That granting the permit will not adversely affect the public interest.

Attachments

- ZBA Map
- Application

November 22, 2004

Mr. Chris Rice
City of Rock Hill
155 Johnston Street
Rock Hill, SC 29730

RE: Special Exception to Open Type A Group Home
Property at 721 Ogden Road

Dear Chris:

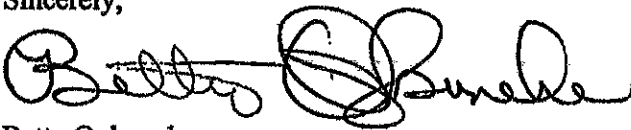
It is with a lot of tears and heartbreak that I write this letter to you to "resend my application" to open an Assisted Living (Group Home) at the residence of 721 Ogden Road in Memory and Honor of the Late Betty Adams who died on September 11, 2004.

Please accept this letter as documentation of my verbal request to you this morning, November 22, 2004, to terminate my application that was submitted to the City for a Special Exception request earlier this month.

Chris, I have enjoyed working with you. It is quite unfortunate that we will not be able to honor my mother, Betty Adams, with this business to cherish her good works. My mother always helped people. She was a nurse by profession and an angel at heart. Doctor's called on her to patient sit for their patients as well as for themselves when they became ill. She was a good person.

Thank you again for all your help and your patience with my multiple questions while trying to complete my application.

Sincerely,



Betty Ogbuneke
Applicant for Special Exception

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Subject Re: Request for information for 721 Ogden Rd
From tj_malik@yahoo.com
To: Thomas, Matthew C.
<matthewc.thomas@cityofrockhill.com>, Miller, Janice
<Janice.Miller@cityofrockhill.com>
Date Wed, Dec 2 2020 at 12:09 PM

Good Morning Mrs. Miller,

I have completed the application and attached.. Please if possible can i get email as soon as possible.. I need the document prior to [tomorrow evening](#) if its available. I would also like a hard copy if its not too much trouble that I can either pick up or you can mail.. I live only roughly 5-6 minutes from city hall rock Hill. I also have a color fax if that helps any.. Thank You Mr. Thomas.

Thank You,

Joe L. Adams Jr.

On Wednesday, December 2, 2020, 11:16:11 AM EST, Miller, Janice
<janice.miller@cityofrockhill.com> wrote:

Mr. Adams,

Please complete the attached FOIA request describing the documents you need and respond to foia@cityofrockhill.com.

Regards,

 Janice Miller
Historic Preservation Specialist
Planning & Development

City of Rock Hill
P.O. Box 11706
[155 Johnston Street \(29730\)](#)
[Rock Hill, South Carolina 29731-1706](#)
o: 803-817-5129
f: 803-329-7228

Janice.Miller@cityofrockhill.com
www.cityofrockhill.com

From: Thomas, Matthew C. <MatthewC.Thomas@cityofrockhill.com>
Sent: Wednesday, December 2, 2020 8:59 AM
To: Miller, Janice <Janice.Miller@cityofrockhill.com>
Cc: tj_malik@yahoo.com
Subject: Request for information for [721 Ogden Rd](#)

Janice,

Mr. Joe Luis Adams, Jr. (copied here) is requesting a copy of the original signed application that was filed and later withdrawn for the following appeal:

Appeal: Z-2004-26

Meeting Date: 11/30/2004


Applicant: Betty Ogbuneke

Address: [721 Ogden Rd](#)

Zoning District: RS-2

Request: SE for Type A group home

Action: Withdrawn

 Will you please reply to Mr. Adams regarding his request?

Matthew C. Thomas

Open for Business Program Coordinator
Planning & Development

City of Rock Hill

P.O. Box 11706

[155 Johnston Street \(29730\)](#)

[Rock Hill, South Carolina 29731-1706](#)

o: 803-329-7093

f: 803-329-5544

MatthewC.Thomas@cityofrockhill.com

www.cityofrockhill.com



ROCK HILL
SOUTH CAROLINA

Always on.

Email correspondence along with any related attachments to and from this address may be subject to the South Carolina Freedom of Information Act and may be disclosed to third parties in accordance with applicable law.



[citY foia.pdf](#)

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