



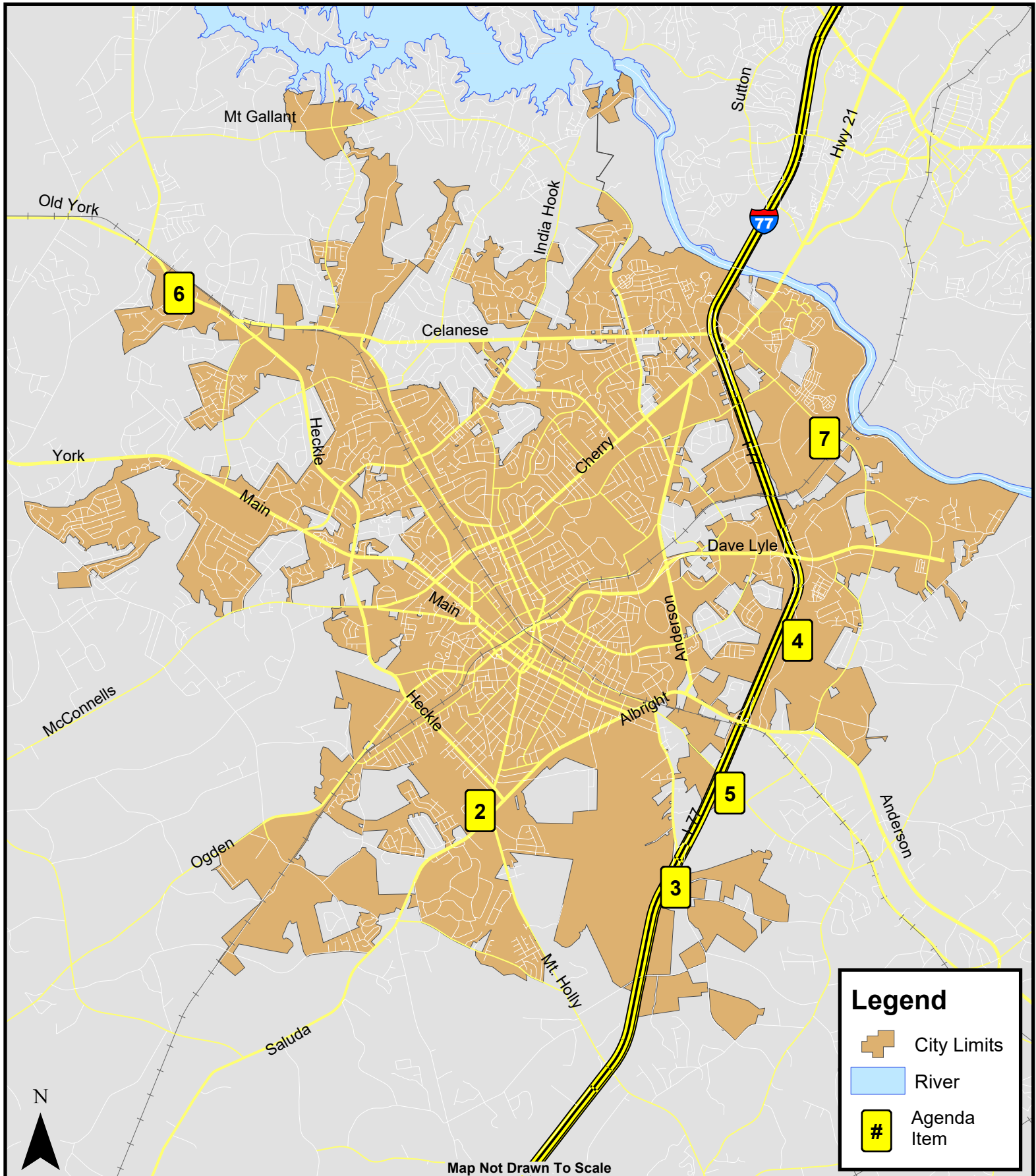
## AGENDA

Rock Hill Zoning Board of Appeals  
July 19, 2022

1. Call to Order
2. Approval of Minutes from the June 21, 2022, meeting.
3. Approval of Orders from the June 21, 2022, meeting
4. Appeal Z-2022-26: Request by Beatriz Dela Cruz Guerrero for a variance from the maximum accessory structure size at 750 Briarcliff Road. The property is zoned Single-Family Residential-5 (SF-5). Tax map number 625-02-01-001. **Deferred till August.**
5. Appeal Z-2022-28: Request by Kiesa McCoy for a variance from the fence standards at 4 Graham Street. The property is zoned Single-Family Residential-5 (SF-5). Tax map number 628-03-05-012.
6. Appeal Z-2022-29: Request by Joshua Resha for a variance from the secondary front setback for a fence at 1324 Hollythorn Drive. The property is zoned Planned Unit Development (PUD). Tax map number 633-09-12-117.
7. Other Business.
8. Adjourn.

# Planning Commission Agenda Items

City of Rock Hill, SC  
July 12, 2022  
Planning Commission



A public hearing of the Zoning Board of Appeals was held Tuesday, June 21, 2022, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill, SC.

MEMBERS PRESENT: Charlotte Brown, Matt Crawford, Rodney Cullum, James Hawthorne, Keith Sutton, Chad Williams

MEMBERS ABSENT: Stacey Reeves

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

Legal notices of the public hearing were published in The Herald, Friday, June 3, 2022. Notice was posted on all property considered. Adjacent property owners and tenants were notified in writing.

**1. Call to Order**

Chair Matt Crawford called the meeting to order at 6:00 p.m.

**2. Approval of Minutes of the May 17, 2022, meeting.**

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

**3. Approval of Orders of the May 17, 2022, meeting.**

Mr. Sutton made the motion to approve the orders with the correction of Z-2022-22 reading that there will not be truck rentals at this location. Mr. James Hawthorne seconded the motion to approve the orders as corrected, and the motion carried by a vote of 6-0 (Reeves absent).

**4. Appeal Z-2022-25: Request by Ken Eversole for a variance from the minimum required number of parking spaces to establish an Indoor Recreation Use, greater than 3,000 square feet located at 951 Cel-River Road. The property is zoned Community Commercial (CC). Tax map number 662-00-00-066.**

Shana Marshburn, Planner II, presented the staff report.

Mr. Chad Williams asked how many parking spaces the applicant has at their current location. Ms. Marshburn deferred to the applicant's representative.

Chair Crawford asked how the requirement for 40 parking spaces was derived. Ms. Marshburn stated that the particular use did not have a set number of required parking spaces, and that it instead, has a variable demand in parking characteristics. She explained that, here, how the business operates dictates the required number of spaces. Calculations were derived from the busiest day of operation to gauge the maximum number of cars that would be at the facility at one time.

Mr. Cullum asked about overflow parking. Ms. Marshburn deferred to the applicant's representative.

Mr. James Hawthorne asked about any unforeseen traffic concerns. Ms. Marshburn stated that the parking lot is not a dead-end lot; and, that vehicles would be able to enter at one end of the parking lot and exit straight at the other end of the parking lot.

Chair Crawford asked the reasoning as to why the front parking was hatched-out on the site plan being presented. Ms. Marshburn stated that the hatched-out area would be for landscaping as the

location was not conducive to having parking spaces.

Chair Crawford opened the floor to the applicant.

Mr. Lamar Williams, 1427 Alexander Road, spoke on behalf of the applicant. Mr. Williams stated that the plan of operation is based on a 15-minute drop-off and that not many parents would remain in the building.

Mr. Hawthorne asked if the variance was granted, how soon would the applicant be ready to build parking spaces. Mr. Lamar Williams stated immediately. Ms. Marshburn also stated that the applicant cannot operate in the building until the parking is updated.

Mr. Chad Williams asked how many parking spaces are at the applicant's current location. Mr. Lamar Williams stated 31. Mr. Chad Williams also asked how would parking be handled if there was an event at the facility which would not be a drop-off situation. Mr. Lamar Williams stated that the applicant would reach out to surrounding businesses to establish if their parking spaces could be utilized outside of their normal business hours.

Mr. Keith Sutton stated that this appears to be a solid plan.

Mr. Hawthorne stated that he felt it was helpful that there wasn't any public opposition.

Mr. Chad Williams made a motion to approve the variance from the required number of parking spaces. The motion was seconded by Mr. Hawthorne and was approved by a vote of 6-0 (Reeves absent).

Mr. Chad Williams presented the findings, noting that this is a unique property and that there is not a lot of other options as to what can be done with this property and that this is a drop off operation.

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

Bryman Suttle, Planner I, presented the staff report.

Mr. Hawthorne asked how it was discovered that the structure was already in place. Staff stated that it was discovered by a neighborhood code enforcement drive-by.

Mr. Sutton asked what the recourse is for the applicant if there is a denial. Mr. Suttle stated that the applicant would have to remove the structure.

Chair Crawford asked if another structure was removed, would that keep the applicant within the maximum accessory structure size. Mr. Suttle stated that even with the removal of another structure they would still be 144 square feet over the maximum accessory structure size.

Chair Crawford opened the floor to the applicant.

Mr. Beatriz Dela Cruz Guerrero, 750 Briarcliff Road, stated that he has some difficulty speaking English.

Mr. Hawthorne asked how long the structure has been in place. Mr. Dela Cruz Guerrero stated the structure had been completed approximately two months ago and that it was built as a pergola for family cookouts.

Mr. Sutton stated the reason the Board was asking the applicant if the storage structure could be removed was because the Board is trying to find a way to allow the 24' x 31' covered patio to remain. Mr. Dela Cruz Guerrero stated that he would like someone from the city to come out and show him

what needs to be done to be within the maximum accessory structure size limit.

Chair Crawford made the motion to defer, as to which time a translator would be available for Mr. Dela Cruz Guerrero so a more productive dialog can take place to ensure the applicant understands what is required and to discuss any opportunities to resolve the situation to allow the structure to remain. The motion was seconded by Mr. Sutton and was approved by a vote of 6-0 (Reeves absent).

**6. Appeal Z-2022-27: Request by Magloire Lubika of Green Box Market for an extension of the special exception to re-establish a non-conforming convenience store use at 455 Green Street. The property is zoned Single-Family Residential-4 (SF-4). Tax map number 600-02-03-037.**

Shana Marshburn, Planner II, presented the staff report.

Mr. Cullum asked if the city had noted any improvements or progress since the last Zoning Board of Appeals meeting. Ms. Marshburn stated that she and the Building Code Official had met with the applicant shortly after the December 2020 hearing in order to go over some structural items that need to be addressed but has not noted any improvements since 2019.

Mr. Williams asked if the Board was to deny the motion would it be the same process again. Ms. Marshburn stated that it would.

Mr. Williams stated that he appreciates staff's recommendation to leave it up to the Board's discretion if it sees fit to grant another extension. Mr. Williams wanted further clarification as to staff's recommendation. Ms. Marshburn stated that it would be left up to the discretion of the Board, that staff understands that it would be costly to convert the structure back to a single-family residential use, but that neighbors have had continuing concerns regarding the opening of a convenience store at this location, and staff feels that sufficient time has passed to get the store operational.

Chair Crawford asked if the complaint about early morning construction noise was for the 455 Green Street location. Ms. Marshburn stated that it most likely was not.

Chair Crawford opened the floor to the applicant.

Mr. Magloire Lubika, 6304 Trevor Simpson Drive, Indian Land, NC, stated that he has an existing store located at 702 Ogden Road. He added that the store is currently undergoing a project to convert it to more of a neighborhood market with healthy food options, which is part of an effort to obtain funding to convert 455 Green Street to the same type of store. He added that the Ogden Road location needs to show 6-months of growth in sales in order to be considered for funding for the Green Street location. Mr. Lubika reiterated that he would be converting the 455 Green Street location to a neighborhood market instead of a typical convenience store.

Mr. Hawthorne asked how long it has been since they had decided to convert to a neighborhood market. Mr. Lubika stated two years. Mr. Lubika also stated that the Ogden Road location closed for remodeling on June 1, 2022, and will reopen on July 1, 2022

Mr. Hawthorne asked if the two stores' finances could be separated so that the Green Street location could open sooner. Mr. Lubika stated that there is no way to separate the finances, as he is applying for an expansion loan on the Ogden Road location which needs to show 6 months of growth before obtaining funding to open the Green Street location.

Ms. Charlotte Brown asked how long the 702 Ogden Road location had been in existence. Mr. Lubika stated 15 years but reiterated that the store was currently closed for remodeling.

Chair Crawford asked when the Ogden Road location would reopen with the new concept. Mr. Lubika stated Ogden Road is expected to reopen July 1 with a healthier, more nutritional menu and he would like to provide the same concept at the Green Street location.

Ms. Brown asked if two years of profits was required for financing. Mr. Lubika stated six months with a 30% increase in sales. Mr. Lubika also stated he is expanding his kitchen which will include breakfast food.

Mr. Hawthorne stated that it would be February 2023 before an expansion loan might be obtained.

Chair Crawford opened the floor for public comment.

Ms. Mary Brown, 462 Green Street stated that Mr. Lubika's plan to change over to a healthier type of store is different from the original plans for the Green Street location. Ms. M. Brown feels the applicant has had ample time to open this location. Ms. M. Brown stated she is concerned about the trash that is being left outside the location and in the park. She added that this along with parking, is a problem as the parking situation would make it very difficult for her to exit her driveway. Ms. M. Brown stated she does not think the store should be opened.

Chair Crawford asked about the parking variance. Ms. Marshburn stated that she envisions that most patrons visiting the store would be the result of foot traffic and that one space is to be added to the right of the entrance.

Mr. Lonnie Sims, 467 Green Street, stated that this is a residential neighborhood and there is no safe way to get onto the street with delivery vehicles or cars parked at the store. Mr. Sims also stated he does not feel that there will be a lot of foot traffic patrons. Mr. Sims stated he has been in the neighborhood since 1962 and that in the past, the convenience store served its purpose; however, today people go to other places to purchase items. Mr. Sims feels this will be an inconvenience and a huge eyesore to the neighborhood. Mr. Sims stated that he does not want to have a reason to invite indigents to the neighborhood.

Mr. William Elks, 302 State Street, stated that his property backs up to 455 Green Street and is concerned for the safety of his three small children. Mr. Elks stated that he and his children are constantly picking up alcohol containers. Mr. Elks also stated that he does not feel that this request should be approved.

Mrs. Ashley Elks, 302 State Street, stated that she feels the neighborhood has improved and the opening of this store would set it back. Mrs. Elks stated that the store would take away from the safe place of her backyard where her three small children play. Mrs. Elks is concerned for the safety of her children and feels that the sale of alcohol and tobacco products would impede the progress the neighborhood has made. Ms. Elks also stated she does not want her children to be subject to any dangerous situations that could potentially take place and restated that she feels that the opening of this store would hinder any progress that has been made in the neighborhood.

Chair Crawford opened the floor for the applicant's rebuttal. Mr. Lubika stated that this will not be a convenience store but more of a neighborhood market. Mr. Lubika stated that products such as cigarettes and lottery tickets will be placed discretely.

Chair Crawford asked if the motion was denied, would it come back to the Board. Ms. Marshburn stated it could come back a year from now.

Chair Crawford stated that it would be nice to see the Ogden Road location up and running as it sounds like a good vision and would like to have assurance that it is a neighborhood market and not a convenience store.

Mr. Williams stated that he feels there has been plenty of time to open the store; and that at the time of the initial application, it was to be a convenience store and feels that the vision has changed. Mr. Williams stated that even if granted, there will still be a request for another extension and feels that it would be better to start fresh.

Mr. Hawthorne would like to see if the Ogden Road location is successful with the model change.

Mr. Williams made a motion to approve the request. Mr. Sutton seconded the motion and the motion failed by a vote of zero in favor and six opposed (Reeves absent).

**7. Other Business.**

- a) Ms. Melody Kearse discussed continuing education opportunities.
- b) Ms. Kearse announced that she is transitioning out of her ZBA liaison role but will continue until her position is filled and a new liaison is assigned.

**8. Adjourn.**

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

The meeting adjourned at 7:11 p.m.







## Zoning Board of Appeals Order

Z-2022-25

The Zoning Board of Appeals held a public hearing on Tuesday, June 21, 2022, to consider a **request by Ken Eversole for a variance from the minimum required number of parking spaces to establish an Indoor Recreation Use, greater than 3,000 square feet located at 951 Cel-River Road, which is zoned Community Commercial (CC). Tax map number 662-00-00-066.**

Board members in attendance included: Charlotte Brown, Matt Crawford, Rodney Cullum, James Hawthorne, Keith Sutton, and Chad Williams (Reeves 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 951 Cel-River Road.
2. The property owner is Tinsley Properties, LLC.
3. This property is zoned Community Commercial (CC).
4. The request was for a variance from the minimum required number of parking spaces to establish an Indoor Recreation Use, greater than 3,000 square feet.
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 3: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
  - June 3: Public Hearing notification signs posted on subject property.
  - June 3: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
  - Information about the application was posted on the City's website.

6. During the public hearing, the following comments were heard by the Board:

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

Mr. Chad Williams asked how many parking spaces the applicant has at their current location. Ms. Marshburn deferred to the applicant's representative.

Chair Crawford asked how the requirement for 40 parking spaces was derived. Ms. Marshburn stated that the particular use did not have a set number of required parking spaces, and that it instead, has a variable demand in parking characteristics. She explained that, here, how the business operates dictates the required number of spaces. Calculations were derived from the busiest day of operation to gauge the maximum number of cars that would be at the facility at one time.

Mr. Cullum asked about overflow parking. Ms. Mashburn deferred to the applicant's representative.

Mr. James Hawthorne asked about any unforeseen traffic concerns. Ms. Mashburn stated that the parking lot is not a dead-end lot; and, that vehicles would be able to enter at one end of the parking lot and exit straight at the other end of the parking lot.

Chair Crawford asked the reasoning as to why the front parking was hatched-out on the site plan being presented. Ms. Mashburn stated that the hatched-out area would be for landscaping as the location was not conducive to having parking spaces.

Chair Crawford opened the floor to the applicant.

Mr. Lamar Williams, 1427 Alexander Road, spoke on behalf of the applicant. Mr. Williams stated that the plan of operation is based on a 15-minute drop-off and that not many parents would remain in the building.

Mr. Hawthorne asked if the variance was granted, how soon would the applicant be ready to build parking spaces. Mr. Lamar Williams stated immediately. Ms. Marshburn also stated that the applicant cannot operate in the building until the parking is updated.

Mr. Chad Williams asked how many parking spaces are at the applicant's current location. Mr. Lamar Williams stated 31. Mr. Chad Williams also asked how would parking be handled if there was an event at the facility which would not be a drop-off situation. Mr. Lamar Williams stated that the applicant would reach out to surrounding businesses to establish if their parking spaces could be utilized outside of their normal business hours.

Mr. Keith Sutton stated that this appears to be a solid plan.

Mr. Hawthorne stated that he felt it was helpful that there wasn't any public opposition.

Mr. Chad Williams made a motion to approve the variance from the required number of parking spaces. The motion was seconded by Mr. Hawthorne and was approved by a vote of 6-0 (Reeves absent).

Mr. Chad Williams presented the findings, noting that this is a unique property and that there is not a lot of other options as to what can be done with this property and that this is a drop off operation.

**THE BOARD, THEREFORE, ORDERS:**

**That the request by Ken Eversole for a variance from the minimum required number of parking spaces to establish an Indoor Recreation Use, greater than 3,000 square feet located at 951 Cel-River 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 for plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Zoning Board of Appeals is mailed. For the purposes of this subsection, "person" includes persons jointly or severally aggrieved by the decision of the Zoning Board of Appeals.

AND IT IS SO ORDERED.

\_\_\_\_\_  
Matt Crawford, Chairman

Date the Order Was Approved by the Board: \_\_\_\_\_

Date the Decision of the Board Was Mailed to the Applicant: \_\_\_\_\_





## Zoning Board of Appeals Order

Z-2022-27

The Zoning Board of Appeals held a public hearing on Tuesday, June 21, 2022, to consider a **request by Magloire Lubika for an extension of the special exception to re-establish a non-conforming convenience store use at 455 Green Street, which is zoned Single-Family Residential-4 (SF-4). Tax map number 600-02-03-037.**

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

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

1. The site may be identified as 455 Green Street.
2. The property owner is The Box Companies, LLC (Magloire Lubika).
3. This property is zoned Single-Family Residential-4 (SF-4).
4. The request was for an extension of the special exception to re-establish a non-conforming convenience store 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 3: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
  - June 3: Public Hearing notification signs posted on subject property.
  - June 3: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
  - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

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

Mr. Cullum asked if the city had noted any improvements or progress since the last Zoning Board of Appeals meeting. Ms. Marshburn stated that she and the Building Code Official had met with applicant shortly after the December 2020 hearing in order to go over some structural items that need to be addressed but has not noted any improvements since 2019.

Mr. Williams asked if the Board was to deny the motion would it be the same process again. Ms. Marshburn stated that it would.

Mr. Williams stated that he appreciates staff's recommendation to leave it up to the Board's discretion if it sees fit to grant another extension. Mr. Williams wanted further clarification as

to staff's recommendation. Ms. Marshburn stated that it would be left up to the discretion of the Board, that staff understands that it would be costly to convert the structure back to a single-family residential use, but that neighbors have had continuing concerns regarding the opening of a convenience store at this location, and staff feels that sufficient time has passed to get the store operational.

Chair Crawford asked if the complaint about early morning construction noise was for the 455 Green Street location. Ms. Marshburn stated that it most likely was not.

Chair Crawford opened the floor to the applicant.

Mr. Magloire Lubika, 6304 Trevor Simpson Drive, Indian Land, NC, stated that he has an existing store located at 702 Ogden Road. He added that the store is currently undergoing a project to convert it to more of a neighborhood market with healthy food options, which is part of an effort to obtain funding to convert 455 Green Street to the same type of store. He added that the Ogden Road location needs to show 6-months of growth in sales in order to be considered for funding for the Green Street location. Mr. Lubika reiterated that he would be converting the 455 Green Street location to a neighborhood market instead of a typical convenience store.

Mr. Hawthorne asked how long it has been since they had decided to convert to a neighborhood market. Mr. Lubika stated two years. Mr. Lubika also stated that the Ogden Road location closed for remodeling on June 1, 2022, and will reopen on July 1, 2022

Mr. Hawthorne asked if the two stores' finances could be separated so that the Green Street location could open sooner. Mr. Lubika stated that there is no way to separate the finances, as he is applying for an expansion loan on the Ogden Road location which needs to show 6 months of growth before obtaining funding to open the Green Street location.

Ms. Charlotte Brown asked how long the 702 Ogden Road location had been in existence. Mr. Lubika stated 15 years but reiterated that the store was currently closed for remodeling.

Chair Crawford asked when the Ogden Road location would reopen with the new concept. Mr. Lubika stated Ogden Road is expected to reopen July 1 with a healthier, more nutritional menu and he would like to provide the same concept at the Green Street location.

Ms. Brown asked if two years of profits was required for financing. Mr. Lubika stated six months with a 30% increase in sales. Mr. Lubika also stated he is expanding his kitchen which will include breakfast food.

Mr. Hawthorne stated that it would be February 2023 before an expansion loan might be obtained.

Chair Crawford opened the floor for public comment.

Ms. Mary Brown, 462 Green Street stated that Mr. Lubika's plan to change over to a healthier type of store is different from the original plans for the Green Street location. Ms. M. Brown feels the applicant has had ample time to open this location. Ms. M. Brown stated she is concerned about the trash that is being left outside the location and in the park. She added that this along with parking, is a problem as the parking situation would make it very difficult for her to exit her driveway. Ms. M. Brown stated she does not think the store should be

opened.

Chair Crawford asked about the parking variance. Ms. Marshburn stated that she envisions that most patrons visiting the store would be the result of foot traffic and that one space is to be added to the right of the entrance.

Mr. Lonnie Sims, 467 Green Street, stated that this is a residential neighborhood and there is no safe way to get onto the street with delivery vehicles or cars parked at the store. Mr. Sims also stated he does not feel that there will be a lot of foot traffic patrons. Mr. Sims stated he has been in the neighborhood since 1962 and that in the past, the convenience store served its purpose; however, today people go to other places to purchase items. Mr. Sims feels this will be an inconvenience and a huge eyesore to the neighborhood. Mr. Sims stated that he does not want to have a reason to invite indigents to the neighborhood.

Mr. William Elks, 302 State Street, stated that his property backs up to 455 Green Street and is concerned for the safety of his three small children. Mr. Elks stated that he and his children are constantly picking up alcohol containers. Mr. Elks also stated that he does not feel that this request should be approved.

Mrs. Ashley Elks, 302 State Street, stated that she feels the neighborhood has improved and the opening of this store would set it back. Mrs. Elks stated that the store would take away from the safe place of her backyard where her three small children play. Mrs. Elks is concerned for the safety of her children and feels that the sale of alcohol and tobacco products would impede the progress the neighborhood has made. Ms. Elks also stated she does not want her children to be subject to any dangerous situations that could potentially take place and restated that she feels that the opening of this store would hinder any progress that has been made in the neighborhood.

Chair Crawford opened the floor for the applicant's rebuttal. Mr. Lubika stated that this will not be a convenience store but more of a neighborhood market. Mr. Lubika stated that products such as cigarettes and lottery tickets will be placed discretely.

Chair Crawford asked if the motion was denied, would it come back to the Board. Ms. Marshburn stated it could come back a year from now.

Chair Crawford stated that it would be nice to see the Ogden Road location up and running as it sounds like a good vision and would like to have assurance that it is a neighborhood market and not a convenience store.

Mr. Williams stated that he feels there has been plenty of time to open the store; and that at the time of the initial application, it was to be a convenience store and feels that the vision has changed. Mr. Williams stated that even if granted, there will still be a request for another extension and feels that it would be better to start fresh.

Mr. Hawthorne would like to see if the Ogden Road location is successful with the model change.

Mr. Williams made a motion to approve the request. Mr. Sutton seconded the motion and the motion failed by a vote of zero in favor and six opposed (Reeves absent).

**THE BOARD, THEREFORE, ORDERS:**

**That the request by Magloire Lubika of Green Box Market for a modification to an existing special exception to extend the trial period for the reestablishment of a non-conforming convenience store use at 455 Green Street, is NOT APPROVED.**

Section 2.12.1 (C) of the Zoning Ordinance states:

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

AND IT IS SO ORDERED.

\_\_\_\_\_  
Matt Crawford, Chairman

Date the Order Was Approved by the Board: \_\_\_\_\_

Date the Decision of the Board Was Mailed to the Applicant: \_\_\_\_\_



**Z-2022-28**

**Request:** Variance to the fence standards  
**Address:** 4 Graham Street  
**Zoning District:** Single Family-5 (SF-5)  
**Applicant/Owner:** Kiesa M. McCoy





**Location:** 4 Graham Street  
**Request:** Variance to the fence standards  
**Tax Map Number:** 628-03-05-012  
**Zoning District:** Single Family-5 (SF-5)  
**Owner/ Applicant:** Kiesa M. McCoy  
4 Graham Street  
Rock Hill, SC 29730

---

### **Background**

The applicant, Kiesa McCoy, purchased the property in December of 2002. In March of 2021, Ms. McCoy was cited for developing without a permit, after a City Neighborhood Services Inspector observed that the former galvanized, chain link fence that sits atop a retaining wall and was being used to enclose her front yard, was removed along the front property line and another fence installed. In addition to installing the fence without a permit, the applicant added another course of block to the retaining wall. After being cited, Mrs. McCoy was advised to seek a retroactive permit. Ms. McCoy applied for a fence permit in December of 2021, whereas she was conditionally approved per the fence not obscuring more than 50% of the view into the site. The Zoning Ordinance provides that once in front of the front plane of the subject house or the house next door, fences must be 4 feet tall or less, and must obscure no more than 50% of the view into the site and must not cause sight obstructions. To clarify, not obscuring more than 50% of the view into the site means that the space between the pickets should be equal to, or greater than the width of the pickets themselves. Upon inspection of the fence, it was determined that the fence had been revised from being completely solid, to being shadowbox style, whereas it still failed to meet the 50% obscuring limit. In regard to the retaining wall, the Zoning Ordinance provides that a minimum 4-foot high fence may be constructed on top of the wall for safety, regardless of the height of the wall. In this case, the one and one-half course of standard 8-inch tall retaining wall block does not appear to have been added in an effort to retain earth, but to instead, make the fence taller. In that regard, staff would consider the portion added to be accounted for in the total height of the fence. With the fence being 4-foot tall and the added courses of block being 12 inches, the total height of the fence is 5 feet; therefore, a height variance of 1-foot is needed, in addition to the variance for the 50% visibility into the site.

---

### **Site Description**

The property is located on Graham Street in the Aragon Mills neighborhood, south of Dave Lyle Blvd. just east of Downtown. Nearby uses mainly consist of other single-family

detached residential uses that are also zoned Single Family-5 (SF-5), and the Tech Park Master Planned Business Industrial Park located to the east of the neighborhood.

---

### **Description of Intent for the Single-Family Detached Zoning Districts**

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

The primary difference between these districts is the minimum lot size for development and other dimensional standards that are listed in full in *Chapter 6: Community Design Standards*. The minimum lot size in the SF-5 zoning district is 7,500 square feet.

---

### **Analysis of Request for Variance**

#### **Required Findings of Fact**

Staff will base its recommendation on an analysis of the below findings. The Zoning Board of Appeals may approve a variance only upon finding that the applicant has demonstrated that **all four** of the below findings are met.

The required findings are shown below in italics, followed by staff's assessment of each finding in non-italicized font.

#### **1. *Extraordinary and Exceptional Conditions***

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

The applicant has stated that it believes the extraordinary and exceptional condition to be that the elevation of the subject lot is higher than others in the immediate vicinity causing the fence to look taller, and further adding that the subject fence was the replacement for a chain link fence. However, this does not address the fence failing to meet the 50% obscenity limit. Though the galvanized chain link fence was non-conforming in that the code no longer allows for galvanized fencing nor for chain link fencing to be placed in the front yard, the former fence did not obscure more than 50% of the view into the lot in the way that the shadowbox fence does. In addition, the applicant has stated that part of the reason for installing this specific type of fencing was to have an enclosed yard area for her dog. Staff does not believe this to be an extraordinary and exceptional condition as a fence could be installed in the back yard and the dog kept there instead.

#### **2. *Unique Conditions***

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

The applicant has stated that it believes the topography of her lot to be unique, however other lots along the same side of Graham Street are also higher than the

road, and so this condition is not unique to this property. Furthermore, while some of those properties do have a retaining wall in the front yard, they are not accompanied by a fence that obscures more than 50% of the view into the lot.

### **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 applicant has noted that if the variance were not granted, it would not be allowed to replace the former 4-foot galvanized chain link fence and that it would increase the chance of soil erosion. However, if the variance were not granted, the applicant would still be able to have a fence along the front property line; but it could not obscure more than 50% of the view into the lot. Therefore, the application of the ordinance would not preclude the applicant from having a fence in this location. Furthermore, if part of the reason for the particular style of fencing is allow for play area for a dog, the same height and style of fencing that was placed in the front yard could be placed behind the front plane of the house. A fence behind the front plane of the house could be completely solid and no more than 6 feet in height.

### **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 applicant has stated that the design of the fence is consistent with neighboring properties and that allowing the fence would increase property values and protect the public good from its dog. Though staff has not heard from any neighbors regarding this request, it does not believe that the presence of the fence would positively impact neighboring property values as there are no other properties in the neighborhood that have a fence along the front property line that obscures more than 50% of the view into the lot.

### **Not Grounds for Variance**

Variance requests cannot be based on the ability of the land to be used more profitably if the requests are granted. In this case, the granting of the variance request related to the fence would not make the use more profitable.

---

### **Public Input**

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

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

Staff has not received any feedback regarding this request.

---

### **Staff Recommendation**

As outlined in the analysis section above, staff was not able to make any of the findings in this instance and so it does not recommend approval of the variance request.

---

### **Attachments**

- Application and supporting materials
  - Zoning map
- 

### **Staff Contact:**

Shana Marshburn, Planner II

803.326.2456

[shana.marshburn@cityofrockhill.com](mailto:shana.marshburn@cityofrockhill.com)

# VARIANCE APPLICATION

Plan Tracking # \_\_\_\_\_ Date Received: \_\_\_\_\_ Case # Z- \_\_\_\_\_

Please use additional paper if necessary, for example to list additional applicants or properties, or to elaborate on your responses to the questions about the request. You may handwrite your responses or type them. You may scan your responses and submit them by email (see the above fact sheet), since we can accept scanned copies of signatures in most cases.

## PROPERTY INFORMATION

Street address of subject property: 4 Graham Street, Rock Hill, SC 29730

Tax parcel number of subject property: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

### Property restrictions

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

If yes, please describe the requirements: \_\_\_\_\_  
\_\_\_\_\_

## APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
Kiesa Mccoy	4 Graham Street Rock Hill, SC 29730	704-619-9619	paisleypolywog@gmail.com

Are you the owner of the subject property?  Yes  No

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

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

Signature: Kiesa McCoy Date: 5/27/22

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

<p>Name of property owner: _____</p> <p>If property owner is an organization/corporation, name of person authorized to represent its property interests: _____</p> <p>I certify that the person listed in the person listed above has my permission to represent this property in this application.</p> <p>Signature: _____ Date: _____</p> <p>Preferred phone number: _____ Email address: _____</p> <p>Mailing address: _____</p>
---

## INFORMATION ABOUT REQUEST

### General description of your request

---

4 Foot wooden shadow box fence with visibility

---

Top cord added to pre-existing retaining wall still under

---

4foot tall

---

---

---

### 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.

I am asking for the variance because my land has extraordinary and exceptional conditions. The elevation of my property is higher than the surrounding property's. There was a pre-existing retaining wall in place but it was not high enough. The top cord had to be added to prevent wash away and foundation deterioration. Due to the higher elevation it makes the 4ft fence look taller, however the fence is not tied into the retaining wall. It is posted in the ground and the ground elevation can not be changed.

---

---

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

None of the surrounding properties in the vicinity of my land have the same extraordinary or exceptional conditions. None of the surrounding properties have pre-existing retaining walls to hold back their property's from washing away.

---

---

---

---

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

If the city applied its regular zoning requirements to my property, my use of my land would be unreasonably restricted or effectively prohibited. I would not be allowed to replace the fence that was already there prior to the fence update. It would restrict me from using my front yard at all and wash away would continue to happen. I would have the loss of enjoyment from my property as well as property value when my foundation gets ruined due to wash away.

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

If the zoning board of appeals grants the variance request, it will not harm, adjacent land or the public good. The materials used provide design consistency with neighbors. It would actually increase property values and protect the public good from my dogs.

**Exhibits**

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

Site plan

Photos of the area of the property that is the subject of the request

---

---

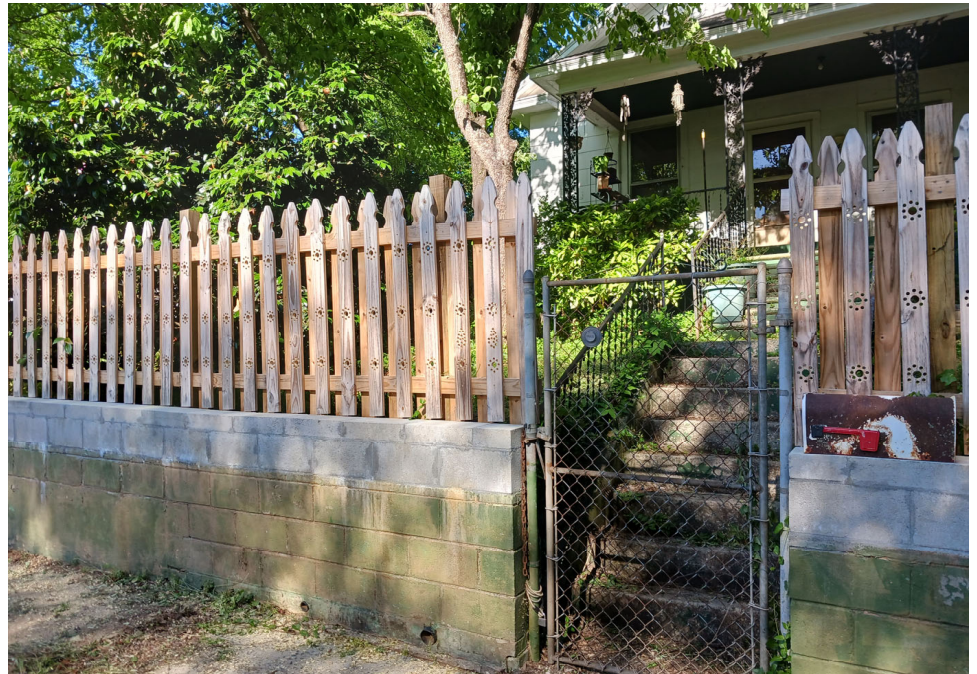
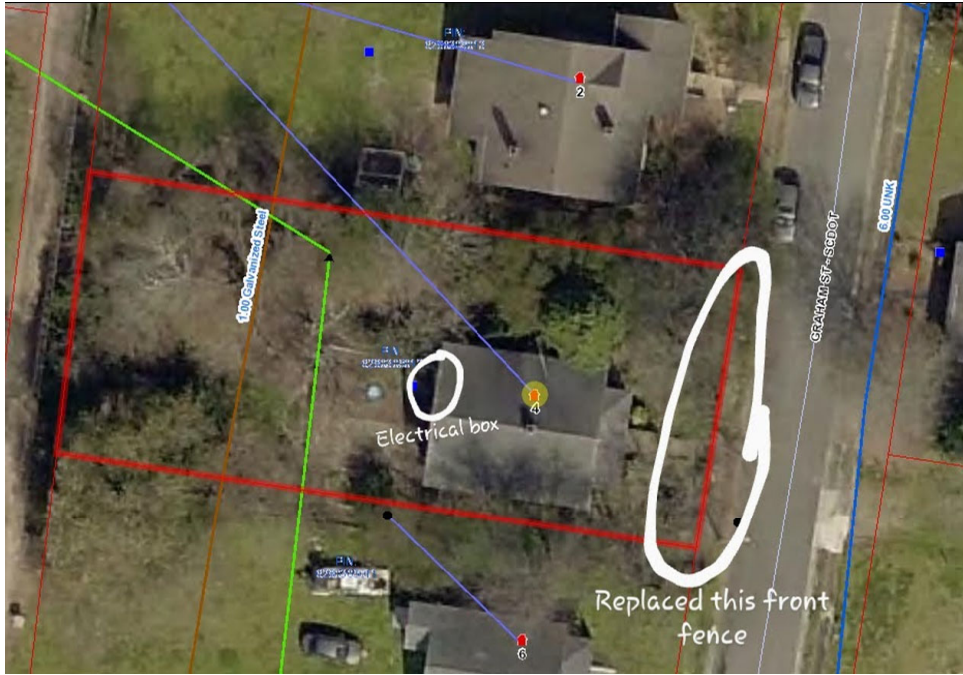
---

---

---

---











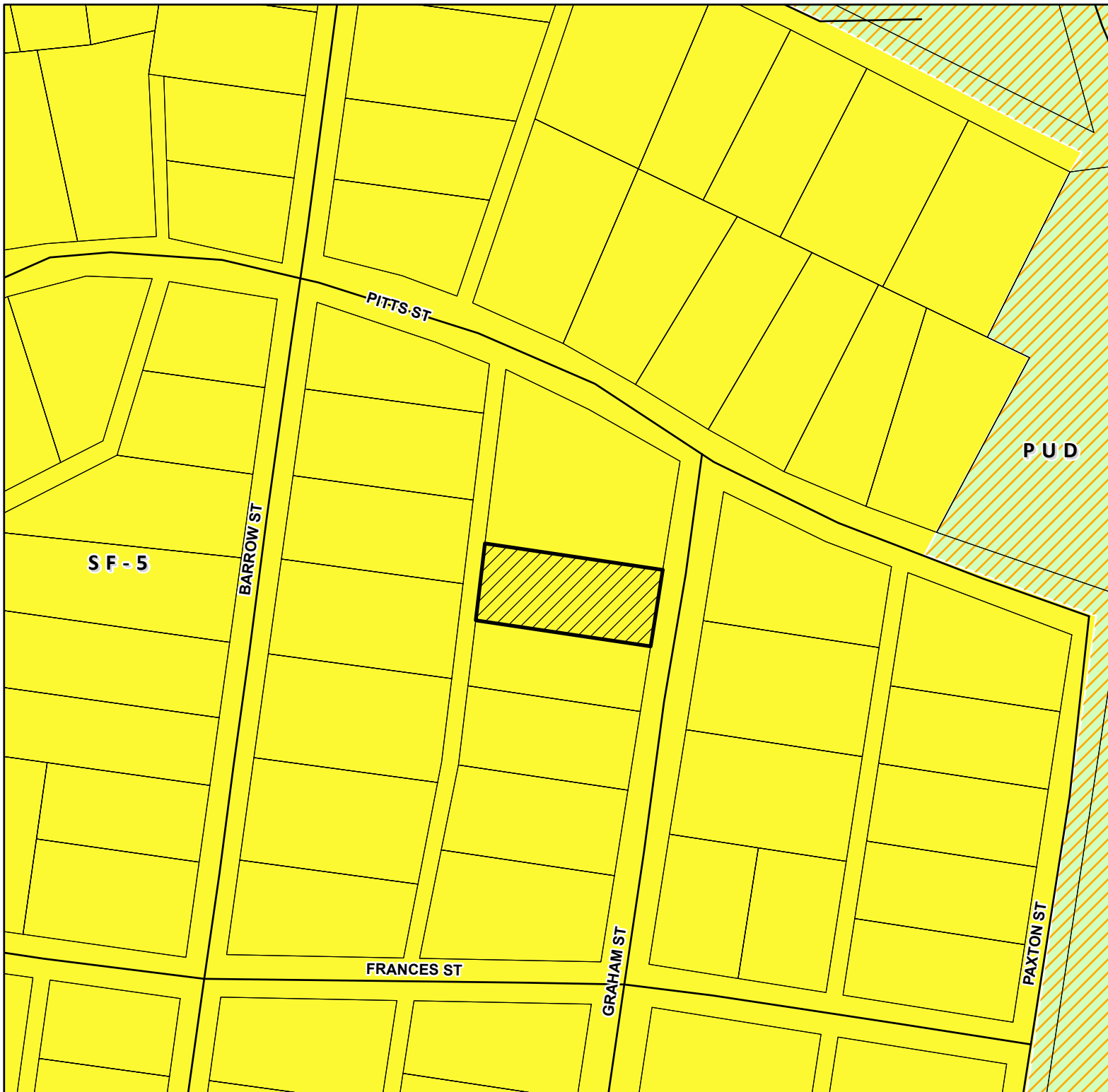
**Z-2022-28**

 Subject Property

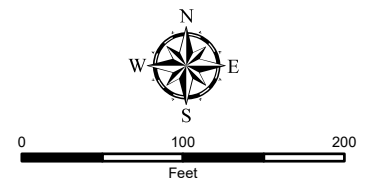
**Zoning Districts**

 Planned Unit Development (PUD)

 Single-Family 5 (SF-5)



**Zoning Data**  
**Current Zoning**  
**SF-5**



**Z-2022-29**

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





---

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

**Address:** 1324 Hollythorn Drive

**Tax Map #:** 633-09-12-117

**Zoning District:** Planned Unit Development (PUD)

**Applicant /  
Property Owner:** Joshua Resha  
1324 Hollythorn Drive

---

## **Background**

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

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

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

---

## **Site Description**

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

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

---

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

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

---

### **Analysis of Requests for Variance**

#### **Required Findings of Fact**

Staff will base its recommendation on an analysis of the below findings. The Zoning Board of Appeals may approve a variance only upon finding that the applicant has demonstrated that **all four** of the below findings are met.

The required findings are shown below in italics, followed by staff's assessment of each finding in non-italicized font.

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

#### **1. *Extraordinary and Exceptional Conditions***

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

##### **Assessment of applicant's request:**

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

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

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

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

Assessment of reduction of setback to five feet:

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

**2. Unique Conditions**

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

Assessment of applicant's request:

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

Assessment of reduction of setback to five feet:

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

**3. Strict Application Deprives Use**

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

Assessment of applicant's request:

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



Assessment of reduction of setback to five feet:

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

**4. Not Detrimental**

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

Assessment of applicant's request:

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

Assessment of reduction of setback to five feet:

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

**Not Grounds for Variance**

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

---

**Public Input**

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

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

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

### **Staff Recommendation**

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

---

### **Attachments**

- Variance Application and supporting documents
  - Initial Fence Site Plan Submittal
  - Zoning map
- 

### **Staff Contact:**

Bryman Suttle, Planner I

803.329.5674

[bryman.suttle@cityofrockhill.com](mailto:bryman.suttle@cityofrockhill.com)

# VARIANCE APPLICATION

Plan Tracking # \_\_\_\_\_ Date Received: \_\_\_\_\_ Case # Z- \_\_\_\_\_

Please use additional paper if necessary, for example to list additional applicants or properties, or to elaborate on your responses to the questions about the request. You may handwrite your responses or type them. You may scan your responses and submit them by email (see the above fact sheet), since we can accept scanned copies of signatures in most cases.

## PROPERTY INFORMATION

Street address of subject property: 1324 Hollythorne Dr, Rock Hill, SC 29732

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

### Property restrictions

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

If yes, please describe the requirements: \_\_\_\_\_

## APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
Josh Resha	1324 Hollythorne Dr	803-517-6634	jaresha2011@gmail.com

Are you the owner of the subject property?  Yes  No

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

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

Signature: Josh Resha Date: 06-21-2022

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

<p>Name of property owner: _____</p> <p>If property owner is an organization/corporation, name of person authorized to represent its property interests: _____</p> <p>I certify that the person listed in the person listed above has my permission to represent this property in this application.</p> <p>Signature: _____ Date: _____</p> <p>Preferred phone number: _____ Email address: _____</p> <p>Mailing address: _____</p>
---

# INFORMATION ABOUT REQUEST

## General description of your request

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

## Findings of fact

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

1. Your land has extraordinary and exceptional conditions that pertain to it.

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

Another concern for building the fence and restoring privacy to as much of the yard as possible is because of safety. Along the Dilwin side of the road is a family that has been notorious among the neighborhood for being, violent, threatening, trespassing, and has had habits of druge use and intoxication in their front yard.

We have been bothered by these neighbors and a previous one on more than one occasion and want to have a safe place for our child.

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

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

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

Due to the narrow section on the right side of the house, another gate is required on the left of the property for adequate transport of machinery and materials to

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

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

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

---

---

---

---

---

---

---

**Exhibits**

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

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

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

Letters from neighbors promoting fence construction.

---

---

---

---

Note: Some of these items were not provided to staff.

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



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





## FENCE PLAN SUBMITTAL CHECKLIST AND PERMIT APPLICATION

No fee (\$0)

Prior to the installation of a fence in the City of Rock Hill, a fence plan must be reviewed to ensure that the fence complies with the City's regulations as outlined in the Rock Hill Zoning Ordinance and that the fence is not placed in any easements or rights-of-way. We recommend that you contact SC811 to locate any utilities on your property first before starting your project. Visit <https://sc811.com/homeowners/> for more information. **The following information must be submitted with your application:**

- Scale drawing or picture of fence** showing the **height, type, and material** of the fence.
- Site plan drawn to scale or survey of property** showing the **location of the fence with the property dimensions**. Show any utility or other easements present on the property. Indicate location of electric meter and any utilities (overhead or underground) present in the area to include light poles, manhole covers, or any additional meters. Include a description of landscaping if required by the Zoning Ordinance standards.
- Homeowner's Association or Architectural Review Board approval letter, if applicable**. The approval letter must have the individual name of the person with authority signing the letter.

Please note that a building permit application is required for privacy walls over 6 ft. in height, where allowed by the Zoning Ordinance. If you are installing a fence in conjunction with a swimming pool, see the Swimming Pool Permit application for more information about building code requirements for fences around pools. **A site compliance inspection is required after your fence is installed. The property lines are required to be marked at the time of the inspection. Please contact the PAC at (803)329-5590 to schedule the inspection.**

**Please complete the following information:**

Permit Address: 1324 Hollythorn Dr Subdivision: Hollythorn Lot #: 79  
(Location of permit site inside RH City Limits)

Property Owner: Jishua Jasha Phone: 803-517-6634

Property Owner Address: 1324 Hollythorn Dr Email: jaresha2011@gmail.com

Fence Installer: Superior Fence & Rail of Charlotte City Bus. Lic. #: 202106264

Fence Installer Address: 730 Commerce Dr Concord, NC 28025

Fence Installer Phone: 704-862-4941 Email: gina@fencingclt.com

Description of Fence: 172 linear feet of 6' high wood privacy fence with two 5' wide gates

Contract Price \$ 6,539.81

Are there any recorded deed restrictions or restrictive covenants that apply to this property which are contrary to, conflict with, or prohibit the permitted activity being requested? For example, is there a mandatory architectural review or homeowner association approval required?

Yes  No

If yes, please describe restrictions: \_\_\_\_\_

**Certifications**

- I certify to the best of my knowledge that all information provided is true and correct and all work performed under this permit shall conform to all plans and specifications herewith submitted and shall conform to the City Zoning and Building Codes and all laws and ordinances pertaining thereto.
- I understand the City of Rock Hill accepts no responsibility for fences that do not conform to covenants or guidelines set by associations.
- I attest that there are no recorded deed restrictions or restrictive covenants that apply to this property which are contrary to, conflict with, or prohibit the permitted activity being requested.
- I certify no construction or portion of construction will be built over or under any electrical, water, sewer, stormwater or any other utility easements or rights-of-way.
- If any information is false or misleading, the permit may be considered void and revoked. Failure to begin development activity within 6 months from the application approval may result in expiration of the permit.

Applicant Signature: Gina Tucker

Applicant Title: Contractor

Applicant Printed Name: Gina Tucker

(Contractor, Owner, Agent, etc.)

Sworn to and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Signature of Notary: \_\_\_\_\_

(Place Notarial Seal Here)

Notary Public for: \_\_\_\_\_

My commission expires: \_\_\_\_\_

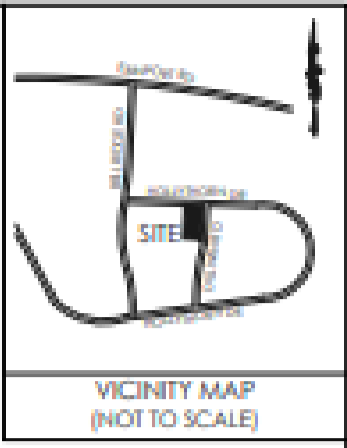
**FOR OFFICE USE ONLY:** Date Filed: \_\_\_\_\_ Comments: \_\_\_\_\_

Action: [ ] Denied [ ] Approved Planning & Development Director/Designee: \_\_\_\_\_ Date: \_\_\_\_\_



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

LINE	BEARING	DISTANCE
L1	S 89°00'17" E	60.05'
L2	S 82°28'29" W	51.80'
L3	S 10°46'27" W	3.13'

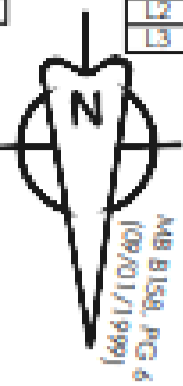


**LINE LEGEND**

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

**HATCH LEGEND**

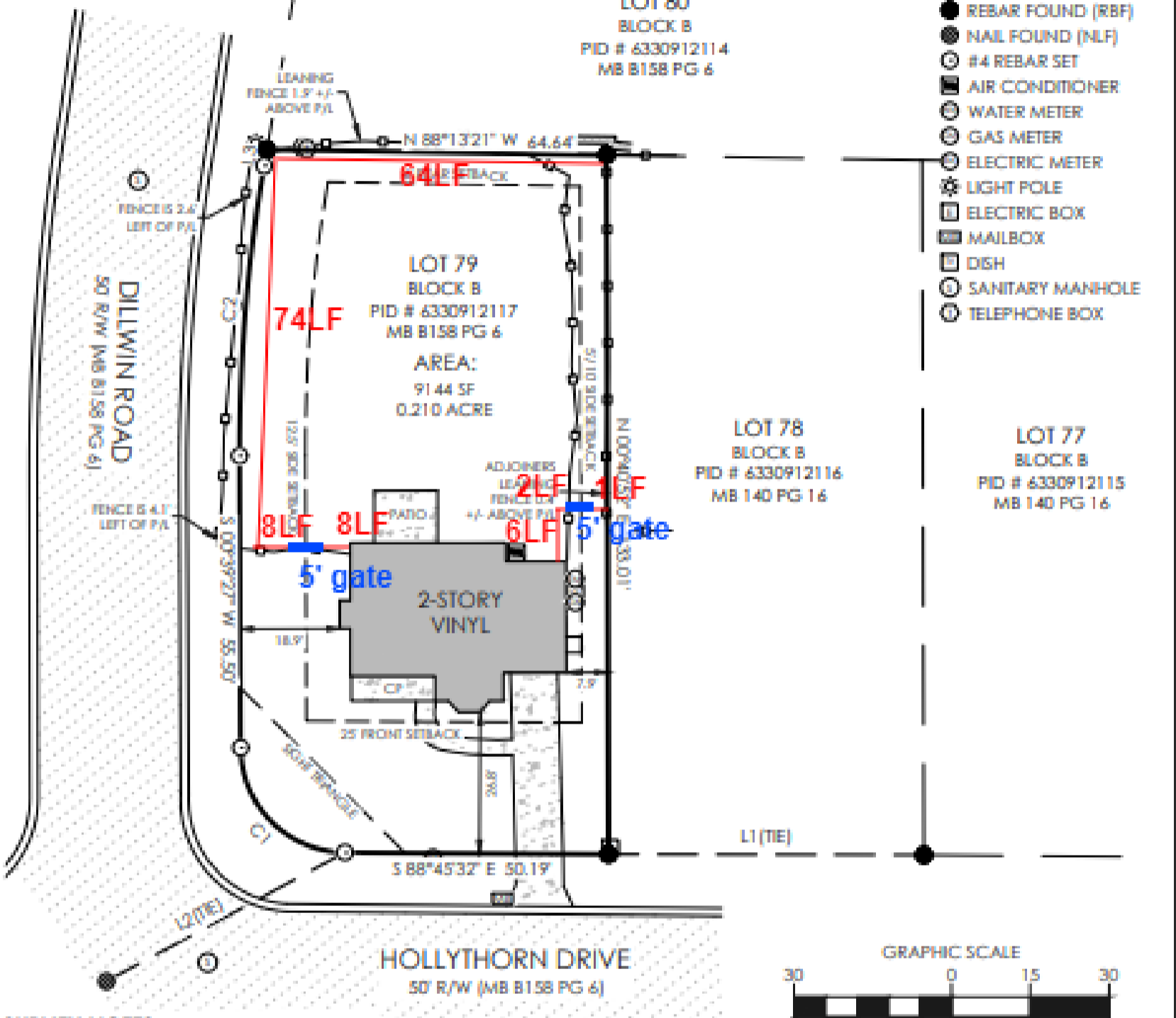
- CONCRETE
- PAVEMENT
- BUILDING
- BRICK



LOT 80  
BLOCK B  
PID # 6330912114  
MB B158 PG 6

**SYMBOL LEGEND**

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



**SURVEY NOTES:**

1. NO NEW LOTS OR LOT LINES CREATED.
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
3. AREA COMPUTED BY THE COORDINATE METHOD.
4. REFERENCE(S): AS SHOWN.
5. ALL BUILDINGS SHOWN LIE WHOLLY ON THE SUBJECT PROPERTY.
6. LOT ZONED PUD PER MAP BOOK B158, PAGE 8. **SETBACKS AND EASEMENTS SHOWN PER MAP BOOK B158, PAGE 8.** SUBJECT TO VERIFICATION WITH YORK COUNTY ZONING DEPARTMENT.
7. PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY WHICH ARE NOT SHOWN HEREON.
8. THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE COMMITMENT REPORT. THIS PLAT/PROPERTY IS SUBJECT TO ANY AND ALL RIGHTS-OF-WAY, UTILITY EASEMENTS, DEED RESTRICTIONS, RESTRICTIVE COVENANTS OR AGREEMENTS WHICH MAY OR MAY NOT BE OF RECORD AND APPLICABLE HERE TO THE DATE OF THIS SURVEY.
9. UNDERGROUND UTILITIES ARE NOT LOCATED AT THE TIME OF SURVEY. IF SHOWN, UTILITY LOCATIONS ARE APPROXIMATE BASED ON LOCATIONS OF ABOVE GROUND APPURTENANCES. UNDERGROUND UTILITIES NOT SHOWN HEREON MAY EXIST.
10. PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA. (FRM MAP NO. 45091C0309F, EFFECTIVE ON 05/14/2017).

**SOURCE OF TITLE**

DB 16529, PG 229

**ABBREVIATIONS**

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

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

SURVEY OF PROPERTY FOR:  
**ADAM J. T. & AMY J. RESHA**

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



## 6ft Wood Stockade ✓ Signed

6'H Stockade

N/A

### Features & Benefits

- Superior Wood Specification
- Hot Dipped Galvanized Ring-Shank Nails
- Superior Construction Built from Scratch On-Site


### Specifications

- **Post:** 4 x 4 x 8
- **Rail:** 2 x 4 x 16
- **Picket:** 5/8" x 5-1/2"





**ROCK HILL**  
SOUTH CAROLINA  
*Always on.*

**Z-2022-29**

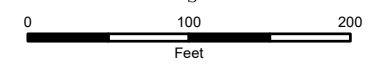
 Subject Property

**Zoning Districts**

 Planned Unit Development (PUD)

 Single-Family 3 (SF-3)

**Zoning Data**  
**Current Zoning**  
**PUD**



Planning & Development  
Department  
City of Rock Hill  
07/19/2022

