

A public hearing of the Zoning Board of Appeals was held Tuesday, July 19, 2022, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill, SC.

MEMBERS PRESENT: Charlotte Brown, Rodney Cullum, James Hawthorne,
Stacey Reeves, Keith Sutton, Chad Williams

MEMBERS ABSENT: Matt Crawford

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

Legal notices of the public hearing were published in The Herald, Friday, July 1, 2022. Notice was posted on all property considered. Adjacent property owners and tenants were notified in writing.

1. Call to Order

Vice-Chair Keith Sutton called the meeting to order at 6:00 p.m.

2. Approval of Minutes of the June 21, 2022, meeting.

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

3. Approval of Orders of the June 21, 2022, meeting.

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

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 until August at the request of the applicant.

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.

Shana Marshburn, Planner II, presented the staff report.

Mr. James Hawthorne asked if the one-foot addition to the retaining wall was for decorative measures only. Ms. Marshburn replied that it appears that it was added for height.

Mr. Cullum asked to see again a photo of the current fence and asked if the City had been notified and if there was a permit for the fence. Ms. Marshburn replied there had not been any notification to the City and the fence was installed without a permit.

Mr. Williams asked if staff would be happy if the applicant removed every other picket of the current fence. Ms. Marshburn replied yes.

Mr. Hawthorne stated that if every other picket was removed, the fence would not be able to contain the applicant's dogs.

Mr. Cullum asked if there was still some of the original galvanized chain link fence on the property. Ms. Marshburn replied that the galvanized chain link fence is still running along the sides of house and that the wooden fence is only in the front of the house.

Vice-Chair Sutton opened the floor to the applicant.

Kiesa McCoy, 4 Graham Street (applicant) stated that she had added a design by drilling holes in

the pickets to allow for more visibility through the fence and that she did not realize it would be an issue when changing from a galvanized fence to a picket fence. Ms. McCoy also stated that the one-foot block addition was to prevent soil from eroding over the wall onto the sidewalk. Ms. McCoy is also concerned about the interaction of the mailman and her dogs.

Mr. Hawthorne asked if the mailman must come up to house to deliver mail. Ms. McCoy replied no.

Mr. Hawthorne asked the applicant if they were made aware of the 50% opacity standard when they received the fence violation notification. Ms. McCoy replied yes, but it does not say anything about every other picket and feels that the design she added to the fence does allow for more visibility.

Mr. Cullum stated that it appears that Ms. McCoy has put a lot of work into the design that was added to the fence and asked if Ms. McCoy would be willing to work with the City for a resolution. Ms. McCoy replied that she is trying to upgrade the appearance of her property and that some of the neighbors have commented that her property looks better. Ms. McCoy also stated the fence is to help prevent interaction between the mailman and her dogs.

Mr. Williams stated that the current fence is an improvement but is wondering if Ms. McCoy can add enough design in the fence to meet the 50% opacity standard.

Mr. Hawthorne asked if a wrought iron fence would work. Ms. McCoy replied that she cannot afford to change out the current fence.

Mr. Sutton asked if there is any possibility that the design could meet 50% opacity standard. Ms. Marshburn replied that the design would count towards the 50%; but was not sure that with more design added, it would meet the 50% opacity requirement.

Mr. Sutton asked who would decide if the fence meets the 50% opacity requirement if more design was added. Ms. Marshburn replied that it would be her.

Mr. Williams stated that the current shadowbox fence is closer to the 50% opacity than a solid fence and still feels that it looks better than what was previously there. Ms. Marshburn stated that the fence must be less than 50% opaque from a 90-degree view of the property.

Mr. Hawthorne asked if the fence is sitting on top of the retaining wall. Ms. McCoy replied that the fence is not attached to the retaining wall.

Mr. Cullum asked what the applicant's investment into the new fence was. Ms. McCoy replied \$1,000.00.

Mr. Hawthorne asked if the galvanized gate would count toward to the 50% visibility. Ms. Marshburn replied yes.

Mr. Hawthorne asked the applicant if they have larger dogs. Ms. McCoy replied yes and that the dogs can be somewhat destructive.

Mr. Eric Hawkins, Planning & Zoning Manager, asked the applicant if they would be able to keep the dogs in the backyard. Ms. McCoy replied that the dogs do not get along and need to be kept separated.

Mr. Hawthorne stated that he did not feel that adding more design to the fence would bring the visibility up to 50%; including the galvanized gate could help but does not see a viable solution.

Mr. Cullum stated that there might be a solution that has yet to be addressed and asked about a deferral to allow the homeowner time to work with the City for a viable solution. Mr. Williams stated that the applicant has been working with the City.

Ms. Stacey Reeves asked about meeting all the other conditions.

Mr. Sutton stated that he feels the other conditions could be met if they can get the opacity percentage worked out.

Ms. Reeves asked what design pattern would continue to be used. Ms. Kearse replied that the one that is consistent across the entirety of the fence should be used.

Mr. Cullum suggested a 30-day deferral to come up with another solution. Mr. Williams stated that he would rather not defer.

Mr. Hawthorne asked about the height of the fence. Ms. Kearse replied that the height total is 8 feet, which encompasses the retaining wall and fence.

Mr. Williams made a motion to approve the variance from the fence opacity limit with the condition that the design pattern be continued on both sides of the fence to provide more visibility into the property. Mr. Sutton seconded, and the motion carried by a vote of 5-1 (Reeves opposed, Crawford absent).

Mr. Sutton presented the findings, specifically noting the soil conditions are extraordinary and exceptional; the topography and erosion are unique conditions; strict application of the ordinance deprives use in that the replacement fence with the design made with holes is an improvement over the previous galvanized fence; it is not detrimental to the area because there are other picket fences in the neighborhood.

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.

Deferred until August at the request of the applicant.

7. Other Business.

- a) Ms. Melody Kearse discussed continuing education opportunities.
- b) Ms. Kearse stated that she would be putting together a handbook for ZBA board members.
- c) Ms. Kearse stated that the moratorium for short-term rentals ends November 9th.

8. Adjourn.

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

The meeting adjourned at 6:47 p.m.