



Rock Hill Zoning Board of Appeals Meeting

Date: Tuesday, January 17, 2023

Time: 6:00 P.M.

Location: Council Chambers
City Hall
155 Johnston Street
Rock Hill, SC 29730

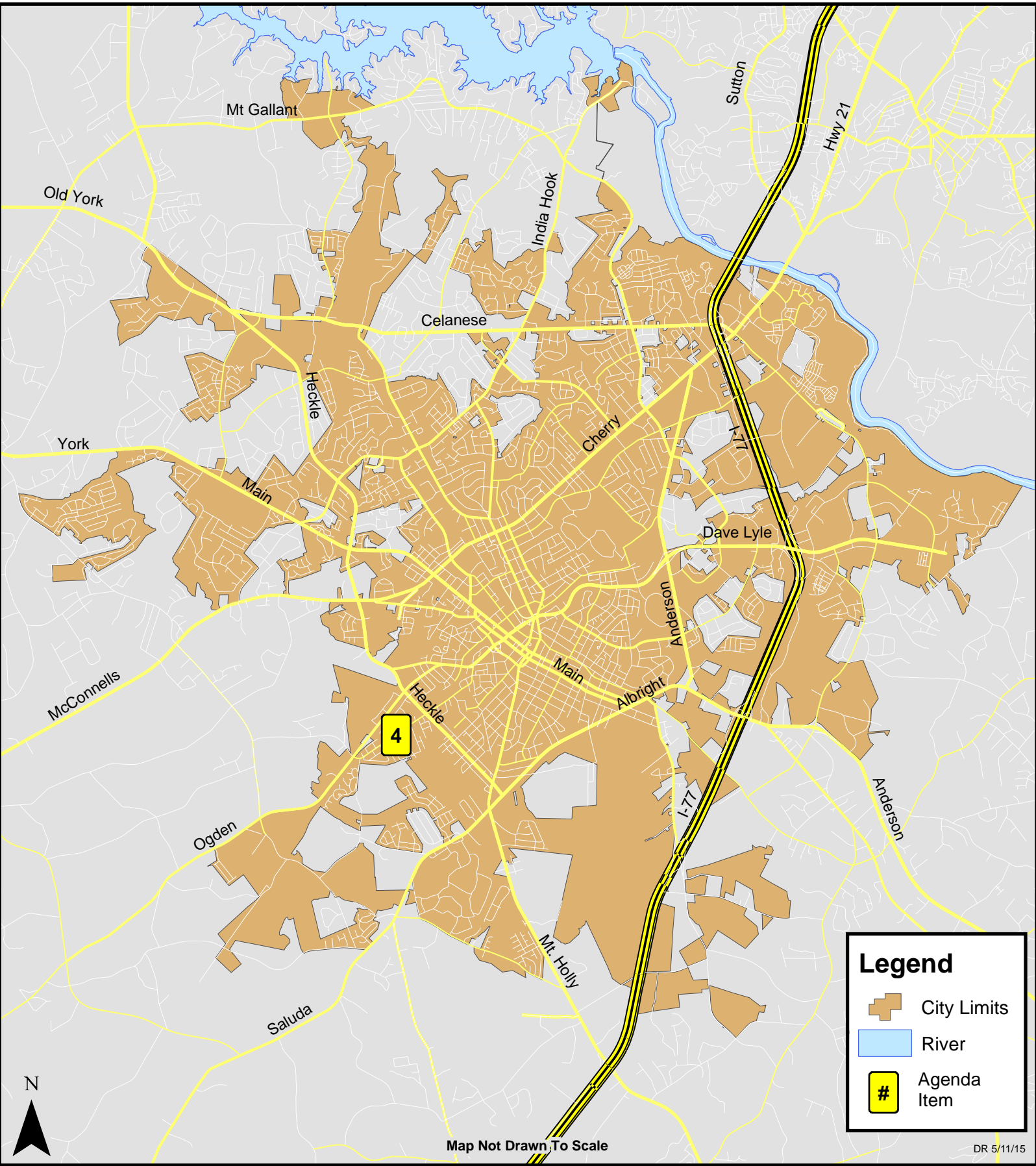
A G E N D A

1. Call to Order
2. Approval of Minutes from the November 15, 2022, meeting.
3. Appeal Z-2023-01: Request by Nicholas Wellons for a variance from the secondary front setback for a fence at 1333 Crawford Rd. The property is zoned Single-Family Residential-4 (SF-4). Tax map number 599-01-03-004.
4. Other Business.
5. Adjourn.

Zoning Board of Appeals Agenda Items



City of Rock Hill, SC
January 17, 2023
Zoning Board of Appeals



Map Not Drawn To Scale

was the most appropriate zoning district to allow the former use of a machine shop

The Board expressed concerns for the special exception being subject to the condition that the applicant make any off-site improvements resulting from the SCDOT-required turning movement counts. Ms. Marshburn stated once traffic counts are done, the information will be given to staff and SCDOT who will determine if a two-way left turn lane will be required. She added that if required it will be the responsibility of the developer. Mr. Hawkins stated if needed, it could be a matter of restriping.

Mr. Cullum asked if 22 parking spaces would be sufficient when summer camps are occurring. Ms. Reeves stated it is not typical for parents to stay. Ms. Marshburn stated there is room to add more parking spaces if needed.

Vice-Chair Sutton opened the floor to the applicant. Mr. Sheldon Brown, 2702 Windswept Cove, York, SC stated that this facility, which will be similar to K3 Sports 7 Milltown Baseball, has the ability to reach a lot of children from all around the area and feels this facility will be very beneficial to the area. Mr. Brown expressed concerns about the possibility of being responsible for the two-way left turn lane. Mr. Williams stated that Mr. Brown would be responsible for payment if SCDOT determines the improvement is required.

Vice-Chair Sutton opened the floor for public comments and there were none.

Ms. Reeves stated that she is definitely in favor of this facility and has seen a lot of positive impact from these types of facilities.

Mr. Cullum made a motion to approve a special exception for an indoor recreation facility greater than 3,000 square feet at 5025 Old York Rd with the condition the applicant must make any off-site improvements resulting from the SCDOT required turning movement counts. The motion was seconded by Ms. Brown and was approved by a vote of 5-0 (Crawford, Hawthorne absent).

Mr. Cullum presented the findings, specifically noting compatibility with the location, minimal adverse and environmental impact.

6. Other Business

- 2023 Board Calendar Approval

Ms. Britz presented the 2023 calendar with noted change of the November 21, 2023 meeting being moved to November 14, 2023.

- Continuing Education

Ms. Britz stated the Transportation presentation will take place on Thursday, November 17th, from 4:00 – 5:30 p.m. and will be held in Council Chambers at City Hall. Ms. Britz also stated that the 1.5-hour session, Crime Prevention Through Environmental Design (CPTED), for Continuing Education hours will be held on December 12th and will be held in Room 373 at City Hall.

- Holiday Dinner

It was agreed upon that the holiday dinner will be held on December 7th, beginning at 6:00 p.m. at the Old Town Kitchen & Cocktails.

- Mr. Williams announced that he will be resigning from the Zoning Board of Appeals as he has been appointed to the Pennies for Progress committee. Mr. Williams is planning to resign after the December ZBA meeting. Mr. Hawkins stated Mr. Williams will need to

A public hearing of the Zoning Board of Appeals was held Tuesday, November 15, 2022, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill, SC.

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

MEMBERS ABSENT: Matt Crawford, James Hawthorne

STAFF PRESENT: Amy Britz, Eric Hawkins, Shana Marshburn, Donna Welch

Legal notices of the public hearing were published in The Herald, Friday, October 28, 2022. Notice was posted on all property considered. Adjacent property owners and tenants were notified in writing.

1. Call to Order

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

2. Approval of Minutes of the October 18, 2022, meeting.

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

3. Approval of Orders of the October 18, 2022, meeting.

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

4. Appeal Z-2022-40: Request by Ankit Patel with KHODAL2022 LLC for a reduction of the required separation from residential uses for a liquor store at 2026 Cherry Rd. The property is zoned General Commercial (GC). Tax map number 632-11-01-003.

Amy Britz, Zoning Coordinator, presented the staff report.

Vice-Chair Sutton opened the floor to the applicant. Attorney. Dan Johnson, 310 College Ave., Rock Hill, SC (representing applicant) stated there were several potential tenants, but the owner felt an ABC store would be a good mix for this location. Mr. Johnson is confident this will be a well-run operation and will be watched closely. Mr. Johnson stated all access will be from front of the building, this is a typical use for a retail center and is confident there will be no adverse impact.

Vice-Chair Sutton opened the floor for public comments and there were none.

Mr. Williams made a motion to approve a reduction of the required separation from residential uses for a liquor store at 2026 Cherry Rd. The motion was seconded by Mr. Cullum and was approved by a vote of 5-0 (Crawford, Hawthorne absent).

Mr. Williams presented the findings, specifically noting the proposed use is compatible with adjacent uses and additional buffering is not needed.

5. Appeal Z-2022-41: Request by Sheldon Brown for a special exception to establish an indoor recreation facility greater than 3,000 square feet at 5025 Old York Rd. The property is zoned Industry Business (IB). Tax map number 542-07-01-022.

Shana Marshburn, Planner II, presented the staff report.

Mr. Sutton asked if there is a reason the space is zoned Industry Business and everything around it is zoned differently. Ms. Marshburn stated the property was annexed into the City, whereas IB

submit a written resignation letter.

- Ms. Brown asked about the rental property registrations program. Mr. Hawkins stated Neighborhood Services will be managing this program and suggested board members reach out to Melanie Brandon at Neighborhood Services.

7. Adjourn.

There being no further business, Mr. Cullum made a motion to adjourn the meeting. The motion was seconded by Ms. Reeves and was approved by a vote of 5-0 (Crawford, Hawthorne absent).

The meeting adjourned at 7:00 p.m.

Z-2023-01

Request: Variance from the secondary frontage setback for a fence
Address: 1333 Crawford Road
Zoning District: Single-Family Residential-4 (SF-4)
Applicant/Owner: Nicholas Wellons





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

Address: 1333 Crawford Road

Tax Map #: 599-01-03-004

Zoning District: Single-Family Residential-4 (SF-4)

Owner/Applicant: Nicholas Wellons
1333 Crawford Road
Rock Hill, SC 29730

Background

The homeowner of 1333 Crawford Road, Nicholas Wellons, is proposing to build a six-foot-high wooden privacy fence to enclose the yard behind his house. Since this is a corner lot, the fence is required to be set back ten feet from the property line along Booker Washington Street. The applicant is requesting a variance of four feet to place the fence six feet from the property line. The variance is requested in order to avoid an old concrete pad left on the property by a previous use, a drainage swale and rocky soils. Approval of the variance would also allow room to place a three-foot wide access gate between the fence and the house, since the house is only set back eleven feet from Booker Washington Street.

The applicant was issued a violation by Neighborhood Services for starting work on the fence without a permit. Upon receiving the violation, the applicant stopped work and began working through the permitting and variance processes. Applicant must submit a site plan including the location of property lines, proposed fence, and distance to utilities.

Site Description

The property is located on the corner of Crawford Road and Booker Washington Street in the Clinton Park Subdivision. Knox Grocery Store is on the opposite corner of Booker Washington Street. Surrounding uses are zoned Single Family-4 (SF-4). Nearby uses include a church and VFW further south on Crawford.

Description of Intent for 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 listed in full in Chapter 6: Community Design Standards. The minimum lot size in the SF-4 zoning district is 9,000 square feet.

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 the applicant has demonstrated **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 piece of land.

The subject property has an old concrete pad left over from a previous use, a drainage swale, and rocky soils limiting where the fence can be placed.

2. *Unique Conditions*

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

Other lots in the area do not have the same conditions listed above limiting the placement of a fence.

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.

Without a variance, the applicant would either not be able to construct a fence along the secondary frontage or the fence would have to be built to work around the constraints, resulting in a very irregularly shaped, small area to be fenced in. The current SF-4 lot minimum width standard is 80 feet. This lot is only 50 feet wide.

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.

If the variance request is granted, the property would not be out of character with the neighborhood since there are other houses on corner lots with privacy fences at 1301 & 1403 Crawford Road.

The general reason behind why the Zoning Ordinance does not allow privacy fences to run along the property line is mainly due to aesthetics and sight distance concerns. Allowing these types of fences along front and secondary property lines has the potential to create a "walled off" and unwelcoming look along the street frontage. Particularly along the secondary property line, having a break between the property line and fence of this nature, softens the appearance of the fence. In this case, the proposed fence will not negatively affect sight distance because the fence will start over fifty feet back from the intersection.

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 expected to generate profit.

Public Input

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

- December 29: Sent public hearing notification postcards to 61 property owners and tenants within 300 feet of the subject property.
- December 30: Posted public hearing signs on subject property.
- December 30: 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 able to make all the findings for the applicant's request to reduce the ten-foot setback. Staff recommends conditional approval of a variance to reduce the secondary front setback for the privacy fence to six feet to account for the drainage issues and avoid underground concrete with the condition the fence meet the following utility requirements:

- A. Fence posts to be at least three feet from underground electric lines.
 - B. The fence should have at least two feet of clearance from all electrical equipment (poles, pedestals, etc.) along Booker Washington Street.
-

Attachments

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

Staff Contact:

Amy Britz, Zoning Coordinator

803.329.5586

amy.britz@cityofrockhill.com

Planning & Development Department

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

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

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

www.cityofrockhill.com



VARIANCE APPLICATION

Tax map number	Address(es)	Property owner
<i>Example:</i> 233-21-23-576	420 Example St.	Rock Hill Cars, LLC
599-01-03-004	1333 Crawford Rd	James Nicholas Wellons

APPLICANT

Primary Applicant Name: James Nicholas Wellons

Mailing Address: 1333 Crawford Rd. Rock Hill, SC 29730

Phone: 864-670-0387 Email: nickwellons@gmail.com

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

- If yes, please describe the requirements: _____

Are you the owner of the subject property? Yes No

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

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

Applicant signature: Date: 11/27/22

PROPERTY OWNER

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

Mailing Address: _____

Phone: _____ Email: _____

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

Signature: _____ Date: _____

INFORMATION ABOUT REQUEST

General description of your request: I am seeking a variance to change the setback of my fence to allow me to place the road-side of my fence 5 feet off of my house

Findings of fact: Under state law, the Zoning Board of Appeals must find that your request satisfies **all four** of the following statements. Please explain why you believe your request satisfies each of the statements.

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

Our lot has three main conditions for consideration.

The first is the drainage issue that would arise by moving our fence to the required setback. Moving the fence back to the calculated setback distance would put our fence in a small valley in our yard that, over time, would cause concern for erosion and long term stability issues for the fence. (see site plan below)

Secondly, due to the history of our lot, moving the fence back the full distance would create near impossible conditions for setting the post as under the earth there are large remains of concrete from a parking lot that was never fully removed. These remains would be directly underneath the new path of the fence and would cause major work to be necessary for their removal and to repair the earth work needed to be done.

Thirdly, as this is a skinny lot, moving the fence would remove a significant square footage of yard space, ultimately reducing the impact of the structure.

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

Other properties in our area do not battle the same conditions we do as there weren't remains of parking lots that needed to be dealt with. Our neighboring lots do not face the same extraordinary means it would require to adhere to these requirements, including the cost of removal and ground repair. Additionally, there are not a lot of corner lots in our area and few of those have to deal with the same drainage issues we have. Since we do not have proper stormwater drainage for our lot and the majority of our lot is parallel to the secondary road, we face an increased risk to the effects of stormwater and erosion. Our fence would need to be planned around the natural drainage of our yard and take advantage of high-points instead of trying to reroute those drain paths and placing our post in valleys.

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 required setbacks in our cities zoning laws, our lot would lose no less than 25% of its square footage, greatly reducing the amount of usable fenced in space to a level that would deem the structure pointless. Enforcing the standard requirements would likely not make building the fence possible, even if the amount of yard space lost wasn't as severe as it is. Moving the fence puts the line of fence directly over the parking lot, mentioned above, that was never fully removed and its remains would be as costly to remove as it is to build the fence in its entirety.

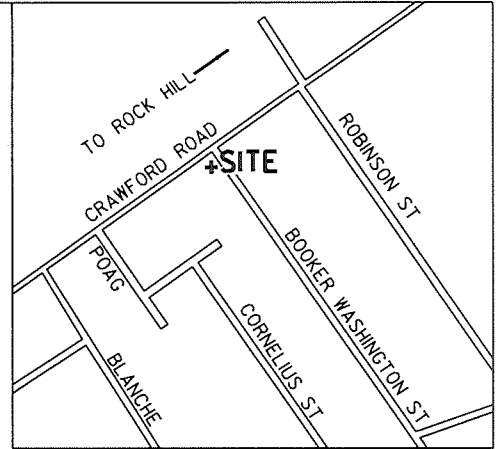
4. If the Zoning Board of Appeals grants the variance request, it will not harm adjacent land or the public good.

There is no harm that can come from this variance request, this fence would not impose any harm or safety concerns to any other land or neighbors in our community.

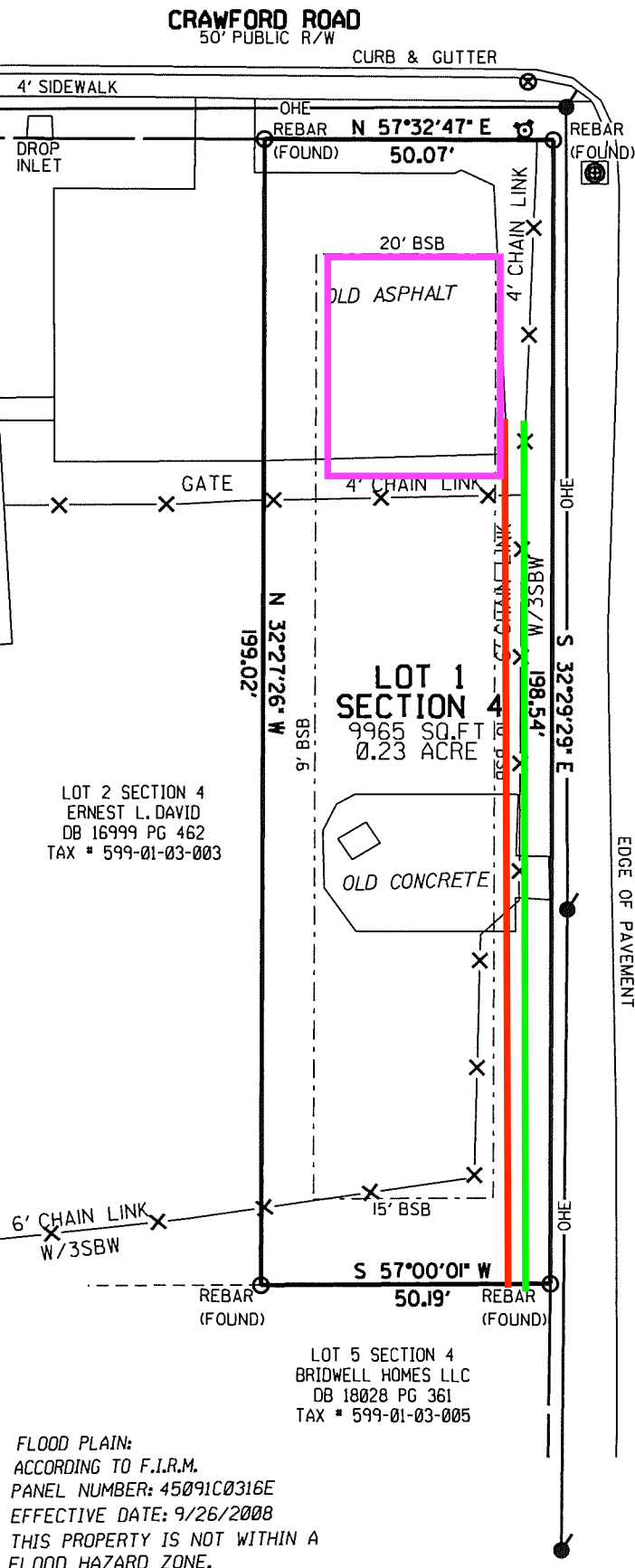
List any exhibits that you have provided to help explain your request to the Board. Site plans and photographs are usually very helpful.

GENERAL NOTES:

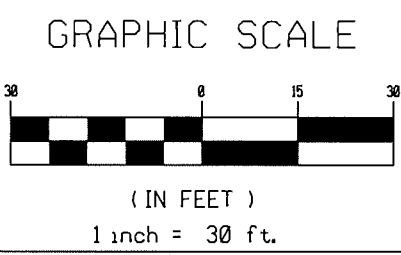
1. AREAS COMPUTED BY COORDINATE GEOMETRY
2. THIS PROPERTY SUBJECT TO RIGHT OF WAYS, EASEMENTS, RESTRICTIONS AND COVENANTS EITHER RECORDED OR IMPLIED.
3. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
4. NO RECOVERABLE GEODETIC MONUMENT FOUND WITHIN 2000' OF SUBJECT PROPERTY.
5. ALL ADJOINING PROPERTY OWNER INFORMATION TAKEN FROM CURRENT DEEDS AND TAX RECORDS AND IS CONSIDERED "NOW OR FORMERLY."
6. THIS PROPERTY IS ZONED SF-4 BY THE CITY OF ROCK HILL
 MINIMUM BUILDING SETBACKS:
 FRONT = 20 FEET
 SIDE = 9 FEET
 SIDE STREET = 10 FEET
 REAR = 15 FEET
7. NO NEW LOT LINES OR STREETS ESTABLISHED BY THIS SURVEY



VICINITY MAP (NO SCALE)



FLOOD PLAIN:
 ACCORDING TO F.I.R.M.
 PANEL NUMBER: 45091C0316E
 EFFECTIVE DATE: 9/26/2008
 THIS PROPERTY IS NOT WITHIN A
 FLOOD HAZARD ZONE.



LEGEND	
R/W	RIGHT-OF-WAY
DB	DEED BOOK
PG	PAGE
PB	PLAT BOOK
SQ. FT.	SQUARE FEET
3SBW	3STRAND BARBED WIRE
OHE	OVERHEAD ELECTRIC
○	PROPERTY CORNER
⊗	WATER VALVE
⊕	HYDRANT
●	POWER POLE
—X—	FENCE

BOOKER WASHINGTON STREET
 40' PUBLIC R/W
 EDGE OF PAVEMENT

Red = Zoning
Green = Variance
Pink = Home

I HEREBY CERTIFY THAT 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. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 4TH DAY OF MARCH, 2021

PROFESSIONAL SURVEYOR _____ REG. NO. _____

LOT SURVEY	
TAX PARCEL NUMBER 599-01-03-004 LOT 1 SECTION 4 CLINTON PARK	
LEGAL REFERENCE DEED BOOK 190011 PAGE 28 PLAT - DEED BOOK 27 PAGE 587	
CATAWBA TOWNSHIP - CITY OF ROCK HILL YORK COUNTY - SOUTH CAROLINA	
PREPARED FOR - ????????????????	
SURVEYED BY: NEIL H. PRESLAR, SCPLS 21642 1613 WEST ROOSEVELT BLVD. MONROE, NC 28111 PHONE: 704.289.8482	









Proposed Fence Line



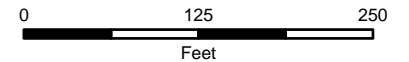
Z-2023-01

Zoning Districts

-  Subject Property
-  Neighborhood Office (NO)
-  Office and Institutional (OI)
-  Single-Family 3 (SF-3)
-  Single-Family 4 (SF-4)
-  Zoning District Boundaries

Zoning Data

**Current Zoning
SF-4**



Planning & Development
Department
City of Rock Hill
01/17/2023

