

A public hearing of the Zoning Board of Appeals was held Tuesday, January 17, 2023, 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, Stacey Reeves

MEMBERS ABSENT: None (two vacancies).

STAFF PRESENT: Amy Britz, Eric Hawkins

Legal notices of the public hearing were published in *The Herald* on Friday, December 30, 2022. Notice was posted on all property considered. Adjacent property owners and tenants were notified in writing.

1. Call to Order

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

2. Approval of Minutes of the November 15, 2023, meeting.

Ms. Reeves made a motion to approve the minutes as submitted. Mr. Hawthorne seconded, and the motion carried by a vote of 5-0.

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.

Amy Britz, Zoning Coordinator, presented the staff report.

Mr. Hawthorne asked if adding a gate would require an additional variance? Ms. Britz stated no, there is enough space for the gate within the requested variance.

Chair Crawford asked how far the fence goes along the house. Ms. Britz stated the measurement was not included on the site plan details. Mr. Wellons stated it would be about ten feet along the side of the house on the Booker Washington side and would remain behind the front plane of the house.

Chair Crawford asked if the stop sign is on the side road? Ms. Britz stated yes, the stop sign is on Booker Washington at Crawford Rd. There is not a stop sign along Crawford.

Chair Crawford stated there is no issue of site distance from the stop sign. Ms. Britz stated correct, it is only an issue for the neighbor at the rear of the property. Photos show the fence would not block their view of the road from their driveway.

Mr. Cullum asked about the store across the street and its parking. Ms. Britz stated it is currently being used as a residence for the family who owned the previous store.

Mr. Cullum asked if this property was formerly a parking lot for the store across the street? Ms. Britz stated she wasn't sure what the old parking lot was for but believed it was for the adjacent property's use.

Mr. Cullum asked if the applicant started work on the fence after the application was denied. Ms. Britz stated yes.

Mr. Cullum stated the concrete was preexisting and not extraordinary. He asked if the concrete

issue was known when the applicant purchased the property? Ms. Britz stated it was not clarified on the application and that the applicant would best be able to answer.

Chair Crawford opened the floor to the applicant.

Nicholas Wellons, 1333 Crawford Rd, applicant, stated that he did start work on the fence before getting a permit. He stopped work when he found out the permit application was not approved. He will be moving the current posts to the corrected proposed location.

Mr. Cullum asked Mr. Wellons if he knew about the concrete and the drainage issue prior to buying the property. Mr. Wellons stated that he didn't know about the drainage issue and didn't expect to have the issue on a new house, particularly so close to the house. Mr. Wellons is trying to figure out the best way to mitigate it, possibly with plants. Mr. Wellons bought the house in the summer during the drier season. Some of the concrete was removed but what is left is old pieces of concrete and gravel, which is not easily dug through for fence posts. The remaining concrete was graded over and currently not visible.

Mr. Hawthorne asked how far off of Booker Washington the fence is now (as shown in the pictures). Mr. Wellons stated it is nine to ten feet off the edge of the pavement on Booker Washington Street.

Mr. Cullum asked if Mr. Wellons has had any conversations with the contractor who sold him the home. Mr. Wellons stated yes, but since he owns the home now, the contractor hasn't been very cooperative. Mr. Wellons stated that there are other issues with the house, including the driveway location, and he hasn't had much luck working with the contractor.

Mr. Hawthorne asked if the fence would create a sight distance issue for the neighbor. Ms. Britz stated no, it will be moved further into the property away from its current location and the property line.

Mr. Cullum asked if the City is concerned about the driveway location. Ms. Britz stated yes, we are looking into that further as it does not match the building plans for the home. Mr. Wellons stated that he had a quote for \$30,000 to pour another pad in another location.

Chair Crawford opened the floor for public comment and there was none.

Discussion followed about the circumstances of the case and the possibility the fence may need to be removed in the future due to other issues with the property.

Ms. Brown made a motion to approve the variance from the secondary front setback for a fence at 1333 Crawford Rd. The motion was seconded by Chair Crawford and was approved by a vote of 5-0.

Ms. Brown presented the findings, noting the old concrete, other properties do not have similar conditions, the conditions would deprive use of the property, and it would not create sight distance issues detrimental to the public good.

4. Other Business.

- a. The board discussed ways to memorialize Keith Sutton, former Vice Chair. Suggestions included a memorial plaque or memorial tree planting.

5. Adjourn.

There being no further business, Mr. Cullum made a motion to adjourn. The motion was seconded by Mr. Hawthorne and approved by a vote of 5-0. The meeting adjourned at 6:41 p.m.