



YORK COUNTY
ZONING BOARD OF APPEALS
MINUTES • JANUARY 14, 2021
FINAL



Zoning Board Of Appeals

York County Government Center
6 South Congress Street
York, SC 29745

6:00 PM

Tony Smith: Present, Barbara Candler: Present, Derrick Williams: Present, Albert Quarles: Present, John Gast: Absent, Jeffrey Hunter: Present, Ragin Craig: Present, Marion Ray: Present, Rachel Grothe: Present, Laura Dover: Present, County Attorney Michael Kendree: Present, Asia Martin: Present, Josh Reinhardt: Present.

Adoption of Minutes

Approval of December 10, 2020 Zoning Board Of Appeals Minutes

ACCEPTED [Unanimous]

MOVANT: Ragin Craig

SECOND: Barbara Candler

AYES: Smith, Candler, Williams, Quarles, Hunter, Craig

ABSENT: John Gast

Location Map

Old Business

Public hearing in Case Z20-33 to receive public testimony from interested parties and any responses from appellant and staff thereafter take such further action as may be necessary by the board relevant to its November decision –

Staff presentation was given by Josh Reinhardt.

Mark White was present to address the board with the reason for the request.

Josh Reinhardt was present to address the board with the reason for the interpretation.

No one was present to speak in opposition of the interpretation made by staff.

Robby Hailey, Darren Nichols, Donnie Christopher, Sandra Spicer, and Christi Cox were present to speak in favor of the interpretation made by staff.

Executive Session: Receipt of Legal Advice: Case Z20-33

At 7:06 PM the Board went into Executive Session for Receipt of Legal Advice: Case Z20-33.

Tony Smith was the mover for the board to go into Executive Session.

Barbara Candler was the seconder.

All in favor by a 6 to 0 vote.

At 7:29 PM the Board ended the Executive Session.

Any actions required upon reconvening from Executive Session

No action was taken.

The motion to reconsider the previous decision on the board on this particular Case: Z20-33 from the November 12, 2020 meeting was approved by a 6 to 0 vote.

APPROVED [Unanimous]

MOVANT: Barbara Candler
SECOND: Tony Smith
AYES: Smith, Candler, Williams, Quarles, Hunter, Craig
ABSENT: John Gast

Spencer and Spencer, P.A. requests an Administrative Appeal from the decision made by the York County Zoning and Development Standards Administrator (Interpretation of a portion of the parking note for the Lazy Hawk Road Planned Development) for the properties located on Caterpillar Drive and Lazy Hawk Road, in the Rock Hill Community, tax map numbers: 617-00-00-001, -026, -077, -084, and -085. District 5– Christi Cox. Case Number Z20-33

The motion to affirm staff's decision regarding the determination of a requirement for the Lazy Hawk Planned Development passed by a 6 to 0 vote.

AFFIRM [Unanimous]

MOVANT: Barbara Candler
SECOND: Tony Smith
AYES: Smith, Candler, Williams, Quarles, Hunter, Craig
ABSENT: John Gast

2. Harvey Augenbraun requests a Variance from the York County Zoning and Development Standards Ordinance (rear yard setback) for property located at 1035 Wendy Road, in the Rock Hill Community, tax map 538-00-00-108. District 4– William “Bump” Roddey. Case Number Z20-29

Request withdrawn by the applicant on January 11, 2021.

New Business

1. Herman Dean Brewster Jr. requests a Variance from the York County Zoning and Development Standards Ordinance (Lake Wylie Buffer) for property located at 10 Pine Point Road, in the Clover Community, tax map 577-25-01-005. District 2– Allison Love. Case Number Z21-1

Staff presentation was given by Josh Reinhardt.

Herman Dean Brewster Jr. was present to address the board with the reason for the request.

No one was present to speak in favor of the request.

No one was present to speak in opposition of the request.

Public hearing was closed.

Ragin Craig made a motion to approve the variance request.

Derrick Williams was the seconder of the motion.

Ragin Craig amended the motion to include the condition recommended by staff: The applicant shall submit a landscape plan for a rain garden and any additional landscape/buffering required by staff.

Derrick Williams accepted the amended motion.

The motion to approve the variance request with one condition: The applicant shall submit a landscape plan for a rain garden and any additional landscape/buffering required by staff failed by a 3 to 3 vote.

FAILED [3 to 3]

The motion made by Jeffrey Hunter to approve the request without a firepit was withdrawn by Jeffrey Hunter.

The motion to deny the variance request to build a fire pit and sitting area within the 50' Lake Wylie Buffer was approved by a 6 to 0 vote.

DENIED [Unanimous]

MOVANT: Tony Smith

SECOND: Ragin Craig

AYES: Smith, Candler, Williams, Quarles, Hunter, Craig

ABSENT: John Gast

2. Geoffrey C. Swanson requests a Variance from the York County Zoning and Development Standards Ordinance (Lake Wylie Buffer) for property located at 5657 Riverfront Road, in the Clover Community, tax map 562-03-01-030. District 2– Allison Love. Case Number Z21-2

Staff presentation was given by Josh Reinhardt.

Geoffrey C. Swanson was present to address the board with the reason for the request.

No one was present to speak in favor of the request.

No one was present to speak in opposition of the request.
Public hearing was closed.

Albert Quarles made a motion to approve the request with the two conditions presented by staff: (1) The applicant shall obtain a licensed arborist to assist with the retention of existing trees within the buffer area via adequate tree protection pruning, fertilization, and other best management practices. (2) Any large tree removal in the buffer associated with new home construction must be replaced with sufficient small trees and/or shrubs elsewhere within the buffer, as approved by the Zoning Administrator.

Tony Smith was the seconder of the motion.

Albert Quarles amended the motion to add an additional condition: The drive and parking area in the front be pervious material.

Tony Smith accepted the amended motion.

The variance request for land disturbance within the 50' Lake Wylie Buffer in order to construct a new 4,100 square foot single-family, detached home, including a 972 square foot porch/deck was approved by a 6 to 0 vote with three conditions: (1) The applicant shall obtain a licensed arborist to assist with the retention of existing trees within the buffer area via adequate tree protection pruning, fertilization, and other best management practices. (2) Any large tree removal in the buffer associated with new home construction must be replaced with sufficient small trees and/or shrubs elsewhere within the buffer, as approved by the Zoning Administrator. (3) The drive and the parking area in front be pervious material.

APPROVED [Unanimous]

MOVANT: Albert Quarles

SECOND: Tony Smith

AYES: Smith, Candler, Williams, Quarles, Hunter, Craig

ABSENT: John Gast

3. Otis J. Whistine requests a Variance from the York County Zoning and Development Standards Ordinance (road frontage requirement) for property located at 1289 Tom Joye Road, in the Clover Community, tax map 362-00-00-130. District 2– Allison Love. Case Number Z21-3

Staff presentation was given by Marion Ray.

Otis Whistine was present to address the board with the reason for the request.

No one was present to speak in favor of the request.

No one was present to speak in opposition of the request.

Public hearing was closed.

The variance request from the required, minimum road frontage in order to subdivide the existing 7.66-acre parcel (tax map: 362-00-00-130) and create two (2) new 1-acre parcels to be divided amongst three children was approved by a 6 to 0 vote.

APPROVED [Unanimous]

MOVANT: Ragin Craig
SECOND: Derrick Williams
AYES: Smith, Candler, Williams, Quarles, Hunter, Craig
ABSENT: John Gast

4. Cynthia Slagle requests a Variance from the York County Zoning and Development Standards Ordinance (road frontage requirement) for properties located on Open Meadow Road, in the Rock Hill Community, tax map numbers: 692-00-00-044 and 692-00-00-079. District 5— Christi Cox. Case Number Z21-4

Staff presentation was given by Marion Ray.

Cynthia Slagle was present to address the board with the reason for the request.

No one was present to speak in favor of the request.

No one was present to speak in opposition of the request.

Public hearing was closed.

The variance request from the required, minimum road frontage in order to recombine a portion of parcel: 692-00-00-044 with a portion of parcel: 692-00-00-079 without the required 350' along Lesslie Highway was approved by a 6 to 0 vote.

APPROVED [Unanimous]

MOVANT: Ragin Craig
SECOND: Jeffrey Hunter
AYES: Smith, Candler, Williams, Quarles, Hunter, Craig
ABSENT: John Gast

Adjourn

With no further business, the meeting was adjourned at 8:55 PM.