

# Zoning Board of Appeals

City of Rock Hill, South Carolina

Date: June 18, 2013

A public hearing of the Zoning Board of Appeals was held on Tuesday, June 18, 2013, at 6:30 PM in Council Chambers at City Hall, 155 Johnston Street, Rock Hill, South Carolina.

**MEMBERS PRESENT:** Matt Crawford, Donovan Steltzner, Justin Smith, Michael Murnane, Timothy Pushchak

**MEMBERS ABSENT:** Wes O'Quinn

**STAFF PRESENT:** Josh Reinhardt, Justin Westbrook, Leah Youngblood, Janice Miller

Legal notice of the public hearing was published in *The Herald*, Saturday, June 1, 2013. Notice was posted on all property considered. Adjacent property owners and residents were notified in writing.

**1. Call to Order:**

The meeting was called to order at 6:30 PM.

**2. Approval of minutes of the May 21, 2013 meeting.**

Mr. Steltzner made a motion to approve the minutes and Mr. Murnane seconded the motion, which was approved unanimously by a vote of 5-0.

**3. Appeal No. Z-2013-12: Request by Jessie Lester c/o Stimmel Associates, PA for McDonald's USA, LLC, for a Variance to allow a proposed driveway on Mt. Gallant Road to encroach into a buffer at the McDonald's proposed to be constructed on four parcels at the intersection of Celanese Road with Mt. Gallant Road and Monterey Drive (currently 1995 Celanese Road, 2005 Celanese Road, 1761 Mt. Gallant Road, and 1778 Monterey Drive). These properties are currently located in General Commercial (GC), Planned Unit Development-Commercial (PUD-C), and Single-Family Residential-3 (SF-3) zoning districts; McDonald's has also required to rezone all properties to Limited Commercial (LC) (see appeal No. M-2013-08 for more information about the rezoning request). Tax map numbers: 634-01-02-001 & -002, 634-01-01-001, and -017.**

Ms. Youngblood presented the staff report.

Mr. Brian Tuttle, 616 Pine Lakes Drive, Tega Cay, applicant's representative provided a brief history of the project and noted that the new buffer proposed was a marked improvement over the existing wooden privacy fence and grass currently in place.

Mr. Crawford noted the staff report stated there would be an increase in landscaping and asked what the increase would amount to. Mr. Tuttle stated approximately 0.65 of an acre was planned landscaping as a buffer for the surrounding neighborhood.

Mr. Bobby Nasekos, 1744 Monterey Drive, spoke in opposition to the application, stating that granting the variance would make it easier for the McDonald's to be built, which he and the neighborhood do not want.

Mr. Tuttle noted that the project had approval letters from the adjacent property owner and the SC Department of Transportation to place the driveway at the proposed location.

Mr. Smith asked if the variance request was denied, would the driveway be moved up 13' to meet the buffer requirements. Mr. Tuttle stated that it would.

Mr. Crawford asked if SCDOT would approve the driveway if it was closer to the intersection. Ms. Youngblood stated that both Mr. Eric Hawkins, City Planner, and Mr. Reinhardt had spoken with SCDOT and that the driveway would be approved, but that for safety and traffic efficiency reasons, the proposed location was preferred.

Mr. Crawford closed the floor for Board discussion.

Mr. Smith presented the motion to approve the application as presented. Mr. Steltzner seconded.

Mr. Crawford called for a vote. The application was approved by a vote of 5-0. Mr. Smith presented the findings.

#### **4. Other Business**

##### **a. Election of Officers.**

Mr. Smith presented the motion to re-appoint Mr. Crawford as Chair. Mr. Steltzner seconded. The motion carried by a vote of 5-0.

Mr. Smith presented the motion to re-appoint Mr. Steltzner as Vice-Chair. Mr. Crawford seconded. The motion carried by a vote of 5-0.

Mr. Reinhardt introduced the Board to new member, Timothy Pushchak.

#### **5. Consideration of a motion to go into executive session in order to receive attorney client privileged information regarding membership on the Board.**

Staff requested postponing this agenda item until the entire Board was able to attend.

#### **6. Adjourn**

Mr. Steltzner presented the motion to adjourn, Mr. Smith seconded and the motion

carried by a vote of 5-0. The meeting adjourned at 7:00 pm.