

## **Chester County Zoning Board of Appeals Minutes of April 12, 2022**

The April 12, 2022 meeting of the Chester County Zoning Board of Appeals was held at 6:00 pm in Council Chambers at the R. Carlisle Roddey Government Building in Chester, SC.

**Notice of Meeting:** Notice of time, date, place and agenda for this meeting were posted in the County Office Government Complex, Chester County Court House and published in the March 23, 2022 issue of the Chester News & Reporter. All properties listed on the agenda were properly posted.

**Quorum Established:** Chairman Mike Walley, Vice Chairman Melvin Jackson, Commissioners Mike McBrayer, Ella Spann and Scott Thomas were present.

**Absent:** Commissioners Hayes and Mosley were absent.

**Staff:** Director Mike Levister was present. Karen Lee was there to take the minutes.

**Call to Order:** Chairman Walley called the meeting to order.

**Approval of Agenda:** Chairman Walley asked if there were any additions or amendments to the agenda as presented by staff. There were none. Chairman Walley made the motion to approve the agenda as presented; seconded by Commissioner McBrayer. Vote was 5-0 to approve.

**Approval of Prior Minutes:** Chairman Walley asked if there were any additions or amendments to the minutes of the January 11, 2022 meeting as presented by staff. There were none. Commissioner McBrayer made the motion to approve the minutes as presented; seconded by Vice Chairman Jackson. Vote was 5 to 0 to approve.

**New Business** – Applicant’s Request

**Reference:** CCSE22-01

**Applicant:** Leslie Brakefield

**Request:** Chapter 4 District Regulations § 4-103 #11

**R2 – Rural Two District Regulations: Special Exception: New Fire Sub-Station**

**Tax Map #: 037-00-00-077-000**

**Address: 2555 Center Rd.**

Mrs. Brakefield stated she was with the North Chester Fire Department, eight years ago they were granted a special exception to build the substation, but in the first referendum there wasn’t enough money. That special exception that was granted had expired so they were asking for approval again to build now that they have the funds. By having the substation there, it would greatly benefit West and North Chester along with lowering the ISO. Commissioner McBrayer motioned to approve the special exception, seconded by Commissioner Jackson. Planning Director Levister stated the Chairman did not ask if anyone was in favor or against the request.

Joaquin Espinoza, 2548 Center Road, Chester stated he lived across the street and was opposed to a substation there. He doesn’t have anything against the fire department, police etc., but thought it would be a nuisance to the people that live there. The fire trucks would be coming in and out with the sirens on which would be a nuisance to him. He just wanted to live peacefully without all the noise.

Mrs. Brakefield stated the substation would consist of three bays, a pumper, tanker and a brush truck that would help the residents on the western side of town and would not be responding all the time like the main station.

Mr. Espinoza questioned why the substation couldn't be built further up the road since the land was donated.

Planning Director Levister stated the land was in North Chester's name and owned the property. Commissioner Jackson asked who donated the land to the fire department and who was there first.

Mrs. Brakefield stated the Carters donated the land around eight years ago and thought it was Wesley Carters brother.

Mr. Espinoza stated he had lived at his residence for twenty-five years.

Mrs. Brakefield stated if the noise was the only issue, they could ask the volunteers to keep the sirens off as they were in route to the substation along with the fire truck keeping them off once they have gotten out of the area. Vote 4-1 to approve. Commissioner Jackson opposed.

**Reference: CCV22-03**

**Applicant: Leslie Brakefield**

**Request: Chapter 4 District Regulations § 4-103 #11**

**R2 – Rural Two District Regulations: Variance: From 100 feet to 55 feet from side and rear property lines.**

**Tax Map #: 037-00-00-077-000**

**Address: 2555 Center Rd.**

Mrs. Brakefield stated due to the way the land was shaped they could not meet the 100-foot setback. She asked for 55-foot variance for the sides and rear of the property. Chairman Walley asked if anyone wished to speak for or against the request. There were none. Chairman Walley motioned to approve, seconded by Commissioner McBrayer. Vote 5-0 to approve.

**Reference: CCSE22-02**

**Applicant: Jeremy Harper and Latrice Harper**

**Request: Chapter 4 District Regulations § 4-104**

**R2 – Rural Two District Regulations: Variance: From 15 feet side property line to 5-8 feet.**

**Tax Map #: 077-00-00-152-000**

**Address: 1399 Old York Rd.**

Commissioner McBrayer motioned to approve with discussion, seconded by Commissioner Jackson.

Mr. Harper stated they moved to Chester County last year and paid a company to build a 31 x 42 storage building off to the side on their property. The company built the building on the property line and he and his wife wanted to be good citizens in order to be in compliance with zoning codes. They asked for a five-to-eight-foot variance, the company will move the building to the five-foot variance to be in compliance.

Chairman Walley asked if the company pulled a permit.

Mr. Harper stated yes, but they were under the assumption the company was supposed to do everything including making sure the setbacks were right.

Commissioner McBrayer asked if the building could be relocated in back yard.

Mr. Harper stated no, it was fenced in for his children to have a place to play, the area slopes down.

Commissioner Jackson withdrew his second, Commissioner McBrayer withdrew his motion. Chairman Walley asked if anyone wished to speak for or against the request. There were none.

Commissioner Jackson motioned to approve a 10-foot variance, seconded by Commissioner Spann. Vote 4-1 to approve. Commissioner McBrayer opposed.

**Comments / Discussion-** There was no discussion.

**Adjourn-**Commissioner Jackson motioned to adjourn, seconded by Commissioner Thomas. Vote 5-0 to adjourn.

**Time: 6:45 pm**

This is a summary of proceedings at the August 10, 2021, meeting of the Zoning Board of Appeals: and not a verbatim transcript of the meeting. This summary, and an audio recording of the meeting is retained by the Chester County Building & Zoning department, and available if requested. This summary represents the facts of this meeting, not the opinion or interpretation of the Secretary.