

Chester County Planning Commission

December 21, 2021

The December 21, 2021 meeting of the Chester County Planning Commission was held at 6:30 pm at The Government Complex Center located at 1476 JA Cochran Bypass, Chester, SC

Notice of Meeting: Public Notices providing time, date, and place for this meeting were posted in the Chester County Government Complex, Chester County Court House, and published in the December 6, 2021 Chester News & Reporter. All properties were also posted.

Quorum Established: Vice Chairman Smith, Commissioners Grant, Williams, Walley and Hill were present (Commissioner Williams was late to the meeting and wasn't present to vote on the approval of the agenda or the minutes)

Absent: Chairman Raines and Commissioner Howell were absent with prior notification.

Staff: Mike Levister, Nicole Hutchins and Morgan Carelock were present.

Call to Order: Vice Chairman Smith called the meeting to order.

Approval of Agenda: Vice Chairman Smith asked if there were any additions or amendments to the agenda presented by staff. There were none. Commissioner Hill made a motion to approve the agenda as presented; seconded by Commissioner Walley. Vote 4-0 to approve.

Approval of Minutes: Vice Chairman Smith asked if there were any additions or amendments to the November 16, 2021 minutes as presented by staff. There were none. Commissioner Grant made a motion to approve the minutes as presented; seconded by Vice Chairman Smith. Vote 4-0 to approve.

New Business:

CCLDV21-10: Melissa Starnes request an extension of an existing Street Access Easement on Tax Map #: 133-00-00-021-000 located at 4188 Tobe Road, Edgemoor, SC

Melissa Starnes of 4188 Tobe Road, Edgemoor stepped to the podium. Ms. Starnes stated she is here for two requests, the first one is the extension of the existing easement. Our driveway is an easement, and it ends at my future in laws home. We are wanting to build on that property so we need to extend the easement over to where our home will be. She stated that she was unaware of this process until she went to the office to have her survey approved.

Vice Chairman Smith asked if the commissioners had any questions for the applicant. Commissioner Grant said no, she's just extending her driveway, right? Ms. Starnes said correct.

Vice Chairman Smith asked if any member of the public would like to speak for this request.

Jamie Stroud of 4186 Tobe Road stepped to the podium. Ms. Stroud stated she would be speaking on behalf of her neighbors at 4191 Tobe Road and 4180 Tobe Road. We've been given notice by the committee that our neighbor was requesting an extension of the easement off Tobe Road. From reviewing the plats of the area, we are now questioning the placement of the easement. Based on the plat, the easement of our neighbor to the

easement that is platted, to run along the property line of 4186 and 4180 Tobe Road. The easement currently runs on the property of 4186 Tobe Road. Knowing that we have to give right of way to our neighbors, to be able to access their land. If the easement would be extended, we would request a survey to be done and the easement stated to show the proper placement between the two property lines. If the easement doesn't match the plat, then who would be responsible for upkeep of damages, upkeep of the road, and taxes of this easement? In addition to the easement, the name was not discussed with all neighbors. And we would purpose that there would be two easements named. This would be based on the zoning codes and that property that has requested the easement extension that will have dwellings that will allow a separate name for their road. We do not want to delay our neighbors building their home. Although, there are a few issues that should be addressed. In addition to the easement not matching that plat, is the requesting party's easement a road or a driveway?

Vice Chairman Smith asked the commissioners if they had any questions for Ms. Stroud. There were none. Vice Chairman Smith asked if any other members of the public wished to speak on behalf of this request. There were none.

Vice Chairman Smith asked for any other discussion. Commissioner Grant made a motion to approve the easement as requested. Commissioner Hill stated there were questions that the presenter had and presented. I'm not sure this commission can answer them, but I would still like to answer who would be responsible if there is a responsibility in granting permission. Commissioner Hill asked Director Levister for assistance. Director Levister stepped to the podium. He stated the easement is private. The private owners would be responsible for the upkeep of the easement. That's not a county owned, or state owned. It's just an easement that gives the property owner behind them the access to their property. Vice Chairman Smith stated this is pretty much textbook, I understand their concerns, but it doesn't really fall on this commission. Vice Chairman Smith made a second to Commissioner Grants motion. Vote 4-1 approved. (Commissioner Hill opposed)

RNC21-10: Melissa Starnes request naming a Street Access Easement on Tax Map #: 133-00-00-021-000 on Tobe Road, Edgemoor, SC. The name requested is *Knights Ridge Drive* which has been approved by our 911 addressing coordinator.

Vice Chairman Smith asked the commissioners if they had any comments. Commissioner Walley said the only comment she had was that the other folks on the road were not advised of the.... Ms. Stroud, from the public, said correct. We had discussed that there needed to be a name change and we had talked about a couple of names, but they were going to get back with us to let us know what those names are. We were not made aware of that, and we opposed that name. That's why we are asking, because...that's the question, is their road a driveway off of the easement of Tobe Road, or is their road another road off of the easement of Tobe Road? We want to be able to resolve the issue. And what we purpose is the easement off of Tobe Road be one name, and now because they are going to have two houses on their driveway, based on zoning laws, that is now an additional easement, it's named the purposed name that was given to the committee.

Vice Chairman Smith asked Director Levister to elaborate. Director Levister said the easement that is existing now is already established. Ms. Starnes was given two acres by her mother-in-law so they've got to give an easement to her property so she will have a twenty-five-foot access. The whole easement is not a driveway. It's an easement that's granted to Ms. Starnes. I guess all of the community needs to be in agreement of the road name because everybody will be affected by the road name. Everybody that's already on the existing easement their address will change.

Commissioner Grant asked isn't it a requirement that if the house is so far off the road that it has to have a road name so that EMS can see where it's at? Director Levister said the Chester County Code of Ordinance says any

easement access private or public that has two or more houses must be named and numbered. Commissioner Grant said ok, that's what I thought.

Commissioner Walley said it currently has a name already? Director Levister said no. That easement never was named. It must have been established before zoning maybe. I don't know exactly when it was established. Everybody's address is actually off of the cul-de-sac of Tobe Road.

Matthew Stroud of 4186 Tobe Road stepped to the podium. Mr. Stroud said there is a road that goes back to their property. It's always been there. When you talk of an easement, will the road and the easement have to be exact? Because if they are not exact then it's not properly put where it needs to be. Like on the map it shows it needs to be thirty-three feet on Connie's land and thirty-three feet on ours. But the driveway isn't true to the easement on the plots. So, my point, I have a driveway that runs through a quarter a piece of my land and I'm ended up with a triangle piece on the right side of it. But if it was true, and went to the stakes at the end, then it would be where it needs to be. I guess in future development, if the road ever becomes a road, I will have a road that is now going to a piece of my property that's not true to the property lines. That would have to be true.... Commissioner Grant said wait a minute, let me ask something here. Are you saying that the original driveway to that first house is on your property? Mr. Stroud said yes to the back one. Commissioner Grant said but the current driveway that she is requesting is not, is that correct? Several people from the public start speaking at once.....Commissioner Grant stated y'all have got me confused. Vice Chairman Smith said we need to keep this in order. I think the confusion we are having right now is, there is an existing easement in place. Is that what you are referring to now? Mr. Stroud said it is an existing easement I guess it was built for my father for his property. Vice Chairman Smith said that's beyond our scope right now. What we're looking at right now is granting her an extension on her property. Mr. Stroud said right, and the extension would go down the property line of the two properties. Commissioner Grant said she's just requesting an extension from her mother-in-law's property, that's all we're concerned about.

John Bryant of 4191 Tobe Road stepped to the podium. Mr. Bryant said she wants an extension off of that driveway to build her a house, am I correct? Commissioner Grant said that's correct. That's what she's asking. Mr. Bryant said ok. I've got that. Why do we have to rename the whole thing? Mr. Brant and Commissioner Grant are speaking at the same time..... Commissioner Grant said let Mike explain why we have to do that. Mr. Bryant is still speaking....(unsure what he's saying) Director Levister said please bear with us. Director Levister said the Code of Ordinance -section 46-25: New roads or subdivisions, or private roads or private driveways will be named and numbered if private access to two or more residences. So, you've got two or more residences already existing on the existing easement. When you make that easement to the next easement, Ms. Starnes.... Mr. Bryant said wait a minute, what's the name of the easement now? Mr. Levister said it's not. Commissioner Grant said it never was named, am I right Mike? Director Levister said correct. It was never named. That easement has never been named. Mr. Bryant asked who has legal rights to name that? Commissioner Grant said the resident. She has to come before the Planning Commission people and list the names that she wants. If they are not already used, they will approve either one of them. She gets three choices. Commissioner Grant said right Mike? Director Levister said correct. But a lot of times they work with the citizens that are already on that established easement to make sure everybody is in agreement. Mr. Bryant said I try to agree with everybody. I just don't see how....several people speaking at once again....can't understand what they are saying.

Ronnie Hough of 4181 Tobe Road stepped to the podium. Mr. Hough said Tim and his wife have lived there for thirty-two years. My son-in-law, my daughter, they've had that in the family where they're at for around thirty-two years too. My wife and I have been there for twenty-one years. Why can't we name that easement going in front of our house what we want it to be? They ain't been there a year yet. Why can't we name it? That's our question. We don't particularly like that name, Knight Ridge Road. Commissioner Grant said that's what it boils down to, y'all don't like the road name? Mr. Hough said we don't care if they want to build a house down there

that's fine. We don't care if they build two back there. I don't care. We just don't like the name of the road. Commissioner Grant said Mr. Chairman the road name has been approved.

Commissioner Walley said I have a question to this gentleman. So, in my understanding you and several others have lived on this road for twenty plus years and it's been Tobe Road. Mr. Hough said yes and we're the ones that keep it up. Gravel it when it needs it. Get it scrapped when it needs it. Commissioner Walley said your issue is they're changing the name of the road that's been there for so long. Mr. Hough said Well, it's got no name on it right now. If it's got to have a name, why can't we pick the name? Their driveway is an easement too. Why can't they name it what they want it to be named and leave ours alone.

Vice Chairman Smith asked Director Levister with the conflict being the name, is it possible to table that until they agree on a name? Director Levister said you can do that and bring it back to the next meeting. Approve the easement and citizens work to come up with a name to work for everybody. That's y'all opportunity, y'all's choice to do whatever y'all would like to do.

Ms. Starnes stepped back to the podium. She said I'm sorry, I don't want to keep y'all here all night. I just wanted to state that when I was given the paperwork for the name change, that was something I learned about when I went to have our survey approved. I didn't come in and try to change the road name to what we want it to be and make everybody mad. There are three options on that document that I was given. I immediately, which neither here nor there, but immediately I informed them. Asked their opinion. Let me know if you have a suggestion. I was countered with angry, aggressive, attitude, cursing I'm not changing my address. So, I had no intentions of going back to them to have these conversations again when I wasn't getting anywhere when I was trying nicely to notify, hey this is what's going on. I don't want an issue. We just want to start building our house. We just don't want to get delayed starting to build our house. I didn't know any of this was going to happen until I brought the survey to be approved. So, it wasn't a hide behind here and pick the three things and put them on the paper secretly. It wasn't like that at all whatsoever and I just wanted to make it clear that they were all notified, and I was not given any suggestion from them, so I put three names on the paperwork that I was given. I didn't want to here and get delayed again another month on our build. We can't start until our survey is approved.

Ms. Stroud stepped to the podium again. She said we understand the zoning laws and that the easement is not named. We don't want to delay their house being built. What we're asking is because their driveway is gated, although its not open, there is a gate. So, it's not accessible for everyone on our road to be able to use. Now there are two houses on their driveway. Can they use the purposed name for their easement? Can they use the name that they've requested for their driveway that now turns into a road? And then we get to choose a name off of Tobe Road. So, everyone is getting what they want with names and we're not delaying. That's the last thing we want to do. But we all want to be able to like where we live.

Vice Chairman Smith called Director Levister back to the podium and asked if that was in the county code. Director Levister said no. That easement has got to have one name. Everybody needs, I guess, to agree on it so everybody is happy. Because that will be your address.

Commissioner Hill said I visited the area. So, were talking about the....Director Levister said the whole easement, from the pavement of Tobe Road. The whole easement, Whatever the Planning Commission approves will be the name of that easement. Commissioner Hill said my thought was at what I would call the junction, where Mr. Bryant lives. It's kind of like a quartered tomato, that's where I was thinking a second easement that they wanted. Director Levister said that would be one road and the end of Tobe Road and then another from here to let's say the parking lot for another road. Several people speaking at once again.... Commissioner Hill said we have a code to follow.

Vice Chairman Smith said the conflict is the name of the road. It has to be all the same. The extension can't be one thing and the other part of the road be another. The way I see it we have options. We can table it and the parties can work together to come up with a name to make everybody happy. But it looks like that's not an option.

Commissioner Grant said Mr. Chairman I think I've seen roads where this house was one number and the next house back was the same number with an A on it. I don't understand why we can't do that. Commissioner Grant said in my neighborhood right now there is a house number, and they house is way off the road. There is a house behind it and it has the same number with a letter A. Director Levister said we don't do that anymore in the county. Commissioner Grant said you have one to change then. Director Levister said if it's already established, it's already established. But we don't do that anymore. Commissioner Grant said yes, it's been there for years. Director Levister said we've changed the ordinance where they have a physical number instead of an a. b. c. d. Commissioner Grant said that would solve the whole problem, just give her house a letter. Director Levister said how you going to do that when the ordinance says when an easement a private or public road.... Commissioner Grant said well, I'm getting to the point that I don't like the ordinance now. I don't understand. I have to agree with them, and I have to agree with her. I don't understand why you have to change the whole road full of houses and change the road to whatever she put down and not knowing all of this. Why does the whole road name got to be changed? I'm like them. I don't understand either. Director Levister said that's what the ordinance says Mr. Grant.

Commissioner Walley said if it's getting changed because it's two houses down there, or it will be, why can't we just name that part of it where there will be two houses on that part of the road? Director Levister said that's not the way the ordinance reads, and I've confirmed it with Joanie Winters that the easement had to be named. Ms. Hutchins spoke up from staff and said it has a lot to do with 911 too. You don't want to send an ambulance out and they have no idea that road sign is way down another dirt road. You don't want to do that. A lady from the public said 911 came out and sold us reflectors signs with our address on them. They know where we are. And just like he said A and B are grandfathered in, this land has changed hands six times in twenty years and its never came up until somebody want to utilize two acres of family land to build a house on. This land has changed six times in twenty years. And nobody has ever said, hey 911 rules, you got to change the whole street name. Someone else spoke up why can't you just make that Tobe Road Ext.

Vice Chairman Smith asked if anyone from the commission has any other discussion. Commissioner Hill made a motion to table the request for the road name change to the next planning meeting. Vice Chairman Smith said I agree with Commissioner Hill. I believe that's the only solution here. The extension has already been granted. The issue is the name of it. I think by tabling it to the next hearing. Let both parties get together and decided on the name, of course get with Ms. Hudson who is the 911 coordinator. Then the next hearing we can confirm that.

Commissioner Grant said if we table this till the next planning meeting is this going to stop her from building her house. Director Levister and Ms. Hutchins from staff said correct. Ms. Hutchins also stated that Ms. Starnes has paid \$150 for her application. Commissioner Grant said does she have to pay it again? Ms. Hutchins said no, but she has paid it twice for this meeting now. She's paid \$300 for this meeting tonight.

Commissioner Grant said Mike I think you really need to take a hard look at the code now. Director Levister said we can do that. That takes a long time, but we can do that.

Commissioner Walley said I have a question somebody out there said. Can we leave it Tobe Road but make it Tobe Road Ext? Director Levister said probably not. That's a conflict of interest of a road that's already established. We can look into it, but probably not. I don't approve roads, that's the 911 coordinator. Commissioner Walley said if the road name is already established, I don't understand.... Director Levister said that's a whole different road. You're going from a paved road to a gravel road. The reason we're here now is because the houses

are already established, the easement is already established, but now you're trying to create another parcel. That's why we are here. That's why it was brought to the attention of Chester County that you have to name that easement because there are two or more houses. The houses were already established for twenty or thirty years. That was before Chester County had zoning, before Chester County had planning development. So, now that you are making changes to that current easement, now you have to meet the current requirements.

Commissioner Grant said there is no solution to the problem is what you are saying. Director Levister said not at this time from we have established has been approved by county council, that been adopted by Chester County.

Ms. Stroud spoke up again and said we don't want to delay her from building her house. Can we know what the other two options were for the addresses and we can vote now. Vice Chairman Smith said we can't do that; we would have to run that by the 911 coordinator. Ms. Hutchins from staff said they were not approved by the 911 coordinator. Because the other two she selected were too similar to other road names, so they were denied. Ms. Stroud said so even if we vote tonight... Ms. Hutchins said you can't vote tonight, our 911 coordinator isn't here. Vice Chairman Smith said that is not an option. Ms. Hutchins said this is what she did try to do before the meeting.

Commissioner Grant said in the meantime she has spent \$300 and can't build her house. Ms. Hutchins said correct.

Several members of the public are speaking at once again...

Commissioner Grant said Mr. Levister I will tell you something else I've seen. I've seen one driveway with two address numbers on it. Why can't you do that? Director Levister said do what now, I'm confused. Commissioner Grant said I've seen, and in my community, and I will see it again on my way home tonight, there are two addresses on one driveway, and they are different. Director Levister said you talking about the address, the actually physical number? Commissioner Grant said the actual house number. And they are different, same driveway. Director Levister said you've got to understand that could be something that was done way before zoning. Commissioner Grant said nope. It was done right recent. In fact, I can give you the name if you want it after this meeting. Director Levister said that will be fine. Director Levister said we are getting way off.....Commissioner Grant said if her address is 2301, why can't she be 2303? I'm telling you, I will see it on the way home. I'll give you the name. I don't know the address. It's on Armenia Road. I'll give you the name after the meeting. Director Levister said that's fine.

Vice Chairman Smith said the issue I see here is if we table it, she is going to be delayed a month. But that will be the only way that they can all agree. Someone from the public spoke up and asked can she come back and name her part of the road and we name our part of the road. Director Levister said that would be one easement with two names. Director Levister said the decision is on the Planning Commission, either you are going to approve it or deny it. Vice Chairman Smith said or table it. Director Levister said yes, that's what's on the table now and we can do the discussion later.

Vice Chairman Smith said we have the motion on the floor to table it from Ms. Hill. Vice Chairman Smith said I second that motion. Vote was 3-2 to table. Commissioners Grant and Williams opposed.

Vice Chairman Smith said RNC21-10 is now tabled until the next Planning Commission meeting.

Vice Chairman Smith made a motion to adjourn, seconded by Commissioner Walley. 5-0 to adjourn

This is a summary of proceedings at the December 21, 2021 meeting of the Planning Commission: 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.