

# OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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## MINUTES

6:00 PM, MONDAY, MARCH 27, 2017

COUNTY COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

The Oconee County Board of Zoning Appeals held a meeting on March 27, 2017 at 6:00 PM in Council Chambers at the Oconee County Administrative Building, 415 S. Pine St., Walhalla, SC 29691.

**Members Present:** Mr. Lusk  
Mr. McKee  
Mr. Medford  
Mr. Menzies

**Staff Present:** Mr. Gregory Gordos, Senior Planner  
Mr. David Root, Attorney

**Media present:** None

**ITEM 1- Call to Order**

Mr. Medford called the meeting to order. 6:10 p.m.

**ITEM 2- Approval of Minutes from January 23, 2017**

Mr. Menzies motioned to approve the minutes.

Mr. Lusk seconded the motion.

The motion was passed 3-0 with Mr. McKee abstaining.

**ITEM 3- Public Comment (Non-Agenda)**

Jim LePann, Zoning Special for Faulk and Foster, spoke regarding a proposed communication tower in Oconee County. He noted that due to an error in the citiznsrve permitting software used by the County, he was unable to make the

agenda for this (March 27) meeting. Mr. LaPann respectfully requested a hearing sooner than the next scheduled meeting on April 24<sup>th</sup>.

**ITEM 4- Election of Officers**

Mr. Medford made a motion to table the Election of Officers until the next scheduled meeting. Mr. Menzies seconded the motion. The motion passed unanimously.

**ITEM 5- Special Exception Hearing for Application SE17-000001 (Whetstone Academy – Group Residential Facility Expansion)**

Mr. Gordos stated the matter before the Board. The request is a Special Exception under Chapter 32 of the Oconee County, South Carolina – Board of Ordinances and that it is specific to Group Residential expansion under Article 5 of that chapter.

Dr. John Singleton, on behalf of Whetstone Academy, was sworn in and read a PowerPoint presentation detailing the activities and operation of Whetstone Academy and how adding buildings to the facility would be of benefit. Mr. Medford requested further detail on an open house hosted by Whetstone Academy. Mr. Singleton replied three members of the public attended. Mr. Menzies requested further detail on disorderly conduct referenced by Mr. Singleton in his presentation, as well as why what were described as temporary modular storage units are being used in this expansion. Mr. Singleton replied that the academy wishes to build with brick and mortar in the future but that student enrollment would not be expanded at this time.

Mr. Keith Denny, attorney for Whetstone Academy, concluded the PowerPoint presentation. Mr. Denny read aloud the basis of decision criteria for the Board of Zoning Appeals and stated there was “no evidence of non-compliance” with the last permission granted by the Board of Zoning Appeals in 2011 regarding Whetstone Academy. Mr. Singleton was asked to affirm Mr. Denny’s statement.

Mr. John Morgan spoke in opposition of the proposal. He asked the applicant about the traffic, foul language, and threat of hunting and fishing to children as a result of the facility’s current operation.

Mr. Danny Hedden, adjacent property owner, spoke in opposition of the proposal. He asked the applicant about the safety of his two children, sharing use of Brians Lake Road, traffic, speeding vehicles, past events at the academy and why the storage units were brought onto the property prior to receiving all permits from Oconee County.

Ms. Donna Turpin spoke in opposition of the proposal. She asked the applicant about the special exception granted in 2011 regarding the number of students, community character, traffic, reported criminal activity at the facility and why the

storage units were brought onto the property prior to receiving permits all from Oconee County.

Ms. Elisabeth McFarlane, neighbor, spoke in opposition of the proposal. She asked the applicant about recent events including a speeding van on March 24, ownership changes, reported criminal activity at the facility, fire safety, and why the storage units were brought onto the property prior to receiving all permits from Oconee County.

Ms. Elisabeth Donnelly, spoke in favor of the proposal. She spoke in regards to children in need being served by the facility, her experience working with other therapeutic resources and use as a referral source to the facility as a consultant.

Mr. Mike Montinary spoke in favor of the proposal. He spoke in regards to his experience as a parent of one of the school children and school refusal.

Mr. Will Gilfillen spoke in favor of the proposal. He spoke in regards to his experience as a parent of one of the school children, the behavior problems that student faced, and rumors regarding conditions at the school.

Ms. Faith Hedden, of 177 Brians Lake Road, spoke in opposition of the proposal. She asked the applicant about the claim by the applicant as a large Mountain Rest employer, hours of the open house held at the facility, and line of sight.

Toni Hedden, of 320 Rocky Gap Road, spoke in opposition of the proposal. She asked the applicant about noise and expansion of the facility leading to increased enrollment.

Mr. Singleton provided rebuttal to the public comment in opposition. Debate among members of the audience and Mr. Singleton followed.

Mr. Medford signaled for a five minute recess in order to read all written public comment distributed by Mr. Gordos at 7:50 p.m. The hearing reconvened at 7:55 p.m.

Mr. McKee inquired about the private driveway conditions and ownership of Brians Lake Road, as well as concerns regarding the Fire Marshall or other emergency services in the event of a fire.

Mr. Gordos read aloud an email dated February 21 from Mr. Dale Owens, Right of Way Technician Oconee County Roads & Bridges, stating the average daily trip amount and speed report of Brians Lake Road from February 6-16, 2017.

Mr. Menzies noted that the written public comments were mostly negative, but that Whetstone Academy is working to improve their business and it will still be in business regardless of the actions by the Board of Zoning Appeals that day.

Mr. Menzies presented to the public the following criteria specific to Group Residential Facilities, as outlined in Sec. 32-180. - Board criteria for granting a special exception. Mr. Gordos noted that it procedurally required a request in the affirmative, discussion, and a vote on each of the following:

(1) Traffic flow from the facility shall not present a danger to local residents, motorists and pedestrians.

Mr. McKee motioned to approve the first criteria. Mr. Menzies seconded the motion. Mr. Menzies spoke on concerns of narrow road and traffic conditions. After discussion from the Board and comment from the public, the motion was withdrawn.

Mr. Medford then voted to deny the first criteria, stating that the conditions do not meet the criteria for traffic. Mr. Lusk voted to approve based on the existing conditions of the facility operating at that location regardless of the proposed additions. Mr. McKee and Mr. Menzies voted to approve on the same criteria. The vote passed 3-1 with Mr. Medford in opposition.

(2) Noise, lighting, and activities carried out on the premises of the facility shall not present a nuisance to local residents.

Mr. Medford voted to approve the second criteria. Mr. McKee voted to approve based on moving noises indoors that already occur on the site. The vote passed 4-0.

(3) The residents of the facility shall not present any potential danger to local residents.

Mr. Medford voted to approve. Mr. Lusk voted to approve in that the Special Exception to add modular units would not affecting the safety concerns expressed by the public nor add children to the facility. Mr. McKee voted to approve for the same reason. Mr. Menzies voted to approve based on not adding additional students. The vote passed 4-0.

(4) The residents of the facility shall reside in a safe and healthy environment. Mr. Medford voted to approve in that nothing was presented to prove otherwise. Mr. McKee voted to approve. Mr. Menzies voted to approve in that the buildings would improve safety. Mr. Lusk voted to approve for the same reason. The vote passed 4-0.

(5) The proposed development is in compliance with the other provisions of this chapter. Mr. Medford asked Mr. Gordos if he agreed that it met the other provisions of this chapter. Mr. Gordos read aloud the criteria in Chapter 32 Article 5 and that the application was complete.

Mr. Medford voted to approve. Mr. Lusk voted to approve. Mr. McKee voted to approve. Mr. Menzies voted to approve. Vote passed 4-0.

Mr. Gordos read aloud the following criteria:

a. is in accordance with the comprehensive plan and is consistent with the spirit, purposes, and the intent and specific requirements of this chapter;  
Mr. Medford called for a vote. Mr. Lusk voted yes, as the conditions were similar to those under (5) The proposed development is in compliance with the other provisions of this chapter that had just been approved. Mr. McKee voted yes. Mr. Menzies voted yes. Mr. Medford voted yes. The motion passed 4-0.

b. is in the best interests of the county, the convenience of the community and the public welfare;  
Mr. Medford called for a vote. Mr. Medford voted yes. Mr. Menzies voted yes. Mr. Lusk voted yes. Mr. Menzies voted yes. The motion carried 4-0.

c. Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;  
Mr. Medford called for a vote. Mr. Medford voted yes. Mr. Menzies voted yes. Mr. McKee voted yes. Mr. Lusk voted yes. The motion passed 4-0.

d. Suitable in terms of effects on highway traffic, parking and safety with adequate access arrangements to protect streets from undue congestion and hazard;  
Mr. Medford called for a vote. Mr. Medford voted no based on existing traffic conditions. Mr. Menzies voted yes. Mr. Lusk voted yes. Mr. McKee voted yes, while noting his concerns with traffic. He noted that the proposed addition would not affect the existing traffic. The motion passed 3-1.

Mr. McKee motioned to approve the Board Order with Mr. Menzies seconding the motion. The motion passed 3-1 with Mr. Medford in opposition.

**ITEM 6- Variance Hearing for Application VA17-000002 (9 Topsail Lane - Setbacks)**

Mr. Gordos stated the matter before the Board – specifically which this require is for relief from a portion of the twenty-five foot front yard setback as required in the Lake Residential District (LRD). Mr. Gordos read aloud the basis of decision for variance requests and showed the Board the location of a proposed expansion on a home on 9 Topsail Lane in Keowee Key in order to add a garage. Staff stated their support for the application, as Keowee Key CARE had already approved the project.

Mr. Richard Hartford, KKPOA Care Construction Manager, was sworn in and affirmed support for the project, noting it was the first in Keowee Key to go before the Board of Zoning Appeals.

Mr. Travis Chapman, applicant, was sworn in and explained the reasoning behind the request for relief from the required setback.

Mr. Gordos read aloud the following criteria, concurrently, at the request of the Board.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
4. The authorization of a variance will not be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.

Mr. McKee motioned to approve the Board Order with Mr. Lusk seconding the motion. The motion passed unanimously.

**ITEM 7- Variance Hearing for Application VA17-000003 (2050 Sandifer Blvd – AgPro - Requirements for billboards and other commercial signs )**

Mr. Gordos stated the matter before the Board – specifically which this require is for relief from the distance requirements of billboards for billboards and other commercial signs, under Chapter 32 Article VIII – sign control. No billboard visible (other than an in an incidental manner) from a four-lane road located within the unincorporated areas of the county, shall be erected within 1,300 feet of an existing billboard located on the same road. Mr. Gordos stated its support for the variance, noting the difference between on-premise and off-premise signs and that Article VIII Sign Control should be changed in the future .

Mr. Darrell Ridgeway, Electric City Sign Company, noted that the AgPro should be considered a commercial sign and not a billboard. He noted the sign is ninety eight square feet.

Mr. Gordos read aloud the following criteria, concurrently, at the request of the Board.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;

3. Because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

4. The authorization of a variance will not be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.

Mr. Lusk motioned to approve the Board Order with Mr. Menzies seconding the motion. The motion passed unanimously.

**ITEM 7- Old Business**

There was no old business.

**ITEM 8- New Business**

There was no new business.

**ITEM 9- Adjourn**

Meeting was adjourned at 8:15 p.m.