



Oconee County Board of Zoning Appeals

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The Oconee County Board of Zoning Appeals held a special meeting at 6:00 p.m. on October 25, 2010 in the Council Chambers of the Oconee County Administrative Offices, 415 S. Pine St., Walhalla, SC 29691.

Members Present: Sam Lee (Chairman)
Gary Littlefield
Mike Willimon
Berry Nichols
Eric Molin

Aaron Gadsby (Secretary)
Art Holbrooks (Planning Director)

Mr. Dick Mangrum, WGOG

Item 1: Call to Order- Chairman Lee called the meeting to order.

Item 2: Approval of minutes from the September 9, 2010 meeting- Mr. Willimon made a motion to approve the minutes from September 9, 2010. Mr. Nichols seconded the motion. The minutes were approved.

Item 3: Appeal of Staff Decision by Mr. James G. Hart—Denial of Land Use Permit for Billboard.

Chairman Lee asked Mr. Gadsby to present the matter to be heard. Mr. Gadsby summarized the items the Board received in their meeting packets and gave a time line of the events specifying the date of application, denial, appeal, and publication of hearing. Mr. Gadsby then stated the matter under consideration was whether or not the Planning Department made the right decision in denying the application.

Chairman Lee, then asked the applicant to present the facts of the case as they see them. Mr. Hart was represented by Mr. James Williams, attorney at law. Mr. Williams provided the Board with evidence of the permitting history of this particular sign from 1991 to the present. Mr. Williams also presented evidence that § 32-518 of the Oconee County Code of Ordinances stated that signs existing prior to the adoption of the ordinance were exempt, and exempt meant that the ordinance did not apply. Chairman Lee, opened the floor to the Board for questions. Discussion followed.

Chairman Lee, then asked Mr. Holbrooks to present the facts of the case as the Planning Department saw them. Mr. Holbrooks stated that the department agreed that the existing sign was exempt and could continue. Mr. Holbrooks then described the extent of the proposed upgrade, which would increase the height, size, and nature of

the sign. Furthermore, the existing sign would be torn down and replaced with a fabricated sign. Therefore, the Department believed that this constituted a new sign and would be required to meet all the requirements of the ordinance. Chairman Lee, opened the floor to the Board for questions. Discussion followed.

Chairman Lee called for any public comment pertinent to the case under consideration. No public comment was given.

Chairman Lee, then provided Mr. Hart with an opportunity for rebuttal. Mr. Williams restated their position on the meaning of exemption.

Chairman Lee, opened the floor for discussion by the Board. After considering all the evidence presented:

Mr. Willimon made a motion to grant a land use permit for the construction of a billboard at 19007 S. Highway 11, with the conditions that the sign faces are 14' x 24'. Mr. Littlefield seconded the motion.

Mr. Littlefield then made a motion to open Mr. Willimon's motion for amendment. Mr. Willimon seconded the motion to amend. Chairman Lee called for discussion. Discussion followed. Chairman Lee called for a vote on the motion to open the motion for amendment. The motion passed unanimously.

Mr. Littlefield then made a motion to amend the motion on the floor specifying the height of the sign from the ground to the bottom on the sign face to be 24 feet. Mr. Willimon seconded the motion.

Mr. Nichols then made a motion to amend the amendment to specify the height as 25 feet instead of 24 feet. Mr. Littlefield seconded the motion. Chairman Lee called for discussion. Discussion followed. Chairman Lee called for a vote. The motion to amend the amendment passed unanimously.

Chairman Lee, then called for further discussion on the motion to amend the original motion. Discussion followed. Chairman then called for a vote on motion to amend, as amended. Mr. Willimon, Mr. Littlefield, and Mr. Nichols voted yes. Mr. Molin and Chairman Lee voted no. The motion to amend passed.

Mr. Gadsby now read the original motion on the floor, as amended: the motion was to grant a land use permit for the construction of a billboard at 19007 S. Highway 11, with the conditions that the sign faces are 14' x 24' specifying the height from the ground to the bottom of the sign face as 25 feet. . Mr. Littlefield seconded the motion. Chairman Lee called for discussion. Discussion followed. Chairman Lee called for a roll call vote on the motion. Mr. Willimon, Mr. Littlefield, and Mr. Nichols voted yes. Mr. Molin and Chairman Lee voted no. The motion to amend passed.

Item 4: Adjourn: Chairman Lee instructed Mr. Gadsby to schedule a meeting so that the Board could confirm the board order. Mr. Gadsby stated that he will check the availability of the Council Chambers and let the Board know.

Chairman Lee asked for a motion to adjourn. Mr. Willimon so moved. The motion was seconded. The meeting was adjourned.