



Oconee County Board of Zoning Appeals

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Minutes

6:00 P.M., Thursday, June 27, 2013

Oconee County Council Chambers

Members Present:

Mr. Lee, Chairman

Mr. Nichols

Mr. Medford

Mr. Hughes

Mr. Littlefield

Mr. Reckert

Mr. Josh Stephens, Zoning Administrator

Mr. David Stokes, Community Development Director

Mr. Matthew Anspach, Planner I

Media present: None

Item 1. Call to Order

Mr. Lee called the meeting to order.

Item 2. Approval of Minutes – May 30, 2013

Mr. Hughes made a motion to approve the minutes. Mr. Medford seconded the motion. The minutes were approved 6-0.

Item 3. Public Comment

None

Item 4. Special Exception Hearing Regarding the Height of an Industrial Building 268-00-02-008

Mr. Nichols recused himself from this hearing before the Board. (See attached)

Mr. Stephens stated the matter before the Board. Specifically, that the matter arose from the standards contained within Ch. 32 Article 9 of Oconee County's Code of Ordinances.

Mr. Frank Lamson-Scribner spoke on behalf of BASF. Mr. Lamson-Scribner described the history around the project. He also stated the location of the proposed

building, and heights of surrounding buildings and grading related to the building. In addition, he elaborated on a variety of pictures that show the site and the building. He asked the Board to consider BASF's request.

Mr. Hughes asked if the applicant had a picture of the finished building.

Mr. Lamson-Scribner stated that the permits for structure had been obtained; however, there was a misunderstanding whether or not permits were required for this project. He stated that once they became aware of the 65' limit they contacted the Community Development Office.

Mr. Medford asked if this was the only facility like this for BASF. Mr. Lamson-Scribner said the Seneca site was the only one in the United States.

Mr. Rechert asked how much acreage BASF owned. Mr. Lamson-Scriber described the property boundary to the Board.

Mr. Littlefield asked if this expanded a current operation or was it a new operation. Mr. Lamson-Scribner described how the structure fit into plant operations.

Mr. Stephens verified the information that Mr. Lamson-Scribner presented.

No member of the audience spoke regarding this matter.

Mr. Hughes commented that there was limited residential development around the site.

Mr. Lee asked if all permits had been obtained at this point. Mr. Stephens stated that BASF was working through the permitting process for this project and an additional project. Mr. Stephens stated that the project before the Board was currently in the plan review phase of the permitting process and the issuance of the permit depended on the decision of the Board regarding the Special Exception hearing.

Mr. Stephens stated that staff would make every effort to reach out to industrial partners to discuss what requires a permit. Mr. Stokes addressed permitting requirements as well.

Mr. Hughes made a motion that: based on the evidence presented to the Board, the proposed Special Exception does meet the standards put forth in the Oconee County Unified Performance Standards Ordinance. Mr. Reckert seconded the motion. The motion passed 5-0.

Mr. Littlefield made a motion that: based on the evidence presented to the Board, the proposed Special Exception is compatible with current and known planned land uses in the district and will not substantially diminish the value of adjacent property in the district. Mr. Medford seconded the motion. The motion passed 5-0.

Mr. Rechert made a motion that: based on the evidence presented to the Board, the proposed Special Exception will have a positive impact upon the general health, safety, and welfare of the residents of Oconee. Mr. Hughes seconded the motion. The motion passed 5-0.

Mr. Medford made a motion to approve the Special Exception. Mr. Littlefield seconded. The motion passed 5-0.

Mr. Lee called for a period of recess of 3 minutes.

Mr. Hughes made a motion to approve the Board Order for the Special Exception. Mr. Medford seconded the motion. The motion passed 5-0.

Item 5. Variance Request 123-00-02-024

Mr. Stephens stated the matter before the Board. Specifically, that the matter arose from the standards contained within Sec. 38-10.8 of Oconee's Code of Ordinances, particularly the setback requirements contained therein.

Mr. Paul Hughes spoke as the agent of the property owners. Mr. Hughes described the layout of the lot and the relation of the setbacks to the proposed addition. Mr. Hughes stated that the right of way had been recorded in the wrong position thus creating a unique situation.

Mr. Hughes asked when the house was built. Mr. Hughes did not have an exact date.

Mr. Nichols stated that he believed the house to have been built between 2000 – 2005.

Mr. Lee stated that it appeared as though the entrance was moved and the plat was never corrected to reflect the new location.

No one from the audience commented on this matter.

Mr. Reckert made a motion that there are extraordinary and exceptional conditions pertaining to the particular piece of property. Mr. Littlefield seconded the motion. The motion passed 6-0.

Mr. Hughes made a motion that these conditions do not generally apply to other property in the vicinity. Mr. Littlefield seconded the motion. Mr. Nichols questioned if other properties in the subdivision could be affected in a similar manner. Mr. Stephens stated that few properties, if any, would be affected in a similar manner. Mr. Lee stated that if this came up again then someone would need to apply for a variance. Mr. Littlefield asked if this was a private road and that this should be corrected in the future. Mr. Stephens stated that he believed it was a private road. The motion passed 6-0.

Mr. Littlefield made a motion that 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. Mr. Hughes seconded the motion. The motion passed 6-0.

Mr. Littlefield made a motion that the authorization of a variance will not be of substantial detriment to adjacent uses or the public good, and the character of the district will not be harmed by granting the variance. Mr. Reckert seconded the motion. The motion passed 6-0.

Mr. Nichols made a motion to approve the variance. Mr. Hughes seconded the motion. The motion passed 6-0.

Mr. Lee called for a 2 minute recess to prepare the order.

Mr. Reckert made a motion to approve the Board Order. Mr. Littlefield seconded the motion. The motion passed 6-0.

Item 6. Old Business

Mr. Stephens introduced Mr. Anspach. Mr. Anspach said he was looking forward to working with the Board and the citizens of Oconee County.

Item 7. New Business

Mr. Nichols presented the idea that the members of the Board should have some type of identification that states the member's position as a Board member. Mr. Stephens stated the staff would present options to the Board at the next meeting. Mr. Lee stated that would be a good idea to explore.

Mr. Stephens stated, based on comments from the Board, that, if it be the pleasure of the Board, staff could prepare an amendment to the Board's Rules of Procedure to require that an applicant request, in person, for a hearing to be postponed. Mr. Stephens also stated staff would look at other ways to update the Rules. The members of the Board stated that this would be a good project to work on.

The Board agreed that, in order to review any proposed amendments, the Board will meet on July 25 of this year.

Mr. Nichols asked about permitting requirements for industrial projects. Mr. Stephens stated it depended on the specifics of the project and detailed the permitting process. Mr. Stephens also reiterated comments previously made and referred Mr. Nichols to comments made earlier regarding permitting questions related to the matter that came before the Board for BASF Special Exception.

Mr. Nichols stated that he recused himself because, during a site visit, he had contact with the applicant for the BASF Special Exception. Mr. Nichols stated that the

applicant only pointed out where the structure was. Mr. Nichols also stated that the members of the Board should keep this in mind.

Item 8. Adjourn

Mr. Nichols made a motion to adjourn and Mr. Hughes seconded the motion. The motion passed 6-0.