

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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MINUTES

6:00 PM, ~~ES~~ DAY MARCH 25, 2014

~~CON~~CONCIL CHAMBERS

~~OCONEE CON~~ADMINISTRATIVE COMPLEX

The Oconee County Board of Zoning Appeals held a meeting on March 25, 2014 at 6:00 PM in Council Chambers at the Oconee County Administrative Building, 415 S. Pine St., Walhalla, SC 29691.

Members Present: Mr. Hughes
Mr. Lee
Mr. Littlefield
Mr. Nichols
Mr. McKee
Mr. Medford
Mr. Reckert

Staff Present: Mr. Josh Stephens, Deputy Director of Community Development
Mr. Matthew Anspach, Planner I

Media present: None

Item 1. Call to Order

Mr. McKee called the meeting to order. 6:03 PM

Item 2. Approval of Minutes – February 25, 2013

Mr. Hughes made the motion to approve the minutes from February 25.

Mr. Medford seconded the motion. The motion passed unanimously.

Item 3. Public Comment – Non-Agenda Item

Mr. Coleman Crooks spoke in favor of the tower.

Mr. Mack Moore spoke in favor of the tower.

Ms. Jenny Gyman spoke in favor of the tower.

Mr. John Adams spoke in favor of the tower.

Mr. Tom Sanfidord spoke in favor of the tower.

Mr. Steve Crooks spoke in favor of the tower.

Item 4. (Continued from last meeting) Special Exception and Variance Request Hearing Regarding a Communication Tower 081-00-01-022

Mr. Blake Conklin presented to the Board that the communication tower would improve the ability for citizens to reach emergency services via their mobile phones. He also talked about how businesses would be able to download wireless data which would help their operations. Mr. Conklin mentioned also that a balloon test simulation was added to material presented to the Board to improve their visual analysis.

Mr. Littlefield asked Mr. Conklin if he had a map to offer the Board that would show the data of the new coverage.

Mr. Conklin answered that they did not have a coverage map to put in the public record for proprietary reasons but that the tower would certainly improve coverage in the County.

Mr. Nichols asked about who the tower would provide service to.

Mr. Conklin explained that initially it would only service Verizon customers but that other companies could collocate.

Mr. Littlefield asked about the distance of the variance request and the liability of it.

Mr. Conklin explained that the variance requested for the tower would encompass the engineered fall zone of the tower.

Mr. Littlefield asked whether the Board could be an expiration date on the building permit to ensure they build the tower in a timely fashion.

Mr. Stephens cautioned the Board about asking for restrictions without full knowledge of the business ramifications.

Mr. Conklin suggested that if the timeline for construction of the tower were a major issue for the Board, that they could include as a condition in their Board Order. that the company would apply for a building permit within ninety days.

Mr. Stephens read the four criteria before the Board by which they would vote for the granting of a Variance in the affirmative for setback:

- (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; and
- (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. Hughes motioned for a vote to approve the Variance for setback (89’).

Mr. Lee seconded the motion. The vote was unanimous for approval of the setback Variance.

Mr. Stephens read the four criteria before the Board by which they would vote for the granting of a Variance in the affirmative for height:

- (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; and
- (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. Lee motioned for a vote to approve the Variance for height (10’).

Mr. Hughes seconded the motion. The vote was unanimous for approval of the height Variance.

Mr. Stephens read the four criteria before the Board by which they would vote for the granting of a Special Exception in the affirmative:

- (1) In accordance with the comprehensive plan and is consistent with the spirit, purposes, and the intent and specific requirements of this chapter, to include the

definition and intent of the district in which the special exception is being requested;

Mr. Nichols motioned to approve the first criteria for a Special Exception.

Mr. Reckert seconded the motion. The motion was approved unanimously.

- (2) In the best interests of the county, the convenience of the community and the public welfare;

Mr. Nichols motioned to approve the second criteria for a Special Exception.

Mr. Reckert seconded the motion. The motion was approved unanimously.

- (3) 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. Hughes motioned to approve the third criteria for a Special Exception.

Mr. Nichols seconded the motion. The motion was approved unanimously.

- (4) Suitable in terms of effects on highway traffic, parking and safety with adequate access arrangements to protect streets from undue congestion and hazards.

Mr. Nichols motioned to approve the fourth criteria for a Special Exception.

Mr. Hughes seconded the motion. The motion was approved unanimously.

Mr. Littlefield motioned that the Special Exception be approved pending staffs amending of the Board Order to include the applicant verify required liability insurance and that the applicant apply for a building permit within 90 days.

Mr. Hughes seconded the motion. The motion passed unanimously.

Mr. McKee called for a brief recess while staff amended the Board Order.

Mr. Stephens recapped the approvals the Board voted on to that point.

Mr. Nichols motioned to approve the Board Order as amended.

Mr. Hughes seconded the motion. The motion passed unanimously.

Item 5. Old Business

Mr. Stephens mentioned that staff is working to compile cell tower data for the Board's reference. He also mentioned staff will mail out the cell tower map immediately.

Item 6. New Business

Mr. Stephens commented that the Planning Commission was nearing completion of their review on Chapters' 32 and 38. He added that once the review is finalized, it will go to County Council for approval, and then staff would provide the Board with the latest version.

Item 7. Adjourn

Mr. Lee made the motion to adjourn.

Mr. Nichols seconded the motion. The motion passed unanimously. 7:06 PM