

# OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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## MINUTES

6:00 PM, TUESDAY, AUGUST 26, 2014

COUNTY COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

The Oconee County Board of Zoning Appeals held a meeting on August 26, 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. 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:** Ray Chandler, Anderson Independent  
Steven Bradley, The Journal

### **Item 1. Call to Order**

Mr. McKee called the meeting to order. 6:00 PM

### **Item 2. Approval of Minutes – July 22, 2014**

Mr. Littlefield motioned to approve the minutes.

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

### **Item 3. Public Comment – Non-Agenda Item**

None.

### **Item 4. Special Exception Hearing Regarding Communication Tower 052-02-02-020**

Mr. Stephens presented the required criteria for a variance from the setback to be the designated fall zone, before the Board to be voted on as a consent item vote:

1. Based on the evidence presented to the Board, there are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. Based on the evidence presented to the Board, these conditions do not generally apply to other property in the vicinity.
3. Based on the evidence presented to the Board, and because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
4. Based on the evidence presented to the Board, the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

Mr. Littlefield motioned to approve the request for variance from setback standards for communication towers.

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

Mr. Stephens presented the required criteria for a special exception as required for communication towers, before the Board to be voted on:

1. 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. Littlefield motioned to approve the first criterion for a Special Exception.

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

2. 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 of property in the district.

Mr. Littlefield motioned to approve the second criterion for a Special Exception.

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

3. 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 County.

Mr. Hughes motioned to approve the third criterion for a Special Exception.

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

4. Approve the Special Exception.

Mr. Littlefield motioned to approve the Special Exception.

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

5. Approval of Board Order.

Mr. Nichols motioned to approve the Board Order.

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

**Item 5- Special Exception Hearing Regarding Communication Tower 177-00-02-019**

Mr. Anspach presented the required criteria for a variance from the required security provision, before the Board to be voted on as a consent item vote:

Mr. Bob Alexander spoke in support of the Wi-Fi tower.

1. Based on the evidence presented to the Board, there are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. Based on the evidence presented to the Board, these conditions do not generally apply to other property in the vicinity.
3. Based on the evidence presented to the Board, and because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
4. Based on the evidence presented to the Board, the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

Mr. Littlefield motioned to approve the request for variance from security fence standards for communication towers.

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

Mr. Anspach presented the required criteria for a variance from the required setback to the designated fall zone, before the Board to be voted on as a consent item vote:

1. Based on the evidence presented to the Board, there are extraordinary and exceptional conditions pertaining to the particular piece of property.

2. Based on the evidence presented to the Board, these conditions do not generally apply to other property in the vicinity.

3. Based on the evidence presented to the Board, and because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

4. Based on the evidence presented to the Board, the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

Mr. Medford motioned to approve the request for variance from setback standards for communication towers.

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

Mr. Anspach presented the required criteria for a special exception as required plus for communication towers, before the Board to be voted on:

1. 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. Medford motioned to approve the first criterion for a Special Exception.

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

2. 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 of property in the district.

Mr. Medford motioned to approve the second criterion for a Special Exception.

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

3. 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 County.

Mr. Hughes motioned to approve the third criterion for a Special Exception.

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

4. Approve the Special Exception.

Mr. Medford motioned to approve the Special Exception.

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

5. Approval of Board Order.

Mr. Medford motioned to approve the Board Order.

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

**Item 6- Continued Special Exception Hearing Regarding Group Home 080-00-01-018**

Mr. Medford motioned to bring the Special Exception hearing regarding the group home off of the table.

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

Roberta Barton, attorney, representing some of the residents who live adjacent to or near the group home, spoke to the Board to convey some of the issues the neighbors had with the group home. She spoke on issues with noise, traffic, and supervision. She spoke on her belief that they should deny the application.

Sharon Laney, a representative of the group home spoke of the improvements made by Whetstone including policy changes that address a number of concerns of the community.

Margaret George, Director of Whetstone, spoke on the positives of the group home.

Tucker Harding spoke on construction specifics related to the potential expansion.

Danny Heden spoke against potential the expansion of the group home.

Butch Clay spoke in support of potential expansion of the group home.

Brandon Burton spoke against the potential expansion of the group home.

Mr. McKee asked whether the County could be found liable if they approve the expansion based on some of the information presented to the Board that concerned safety.

Mr. Stephens suggested that question be answered by legal counsel. He also suggested to the Board, if they did approve any sort of expansion, to be clear about what is being approved and to what degree by stating the number of students and the allowed square footage.

Mr. Littlefield motioned to table the decision until the County has heard from the Department of Social Services (DSS) and the County Attorney.

Mr. Stephens asked that the Board specify a date for the issue to be tabled until. He informed the Board that the next possible date would be September 23, or the next meeting.

Mr. Hughes seconded the motion.

Mr. McKee suggested staff find a way to oversee Whetstone in the case they were approved to expand, to make certain they abide by any conditions in regards to any future expansions.

Mr. Stephens reiterated that staff would look to hear from DSS, they would also check to see whether the Board can amend or change Board Orders. He also confirmed the County Attorney advised against having applicants be checked on a yearly basis.

The motion passed 5-1, with Mr. Nichols dissenting.

**Item 7. Old Business**

None.

**Item 8. New Business**

Next meeting date was set for September 23.

**Item 9. Adjourn**

Mr. Medford made the motion to adjourn.

Mr. Littlefield seconded the motion. The motion passed unanimously. 7:54 PM