

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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MINUTES

6:00 PM, THURSDAY, JULY 28, 2015

COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

The Oconee County Board of Zoning Appeals held a meeting on July 28, 2015 at 6:00 PM in Council Chambers at the Oconee County Administrative Building, 415 S. Pine St., Walhalla, SC 29691.

Members Present: Mr. Gilster
Mr. Lee
Mr. McKee
Mr. Medford
Mr. Nichols

Staff Present: Mr. Matthew Anspach, Planner I
Mr. William Brewer, Planning Intern

Media present: Mr. Ray Chandler, Anderson Independent

Item 1. Call to Order

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

Item 2. Approval of Minutes – May 28, 2015

Mr. Lee motioned to approve the minutes.

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

Item 3. Public Comment – Non-Agenda Item

No public comment was made.

Item 4. Hearing for Variance Regarding Ch. 26.1, Sec. 26.2.(c)(2) (VA15-000002)

The application was withdrawn from the agenda at the request of the applicant.

Item 5. Hearing for Special Exception Regarding Ch. 38.11, Sec. 38-11.1.(d)(1)a.4. (SE15-000002)

Mr. Lee announced his choice to recuse himself from the hearing to prevent a conflict of interest.

a. Statement of Matter before the Board

Mr. Anspach presented the matter before the Board concerning the applicant's request for a Special Exception Regarding Ch. 38.11, Sec. 38-11.1(d)(1)a.4. (SE15-000002)

b. Applicant Comments

Mr. Steve Owens presented his application for the Special Exception and described the proposed development of the project.

c. Staff Comments

Mr. Anspach commented that staff strongly recommended that the Board approve the Special Exception.

d. Opposition Comments

No opposition comments took place.

e. Rebuttal by Applicant

No rebuttal was made by the applicant.

f. Unsworn public comment

No unsworn public comment took place.

g. Questions from the Board

Mr. Gilster inquired about how much the proposed development would encroach into the Lake Overlay District. He also asked about any extraordinary or unique circumstances in regards to connecting the existing structure.

Mr. Owens responded that the proposed development would be 280 feet from the shore.

Mr. Anspach presented the four criteria to be met for a Special Exception, which could be voted on as a consent item vote:

(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;

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

(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;

(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. Gilster motioned to approve the special exception based on the 4 criteria being met.

Mr. Medford seconded the motion. The motion passed 3-1, with Mr. Nichols opposing and Mr. Lee abstaining.

Mr. Anspach presented four additional criteria to be met per Board rules, to be voted on individually.

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 set of criteria.

Mr. Gilster seconded the motion. The motion passed 3-1, with Mr. Nichols opposing and Mr. Lee abstaining.

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 in the district.

Mr. Medford motioned to approve the second set of criteria.

Mr. Gilster seconded the motion. The motion passed 3-1, with Mr. Nichols opposing and Mr. Lee abstaining.

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. Medford motioned to approve the third set of criteria.

Mr. Gilster seconded the motion. The motion passed 3-1, with Mr. Nichols opposing and Mr. Lee abstaining.

4. Approval of the Special Exception.

Mr. Medford motioned to approve the Special Exception.

Mr. Gilster seconded the motion. The motion passed 3-1, with Mr. Nichols opposing and Mr. Lee abstaining.

5. Approval of Board Order.

Mr. Medford motioned to approve the Board Order.

Mr. Gilster seconded the motion. The motion passed 3-1, with Mr. Nichols opposing and Mr. Lee abstaining.

Item 6. Old Business

No old business was discussed.

Item 7. New Business

Mr. Anspach informed the Board that the next meeting will be August 25th, 2015.

Item 8. Adjourn

Mr. Gilster motioned to adjourn.

Mr. Medford seconded the motion. The motion passed unanimously. 6:15 PM