

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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MINUTES

6:00 PM, MONDAY, MARCH 28, 2016

COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

The Oconee County Board of Zoning Appeals held a meeting on March 28, 2016 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. Medford
Mr. Menzies
Mr. Nichols

Staff Present: Mr. Josh Stephens, Deputy Director
Mr. Matthew Anspach, Planner I
Mr. Mack Kelly, County Engineer

Media present: None

Item 1. Call to Order

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

Item 2. Approval of Minutes – February 22, 2016

Mr. Gilster motioned to approve the minutes.

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

Item 3. Public Comment – Non-Agenda Item

No public comment on a non-agenda item was held.

Item 4. Variance Hearing for Application VA16-000006 (Clements Warehouse Expansion, Setbacks) Tabled During Previous Meeting

a. Statement of Matter before the Board Applicant comments

Mr. Anspach presented the matter before the Board concerning the applicant's request for a variance regarding setbacks (VA16-000006), that the Board tabled the issue from February 22nd meeting.

b. Applicant comments

Mr. Alton Clements presented his application for the variance on the Clements Warehouse Expansion.

c. Staff Comments

Mr. Anspach explained that staff recommended that the Board deny the variance request as presented.

d. Opposition/Item Specific from Public Comments

There was no opposition from the public.

e. Rebuttal by applicant

There was no rebuttal by the applicant.

f. Unsworn public comment

There was no unsworn public comment.

g. Questions from the Board

Mr. Gilster asked why the location of the expansion could not be on the western side of the building.

Mr. Clements explained that that side of the building was the location of their loading dock/ramp and that it would make it improbable to allow for efficient loading/unloading.

Mr. Anspach read each of the criteria for the Board to vote on to determine whether or not to grant the variance:

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.**

a. Motion

Mr. Lee motioned to approve the variance request based on the four stated criteria. Mr. Gilster seconded the motion.

b. Discussion

Mr. Nichols motioned to amend the motion to approve the variance, to include the condition that the expansion be setback sixteen (16”) inches from the corner of the existing building.

Mr. Gilster seconded the motion to amend. The motion passed 5-0

c. Vote

The motion carried as amended 5 – 0.

1. **Based on the evidence presented to the board, the proposed Variance does meet the standards put forth in the Oconee County Unified Road Standards Ordinance.**

a. Motion

Mr. Lee motioned to approve the stated criteria.

Mr. Gilster seconded the motion.

b. Discussion

No discussion was held.

c. Vote

The motion carried 5 – 0.

- 2. Based on evidence presented to the Board, the proposed Variance 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.**

a. Motion

Mr. Gilster motioned to approve the stated criteria.

Mr. Lee seconded the motion.

b. Discussion

No discussion was held.

c. Vote

The motion carried 5 - 0.

- 3. Based on the evidence presented to the Board, the proposed Variance will have a positive impact upon the general health, safety, and welfare of the residents of Oconee County.**

a. Motion

Mr. Nichols motioned to approve the stated criteria.

Mr. Lee seconded the motion.

b. Discussion

No discussion was held.

c. Vote

The motion carried 5 - 0

- 4. Approval of the Variance**

a. Motion

Mr. Lee motioned to approve the variance.

Mr. Gilster seconded the motion.

b. Discussion

No discussion was held.

c. Vote

The motion carried 5 – 0.

5. Approval of the Board Order

a. Motion

Mr. Lee motioned to approve the Board Order.

Mr. Gilster seconded the motion.

b. Discussion

No discussion was held.

c. Vote

The motion carried 5-0 to approve the Board Order.

Item 5. Variance Hearing for Application VA16-000005 (Lake Becky - Setbacks)

a. Statement of Matter before the Board Applicant comments

Mr. Anspach presented the matter before the Board concerning the applicant's request for a variance regarding setbacks (VA16-000001).

b. Applicant comments

Mr. Tom Bunn presented his case for a variance, explaining the plans for the deck in question and the context involved in the grievance.

c. Staff Comments

Mr. Anspach explained that staff recommended that the Board deny the variance request as presented.

d. Opposition/Item Specific from Public Comments

Mr. Larry Brandt, an attorney representing a group of various opposition, presented the Board his arguments for why the request for a variance should not be granted including his belief that the design for the deck could have been different and that it did not constitute a hardship; as well as potential issues with runoff due to the placement of the structure among other items.

Ms. Carol Johnson Jones, a neighbor, spoke on her opposition to the variance.

e. Rebuttal by applicant

Mr. Bunn spoke to the opposing concerns.

f. Unsworn public comment

There was no unsworn public comment.

g. Questions from the Board

- 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.**

a. Motion

Mr. Lee motioned to approve the variance request. Mr. Gilster seconded the motion.

b. Discussion

There was no discussion.

c. Vote

The motion was denied 0 – 5.

- 1. Based on the evidence presented to the board, the proposed Variance does meet the standards put forth in the Oconee County Unified Road Standards Ordinance.**

a. Motion

Mr. Nichols motioned to approve the request based on the stated criteria. Mr. Menzies seconded the motion.

b. Discussion

No discussion was held.

c. Vote

The motion was denied 0 – 5.

2. Based on evidence presented to the Board, the proposed Variance 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.

a. Motion

Mr. Lee motioned to approve the request based on the stated criteria. Mr. Menzies seconded the motion.

b. Discussion

No discussion was held.

c. Vote

The motion was denied 0 – 5.

3. Based on the evidence presented to the Board, the proposed Variance will have a positive impact upon the general health, safety, and welfare of the residents of Oconee County.

a. Motion

Mr. Lee motioned to approve the request based on the stated criteria. Mr. Menzies seconded the motion.

b. Discussion

No discussion was held.

c. Vote

The motion carried 0 – 5.

4. Approval of the Variance

a. Motion

Mr. Menzies motioned to approve the variance request. Mr. Lee seconded the motion.

a. Discussion

No discussion was held.

b. Vote

The motion was denied 0 – 5.

5. Approval of the Board Order

a. Motion

Mr. Lee motioned to approve the Board Order. Mr. Gilster seconded the motion.

b. Discussion

No discussion was held.

c. Vote

The motion to approve the Board Order was approved 5-0

Item 6. Variance Hearing for Application VA16-000004 (Vickery Road – Road Standards)

a. Statement of Matter before the Board Applicant comments

Mr. Anspach presented the matter before the Board concerning the applicant's request for a variance regarding road standards (VA16-000004).

Mr. Kelly also explained to the Board detail of applicant's submittal and what it entailed regarding desiring a variance. He also explained that he did not think a variance should be approved with the plans as submitted and that they were insufficient in regards to detail submitted as concepts without engineering standards.

b. Applicant comments

The applicant, Mr. Matt Wilson, presented his application for a variance from the Road Standards.

c. Staff Comments

Staff recommended that the Board deny the variance request as presented.

d. Opposition/Item Specific from Public Comments

Mr. Gary Shook spoke on his opposition to any variance being granted.

Mr. Levi Shook spoke on his concerns with traffic, objecting to a variance being granted.

e. Rebuttal by applicant

Mr. Scott Rye, owner of LLC Invest, the applicant, responded to the opposition.

f. Unsworn public comment

There was no unsworn public comment.

g. Questions from the Board

Mr. Nichols motioned to table the issue until the next scheduled meeting, requesting the applicant to bring back more information. Mr. Menzies seconded the motion. The motion passed unanimously.

Item 7. Old Business

No old business was presented or discussed.

Item 8. New Business

The next meeting was determined to be on April 25, 2016.

Item 9. Adjourn

Mr. Menzies motioned to adjourn. Mr. Lee seconded the motion. The motion passed unanimously. 8:47 PM