

415 South Pine Street - Walhalla, SC



TEL (864) 638-4218 FAX (864) 638-4168

AGENDA

6:00 PM, MONDAY, NOVEMBER 27, 2017

COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

- ITEM 1- Call to Order
- ITEM 2- Approval of Minutes from October 23, 2017
- ITEM 3- Consideration of 2018 Board of Zoning Appeals Meeting Schedule
(Discussion if necessary; approval)
- ITEM 3- Public Comment (Non-Agenda)
- ITEM 4- Staff Update
1. General Items
 2. Discussion of Possible Ordinance Amendments for Board of Zoning Appeals
- ITEM 5- Setback Variance Request for Application VA17-000010 (348 N Port Bass Drive, Fair Play, SC)
Tax Parcel ID# 334-02-02-009
- (see support material)
- ITEM 8- Old Business [*to include Vote and/or Action on matters brought up for discussion, if required*]
- ITEM 9- New Business [*to include Vote and/or Action on matters brought up for discussion, if required*]
- ITEM 10- Adjourn

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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MINUTES

BOARD OF ZONING APPEALS

6:00, MONDAY, OCTOBER 23, 2017

The Oconee County Board of Zoning Appeals held a meeting on October 23, 2017, at 6:00 pm in Council Chambers at the Oconee County Administrative Building, 415 S. Pine St., Walhalla, SC 29691.

Members Present: Mr. Morgan
Mr. Lusk
Mr. Gilster
Mr. McKee
Mr. Medford
Ms. Fowler

Staff Present: Bill Huggins, Planner
Sherrie Williams, Planner

ITEM 1- Call to Order

Mr. Gilster, Acting Chairman, called the meeting to order at 6:00p.m.

ITEM 2- Approval of Minutes July 24, 2017

Mr. Morgan made a motion to approve the minutes and a second by Mr. Medford, unanimous vote 6-0

ITEM 3- Vote to Choose Temporary Vice-Chairman

Mr. Gilster tabled request until a full board is present

Motion – Mr. Medford

Second – Mr. Morgan

ITEM 4- Public Comment (Non-Agenda)

None

ITEM 5- Staff Update on Issues

No new submittals. The Planning and Zoning Department is currently working on enforcement of the International Property Maintenance Code, the Corridor Overlay, and Multi-Family in the Comprehensive Plan updates. A workshop is scheduled with County Council and the Planning Commission concerning several issues. We have a new employee Sherrie Williams, Planner for Oconee County.

ITEM 6- Special Exception for Application SE17-000004 – Special Exception request for the construction of a 165' monopine wireless telecommunications tower at 615 N. Highway 11, West Union, S.C. – Tax Parcel ID# 147-00-03-087

Public Comment:

Staff stated this is a request for a 165' cell tower on 615 North HWY 11 in West Union. The site has a 100 year flood plain, because of a creek that runs through the property. The cell tower site is not within the FEMA 100 year flood plain. The property is bounded on the North by a 25 acre farm and a 5 acre farm. The Industrial property, including Itron, is located to the southwest

across Cane Creek from the subject property. The Burns Mill residential subdivision is located to the East across HWY 11 from the subject property along with Dendy Subdivision. The property is a 25.24 acre site and is zoned CFD (Control Free District).

Applicant

Laura Baker of behalf of Verizon Wireless presented the proposed project to the Board. She stated that Verizon looked at doing a co-locator in the area and couldn't find a tower to co-locate on. The Verizon Wireless Engineer had created a search area map to determine the optimal location for the site. Verizon Wireless could not find a co-location site in the search area. Mary Pat Tyndall was the consultant who performed that search. According to Ms. Baker, the purpose of this tower is to off load wireless capacity. The setbacks require the tower be setback from the property line the height of the tower so if the tower fell it would fall within the site property. The application submitted states the requirements for a cell tower in Oconee County for a special exception. Ms. Baker stated the company's finding of facts based on the special exception criteria:

:

- The tower is in accordance with the comprehensive plan and is consistent with the district.
- It is in the best interest of the county. The public is using more wireless phones, thus increasing the need for additional towers. The proposed site has met FAA requirements and the project is licensed by the FCC.

- In the Control Free District (CFD) towers are allowed by Special Exception. The tower will be a mono stealth tower setback 370 ' from HWY 11 and the trees around the tower will be maintained as a buffer.
- The tower will not have an effect on the area after construction. After construction it will be maintained by employees of Verizon Wireless.

Mr. McKee asked about an existing coverage map before and after construction.

Mr. Lusk asked if the applicant had information about how many users are in that area. Ms. Baker did not have that information at this time. Mr. Lusk also asked about the process for seeking other sites in the area.

Mary Pat Tyndall spoke about her role in the process. Ms. Tyndall receives notification from the carrier about what and where they need a tower or co-locator. She goes to the area and searches for a site to accommodate the carrier.

Public Comment:

David Scealf spoke for his father, whose property is adjacent to the proposed tower site. The site map that was sent out was the search map, not the map for the proposed site. Mr. Scealf quoted SC State Law Article 5 Section 6.29.710 (A) 4, which refers to comprehensive planning elements, one of which is to protect and preserve scenic, historic, or ecologically sensitive areas. He stated that HWY 11 is a designated Cherokee Scenic HWY by SC State Law. The tower will be 169" tall with

the lighting rod. Mr. Scealf also cited the Oconee County Mission Statement: "It is the mission of Oconee County to provide our current and future citizens and visitors quality services while protecting our communities, heritage, environment and natural resources, in an ever-changing world." He also referenced the Vision statement for Oconee County: "A diverse, growing, safe, vibrant community guided by rural traditions and shaped by natural beauty; where employment, education and recreation offer rich quality of life for all generations, both today and tomorrow." Mr. Shealf also stated that using the coordinates from the balloon report provided by Gold, the distance between the residences is 1027' and that this is closer to his parents' house than Mr. Dunagan's. He stated that the tower will be significantly taller than the existing trees nearby. Mr. Scealf read a letter prepared by his father.

Staff stated that the reference to potential health and environmental issues can't be considered by the Board, as per the Communications Act of 1996 and subsequent case law.

Ms. Binder spoke about not getting the information in a timely matter and having little time to prepare anything or do any research. He added that when the leaves fall a tower will be more visible than is indicated by the submitted test photos.

Mr. McKee questioned if the required notification was given. Mr. Huggins answered that the legal notification requirement was met. He did note that the mailing that

went to nearby owners contained a map showing the optimum location for a tower based on the company study, not the actual site location. Letters were sent to property owners within a 250' radius of the subject property.

Ms. Quirk stated she did not get notification and had two objections: 1) aesthetics 2) She is a Verizon wireless customer, and she indicated that she has no trouble getting a signal. She also stated her belief that the visual study needs to be redone in two months when the leaves have fallen.

Ms. Vaughn stated that her property adjoins the proposed tower site. Ms. Vaughn asked if the Board members received a copy of her documentation from Danny and Wanda Knight and an email from Dave and Deb Miller. This community was given one week notification. Ms. Vaughn requested that the request be tabled until the community would have time to do research.

Mr. Dunagan stated that his battery usage drains on his property.

Mr. Codner stated that notification has been an issue in the past.

Mr. Huggins stated that the current State statutory requirement and local code requirement for notification has been met, and that no requirement for additional signage or direct mail notification of nearby property owners has ever been approved by County ordinance.

Mr. Scealf stated that notification is a problem, but that even with additional notification, the position of opposing property owners would likely not change.

Ms. Goode stated that this project is a capacity off load from a tower 1.6 miles to the south and that it is not a coverage tower.

Mr. Ruket asked why the tower could not move to one of the other quadrants of the proposed site.

Mr. Gilster questioned whether the hearing needed to be continued to allow for more discussion or interaction between the property owners and Verizon.

Mr. McKee stated that the tower approval process needs to be looked at as a County-wide issue.

Mr. Gilster asked whether the Board needed to vote on the Special Exception with one motion or to vote on of the required criteria at a time.

The consensus of the board and staff was to vote on each one individually.

Mr. Gilster recited the Sec. 38-7.2. – Special Exception standards:

(1) The project is 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:

Motion: Mr. McKee, second Ms. Fowler. Motion passed 5-0

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

Motion: Ms. Fowler, second Mr. McKee

Mr. Lusk stated that he did not believe enough research had been done on the area and that he did not believe the project is in the best interest of the community. He was of the opinion that there are a number of parcels in the area that could serve the same area.

Denied 3-3

Mr. Lusk, Mr. Morgan, Mr. Medford – opposed
Mr. Gilster, Mr. McKee, Ms. Fowler – in favor

Staff stated that a tie vote defeats the motion.

ITEM 7- **Old Business**
None

ITEM 8- **New Business**
None

Adjourn- Motion Mr. McKee, 8:02

Board of Zoning Appeals Calendar 2018

January-
BZA Monday 22

December-
BZA Monday 24– *Christmas Holiday (no meeting)*

February-
BZA Monday 26

March-
BZA Monday 26

April-
BZA Monday 23

May-
BZA Monday 28

June-
BZA Monday 25

July-
BZA Monday 23

August-
BZA Monday 27

September-
BZA Monday 24

October-
BZA Monday 22

November-
BZA Monday 26

*All dates are subject to change.

Oconee County Board of Zoning Appeals
November 27, 2017

Staff Report

To: Members, Board of Zoning Appeals

From: Bill Huggins, AICP, CFM
Planner and Zoning Administrator

Re: Item 5 - Application VA17-000010, Variance Request for a setback of two feet from the side property line for a building at 348 N. Port Bass Drive, Fair Play

Summary

Property Owner: Vladimir Grebenyuk

Applicant: Vladimir Grebenyuk

Property Location: The subject property is located in the Port Bass subdivision in the Fair Play area of Oconee County. The site contains a mobile home, and recently the applicant received a building permit to construct a single family residence on the same parcel. However, during construction it was discovered that the building penetrates the five foot side setback requirement for construction in the Control Free District. The structure comes within 2.5 feet of the property line. This includes a 16” overhang from the main structure. A stop order was issued on the project. Therefore, the applicant requested a variance of 2.5 feet in order to allow construction to continue in the current location.

Parcel Id# 334-02-02-009

009Lot Area: .21 acres

Zoning: CFD, Control Free District

County Code References: Section 38-10.2 Control Free District
Section 38.7.1

Variance Standards

The standards the Board of Zoning Appeals must consider in order to grant a variance are listed below under Section 38-7.1 of the Zoning Ordinance:

- **Sec. 38-7.1. - Variances.**

The board of zoning appeals may grant a variance in an individual case of unnecessary hardship if the board of zoning appeals makes and explains in writing the following findings:

- (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. The board of zoning appeals may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted. The fact that the property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.
 - b. The board of zoning appeals may grant a variance to extend physically an existing nonconforming use provided that the expansion does not adversely affect the character of the community and is designed so as to minimize any negative secondary impacts.
 - c. In granting a variance, the board of zoning appeals may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board of zoning appeals may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.

The developer shall have the burden of providing evidence to the county of compliance with the general requirements of this chapter and the specific requirements of the applicable section. The board of zoning appeals may impose whatever reasonable conditions it deems necessary to ensure that any proposed development will comply substantially with the objectives in this chapter.



Greene County Assessor		Parcel: 334-02-02-009 Acres: 0.21	
Name:	GREBENYUK VLADIMIR	Land Value:	55500
Subj:	348 N PORT BASS DR	Improvement Value:	8950
Sal:	\$83750 on 2017-04-04 Reason=0 Qual=0	Accessory Value:	0
Map:	21 WESTMONT DR ASHEVILLE, NC 28806	Total Value:	62450



Greene County makes every effort to produce the most accurate information possible. No warranty, expressed or implied, are provided for the data herein, its use or interpretation. The maps on this site are not surveys. The assessment information is from the last certified tax roll. All data is subject to change before the next certified tax roll.
 Date printed: 11/14/17 12:12:36

RESIDENTIAL SITE PLAN ILLUSTRATION

TRACT # _____
 CSD # _____

ADDRESS _____

Checklist

Home Elevation: _____

Floodplain Elevation (if app.): _____

North Arrow: _____

(e) Auxiliary Building(s) w/ Dimensions

(b) Center Line of Road

(c) Driveway Width/Length

(d) Distances of the Closest Building Line to Each Property Line (Should be 4' Total)

(g) Encroachment (Permit #) _____

(f) House w/ Dimensions

(g) Property Line

(h) Property Line Across Road

(i) Pool w/ Fence Line (if app.)

(j) Right of Way (R.O.W.)

(k) Setback Lines:

Front Setback

Rear Setback or Vegetative Buffer of 25' Minimum (if on Lake Jocassee)

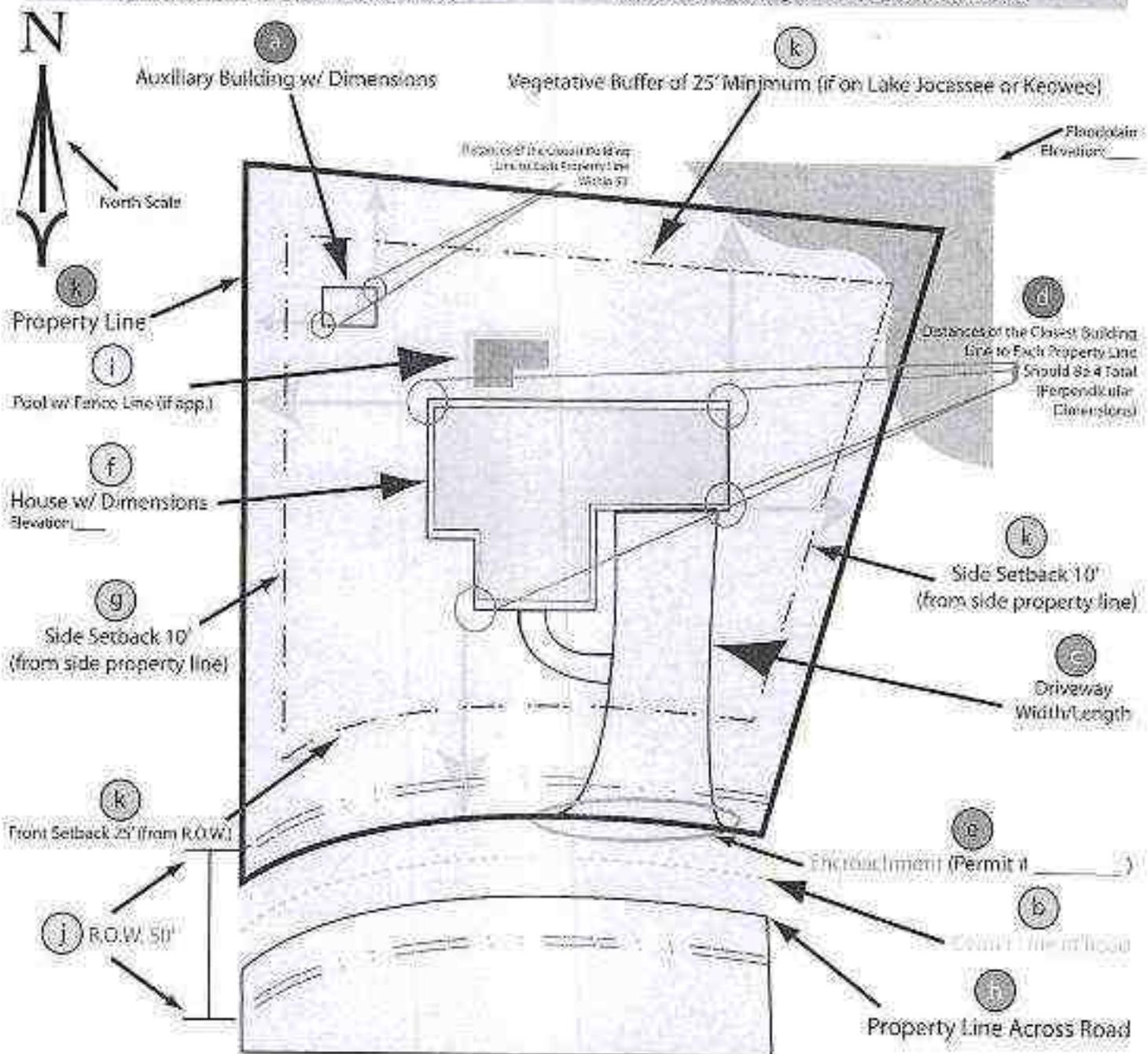
Side Setback

*Setbacks vary by Zoning District and Covenants, etc.

*All dimensions must be to scale, and perpendicular.

*Check with appropriate entities for appropriate setbacks.

*Include necessary Zoning, DMFC, and Encroachment Permits.



Section 6: Sewer/Water, Electric

Sewer or Septic Permit # Septer
 Water Company _____
 Heat Source _____
 Electric Provider:
 Blue Ridge City of Westminster
 Duke Power Seneca L&W
 Other Please Specify _____

Construction Type (Commercial Only) _____
 Occupancy Type (Commercial Only) _____
 Gas Company:
 Natural Gas Propane

Number of Bedrooms 2 Number of Bathrooms 2
 Number of Stories (Including Basement) 2
 Frame Type Wood Foundation Type Piers/Concrete
 Roof Type Shingle Exterior Finish Wood Siding

Including All Garages, Bonus Rooms, and the Basement, What is the Total Square Footage of the Structure Being Constructed?

BSMT: Heated	_____	+ Un-heated	_____
1st: Heated	<u>600</u>	+ Un-heated	_____
2nd: Heated	<u>600</u>	+ Un-heated	_____
3rd: Heated	_____	+ Un-heated	_____
Accessory: Heated	_____	- Un-heated	_____

Includes Garages: _____
 Porches Total 60 Total Square Footage = _____

Section 5: Mobile Home, Complete Details (Not Inc. in Sec. 4)

Manufacturer _____ Year _____
 Model _____ Size _____
 Color _____ Current Decals _____
 VIN Number (Serial Number) _____
 Previous Owner Name _____
 Previous Owner Phone Number _____

Section 7: General Permit for Mobile Home

Current Location
 Tax Map Sequence # _____
 Seller's Name _____
 Phone Number _____ Email _____
 Current Address of Mobile Home _____
 City _____ State _____ Zip Code _____
 Move to Location In County Out of County
 Move to Location Tax Map Sequence # _____
 Move to Location Address _____
 Mailing Address _____
 City _____ State _____ Zip Code _____
 Buyer's Name _____
 Mailing Address _____
 Phone Number _____ Email _____
 Official Use Only (Out of County)
 Assessor Value _____ Ratio % _____

Section 7: Signature

NOTICE: The applicant is responsible for compliance with any applicable codes, Ordinance, County Building Codes and Enforcement Division is responsible for enforcement of Ordinance 95-10. With a completed project has a minimum cost index that is based on a valuation sheet provided by the International Code Council. If applicant's estimate is lower than the minimum cost index, the cost index will apply. If any of the information supplied by the owner and/or owner's Agent is incorrect, the permit may be revoked. THIS PERMIT WILL BECOME INVALID WITHIN 180 DAYS FROM DATE OF ISSUE IF WORK HAS NOT COMMENCED, IF AN INSPECTION HAS NOT BEEN REQUESTED, OR IF WORK HAS BEEN SUSPENDED FOR A PERIOD OF 180 DAYS. The Building Official is authorized to grant extensions of time for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. The party certifying that they have authority of the owner to make this application, that the information is complete and correct, and the construction and/or use will conform to the building code and other applicable laws and regulations which relate to the property.

Signature _____
 Printed Name Madison Grohman

Date 10/3/17



OONEE COUNTY COMMUNITY DEVELOPMENT

Planning & Zoning | Permitting | Codes | Addressing

415 South Pine Street, Webber, SC 29591 | TEL: (803) 718-1000 | COLLECT: (864) 638-4218 (Permitting & Zoning) | FAX: (864) 638-4768

BUILDING PERMIT APPLICATION

ALL Applicable Information must be filled Out Before Application will be Accepted!

Section 1: Applicant Information (Individual Filing Out App.)

Applicant Company: _____
 Applicant Name: VIADIMIR GREGOROVIC
 Relationship to Project: OWNER
 Applicant Mailing Address: 21 Westmont Dr
 City: Asheville State: NC Zip Code: 28804
 Office/Work # _____ Mobile: 864-357-6181
 Fax # _____ Email: u.r.chosen53@gmail.com

Section 4: Project Information (Tell Us About the Project)

Project Description:
Job already in progress - SFD w/ 2 bedrooms & 2 bath
 Total Value of Completed Project: 35,000
 Is this Project for an Oconee State or Non-Oconee County? Yes No
 If Yes, Reason: DOR# _____

Section 2: Contractor Information (Responsible for Work)

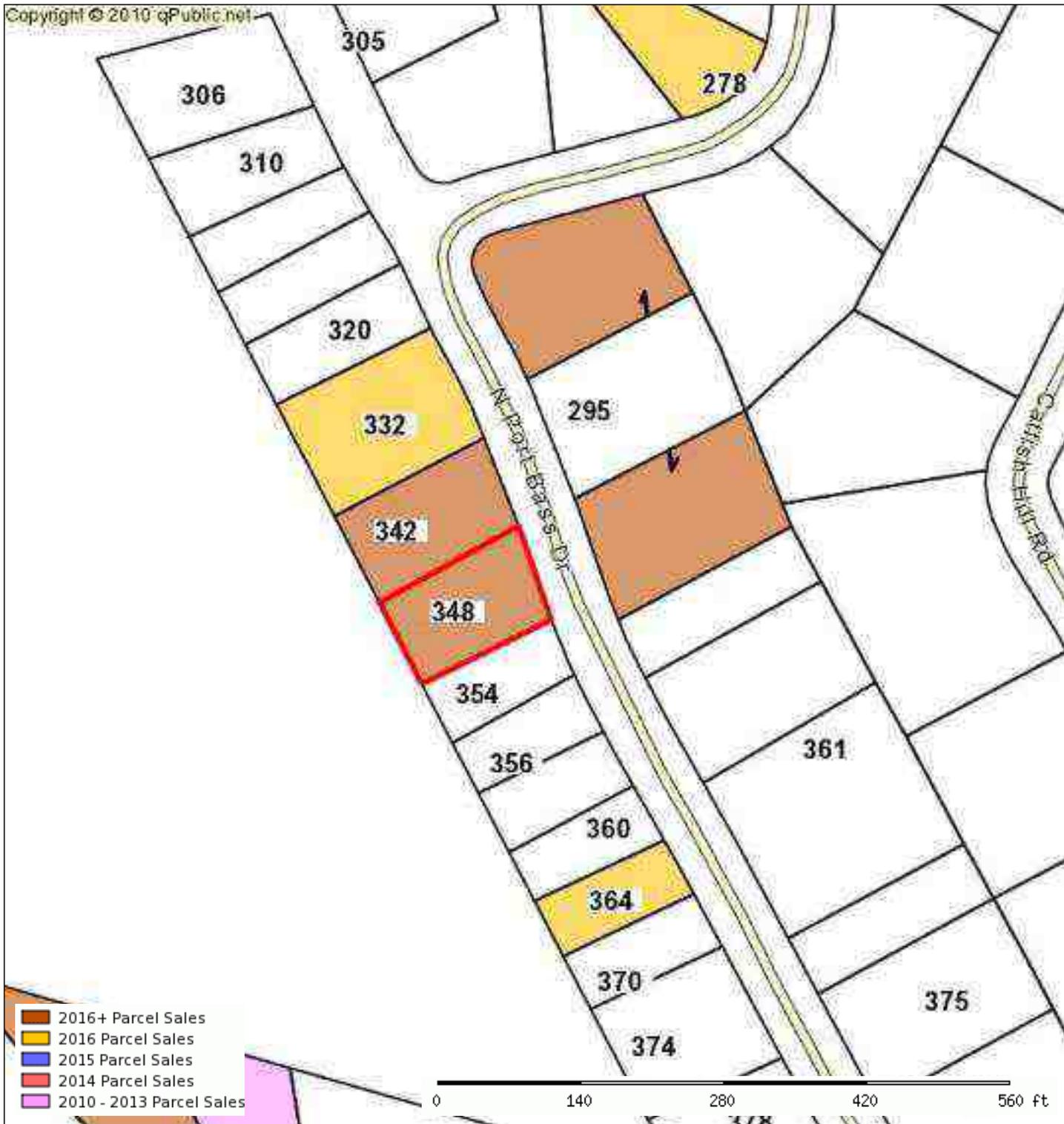
Contractor Company: _____
 Contractor Name: _____
 General Contractor Mfg Housing Residential Specialty
 Residential Builder Owner/Builder Other
 SC License # _____ Exp. Date _____
 Company Mailing Address: _____
 City _____ State _____ Zip Code _____
 Office/Work # _____ Mobile # _____
 Fax # _____ Email _____
 Superintendent: _____
 Number Inspector Should Use for Direct Prior to Inspection: _____
 *Positive ID Required Before Permitting

Section 3: Property Information (Tell Us About the Property)

Project Address: 848 N Port Bass Dr
 City: Fair Play State: SC Zip Code: 29643
 Zoning District _____ Use Code _____
 Tax Map Sequence # 334212-09 Subdivision _____
 Property Owner Name: _____
 Property Owner Address: _____
 City _____ State _____ Zip Code _____
 Office/Work # _____ Mobile # _____
 Email _____

- Check ALL information that applies:
- Single Family Dwelling
 - Multi-Family Dwelling
 - Townhome
 - Duplex
 - Addition
 - Renovation
 - Storage Building
 - Detached Garage
 - Other
 - Exterior Deck
 - Commercial Pool
 - Demolition
 - Seal Only
 - Add Mobile Home
 - Park Model RV
 - Temporary Recreational Vehicle
 - New Commercial Structure
 - Sprinkler Install
 - Electrical
 - Mechanical
 - Plumbing

- Does this project involve the use of any alternative materials, design, or methods of construction not prescribed in code? Yes No
- Is this project within five (5) feet of a property line? Yes No
- Is this project located on a County Road? Yes No
- Is this project permitted? Yes No
- Are the structural floors, walls, and roof framed using anything other than wood? Yes No
- Does this project have foundation walls that extend (be reinforced) OR requirements of the code? Yes No
- Is this tract of land restricted by any recorded covenant that is contrary to, or conflicts with, or prohibits the proposed activity? Yes No



Oconee County Assessor			
Parcel: 334-02-02-009 Acres: 0.21			
Name:	GREBENYUK VLADIMIR	Land Value:	55500
Site:	348 N PORT BASS DR	Improvement Value:	6950
Sale:	\$83750 on 2017-04-04 Reason=0 Qual=Q	Accessory Value:	0
Mail:	21 WESTMONT DR	Total Value:	62450
	ASHEVILLE, NC 28806		



Google Maps 348 N Port Bass Dr



Imagery ©2017 Google, Map data ©2017 Google 50 ft



348 N Port Bass Dr
Fair Play, SC 29643





WILSON COUNTY PARK
1100 W. 10th St. Wilson, NC 27894
Phone: 919.253.2200
www.wilsoncountypark.com

1100 W. 10th St.
Wilson, NC 27894





From: [Charles Daab](#)
To: [Willis Huggins](#); [Charles Daab](#)
Subject: Fwd: Item VA17-000010
Date: Wednesday, November 15, 2017 11:33:23 AM
Attachments: [image002.jpg](#)

Dear Oconee Board of Appeals,

Attn: W. Huggins

Good morning,

First I would like to say that I will try to make this meeting but, I am writing to you in case that I cannot be present.

Second, I understand that these zoning ordinances are put in place to protect ALL our community interests. So, it escapes my mind why that anyone would build a home without consulting local county building codes and ordinances when undertaking such a big construction and investment. I also realize; we are located in one of the oldest parts of Lake Hartwell communities (One of First) and we need processes like these to inspire-regulate growth. However, to come at the cost of our “neighbor hindrance” when they have been “encroached upon” is not in this communities best interest. These lots-parcels are already very small; compared to other properties in the area, would inquire to think that these ordinances helps us maintain some type of "decorum” for peoples sanctity and more importantly buildings code for safety-security.

You all do not have an easy task before you. However lastly; I would mention to consider, that “if” its decided in this ruling to grant this variance; then prepare that more people to apply for this same variance (consent) and there will be no hindrance but to grant other community members this same variance.

I wish you the best.

Sincerely,

Charles J. Daab III

352 North Port Bass Drive

Fairplay, SC 29643

Charles J. Daab

Director, School Technology Support

Information Technology Division | Fulton County Schools



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Oconee County Board of Zoning Appeals

RE: Item VA17-000010

Re: Variance for 348 N. Port Bass Drive, Fair Play, S.C.

Dear Sir or Madame,

I own the property at 342 N. Port Bass Dr., Fair Play, S.C. , which is the property next to the property in Question. Originally, I was the one who made the complaint.

However, after discussing the issue with the owner of 348 N. Port Bass Dr, Fair Play, S.C. I wish to drop my complaint, and I am in favor of him being granted a variance allowing him to continue construction on that new building.

Respectfully,

Warren M. Shippen, owner of 342 N. Port Bass Dr., Fair play, S.C.



Eddie Maddox & Kirstie Maddox, Property Owners
332 No. Port Bass Dr.
Fairplay, SC 29643

To Whom It May Concern:

The property improvements at 348 No. Port Bass Dr. in Fairplay, SC will be an asset to improving the aesthetics and the property values in the Port Bass Community.

Thank you,

Eddie L Maddox