

415 South Pine Street - Walhalla, SC



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

AGENDA

6:00 PM, MONDAY, JUNE 25, 2018

COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

ITEM 1- Call to Order

ITEM 2- Approval of Minutes from March 15, 2018

ITEM 3- Public Comment (Non-Agenda)

ITEM 4- Staff Update

1. General Items

2. Update on ad hoc committee to discuss BZA notification process

- 1) **ITEM 5-** Daniel Jacob Maalouf is requesting a Special Exception approval as outlined in Chapter 38-7.2 and 38-11.1 of the Oconee County Zoning Ordinance for several buildings to be used for commercial use in a Lake Overlay District at 330 Summit Drive, Salem, S. C. (TMS# 039-00-01-068).
- 2) **ITEM 6-** Sherrie Cobb is requesting a Special Exception approval as outlined in Chapter 38-7.2 and Chapter 38-11.1(d) (1) a. 4. of the Oconee County Zoning Ordinance to operate a firewood sales and produce stand activity in the Jocassee Lake Overlay District at 123 Francis Falls Drive, Salem, SC. (TMS# 038-00-01-007).
- 3) **ITEM 7-** Kay Wade is requesting a Special Exception approval as outlined in Chapter 38-7.2 and Chapter 38-11.1(d) (1) a. 4. of the Oconee County Zoning Ordinance to provide temporary parking on the subject property on Jocassee Lake Road (TMS# 038-00-01-005) to support a shuttle service for Jocassee Lake Tour guests.

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



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

MINUTES

BOARD OF ZONING APPEALS
6:00 PM, MONDAY, MARCH 15, 2018

COUNTY COUNCIL CHAMBERS
OCONEE COUNTY ADMINISTRATIVE COMPLEX

Special Meeting

Members Present: Mrs. Fowler
Mr. Gilster
Mr. Medford
Mr. McKee
Mr. Honea

Staff Present: Bill Huggins, Planner

Media present: None

ITEM 1- Call to Order

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

ITEM 2- Approval of Minutes from January 22, 2018

Mrs. Fowler made a motion to approve the minutes subject to correcting the names from Mr. Lusk to Mr. Mrogan. Mr. McKee seconded the motion. The motion was passed 4-0 with Mr. Honea not voting.

ITEM 3- Public Comment (Non-Agenda)

None

ITEM 4- Staff Update

Mr. Huggins stated the Ad Hoc Committee had a meeting on March 14, 2018 and are looking the process of notifying the public on all cases and whether

stringing the process. The findings of that meeting are going to be sent to the Planning and Economic Development Committee and afterwards be sent to the Planning Commission if approved. These changes will involve amendments to the code to strengthen the notification standards that we currently use to notify the public.

1) ITEM 5- Application VA18-00000,

Bountyland Enterprises, Inc. is requesting a Variance from Section 32-214(b) and from the setback requirements of the Oconee County Zoning Ordinance for structures to allow underground storage tanks and a portion of new parking isles and curbs to intrude by up to 12.5 feet into the front setback area for a new commercial use. The variance is associated with a proposed commercial use at the intersection of Edinburgh Way and W. Cherry Road in the Seneca area (TMS #271-01-01-149).

Mr. Huggins explained that the request is for a new convenience store at the location. The need for a underground storage tank and also some of the driveway and parking will be with that setback area.

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;

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.

Mr. Huggins stated that the request does meet all the requirements for a variance.

Mr. Turner spoke for the applicant stating the others issues are the railroad right-of-way and safety. Mr. Turner stated that the request isn't considered a vertical structure in any other surrounding counties.

Mr. Huggins stated that interpretation does come into play on a situation like this. In the future staff will be looking into how to interpret the code. Mr. Honea stated that he understands that the only think above ground will be the curve. Mr. Huggins stated that is correct.

Mr. Cogner stated he is in favor for the request, but concerning the process he can foresee circumstances where underground tanks and the variance request should be a part of the review process.

Mr. Huggins stated the definition of a structure is: Anything constructed or erected, the use of which requires location in or on the land or attachment to something having a permanent location in or on the land.

Mr. McKee made a motion to hear all the criteria for a variance at once Mr. Medford seconded the motion and passed unanimously.

Mr. Gilster read all the criteria for a variance request. Mrs. Fowler made a motion to approve the request to vote all the criteria as one and Mr. Medford seconded the motion and passed unanimously. Mr. Medford made a motion to amended the motion to allow the criteria be voted as one because staff had already went through the criteria one at a time and explained that the request meets all the criteria Mr. McKee seconded the amended motion and passed unanimously.

2) Approval of Board Order

ITEM 6- Old Business

None

ITEM 7- New Business

None

ITEM 8- Adjourn

Mr. McKee made a motion to adjourn Mrs. Fowler seconded the motion and passed unanimously.
6:22pm

June 7th, 2018

Bill Huggins
Community Development
Oconee County, SC

Mr. Huggins and members of the BZA,

My wife and I are kayak tour guides on Lake Jocassee and have been operating weekend tours on the lake for going on 6 years now. When a friend gave us the opportunity to buy some land close to the lake, we jumped at this as it has always been my dream. We currently own 2 acres and my father, George Maalouf currently owns the 2 adjacent acres, totaling +4acres. Our plan is to each build a lake cabin that will one day be our full time residence. We also wanted somewhere to stay on the weekends in the meantime when we are providing lake tours, so we decided to build the small 120 sqft treehouse.

When Lana and I got engaged, we decided we wanted to get married at the most beautiful place in the South East, in the woods at Lake Jocassee. We picked out a spot, and did our research regarding the lake overlay district. I measured out 750 ft on the Oconee County GIS and planned our site accordingly. I was not aware of an actual lake overlay map (uploaded on 4/30/18, summit.pdf).

Since our wedding on May 20th, 2017, we had interest from friends and family to have their weddings there, so we thought it would be beneficial to host occasional weddings on the property. The venue itself is very simple. There is a 30x60 gravel pad that is designated as the "reception area". This is where we put a tent, tables and chairs for the dinner reception. The chapel area is also very simple as it is just benches and mulch with a burlap runner. The benches are made from the trees we felled around the property. We take pride in maintaining the natural appearance of the property, complete with 15 ft mountain laurels and rhododendron providing a natural backdrop.

There are only 3 weddings scheduled for 2018, two already occurred in the spring, and there is one more scheduled for the fall. We don't anticipate anyone wanting an outdoor wedding in the summer or winter, so we are looking at a potential handful of weddings in the spring and fall. Weddings are limited to 50-80 guests and music is limited in volume. Quiet hours of 10pm are also enforced. We hope to be as low impact to the neighbors and environment as possible. We have received verbal approval from 3 of the 4 closest neighbors.

Please note: When I was made aware of the lake overlay map, I measured the line on GIS, and it appeared to be inaccurate. I have uploaded an updated Lake Overlay map provided by Lisa Simmering of Oconee County GIS, (uploaded on 6/7/18, overlay_039-00-01-068(1).pdf) as well as a site map overlaid onto a satellite photo of the property (uploaded on 6/7/18, Sitemap.pdf). You will notice that it appears the all areas noted on the site map are in fact NOT within the Lake Overlay District.

It is my pleasure to be a resident of Oconee County and we appreciate the time the BZA has taken to review this case. Should you have any further questions, please don't hesitate to ask.

Respectfully,

Daniel & Lana Maalouf
864-704-7984



Date: June 25, 2018

To: Members of the Board of Zoning Appeals

From: Bill Huggins, AICP
Senior Planner

Re: Staff Report for SE18-000001, Special Exception Request by Daniel Jacob Maalouf

The applicant is requesting a Special Exception from the Board of Zoning Appeals to allow a wedding chapel and assorted tour activities on a one acre parcel along Lake Jocassee in the northeastern corner of the County above Salem. Non-residential activities in the Jocassee Lake Overlay District require approval under the Special Exception provisions of the Zoning Ordinance. The wedding and tourist activities were added to the site in 2017. The use features a reception area defined by a gravel pad for tables and chairs and a mulched area and wooden benches which serve as the chapel. A bathhouse is also located on the property.

When a complaint about the site came to the County's attention, a staff investigation was undertaken to determine what, if any, violations had occurred and to discuss potential remedies with the applicant. A building permit is required for a treehouse and bathhouse and has been applied for. The treehouse is not a commercial activity subject to Special Exception review. The applicant believes that the wedding facilities are outside the Overlay boundary, which cuts across the northeast side of the parcel. However, this fact cannot be clearly established without a formal survey to locate the demarcation boundary and the affected uses. The Overlay applies to property within 750' of the full pond contour of Lake Jocassee, which is 1100' above Mean Sea-Level. Without definitive evidence to the contrary, the Zoning Administrator has ruled that the non-residential uses must be assigned to the Overlay. The burden of proof to the contrary lies with the applicant, who could also appeal the Zoning Administrator's ruling to the Board. However, that would be a separate application, and the applicant has chosen to proceed with the understanding that the overlay standards apply to the uses in questions.

The subject property is accessed by a private road called Summit Drive, which is about 750' in length and empties on to Cool Valley Road, which in turn ties in to Jocassee Lake Road. The applicant has indicated that the wedding facility has booked only 2 events thus far in 2018 and that the maximum wedding party is capped at 50 to 60 participants. During events, the private access road will need to accommodate an undetermined number of vehicles, and sufficient parking should be available on site to handle the activity. The County has no commercial road standards or formal parking standards for particular uses.

Criteria

Non-residential uses are allowed in the Overlay district only through the Special Exception review and approval process by the Board of Zoning Appeals, and such uses must meet the four criteria listed below. According to Section 38-7.2 of the Zoning Ordinance, such uses must be:

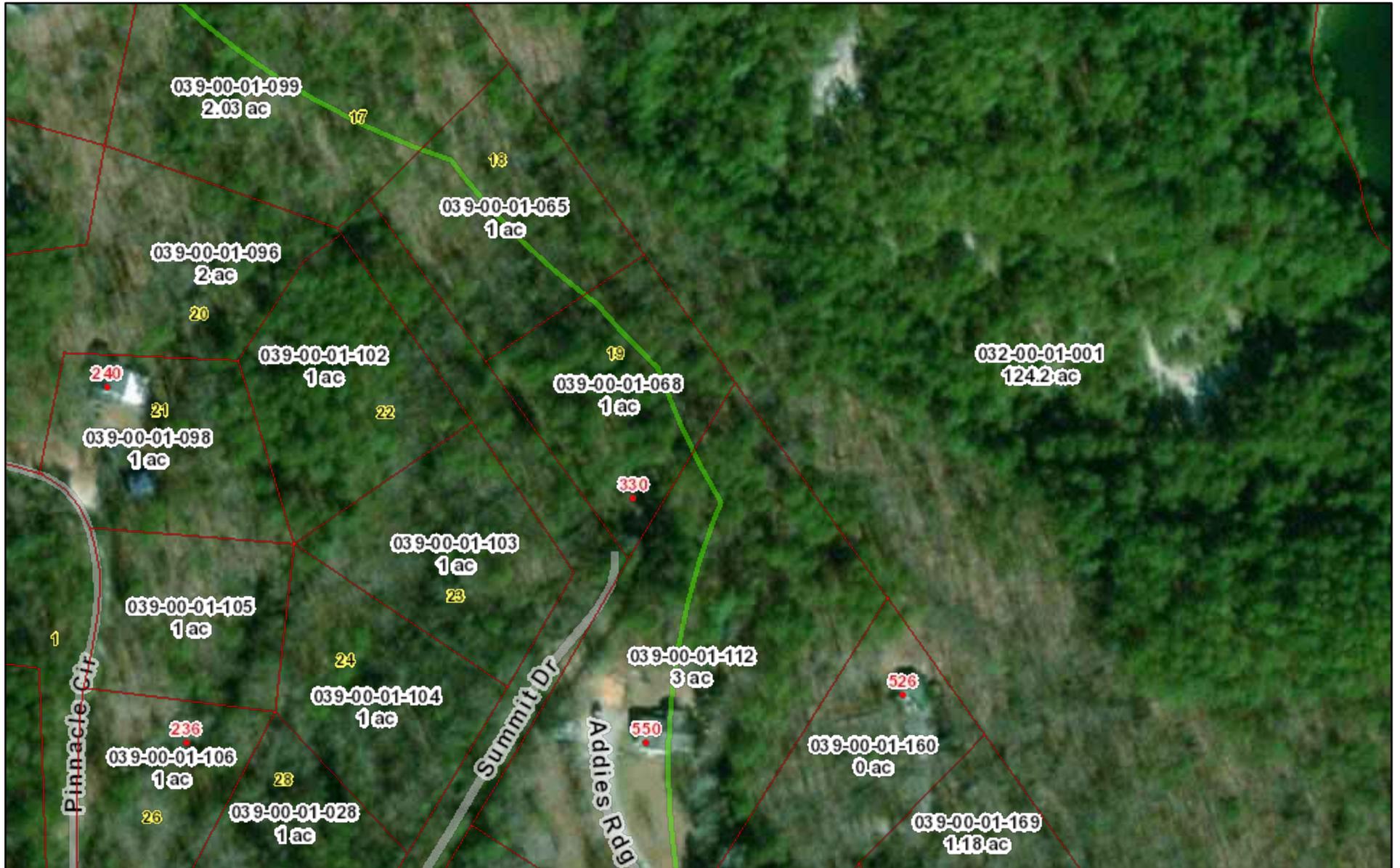
- 1) In accordance with the comprehensive plan and is consistent with the spirit, purposes, and the intent and specific requirements of this chapter, to include the definition and intent of the district in which the special exception is being requested;
- (2) In the best interests of the county, the 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.

In addition, the Board has the flexibility to require any other conditions on approval that it feels are appropriate to insure that the residential character of the area is maintained. The Board may also apply any provisions it feels are applicable from Appendix A of the Ordinance. That Appendix is included in this packet. The area is zoned Control Free District, so uses are not generally restricted, except where an Overlay imposes a review process and possible conditions on approval beyond the strict requirements of the underlying zoning district or related codes.

Public Input

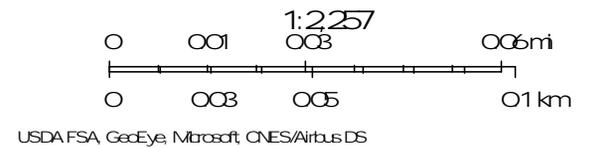
The packet also contains letters and comments from property owners in the area who have expressed concerns about the request.

ArcGIS Web Map



April 30 2018

- Land Hooks
- Parcels (labels 5000scale)
- SC
- GA
- NC
- Addresses
- Roads (appear 24000)
- Unknown
- (AD) Agricultural





chapel

treehouse

bathhouse

reception area

330

McNeely's Store & Rental #6 (West Union)

PO Box 40 Sapphire, NC 28774
 833 Anderson St West Union, SC 21
<http://www.mcneelycompanies.com>

864-718-1449 Phone
 864-638-6404 Fax



Status: Completed

Invoice #: 134323-6
 Invoice Date: Mon 10/10/2016
 Date Out: Fri 9/30/2016 10:48AM

Operator: Dan Hall

DANIEL JACOB MAALOUF
 203 PINK BLOSSOM CT
 GREENVILLE, SC 29696

Customer #: 39650

864-884-1594 Phone

Ordered By:

Qty	Key	Items	Item#	Status	Returned Date	Price
1	AG3N12359	TRACKHOE, 337 - E50 COMPACT	6760	Returned	Mon 10/10/2016 2:53PM	\$1,236.00
Meter Out: 2089.3 Meter In: 2118.3 Total hours on meter: 29.0 EQUIPMENT MUST BE REFUELED BEFORE RETURN ***** NEVER REFUEL WHILE UNIT IS RUNNING. PLEASE CHECK ENGINE OIL LEVEL WHEN REFUELING. DIESEL FUEL ONLY WARNING! CHECK FOR UNDERGROUND WIRES, GAS LINES, & PIPES BEFORE DIGGING.						

Payments made on this contract:

Rental/Sale Paid	\$436.72	Fri 9/30/2016 10:49AM Credit Card Visa xxxxx-xxxx-xxxx-6428
Rental/Sale Paid	\$873.44	Mon 10/ 3/2016 9:22AM Credit Card Visa xxxxx-xxxx-xxxx-6428
Total	\$1,310.16	

Rental Contract

CONDITIONS FOR EQUIPMENT RECEIVED ON REVERSE SIDE

No warranty of merchantability or fitness expressed or implied which extend beyond the description on the face hereof
 *THERE IS A CHARGE FOR ALL TIME OUT INCLUDING SATURDAYS, SUNDAYS, AND HOLIDAYS
 *IF ITEMS RETURNED UNCLEAN OR DAMAGED, THEN ADDITIONAL CHARGES WILL BE INCURRED BY YOU FOR THE COSTS ASSOCIATED WITH THE CLEANING OR REPAIRING

I, the undersigned renter, specifically agree to and authorize payment of any remaining balance, including but not limited to, costs for cleaning or repairing damaged items, to be charged to the credit card or electronically deducted from the checking account associated with this contract or on file, or charged to my McNeely's account, at the discretion of McNeely's. I also agree that I have received and understand the instructions regarding the use and operation of the rented equipment. Renter further acknowledges that he has read and fully understands this equipment rental contract and agrees to be bound by all of the terms, conditions, and provisions hereof. Renter acknowledges that he has received a true and correct copy of this agreement at the time of the execution hereof.

THIS IS A LEGALLY BINDING CONTRACT. READ BOTH SIDES BEFORE SIGNING

Signature:

DANIEL JACOB MAALOUF

Rental:	\$1,236.00
Subtotal:	\$1,236.00
3 TAX JUNE 12, 2007:	\$74.16
Total:	\$1,310.16
Paid:	\$1,310.16
Amount Due:	\$0.00

OPEN 7AM-5PM MON- THUR, 7AM-6PM FRI, CLOSED SAT-SUN

Printed On Mon 8/25/2016 10:39AM

Software by Point-of-Rental Software - www.point-of-rental.com

Modification #4
 Contract-Params.rpt (9)

McNeely's Store & Rental #6 (West Union)

PO Box 40 Sapphire, NC 28774
 833 Anderson St West Union, SC 21
<http://www.mcneelycompanies.com>

864-718-1449 Phone
 864-638-6404 Fax



Status: Completed

Invoice #: 129422-6
 Invoice Date: Mon 8/ 1/2016
 Date Out: Fri 7/29/2016 4:34PM

Operator: Jacob Grant

Customer #: 39650

DANIEL JACOB MAALOUF
 203 PINK BLOSSOM CT
 GREENVILLE, SC 29696

864-884-1594 Phone
 Job Descr: \

Ordered By:

Qty	Key	Items	Item#	Status	Returned Date	Price
1	5099#28	CHIPPER, 10" VERMEER BC-1000102788 Meter Out: 269.4 EQUIPMENT MUST BE REFUELED BEFORE RETURN ***** KEEP LOOSE CLOTHING AWAY FROM MACHINE NEVER REFUEL WHILE UNIT IS RUNNING. PLEASE CHECK ENGINE OIL LEVEL WHEN REFUELING. THERE IS A \$6.00 PER GALLON CHARGE FOR ALL FUEL USE DIESEL FUEL ONLY WARNING! CHECK FOR UNDERGROUND WIRES, GAS LINES, & PIPES BEFORE DIGGING.		Returned	Mon 8/ 1/2016 7:02AM	\$220.00
15	DIE-6	DIESEL, PER GALLON	58046	Pulled		\$63.75

Payments made on this contract:

Rental/Sale Paid	\$233.20	Fri 7/29/2016 4:36PM Credit Card Visa xxx-xxx-xxx-6428
Deposit Paid	\$100.00	Fri 7/29/2016 4:36PM Credit Card Visa xxx-xxx-xxx-6428
Subtotal	\$333.20	Fri 7/29/2016 4:36PM
Rental/Sale Paid	\$67.57	Mon 8/ 1/2016 7:04AM Credit Card Visa xxx-xxx-xxx-6428
Deposit Refund	(\$100.00)	Mon 8/ 1/2016 7:04AM Credit Card Visa xxx-xxx-xxx-6428
Subtotal	(\$32.43)	Mon 8/ 1/2016 7:04AM Tendered \$0.00 Change \$32.43
Total	\$300.77	

Rental Contract

CONDITIONS FOR EQUIPMENT RECEIVED ON REVERSE SIDE.

No warranty of merchantability or fitness expressed or implied which extend beyond the description on the face hereof.
 *THERE IS A CHARGE FOR ALL TIME OUT INCLUDING SATURDAYS, SUNDAYS, AND HOLIDAYS.
 *IF ITEMS RETURNED UNCLEAN OR DAMAGED, THEN ADDITIONAL CHARGES WILL BE INCURRED BY YOU FOR THE COSTS ASSOCIATED WITH THE CLEANING OR REPAIRING.

I, the undersigned renter, specifically agree to and authorize payment of any remaining balance, including but not limited to: costs for cleaning or repairing damaged items, to be charged to the credit card or electronically deducted from the checking account associated with this contract or on file, or charged to my McNeely's account, at the discretion of McNeely's. I also agree that I have received and understand the instructions regarding the use and operation of the rented equipment. Renter further acknowledges that he has read and fully understands this equipment rental contract and agrees to be bound by all of the terms, conditions, and provisions hereof. Renter acknowledges that he has received a true and correct copy of this agreement at the time of the execution hereof.

THIS IS A LEGALLY BINDING CONTRACT, READ BOTH SIDES BEFORE SIGNING

Signature:

DANIEL JACOB MAALOUF

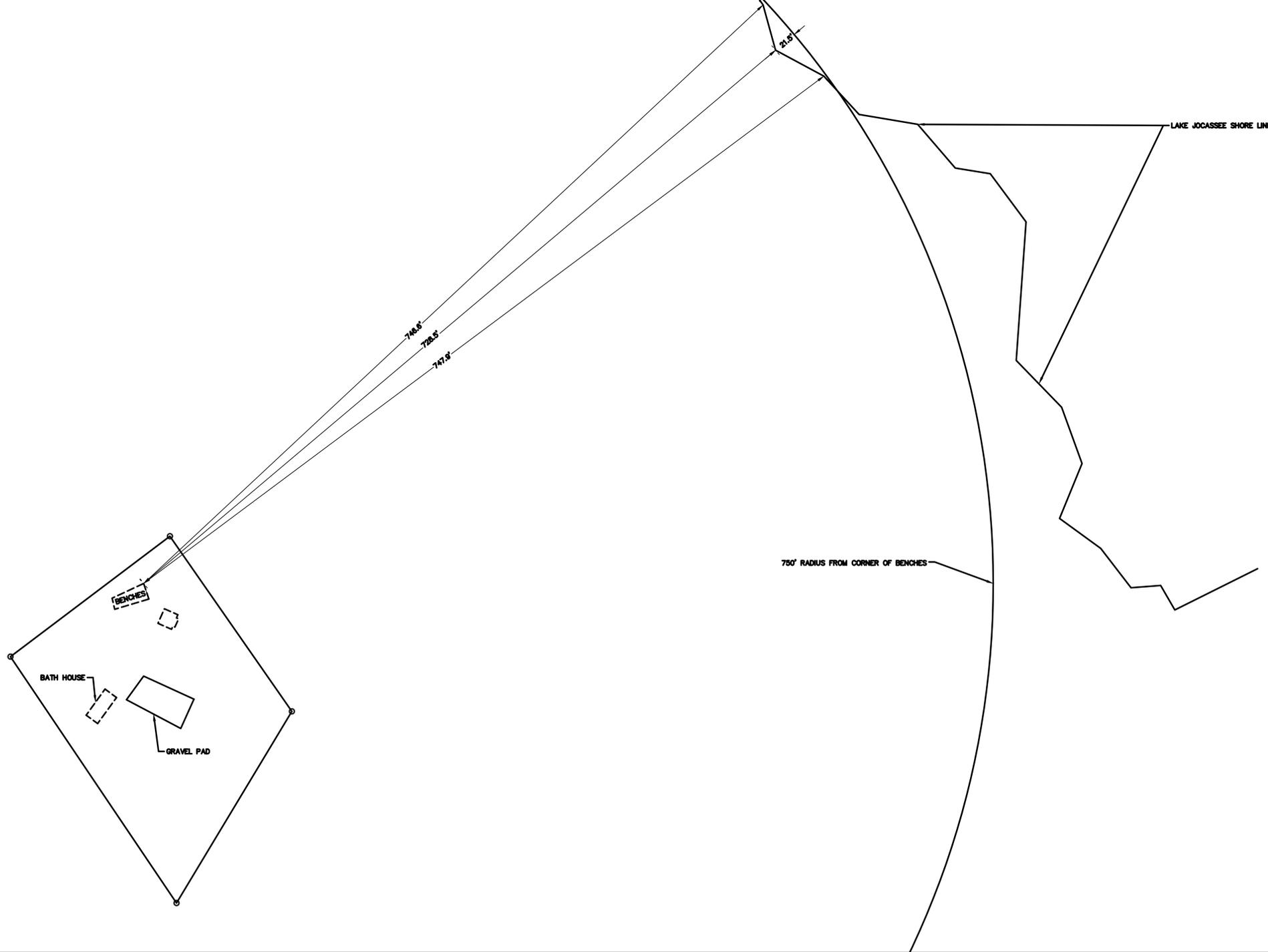
Rental:	\$220.00
Sales:	\$63.75
Subtotal:	\$283.75
3 TAX JUNE 12, 2007:	\$17.02
Total:	\$300.77
Paid:	\$300.77
Amount Due:	\$0.00

OPEN 7AM-5PM MON- THUR, 7AM-6PM FRI, CLOSED SAT-SUN

Printed On Mon 8/25/2016 10:35AM

Software by Point-of-Rental Software www.point-of-rental.com

Modification #3
 Contract Params 101 (8)



NO.	DATE	BY	REVISION

Rogers & Callcott Environmental
 426 Fairforest Way
 Greenville, SC 29607
 (864) 232-1556 RogersandCallcott.com

SCALE: *As shown*
 DATE: *June 2018*
 DRAWN BY: *TSS*
 CHK'D BY: *BLG*
 APP'D BY: *BLG*

330 SUMMIT DRIVE
 Town of Salem
 Oconee County South Carolina

DRAWING NO.
 1
 PROJECT NO.
 2018-084

Talking Points

BZA Hearing 6.25.18

- 1) Summit Drive was subdivided into 8 parcels in 1978. Each of the lots was sold for residential purposes, however no development of any kind took place for the following 3 decades. The 30 year covenants "automatically ceased and terminated" in 2008, still with no residential development having occurred.
- 2) According to the zoning map provided by Oconee County, the parcel in question 039-00-01-068 lies in the Control Free District.
- 3) Initial measurements taken on GIS by myself indicated that the wedding chapel was outside of the Lake Overlay District. These measurements show that, according to Oconee County GIS, the wedding chapel is just outside 750 ft from the nearest point on the lake.
- 4) The "wedding chapel" is merely wooden log benches, sawn from the trees I cut down from our property.
 - a. Should it be determined that the wood benches in fact ARE within the Lake Overlay District, I apologize for the oversight and hope to receive the Boards approval for continued use of this area. Moving the benches out of the Lake Overlay district is possible, however it would require the removal of several large beautiful trees. Moving the benches out of the Lake Overlay District would also result in the wedding chapel being located closer to our neighbors; a move we are hoping to avoid.
- 5) Since we began advertising the wedding chapel 14 months ago, we have only held 2 commercial weddings at the property.
 - a. During these weddings, only about 20 minutes is spent in the wedding chapel. The rest of the evening is spent in the reception area and on the grassy lawn, each of which is located well beyond the Lake Overlay District.
 - b. We plan to limit weddings to an average of 1 per month.
- 6) Parking for up to 50 vehicles is available on our other 2 acres, all of which is outside of the Lake Overlay District. This parking area as well as Summit Drive (the private road leading up to the property) is maintained solely by myself. Approximately \$10,000 in maintenance has been completed in the last 2 years.
 - a. Before we developed the road and the property, the road was completely unusable. It was covered in large piles of fill dirt, deposited by the neighbor at the bottom of the hill. Over the years, trees and brush overgrew the piles of dirt, resulting in a very expensive and labor intensive cleanup of the road. This was completed entirely by me and a crew I hired with no financial or labor assistance from any of the neighbors, including the one who dumped the dirt there in the first place.
 - b. I intend to continue maintenance of Summit Drive for the duration of our commercial activates on the property.
 - c. The above 2 items are evidence that the Commercial Activity in question is beneficial to the area and to my neighbors.

Opposition Submittals
June 25, 2018

June 21, 2018

To: Board of Zoning Appeals; County Council Members
Re: Public Hearing on June 25, 2018 at 6 PM
Special Exception Requests by Applicant Daniel Maalouf
330 Summit Drive, Salem, SC 29676

We are Jimmy and Sonya Mosley and we are neighbors to the above referenced property. Our property joins Summit Drive and parallel on the right side for the majority of the length of Summit Drive. In saying that, please know that to this date we have never met the Maalouf's face to face with the only exception of possibly passing on the road. Also, please understand our concern and surprise to hear about BZA's Public Hearing. We received no letter or call about the Public Hearing from Oconee County BZA. It is only because a neighbor insisted a sign be placed at the beginning of Summit Drive instead of only at 330 Summit Drive (where no neighbors would see it) and another neighbor sharing a letter that was received from Oconee County BZA that we even have knowledge of the Public Hearing.

We have several concerns about Mr. Maalouf's request for Special Exception for non-residential/commercial use. Our understanding is that Mr. Maalouf is asking approval for non-residential/commercial use in terms of a Bed and Breakfast and Wedding Chapel. The Webster dictionary states that a Bed and Breakfast is "an establishment offering lodging and breakfast". At this time, there is one treehouse built that is being rented with a bathhouse separate and not a full kitchen; and no property owner present to prepare and serve breakfast to guests each morning. (see Lost Treehouse of Jocassee website). Therefore, the current accommodations is definitely not a Bed and Breakfast by any measure. We feel this is just another way; as well as many others, Mr. Maalouf has been misleading to the actual use of the 330 Summit Drive property.

The majority of the families that live near 330 Summit Drive are full-time residents and live here because of the quiet, solitude, family friendly, residential area that it always has been and much of the property has been family owned for 100+ years. In our opinion, the area is not the suitable place to establish non-residential/commercial businesses such as B&B's and weddings. Mr. Maalouf's intentions to build more treehouses at/or near the 330 Summit Drive and to rent the property for a wedding venue only contradicts his own words as to why he chose this property for himself in the first place. If Mr. Maalouf is permitted to build more treehouses or use the property for other non-residential/commercial use means more disruptions, noise, dangers to the environment, nature and neighbors.

One of our other concerns is the road that leads to 330 Summit Drive; that road being Cool Valley Road. Cool Valley Road is a narrow one-lane gravel road with deep ditches on either side in several places. Also, Cool Valley Road was not built for high volume traffic but built only for local residential traffic. It is very dangerous to meet oncoming traffic (especially people who do not know the road) because there are no places for cars to pull over or back up to allow oncoming traffic to pass. On one occasion after one of the weddings, on Cool Valley Road, the caterers' van and outdoor cooker was in the ditch partially blocking the road for at least 24 hours. This was not an ideal driving situation for the full-time residents who rely on Cool Valley Road to get work and home each day. Another concern that the full-time residents have is in the event Emergency Personnel and Vehicles were needed at our homes; the congested traffic would be endangering the way and would delay timely response to residents in need in all areas.

To: Board of Zoning Appeals; County Council
Re: Public Hearing on June 25, 2018 at 6 PM
Special Exception Requests by Applicant Daniel Maalouf
330 Summit Drive, Salem, SC 29676
Page 2 of 2

Also, turning left off Jocassee Lake Road onto Cool Valley Road there is a bad blind spot that is potentially hazardous for people who do not live in the area and looking for oncoming traffic; and for cars following each other causing congested traffic.

The last thing that we would like to comment on is Mr. Maalouf's character. It seems apparent that Mr. Maalouf is one who would rather plea for forgiveness/misunderstandings than ask permission or use proper means/permits for establishing a home or non-residential/commercial businesses. Per the Oconee County BZA, Mr. Maalouf applied for a permit to build a four-room cabin and well pump; instead he built a treehouse and separate bathhouse. Most neighbors were not aware of what he was building; certainly not a treehouse to use as rental property or a wedding venue rental. Lastly, a personal concern is that Mr. Maalouf posted on his website several months ago, in regards to his kayak business for his customers to park at Mt. Carmel Baptist Church No. 1. Mr. Maalouf posted this parking information on his website with knowledge that a sign was already posted at the church stating "Church Parking Only/all others will be towed at owners expense". Also, Mr. Maalouf never tried to ask permission from the church Pastor (always there on Sundays and Wednesdays). The church Deacons called Mr. Maalouf and asked that the kayak parking information be removed from his website.

The questions that we have for Oconee County BZA and Mr. Maalouf are as follows:

- 1) Is proper Sanitation/Septic system in place at 330 Summit Drive? Was it permitted/approved?
- 2) Does property have proper power hook-up? Was it permitted/approved? Per Oconee County, temp power is still in use. How is this possible? And why is it continuing?
- 3) Do you realize the liability Mr. Maalouf has placed himself under? And the County Taxpayers?

Thank you for your time and consideration to this matter. We appreciate your efforts in bringing a proper solution to this situation. Please inform us by writing (541 Addies Ridge, Salem, SC 29676) or email of the outcome of this Public Hearing.

Sincerely,

Jimmy and Sonya Mosley

Sherrie Williams

From: Pamela Towe <addiesridge@gmail.com>
Sent: Monday, June 18, 2018 11:08 AM
To: Greg Gordos; Sherrie Williams
Subject: Public Hearing - Daniel Maalouf

Thank you for your letter and the opportunity to offer comments on the proposed expansion in my area.

Please accept this email as my opposition to the proposed wedding chapel/wedding venue located at 330 Summit Drive, Salem, SC, 29676. The applicant, Daniel Maalouf has held two wedding venues at this location that has posed the following concerns:

- 1) this open air type facility offers no barrier for sound/noise control. (Both venues were conducted with D.J. and music);
- 2) traffic control and risk of accident on a small two lane, gravel road;
- 3) fire safety due to the inability of fire trucks being able to reach the scene during a venue.

Should you have any questions or concerns, please let me know.

From: Al Shadwick <al@netmds.com>
Sent: Monday, June 25, 2018 12:24 PM
To: Willis Huggins
Subject: Jack Shadwick...Daniel Jacob Maalouf

039-00-01-068

Mr. Huggins,

We are totally opposed to Mr. Maalouf's plans for a wedding and commercial application.

Cool Valley Rd. is not adequate to provide access other than residential. This property was developed as a residential community.

In no way should this be able to qualify as a special exemption. This will create traffic, accesses, and road condition issues for the county.

Sincerely,
Jack Shadwick
268 Pinnacle Circle, Salem, SC
864-247-8890

APPENDIX A

- (a) *Building standards.* Diversity in design consistent with the local natural and architectural surroundings is encouraged.
- (1) To the extent feasible, primary facades and entrances shall face the street.
 - (2) All buildings less than or equal to 20 feet in height shall have a setback of at least 30 feet from the property line along the primary road. Setback from remaining property lines shall be 15 feet.
 - (3) Buildings more than 20 feet in height shall have a setback of 30 feet plus an additional distance equal to one foot in horizontal distance for each one foot in additional vertical distance (building height over 20 feet) along the primary road. Setbacks from remaining property lines shall be 25 feet.
 - (4) Exterior building materials visible from the traffic lanes shall not consist of unadorned concrete masonry units (concrete blocks), corrugated metal, and/or sheet metal. Pre-cast panels and pre-engineered metal wall units, and 'split-faced' and other rusticated masonry wall are permitted.
 - (5) Suitable materials for treating building facades may include, but are not limited to: stone, brick, glass, wood siding, split block, or stucco. Alternative materials may be approved by the planning director.
 - (6) Blank, uninterrupted building facades shall not face residential areas or public or private street right-of-ways. Design techniques using architectural elements or repetitive features should be utilized to visually break up the facade. Examples include, but are not limited to: windows, doors, columns, canopies, lighting fixtures, building offsets/projections, decorative tile work, artwork, or other elements approved by the planning director. The following standards apply:
 - a. Industrial uses shall not have blank walls greater than 50 feet in length.
 - b. All other uses shall not have blank walls greater than 30 feet in length.
 - (7) The appearance of strip development resulting from flat, unvaried roof lines is discouraged. Roofline variation may be achieved using one or more of the following methods: vertical or horizontal offsets in ridge lines, variation in roof pitch, gables, or dormers.
 - (8) Roof mounted mechanical equipment shall be enclosed or screened to ensure such features are not visible to the extent possible. Enclosures and screens shall be compatible with the architectural style of the building.
 - (9) Shipping and receiving areas/docks shall be located in the rear of the structure and should not be visible from primary adjacent parking areas or street rights-of way.
- (b) *Signage standards.* The sign standards are created to maintain and enhance the aesthetic environment of transportation and economic gateways into Oconee County. The location and design of all signs shall be consistent with the objective of high-quality development and safe and efficient vehicular and pedestrian circulation.
- (1) *General standards.* All signs, including their supports, braces, guys, anchors, electrical parts and lighting fixtures, and all painted and display areas shall be constructed and maintained in accordance with the building and electrical codes adopted by Oconee County.
 - a. It shall be unlawful for any person to erect, construct, enlarge, move, or replace any sign (with the exception of signage requiring no permit) without first obtaining a sign permit from the planning department, except as relates to routine maintenance and repair or the changing of tenant name panels.
 - b. A preliminary sign permit application along with applicable fees and sign plan shall be submitted to Oconee County. The detailed sign plan shall include the following information, stamped by a South Carolina licensed surveyor, landscape architect, or engineer:

1. Parcel number.
 2. Scale of site plan and north arrow.
 3. Drawing of entire property with all existing and proposed structures shown.
 4. Length of street frontage.
 5. Dimensioned setbacks from street and side property line.
 6. Plan drawing with actual dimensions of sign (as seen from above).
 7. Location of all existing signs.
 8. Location of all proposed signs.
 9. Elevation drawing of the proposed sign or sign revision including size, height, copy, colors, illumination, materials.
 10. Verification that the proposed sign(s) meet all requirements set forth in this chapter.
- c. All on-premises nonconforming signs shall come into compliance with these standards when abandoned or the cost of repairs or replacement of such signs is beyond 50 percent of their replacement costs. Nonconforming signs are subject to all requirements of this code regarding safety, maintenance, and repair.
 - d. Signage shall be set back a minimum of ten feet from right-of-way, side, or rear property lines.
 - e. No sign shall produce a traffic hazard, such as visual obstruction at intersections or glare from lighting. Signs shall not obstruct the view of or resemble traffic directional/safety signs.
 - f. Rooftop signs are prohibited.
 - g. Flashing or animated signs are prohibited.
 - h. No sign shall be attached to a utility pole or street sign, or attached to or painted on tree trunks, rocks, or other natural objects.
 - i. No sign shall be placed within the public rights-of-way.
 - j. Signs shall not rotate or revolve.
- (2) *Signs allowed without a permit.* The following signs require no permit. These signs are subject to all requirements of this code regarding safety, maintenance, and repair.
- a. *Temporary/portable signs:*
 1. Shall be displayed only for the duration of time that they remain relevant to a specific event.
 2. Temporary signs shall be removed within seven days following the conclusion of the specific event being promoted.
 3. No temporary sign exceeding six square feet may be erected on a residential parcel.
 4. The maximum allowable size of any non-residential temporary sign is 32 square feet.
 - b. Traffic, directional, warning, official notice or informational signs authorized by any public agency.
 - c. Building nameplates with related inscriptions.
 - d. Window signs.
 - e. Flags and flagpoles.

- f. On-site directional signs, where each sign does not exceed nine square feet in area or four feet in height.
 - g. Signs that display name, trademark, logo, brand, or prices, provided the display is an integral part of a vending machine, automatic teller machine, or gas pump. Such signage shall not exceed 32 square feet in area per side.
- (3) *Signs allowed that require a permit.*
- a. Allowable signs shall be the following:
 - 1. Monument.
 - 2. Wall.
 - 3. Hanging/projecting.
 - 4. Canopy/awning.
 - b. Monument signs:
 - 1. Shall be architecturally designed to reflect the character of the structure/development for which they are advertising.
 - 2. No monument sign shall exceed ten feet in height.
 - 3. One double faced or single faced sign shall be allowed per parcel.
 - 4. Developments with 400 feet of road frontage serving more than one building shall be permitted one additional sign, which shall not exceed 100 square feet in area. Minimum separation for all monument signs shall be at least 200 linear feet. However, if a building is located on a corner lot with two street facing sides, one sign may be located on each side served by an entryway.
 - c. Wall signs:
 - 1. Wall signage shall not exceed 15 percent of the wall area, per wall face.
 - 2. Wall signs shall display only one surface and shall not be mounted more than six inches from any wall.
 - d. Hanging/projecting signs:
 - 1. Only one projecting/hanging sign is allowed per building frontage, except for shopping centers, which may have one projecting/hanging sign for each business use.
 - 2. Signs shall project at a right (90 degree) angle to the building frontage.
 - 3. Signs shall not extend more than four feet beyond the line of the building or structure to which it is attached.
 - 4. Signs shall maintain a vertical clearance of eight feet above the sidewalk or ground level accessible to pedestrians.
 - e. Canopy/awning signs:
 - 1. Shall not exceed 15 percent of the surface area of the face or the canopy or awning to which the sign is attached.
 - 2. Sign shall not extend more than three inches horizontally from the surface of the awning or canopy.
 - 3. Sign shall not project vertically outside the area of the canopy or awning.
 - f. Illumination:
 - 1. No internal lighting shall include exposed incandescent or fluorescent bulbs.

2. Externally illuminated signs must have indirect light sources shielded from the view of persons viewing the sign and be further shielded and directed so that the light shines only on the sign and that illumination beyond the copy area is minimized.
 3. Signs shall not have light reflecting backgrounds but may use light reflecting lettering.
 4. No sign shall have lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.
- g. Maintenance: All signs shall be maintained in good condition and working order, and be free of graffiti, peeling paint or paper, faded colors, weeds, vines, and/or broken and damaged materials. No internally or externally illuminated sign shall have only partial illumination for a period of more than 30 days.
- (c) *Lighting standards.* The purpose of these standards is to assure that adequate exterior lighting is provided to facilitate crime prevention, security, and safe passage, and that exterior lights be shielded to reduce the impact of lighting on neighboring uses, potential safety hazards to the traveling public, and the effect on viewsheds and nightscapes.
- (1) Lighting plans shall be submitted with the zoning permit application on projects that include the installation of outdoor lighting fixtures. Prior to obtaining a zoning permit, an applicant must receive approval of a lighting plan. The lighting plan shall be prepared by an appropriately licensed design professional in the State of South Carolina. The plan shall include the following information:
 - a. The location, type, and height of luminaries including both building and ground-mounted fixtures.
 - b. A description of the luminaries, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer.
 - c. Photometric data, such as that furnished by the manufacturer, showing the angle of light emission.
 - d. Additional information as may be required to determine compliance with this chapter.
 - (2) Exterior lighting shall be shielded and directed to avoid illuminating the night sky.
 - (3) Lighting shall not illuminate neighboring properties or distract/harm the traveling public on road rights-of-way. Any necessary screening of lighting shall be shown on site plans. Lighting will be inspected before a certificate of occupancy is granted.
 - (4) On-site lighting may be used to accent architectural elements and provide safety and security on pedestrian walkways, at building entrances, and public areas between buildings, but shall not be used to illuminate entire portions of buildings.
 - (5) In order to promote safety and security in developments, lighting should be used at intersections, entrances, and in parking areas.
 - (6) The overall height of lighting fixtures shall not exceed 20 feet.
 - (7) Blinking or flashing lights shall be prohibited unless the lights are required as a safety feature (e.g. beacons on towers). Searchlight and laser light operation for advertising/commercial purposes is prohibited.
- (d) *Parking standards.* Parking areas should be designed in a manner to provide safe and efficient circulation of traffic and safe access for pedestrians. Appropriate parking design and layout should be used to reduce impacts associated with impervious surfaces.
- (1) *Parking layout.* Avoid parking layouts that dominate a development. The layout of parking areas, pedestrian connections, and open space should reduce the visual impact of parking. Parking is strongly encouraged to be located to the side or rear of the building unless prevented by a physical limitation of the site.

- (2) *Perimeter parking buffer.* A perimeter parking area buffer of 15 feet shall be required on sides parallel to abutting properties or street rights-of-way. Buffers shall be planted as specified in the landscape standards.

If parking is located in the front of the building, buffer requirements will be increased to 25 feet.

- (3) *Parking striping.* Parking areas shall have parking spaces marked by surface paint lines or approved alternative traffic marking material.
- (4) *Wheel stops.* Wheel stops or curbs are required where a parked vehicle encroaches on adjacent property, pedestrian access/circulation areas, right-of-way or landscaped areas.
- (5) *Planting islands.* Parking areas shall be designed so that a planting island is provided for every ten parking spaces in a continuous row. Planting islands are also required at the beginning and end of all parking bays. Planting islands shall be surrounded by curbing to prevent vehicular damage to plantings.

Minimum size for required planting islands is nine feet by 15 feet (inside of curb). Islands shall be planted as specified in the Landscape Standards.

- (6) *Stormwater.* Parking areas shall be designed to convey and/or preferably infiltrate stormwater on-site. Stormwater shall not contribute to the subsidence, erosion, or sedimentation of the development site or off-site areas.
- (7) *Paving.* Parking areas shall be paved unless otherwise approved by the planning commission. Alternative paving materials that increase permeability such as pervious concrete, pervious asphalt, pavers, grid pavers, or any other approved pervious paving materials are encouraged.

- (e) *Landscape standards.* Trees and landscaping contribute to the public health, safety, and welfare. Among the benefits of landscaping are: screening of undesirable views; aesthetic enjoyment; climate modification; reduction of glare, noise, odors and dust; reduction of storm water runoff and flooding; buffers between land use; shelter and food for wildlife; and improved air quality. All of these benefits contribute to a higher quality of life and enhance property values within the county.

- (1) *Landscape plan.* The landscape plan shall be submitted with the zoning permit application. Prior to obtaining a zoning permit, an applicant must receive approval of a landscape plan. The landscape plan shall be prepared by a landscape architect licensed by the State of South Carolina. The landscape plan must contain all information necessary to show that the planned use, structure, or development complies with the standards set forth. This shall include utility information, irrigation plans, existing trees used for credit, and tree protection plans, if applicable.
- (2) *Installation.* No certificate of occupancy shall be issued until the landscaping is completed as certified by an on-site inspection. If the season or weather conditions prohibit planting of trees, the developer may provide a bond, an irrevocable letter of credit, or other financial surety in an amount equal to 125 percent of the cost of installing the required plantings to guarantee the completion of the required planting within 270 days. The financial surety shall be canceled and/or returned upon completion of the required landscaping. If the required landscaping is not completed within the time allowed, the owner shall forfeit the guarantee and the county shall use such funding to complete the required landscaping.
- (3) *Maintenance.* The plantings that constitute a landscape area must be properly maintained in order for the landscape area to fulfill the purposes for which it is established. The owner of the property shall be responsible for the maintenance of all plant material within the landscaped areas. This includes keeping landscaped areas free of litter and debris and keeping plantings healthy and orderly in appearance. Tree staking shall be removed within eight months after installation to prevent permanent damage. All dead or diseased vegetation shall be removed. Additionally, any required vegetation that dies or becomes diseased shall be replaced.
- (4) *Minimum material size.* All required trees shall be a minimum size of 2½-inch caliper measured six inches above ground at the time of installation. All required shrubs shall be a minimum size

of three gallons at the time of installation. Reference the American Landscape and Nursery Association (ANLA) publication American Standard for Nursery Stock (ANSI Z60, 1-2004) for plant material quality specifications. All plant material shall be mulched with an organic mulch or other approved material.

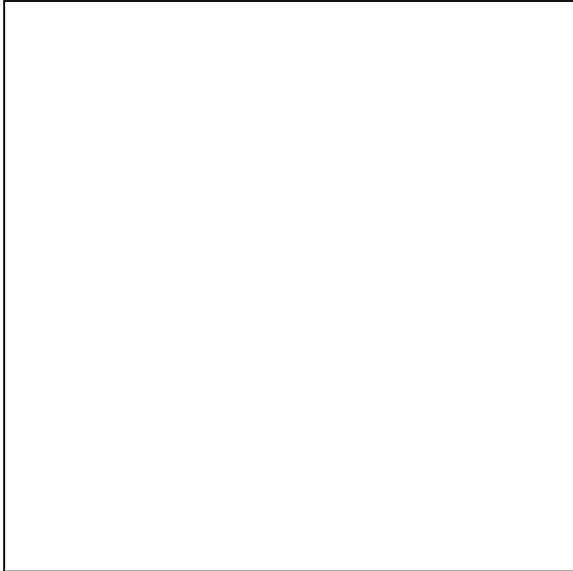
- (5) *Water source.* A permanent water source (hose bib, etc.) shall be provided not more than 100 feet from any required landscaping.
- (6) *Foundation landscaping.* Landscaping shall be provided around the foundation of structures visible from any parking area. Plant material, as defined in this chapter, shall be located in a planting area adjacent to the building in the following quantities:

PR = $L/3.0$ where:

PR = number of plants required

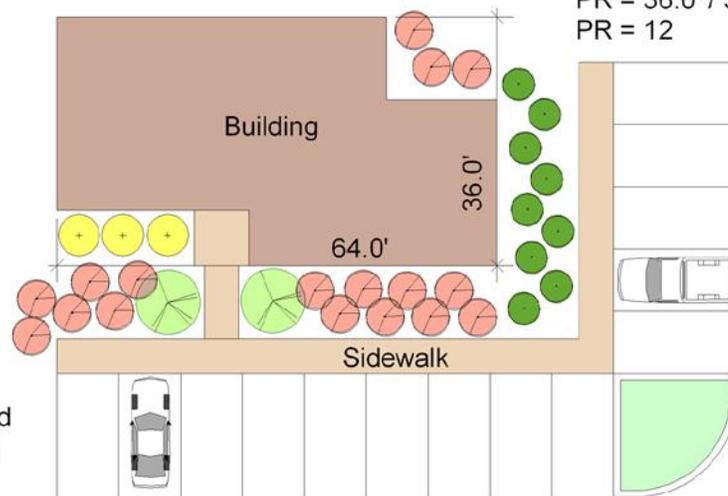
L = building length, in feet, visible from any parking area

Each tree provided counts as a total of two required plants.



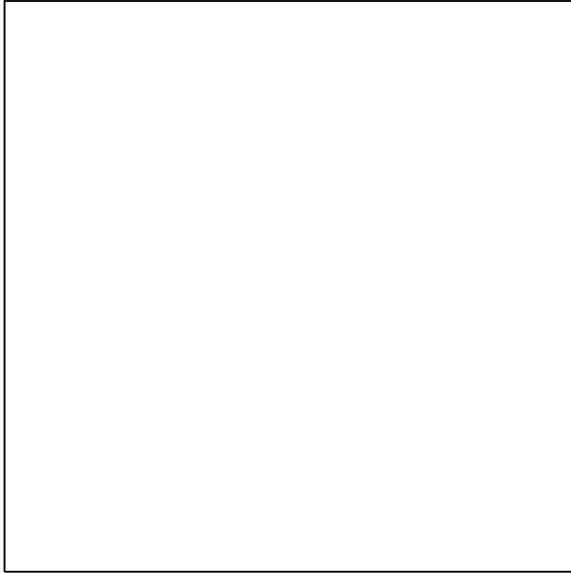
Foundation Landscaping

Front of Building:
 $PR = L / 3.0$
 $PR = 64.0' / 3.0$
 $PR = 21.33 = 21$
 (Two trees were used in the front, reducing number of plants required to 19.)

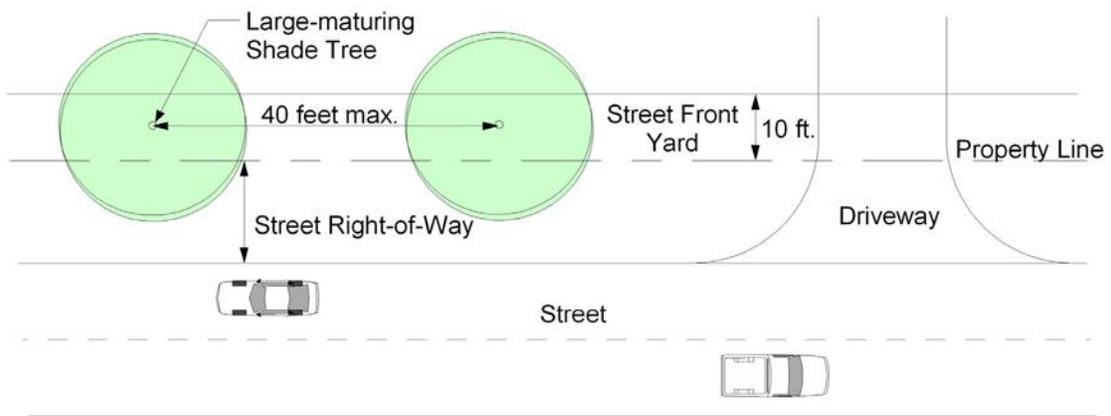


Side of Building
 (visible from parking lot):
 $PR = L / 3.0$
 $PR = 36.0' / 3.0$
 $PR = 12$

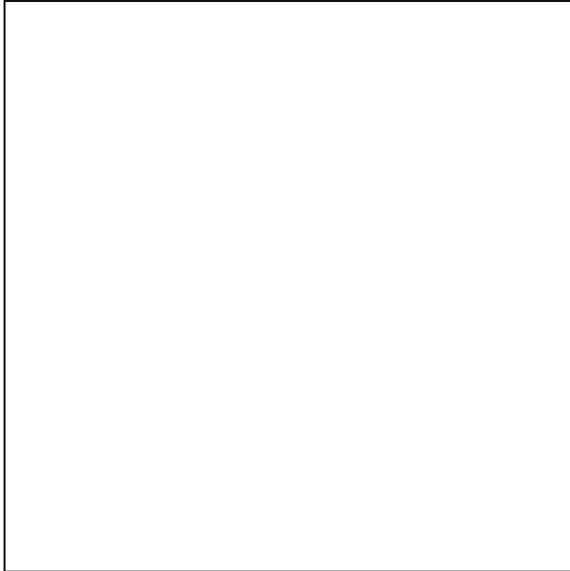
- (7) *Street front yard.* Street front yards shall be located along property adjacent to all street rights-of-way. Street front yards must be located on private property and not within the street right-of-way. Portions of the property needed for driveways are exempted from these requirements. Street front yards shall be a minimum of ten feet in width, measured from the street(s) right-of-way abutting the property. Each street front yard shall contain at least one large maturing shade tree every 40 linear feet or fraction thereof. No street front yard shall contain less than one shade tree. Shrubs, groundcover, understory, and/or turf shall cover the remaining area within the street front yard.



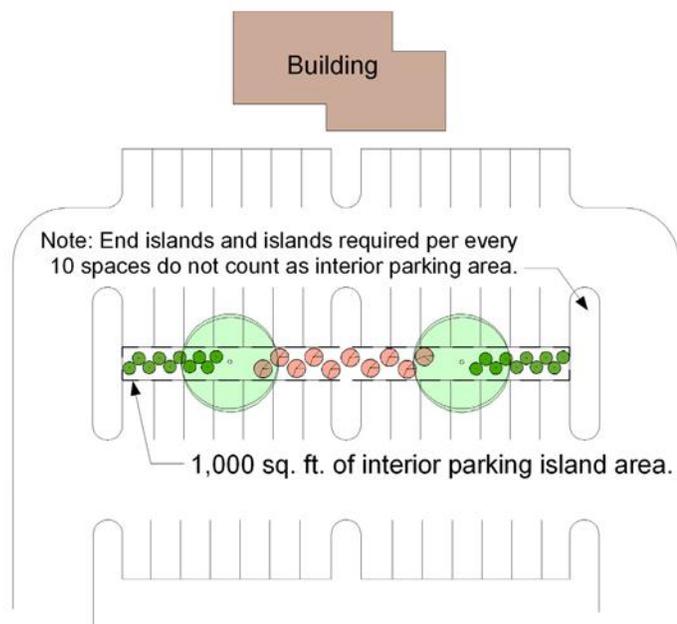
Street Front Yard



- (8) *Interior parking.* Whenever the impervious parking cover equals or exceeds 10,000 square feet, a planting area equal to ten percent of the total impervious surface must be provided as islands within the interior of the parking area. One large maturing shade tree and 15 shrubs must be planted for each 500 square feet of required interior landscape area. Plantings in landscape islands referenced under the parking islands section may not be used to satisfy this requirement. However, existing trees preserved in appropriately sized islands may be counted as outlined in the existing trees section.



Interior Parking

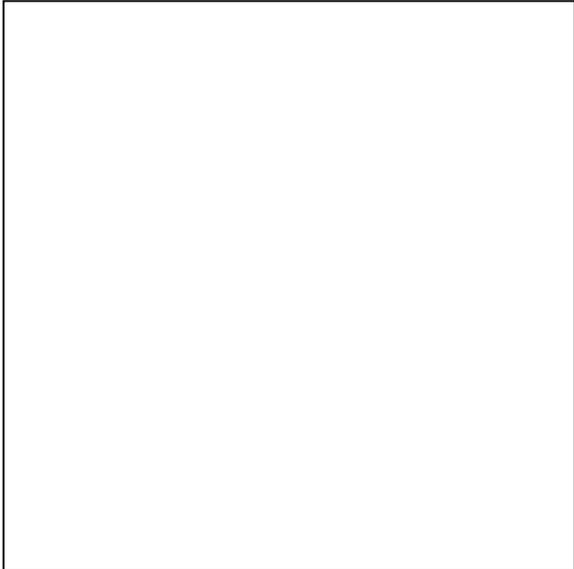


If Parking Lot area equals or exceeds 10,000 sq. ft.:
 $10,000 \text{ sq. ft.} \times 10\% = 1,000 \text{ sq. ft. of interior islands}$
To calculate required plantings within the interior islands:
 $1,000 \text{ sq. ft.} / 500 \text{ sq. ft.} = 2.0$
(1) large-maturing shade tree per 500 sq. ft. = 2 trees
(15) shrubs per 500 sq. ft. = 30 shrubs

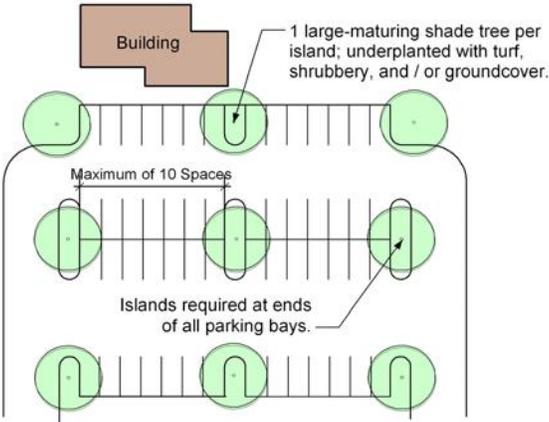
- (9) *Existing trees.* Existing trees that have a minimum caliper size of four inches may be counted towards satisfying interior landscaping and street front yard requirements if such trees are preserved and adequately protected through all phases of construction. Credited trees shall be uniformly encircled by a fenced protection area of sufficient size (a circle whose center is the trunk and outer edge is the dripline) to insure tree health. Each four caliper inches of an existing tree shall be deemed the equivalent of one required two-inch caliper tree. If any preserved tree

used for credit dies or fails to thrive, the owner shall plant new trees equal to the number of credited trees.

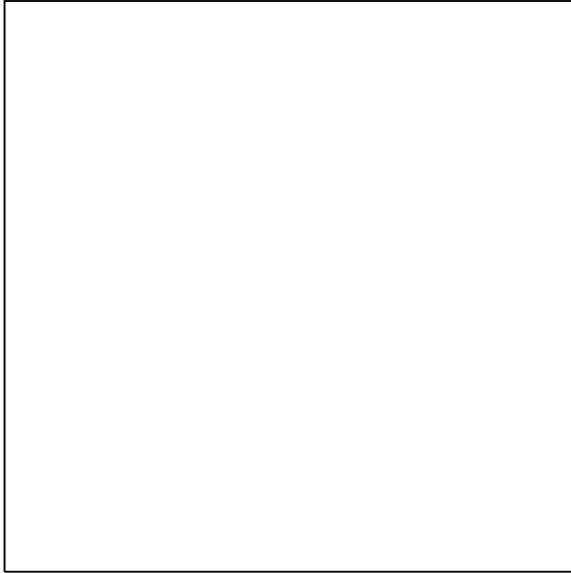
- (10) *Parking islands.* A planted parking island shall be provided for every ten parking spaces in a continuous row. Planting islands are also required at the beginning and end of all parking bays. Planter islands shall contain at least one large maturing shade tree, having a minimum clean trunk of six feet. Shrubbery, groundcover, and/or turf shall be used in the remainder of the island.



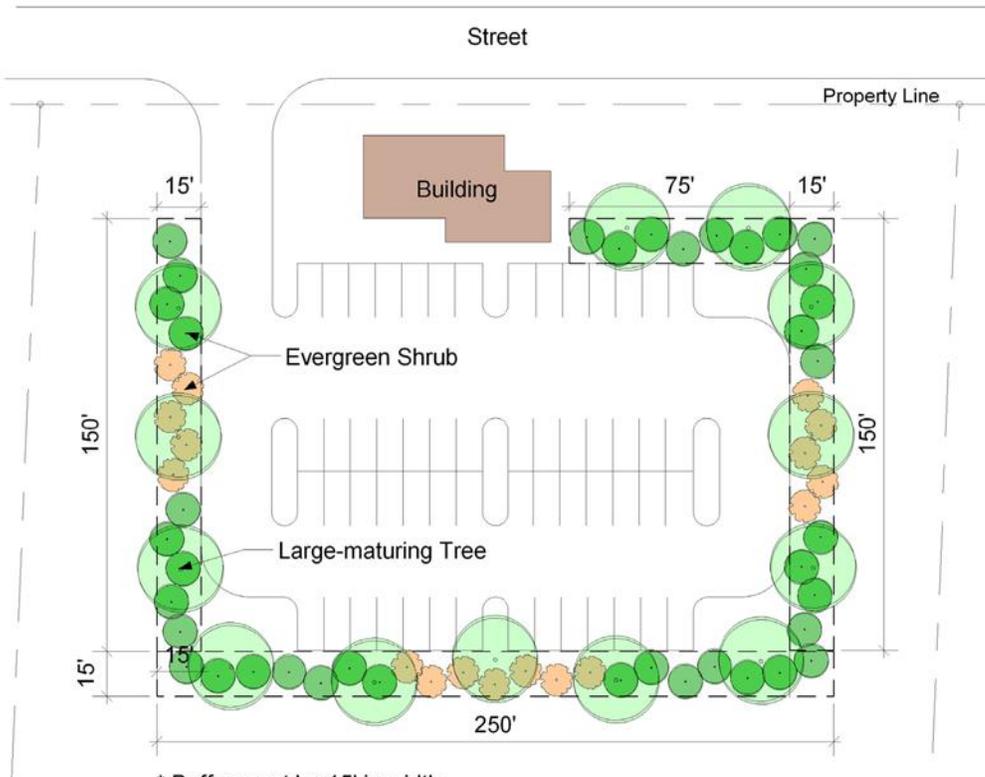
Parking Islands



- (11) *Perimeter parking buffer.* All parking lots and vehicular use areas shall be screened from all abutting properties or rights-of-way. The landscaped area shall be directly adjacent to the parking lot edge, and shall be a minimum width of 15 feet. The perimeter shall contain at a minimum, one large maturing tree for every 50 linear feet, and evergreen shrubs in sufficient quantity to provide screening with a minimum mature height of four feet. If parking is located in the front of the building, buffer requirements will be increased by 30 percent in terms of width and planting quantities.



Parking Perimeter Buffer



- * Buffer must be 15' in width.
- * 1 large-maturing tree required for every 50 linear feet of buffer.
- * Evergreen shrubs as required to create a screen with a min. mature height of 4'.
 - 150' buffer / 50' = 3 large-maturing trees
 - 250' buffer / 50' = 5 large-maturing trees
 - 75' buffer / 50' = 1.5 = 2 large-maturing trees

(12) *Buffering adjacent uses.* In the event that non-residential development borders residential areas or industrial development bordering non-industrial development, a 25 feet wide landscape buffer shall be required along the common property boundary. The following mixture of plants per 100 feet of property boundary shall be required:

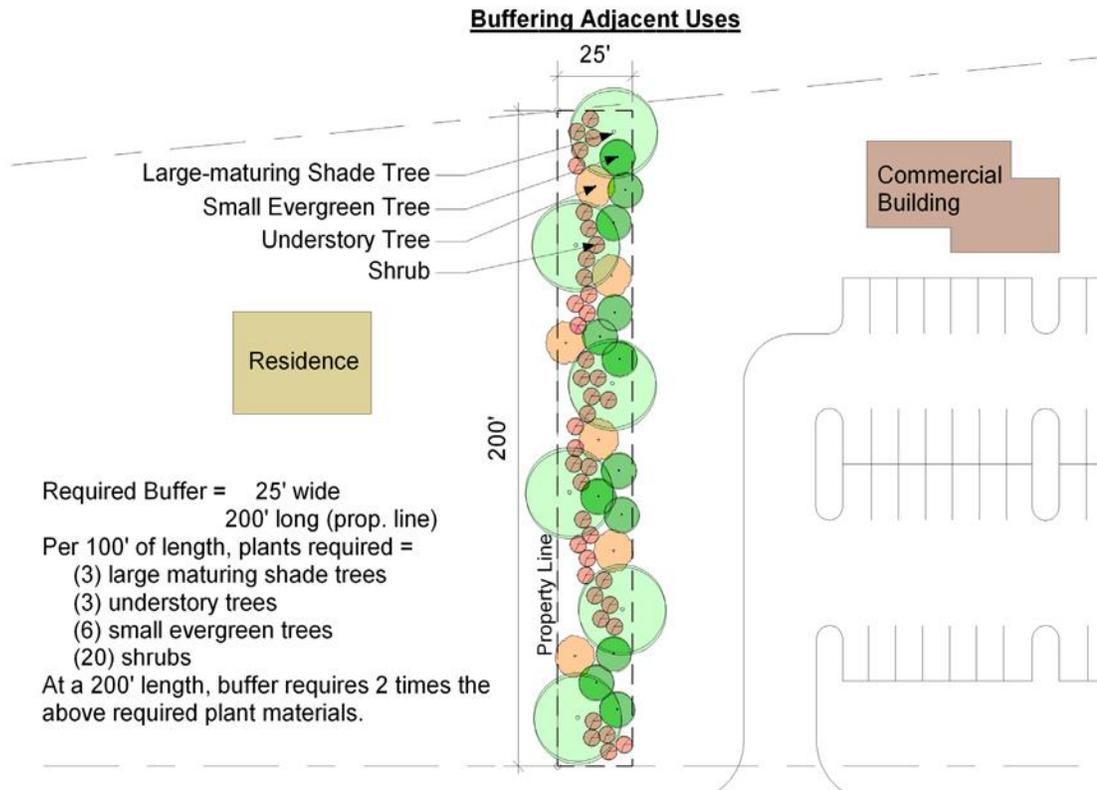
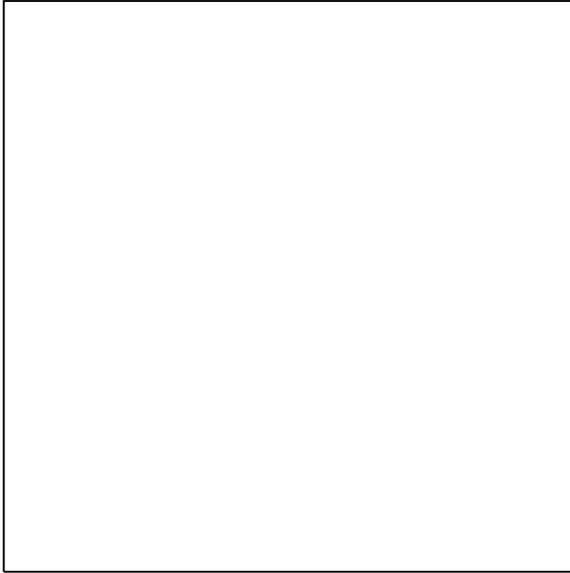
Three large maturing shade trees, equally spaced

Three understory trees, equally spaced

Six small evergreen trees

Twenty shrubs

If an abutting parcel contains a required buffer or screen, it shall count towards the buffer requirements.



- (13) *Existing natural buffers.* When a natural, undisturbed buffer is retained along a property boundary where a buffer is required, a waiver (in whole or part) of the required landscaping may be granted. The existing buffer must achieve the same screening effects as the required buffer materials and adhere to the requirements for protection and size outlined in the buffering adjacent uses section.
- (14) *Screening of collection areas.* Screening of loading and trash collection areas must be accomplished with an opaque wall of masonry, rot-resistant wood, or evergreen shrubs that are

one foot taller than the object to be screened. If evergreen shrubs are used, they must achieve the required screening at the time of planting.

- (15) *Sight triangles.* The placement of any material shall not obstruct the view between access drives and streets, or the intersecting streets of a corner lot. No fence, building, wall or other structure, (excepting single

trunk trees less than 12 inches in diameter, pruned to a height of eight feet, and poles and support structures less than 12 inches in diameter), shall exist between a height of 2½ feet and eight feet above the upper face of the nearest curb (or street centerline if no curb exists) and the sight triangle. For a corner lot, the sight triangle area is the area bounded on two sides by the street right-of-way lines, each having a length of 25 feet, and a third side connecting the two right-of-way sides. For an intersecting street and driveway, the sight triangle is formed by measuring from the point of intersection of the right-of-way and the edge of drive the distance of 25 feet and connecting the points so established to form a triangle on the area of the lot adjacent to the street. Note that road design criteria concerning sight distances is governed by the standards in Chapter 32, Unified Performance Standards of the Oconee County Code of Ordinances.

(Ord. No. 2012-14, § 1, 5-15-2012)

Willis Huggins

From: Willis Huggins
Sent: Monday, June 04, 2018 4:28 PM
To: Sherrie Williams
Cc: Adam Chapman
Subject: Fwd: Property under investigation / 330Summit Dr. Salem SC. 29676

Sherrie: let me know if you get this.

Bill
Sent from my iPhone

Begin forwarded message:

From: Chris Lynch <baldbarber1@yahoo.com>
Date: June 4, 2018 at 3:48:10 PM EDT
To: whuggins@oconeesc.com
Subject: Property under investigation / 330Summit Dr. Salem SC. 29676

Mr. Huggins , I'm writing in regards to the miss use of property by Mr. Daniel Maluaf at 330 Summit Dr. Salem SC. 29676.

I registered the complaint to Oconnee codes office on Apx. 4-17-18. It's my understanding investigation was conducted.

I gave permission to enter the private road to the County. Now I understand a meeting to review has been scheduled for June 26th at which time I'm out of town. I believe it would have been the right thing to at least contact me and other residence affected by the private property being used for commercial use.

Now I know the owner has pulled permit to build a house which has not been done. There is direct violations been committed.Mr. Maalouf makes it clear when I try to talk reasonable with him about the problem, he's only concerned about himself and personal gain.

Are only some of expected to follow rules and others exempt.

It's my understanding special meeting is called to consider giving permission for the violators of the rules.

Mr. Maalouf has had power turned on without a letter of occupancy by the county.

When I built my house inspections had to be done and passed to get a letter of occupancy.

If special privileges are being given or passes to the violators in this case. The county allows this it looses all credibility. Why would anyone ever follow the rules to build in Oconnee Co, SC. if a pass can be obtained by a few.

This property was part of a development, it's behind a private shared gate.

Please do not allow special privilege for this property to be made commercial.

A Airb&b at single family sweeping is one thing but turning the neighborhood into a commercial business is another.

The Maalouf's are wanting to turn the whole place into tree house rentals , wedding Chapel & Boat storage rental. The property was never intended for this by original developer. This is a private shared road the overuse is a burden to myself an other lot owners. Thanks Christopher D

Lynch 864- 380-8200

Sent from my iPhone

Willis Huggins

From: Chris Lynch <baldbarber1@yahoo.com>
Sent: Tuesday, June 12, 2018 9:53 AM
To: Willis Huggins
Subject: Re: Property under investigation / 330Summit Dr. Salem SC. 29676d

Mr. Huggins thanks for your response to my enquiries on the problem Mr. Maalouf has created. I've expressed my concern and complete opposition in the case being presented. Mr. Maalouf wants to be able to continue business as usual. Although he's been in direct violation of going through proper procedures. He's had power turned on somehow without a letter of occupancy. He's pulled permit for a house that hasn't been built instead other structures with no inspection. He wants to use all properties for business for his personal gain.

He wants to conduct a wedding chapel that brings heavy traffic on (Cool Valley) county rd. that is not adequate for the additional pressure. It is one lane where on coming vehicles have to back up at times to move over to allow for passing by one another. Furthermore allowing heavy pressure on a private shared drive that is private gated. I and others lot owners share the cost to maintain. The traffic presents a danger visitors drive up and down a steep gravel road at dangerous and uncontrollable speeds. This is a threat to my children and other visitors. The roads are absolutely inadequate for the excessive business traffic. Is the board of the special meeting willing to be partly responsible in the event of any tragic accident, if permission is granted?

Mr. Maalouf has been approached and politely asked by me to cease in this activity.

This meeting is scheduled to quickly for most owners that live away off to know about the meeting or have time to be prepared to give a response.

I personally have had a vacation planned for months ahead and can't attend. I'm directly affected by the outcome of this meeting.

Respectfully requesting that this meeting be rescheduled till at least the next meeting or a later date. That way in this remote area others have more time to plan attendance.

If you choose to continue as planned, please take my extreme opposition in to account concerning the matter.

I appeal to this board to not allow some of the most beautiful lands of the State to be harmed by commercialism.

Must we continue to destroy all of the peaceful places around the State all for a dollar? If Mr. Maalouf and other Profit seekers are not held in check within reason. All the beautiful places will disappear for good and all will be lost.

Respectfully, thanks for your consideration. Christopher D Lynch Sent from my iPhone

> On Jun 6, 2018, at 8:36 AM, Willis Huggins <whuggins@oconeesc.com> wrote:

>

> Chris: I understand your concern. We notify property owners based on the current standard, state statute and local code requirements. In addition, the property will be posted. If everyone who you've indicated does not receive direct notification, they should be able to know about the case through a required legal ad, word of mouth, and the property posting. If others wish to be notified of the details in this case, we can certainly place them on our notification list, but they would have to request that. As to your specific request about notification, I will pass that request along to my supervisor. However, please understand that we need to be consistent in the notification process from case to case. Call me this morning and we can certainly discuss this.

>

> Thanks

> Bill

>

>

>

> Bill Huggins

> Planner

> Community Development

> Oconee County, SC
> Phone: 864-710-2390
> Email: whuggins@oconeesc.com

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> -----Original Message-----

> From: Chris Lynch [mailto:baldbarber1@yahoo.com]
> Sent: Tuesday, June 05, 2018 7:44 PM
> To: Willis Huggins
> Subject: Re: Property under investigation / 330Summit Dr. Salem SC.
> 29676d

>
> Mr. Huggins in addition I would like to request all lot owners in the development be informed. There is owners most likely unaware of what is going on. In addition any property adjacent to either side of Summit Rd. should be made aware of the request.

> This all sneaky business and outrageously unfair to all owners that could be affected.

> I do not wish to make this a legal battle but have already spoke to a

> attorney that believes there is a case. I don't want this but do not

> intend to be run over in the matter. Chris Lynch

>

> Sent from my iPhone

>

>> On Jun 5, 2018, at 10:34 AM, Willis Huggins <whuggins@oconeesc.com>

>> wrote

>>

>> Chris: I will include your email in the record for this Board of Zoning Appeals case. The deadline for application for the June 25 Board meeting is this Thursday and we are still awaiting additional information from the applicant to make the Special Exception request application complete. After Thursday, the property will be posted and letters will also be sent to property owners within a 250' radius of the property notifying them about the case. This letter is sent out at least 15 days prior to the meeting. New requirements for notification are now under consideration by Council and will be forthcoming. But this is the current requirement. If you have other questions, please let me know. I will include you on the notification list if you wish for mailing, if you make that request, even if you do not have property within the 250 foot radius. If you have other questions about what factors the Board considers in reviewing Special Exception requests, please let me know. I would be glad to discuss the matter with you.

>>

>>

>> Sincerely,

>> Bill

>>

>>

>> Bill Huggins

>> Planner

>> Community Development

>> Oconee County, SC

>> Phone: 864-710-2390

>> Email: whuggins@oconeesc.com

>>

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>> -----Original Message-----
>> From: Chris Lynch [mailto:baldbarber1@yahoo.com]
>> Sent: Monday, June 04, 2018 3:48 PM
>> To: Willis Huggins
>> Subject: Property under investigation / 330Summit Dr. Salem SC. 29676
>>
>>
>> Mr. Huggins , I'm writing in regards to the miss use of property by Mr. Daniel Maluaf at 330 Summit Dr. Salem SC. 29676.
>> I registered the complaint to Oconnee codes office on Apx. 4-17-18. It's my understanding investigation was conducted.
>> I gave permission to enter the private road to the County. Now I understand a meeting to review has been scheduled for June 26th at which time I'm out of town. I believe it would have been the right thing to at least contact me and other residence affected by the private property being used for commercial use.
>> Now I know the owner has pulled permit to build a house which has not been done. There is direct violations been committed.Mr. Maalouf makes it clear when I try to talk reasonable with him about the problem, he's only concerned about himself and personal gain.
>> Are only some of expected to follow rules and others exempt.
>> It's my understanding special meeting is called to consider giving permission for the violators of the rules.
>> Mr. Maalouf has had power turned on without a letter of occupancy by the county.
>> When I built my house inspections had to be done and passed to get a letter of occupancy.
>> If special privileges are being given or passes to the violators in this case. The county allows this it looses all credibility. Why would anyone ever follow the rules to build in Oconnee Co, SC. if a pass can be obtained by a few.
>> This property was part of a development, it's behind a private shared gate.
>> Please do not allow special privilege for this property to be made commercial.
>> A Airb&b at single family sweeping is one thing but turning the neighborhood into a commercial business is another.
>> The Maalouf's are wanting to turn the whole place into tree house
>> rentals , wedding Chapel & Boat storage rental. The property was
>> never intended for this by original developer. This is a private
>> shared road the overuse is a burden to myself an other lot owners.
>> Thanks Christopher D Lynch 864- 380-8200
>>
>> Sent from my iPhone
>

Willis Huggins

From: Chris Lynch <baldbarber1@yahoo.com>
Sent: Tuesday, June 12, 2018 9:53 AM
To: Willis Huggins
Subject: Re: Property under investigation / 330Summit Dr. Salem SC. 29676d

Mr. Huggins thanks for your response to my enquiries on the problem Mr. Maalouf has created. I've expressed my concern and complete opposition in the case being presented. Mr. Maalouf wants to be able to continue business as usual. Although he's been in direct violation of going through proper procedures. He's had power turned on somehow without a letter of occupancy. He's pulled permit for a house that hasn't been built instead other structures with no inspection. He wants to use all properties for business for his personal gain.

He wants to conduct a wedding chapel that brings heavy traffic on (Cool Valley) county rd. that is not adequate for the additional pressure. It is one lane where on coming vehicles have to back up at times to move over to allow for passing by one another. Furthermore allowing heavy pressure on a private shared drive that is private gated. I and others lot owners share the cost to maintain. The traffic presents a danger visitors drive up and down a steep gravel road at dangerous and uncontrollable speeds. This is a threat to my children and other visitors. The roads are absolutely inadequate for the excessive business traffic. Is the board of the special meeting willing to be partly responsible in the event of any tragic accident, if permission is granted?

Mr. Maalouf has been approached and politely asked by me to cease in this activity.

This meeting is scheduled to quickly for most owners that live away off to know about the meeting or have time to be prepared to give a response.

I personally have had a vacation planned for months ahead and can't attend. I'm directly affected by the outcome of this meeting.

Respectfully requesting that this meeting be rescheduled till at least the next meeting or a later date. That way in this remote area others have more time to plan attendance.

If you choose to continue as planned, please take my extreme opposition in to account concerning the matter.

I appeal to this board to not allow some of the most beautiful lands of the State to be harmed by commercialism.

Must we continue to destroy all of the peaceful places around the State all for a dollar? If Mr. Maalouf and other Profit seekers are not held in check within reason. All the beautiful places will disappear for good and all will be lost.

Respectfully, thanks for your consideration. Christopher D Lynch Sent from my iPhone

> On Jun 6, 2018, at 8:36 AM, Willis Huggins <whuggins@oconeesc.com> wrote:

>

> Chris: I understand your concern. We notify property owners based on the current standard, state statute and local code requirements. In addition, the property will be posted. If everyone who you've indicated does not receive direct notification, they should be able to know about the case through a required legal ad, word of mouth, and the property posting. If others wish to be notified of the details in this case, we can certainly place them on our notification list, but they would have to request that. As to your specific request about notification, I will pass that request along to my supervisor. However, please understand that we need to be consistent in the notification process from case to case. Call me this morning and we can certainly discuss this.

>

> Thanks

> Bill

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> Bill Huggins

> Planner

> Community Development

> Oconee County, SC
> Phone: 864-710-2390
> Email: whuggins@oconeesc.com

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> -----Original Message-----

> From: Chris Lynch [mailto:baldbarber1@yahoo.com]
> Sent: Tuesday, June 05, 2018 7:44 PM
> To: Willis Huggins
> Subject: Re: Property under investigation / 330Summit Dr. Salem SC.
> 29676d

>
> Mr. Huggins in addition I would like to request all lot owners in the development be informed. There is owners most likely unaware of what is going on. In addition any property adjacent to either side of Summit Rd. should be made aware of the request.

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>> wrote

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>> Sincerely,

>> Bill

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>>

>> Bill Huggins

>> Planner

>> Community Development

>> Oconee County, SC

>> Phone: 864-710-2390

>> Email: whuggins@oconeesc.com

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>> Sent: Monday, June 04, 2018 3:48 PM
>> To: Willis Huggins
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>> never intended for this by original developer. This is a private
>> shared road the overuse is a burden to myself an other lot owners.
>> Thanks Christopher D Lynch 864- 380-8200
>>
>> Sent from my iPhone
>

To the Oconee County Zoning Commission,

We are asking to file a Special Exception Requests based on Section 38-7-2 for the property at 123 Francis Falls Drive, Salem, South Carolina in the Keowee, Jocassee Overlay District. In accordance with keeping with the spirit of the area, county and Devils Fork State Park in which the Jocassee Overlay Area encompasses, we are asking for this exemption to continue a small wood sales area and possible produce stand to benefit our community and people visiting Devils Fork State Park. We have had our property since 1984, over 30 years and have always worked with our neighbors, businesses and the originals Holcomb's and Hinkle's of the Jocassee Valley. As you know, from Salem SC to the closest Grocery Store is 17 miles to Ingles in West Union. How great a stand with fresh vegetables from the garden would be for campers and people in the area.

My daughter Sherrie White Cobb and her husband Randy Cobb moved into the house in 2011 and after speaking with the neighbors, park management and businesses, thought it would be a great asset for the area. She began selling wood the March 1 of 2012 before the Jocassee Overlay District was zoned May of 2012. We also, over the 30 plus years we have owned the property, have sold wood on several occasions to people coming up to the house asking questions about the lake before the park was opened in 1990.

The small wood area is a 2 ft x 8 ft wood rack and have 2 mounted signs, at the end of a 2.5-acre lot. The wood bundles are bound neatly with twine and stacked. This is all done on the good ole honor system with a small drop box for customers to put their money in. The area is clear of structures and there are beautiful trees and manicured grapevine and ivy as you come into the area. This area is at the bottom of a rolling grassy hill with trees, roses and azaleas. Open fields can be seen on either side of property. In keeping with the harmony and appearance. It is as if traveling down a country road and seeing a road side wood stand, on a beautiful piece of property. The area is accessible off the main road, up our driveway and into area at the end of our property for cars to park, get out and grab a bundle of wood, turn around and drive back out. We will even deliver it people in our community and stack if needed. We seldom have more than 1 or 2 cars at the most getting wood at the same time so there is plenty of room for the transactions on the property itself without interrupting the flow of traffic from Jocassee Lake DR. In August of 2016, we had a road renovation and culvert installed to aid customers ease of access to the area and a special drive was constructed off the driveway into the area to not restrict the 1 other full-time resident which lives behind us.

People coming to our county to visit, and people who live in our area, have all gotten wood from us. Visitors have even stated that is what they would expect to see in our area. As far as the State Park is concerned, it is great for people checking in after hours to have a place to get wood while setting up their campsites. (Please see letters 1 and 2 of support from Kevin Evans, Devils Fork State Park Manager and Eclectic Sun owner Debbie Laughridge.) Neighbors have gotten wood from us when they have run out in the winter or just don't want to cut their own. We also provide FREE kindling with our wood sales. Over the years, we have made many good friends who travel to our area year after year as well as lifelong friends from our community as they came to purchase wood. (Please see support documentation from community.)

In closing, we ask that you please grant us the Special Exception to continue what we have been doing constantly for 6 years and off and on for over 30.

Thank you for your consideration.

To: Oconee County Board of Zoning Appeals

RE: 123 Francis Falls Drive, Salem

Board members,

I am the owner of 123 Francis Falls Drive. My daughter, Sherrie Cobb, and her family currently live at this address. I support their use of the property for firewood and other agricultural sales. I appreciate your consideration in this matter.

Regards

A handwritten signature in blue ink that reads "William H. White". The signature is written in a cursive style with a large, stylized 'W' and 'H'.

William H. White

From: noreply-portal@citizenserve.com
Sent: 06/07/2018 - 08:56 AM
To: sherrie.randy21@gmail.com
Subject: Your application has been received

ONLINE DEVELOPMENT APPLICATION RECEIVED

Your development application application has been received and is currently under review.

SE18-000002

Type: BZA
Application Date: 06/07/2018
Address: 123 FRANCIS FALLS DR
Description: sale of firewood on my property,
Applicant: Sherrie Cobb
Amount Paid: 0.00

[CLICK HERE TO VIEW YOUR APPLICATION](#)

citi **enserve**

415 South Pine Street - Walhalla, SC



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

Date: June 25, 2018

To: Members of the Board of Zoning Appeals

From: Bill Huggins, AICP
Senior Planner

Re: Staff Report for SE18-000002, Special Exception Request by Sherrie Cobb

The applicant is requesting a Special Exception from the Board of Zoning Appeals to allow a small firewood sales area to continue on the subject property and to permit the possible inclusion of a produce stand in the future. The property is undeveloped and is located at the intersection of Jocassee Lake Road and Francis Falls Road across from Devil's Fork State Park. It is located adjacent to a parcel which is the subject of another Special Exception request for consideration on this agenda. Non-residential activities in the Jocassee Lake Overlay District require approval under the Special Exception provisions of the Zoning Ordinance. This overlay is intended to protect water quality, maintain natural beauty, and limit secondary impacts of new development that may negatively affect the lifestyles of those living near the lakeshore and the general enjoyment of the lakes by all citizens. Impacts could include traffic congestion or degrading of local roads, noise effects, etc. According to the applicant they had been selling firewood at the subject property prior to the establishment of the Lake Overlay in 2012; therefore, the argument could be made that the use, if it was in continuous operation until the present date, would be grandfathered. However, it is unclear whether or not the use was continuous during that time, even though it had been a function of the site on an occasional basis going back thirty years, according to the applicant.

This use of property within the Lake Overlay district came to our attention through a complaint from a local property owner. Because there is uncertainty about the ongoing nature of the use in question, the Zoning Administrator's conclusion was that the use should be treated as one requiring Special Exception approval by the Board of Zoning Appeals.

The applicant has submitted a narrative describing the use and the method of access by vehicles coming on site to purchase wood. It should be noted that the stand is not manned. Buyers are on the honor system and simply leave their payment at the stand when they purchase wood.

Criteria

Non-residential uses are allowed in the Overlay district only through the Special Exception review and approval process by the Board of Zoning Appeals, and such uses must meet the four criteria listed

below. According to Section 38-7.2 of the Zoning Ordinance, such uses must be:

- (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.

In addition, the Board has the flexibility to require any other conditions on approval that it feels are appropriate to insure that the residential character of the area is maintained. The Board may also apply any provisions it feels are applicable from Appendix A of the Ordinance. That Appendix is included in this packet. The area is zoned Control Free District, so uses are not generally restricted, except where an Overlay imposes a review process and possible conditions on approval beyond the strict requirements of the underlying zoning district or related codes.

Community Support Information

This packet also contains support letters from property owners in the area.

038-00-01-005
6.39 Ac

038-00-01-007
2.05 Ac

Francis Falls Dr
100

038-00-01-001
20 Ac

A

Jocassee Lake Rd
567

038-00-02-005
334 Ac



Sherrie Cobb <sherrie@jocasseelaketours.com>

Lake Tours and camping

Gail Elks <ladydawg_13@yahoo.com>

Thu, Jun 7, 2018 at 12:17 AM

Reply-To: "ladydawg_13@yahoo.com" <ladydawg_13@yahoo.com>

To: "Sherrie@jocasseelaketours.com" <Sherrie@jocasseelaketours.com>

Hi Sherrie and Randy,

Wanted to drop you a line to tell you how awesome our camping trip was.

Having your wood service close by saved us a bit of time and trouble. We look forward to it everytime we are there.

Thank you again and hope to see you soon.

Gail ad Cecil

Sent from Yahoo Mail on Android

Date: 6-6-2018

To the Oconee County Zoning Commission,

When Sherrie Cobb was considering providing wood outside that Devils Fork State Park entrance, I met with both her and her husband to verify the type a wood they would be providing for campers to bring into the park. It is South Carolina State law that firewood not be brought into the state campgrounds unless it comes from South Carolina. They discussed the plan with me on where they would put that wood and where the wood was coming from. As Devils Fork State Park Manager, I have no problems with the way the area looks and it actually helps our park guest who are checking in after hours to be able to get wood for the evening.

I feel that they are an asset to the community and our guest.

A handwritten signature in black ink that reads "Kevin Evans". The signature is written in a cursive style and is followed by a long horizontal line that extends across the width of the page.

Kevin Evans

Devils Fork State Park Manager

Dear Zoning Board Members,

It has come to our attention that a complaint has been made regarding the sale of firewood within the Keowee/Jocassee Lake Overlay Zone.

First, as residents of the neighborhood in question who pass this site on a daily basis, we have never found this scene to be unsightly in any way. The property owners keep the site mowed and very neat and orderly, without an excessive amount of firewood bundles on display. Rather, we find that it adds a bit of rural charm to our road.

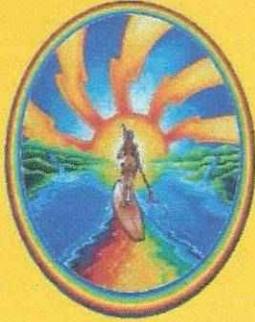
Secondly, and most important, this small, self-service firewood stand offers a very valuable resource for campers coming in to Devils Fork State Park. Other businesses in the area, including the state park and their on-site provider, Eclectic Sun, operate on a business schedule. Campers often arrive after business hours, and without the resource of this small firewood stand, would have no place to buy wood for both heating and cooking purposes.

As we are sure you know, campers are discouraged – for very good reason – from bringing firewood from home due to the spread of damaging insects and potential disease. The firewood stand offers locally sourced firewood, nicely seasoned. Those who care about the aesthetic and economic impact of our area forests will understand that locally sourced firewood is extremely important. If campers arrive and have no access to clean, dry, seasoned firewood, it only takes one bad experience before they will bring it from where ever home may be, “just in case.”

We would appreciate the granting of a Zoning Variance to allow for the continuing sale of firewood on this property.

Thank you for your time and consideration.

Brooks and Kay Wade



Eclectic Sun LLC
On Lake Jocassee

Pontoon & Paddlesports Rentals
Devils Fork State Park Pavilion
864/944-1191
info@eclecticsun.com

Eclectic Sun LLC
238 Buckeye Drive
Salem, SC 29676

To Whom It May Concern,

This letter is to voice my support for Sherrie & Randy Cobb and the firewood sales at 123 Frances Falls Road and Jocassee Lake Road. The Cobb's firewood sales provides a place for the vast amount of visitors to the area to buy local firewood when no other business is open. Since visitors are asked not to bring in firewood from other areas, this benefits the State Park and also my business in the park. The area is always kept clean and tidy. If you have any questions you may call me anytime at 828-421-1188.

Sincerely,

Debbie Laughridge

Debbie Laughridge, Owner
Eclectic Sun LLC

Dear Zoning Board members,

As per the "NOTICE OF REPORTED OCONEE COUNTY CODE OF ORDINANCES VIOLATIONS" received on 5/24/18 for the "Property listed as owned by Maloney Phillip G Et Al tax map number 039-00-01-005, located on Jocassee Lake Road in Salem, SC 29676 has been reported to be in violation of the Oconee County Code of Ordinances", we are requesting a hearing with the Board of Zoning Appeals for the purpose of allowing the Jocassee Lake Tours guests to park on the property in question, which is an empty field adjacent to Devils Fork State Park (DFSP) property.

Jocassee Lake Tours offers nature-based tours of Lake Jocassee. We have the capacity to take out 50 people at a time for three and four hour tours of the lake. Our guests include area residents and their out-of-town company, park visitors, visitors to the area who have heard about Lake Jocassee, and residents of South Carolina, North Carolina, and Georgia who come here specifically for a lake tour. In 2017 we had over 5000 people join our lake tours.

On busy weekends, our guests are instructed to park in an empty field adjacent to DFSP, and we provide the service of shuttling them through the fee booth and into the park. Park management has been very supportive of this arrangement, since it frees up spaces for other guests while still generating a significant amount of income which helps support the state park system. The park's only commercial vendor, Eclectic Sun, has been very supportive of this arrangement, since it allows more park guests to be onsite and use their store and rentals.

Before we came up with this solution, our guests were required to park in the day use/picnic area of the park and to walk a good distance across the dike to the boat ramp. Many of our guests are elderly, some are handicapped, and some are accompanied by young children. Often they were coming in for their first trip to Lake Jocassee and were unfamiliar with the parking arrangements, and unaware of the extra time it would take to walk to the boat. Sometimes they were arriving for afternoon tours, only to be told they could not enter DFSP because there was no place to park. Since the only public access to the lake is through Devils Fork State Park, park managers have the unpopular job of turning away cars once the parking lots have reached capacity. The situation could be quite stressful for all involved.

The area in question is an empty field owned by Phillip Maloney. We do not pay Phillip to use the field, nor do we charge guests for the service of shuttling them into the park. The service is offered on Saturdays and Sundays only, May through October.

Brooks and I are founding members of Friends of Jocassee, a non-profit group which provides support for DFSP, Keowee-Toxaway State Park, and the Jocassee Gorges area. Four times a year we organize a clean-up of Jocassee Lake Road from Highway 11 to the entrance to Duke Energy's Keowee-Toxaway Hydro facility, including Boone Creek Road. We are serious about the promotion, preservation, and protection of Oconee County, the Jocassee region, and the recreational benefits they provide.

We have no desire to disobey a zoning ordinance. However, since this service we provide has no negative impact on the neighborhood and many positive benefits for DFSP and our guests, we request, respectfully, a zoning variance.

Sincerely,

Kay and Brooks Wade



Date: June 25, 2018

To: Members of the Board of Zoning Appeals

From: Bill Huggins, AICP
Senior Planner

Re: Staff Report for SE18-000003, Special Exception Request by Kay and Brooks Wade/ Phillip Maloney

The applicant is requesting a Special Exception from the Board of Zoning Appeals to allow the subject property to be used for temporary guest parking for the *Jocassee Lake Tours* business. The property is undeveloped and is located across Jocassee Lake Road from the Devils Fork State Park property. The location has been used, with permission of the owner, for some time to provide shuttle parking for visitors on weekends during the Spring and Summer. The applicant has provided a narrative description of the program, which explains why they believe the off-site parking is needed. This use of property in within the Jocassee Lake Overlay district came to our attention through a complaint from a local property owner, who was concerned about the visual and traffic impacts of the use.

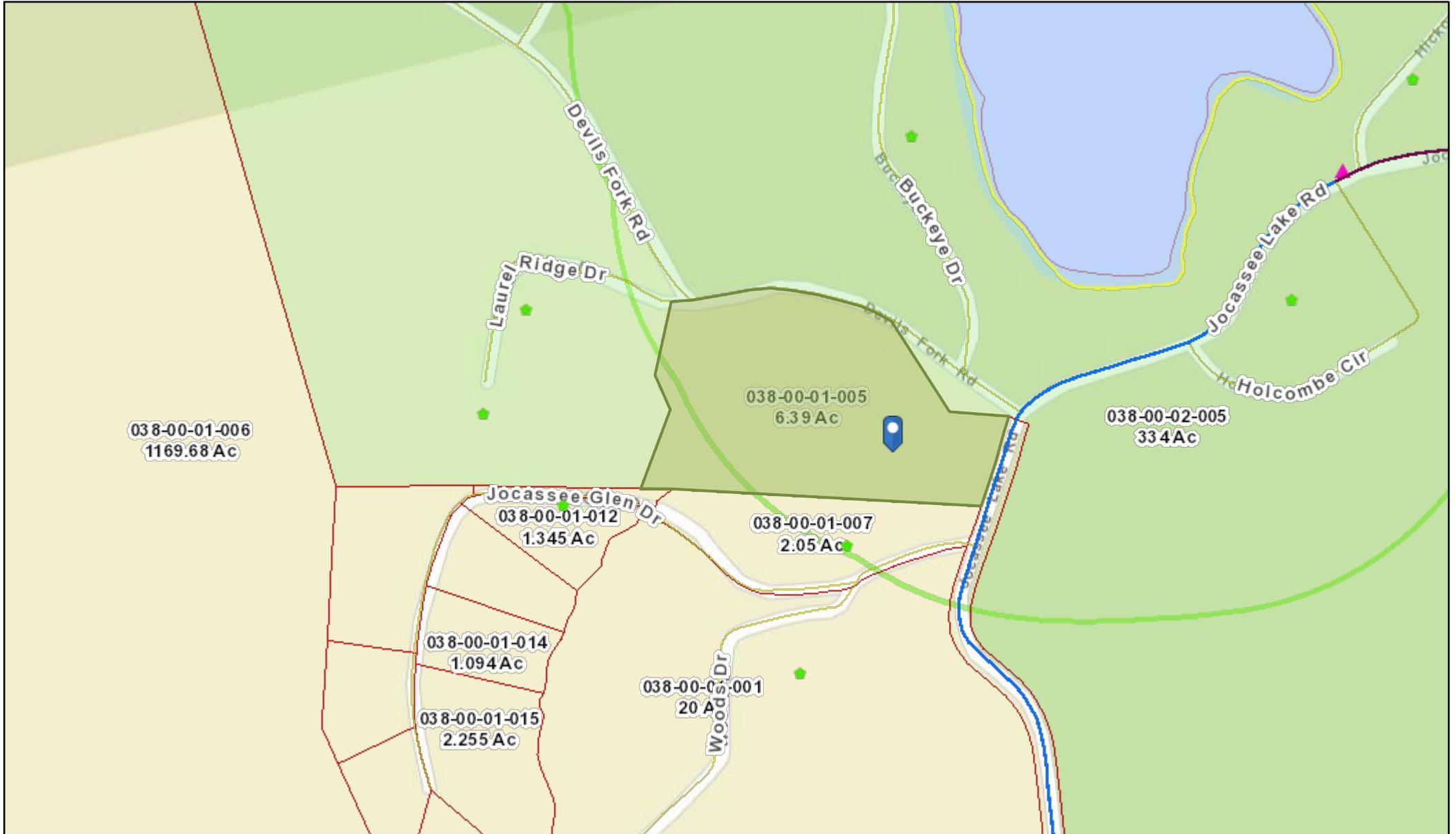
Non-residential uses are allowed in the Overlay district only through the Special Exception review and approval process by the Board of Zoning Appeals, and such uses must meet the four criteria listed below. According to Section 38-7.2 of the Zoning Ordinance, such uses must be:

- (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.

In addition, the Board has the flexibility to require any other conditions on approval that it feels are appropriate to insure that the residential character of the area is maintained. The Board may also apply any provisions it feels are applicable from Appendix A of the Ordinance. That Appendix is included in this packet. The area is zoned Control Free District, so uses are not generally restricted, except where an Overlay imposes a review process and possible conditions on approval beyond the strict requirements of the underlying zoning district or related codes.

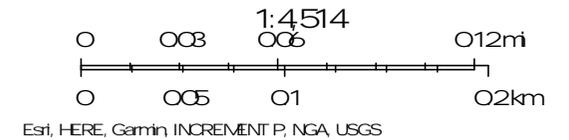
A number of area property owners have submitted letters for support for this use, including Visit Oconee, the marketing organization/tourism bureau serving Oconee County.

ArcGIS Web Map



June 7, 2018

- | | | | |
|----------------------------------------------------------|------------------------|---------------------------|-------------|
| Find a Parcel by TMS_Queryresult Addresses (appear 5000) | Unverified | Railroads | County Road |
| Flood Hazard Area | Verified | In Progress | Other Roads |
| Base Flood Elevation | Reviewed Indeterminate | End of County Maintenance | Other Road |

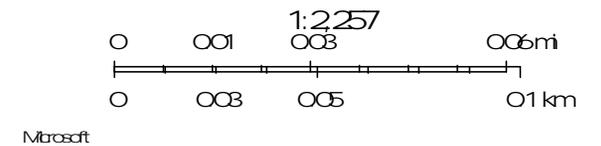


ArcGIS Web Map



June 7, 2018

- | | | | |
|----------------------------|----------------------|-------------------|--------------------------------|
| Land Hooks | Addresses | Zoning | (ARD) Agricultural Residential |
| Parcels (labels 5000scale) | Roads (appear 24000) | Unknown | (CCD) Community Commercial |
| GISDATA.DBO.cooneeRegion | | (AD) Agricultural | (CD) Conservation |



Please allow parking for jocassee lake tour guests

Inbox x



Carole

12:17 PM (2 hours ago)

to me

I ask that you allow cars of people attending Jocassee Lake tours to park where they have been to use the shuttle. This is important to accommodate seniors like myself and park guests.

Sincerely,
Carole Slagh
Anderson, SC

Oconee County Board of Zoning

415 S. Pine St

Walhalla, SC 29691

Dear Board Members;

My name is David Barr and I reside at 115 Blue Water Trail, Salem SC. I am writing to support a zoning variance to continue to allow the use of an empty field bordering the boundary of Devil's Fork State Park for parking. During busy weekends and holidays this field has been used to provide parking for people taking commercial tours of Lake Jocassee. People are shuttled to the park from this location for tours. The procedure provides additional access to the park for resident and visitors by effectively providing additional parking on busy weekends and holidays. The procedure is supported by the park staff and is coordinated with them. The property owners allow its use for this purpose without charge and no parking fees are collected. It is a convenience for the individuals on tours. The procedure also enables elderly and disabled guests to more readily participate in lake tours. The tour provider, Jocassee Lake Tours, provide an excellent service and have introduced thousands of people to the wonders of Lake Jocassee and the beauty of Oconee County. They provide economic benefit to the county and the park directly and indirectly and support conservation efforts in the park and surrounding area. I have used their services many times to introduce family and friends from all over the country to the wonders of this amazing place; One of the Last Best Places on Earth. I would ask you to grant a variance of the 750 ft. boundary on the lake overlay to enable the ongoing use of this field for this service.

I appreciate your consideration.

David C Barr



ellenhotz@aol.com

6:07 AM (8 hours ago)

to me

I strongly urge our representatives to allow and make permanent this variance for a service that is definitely if not desperately needed. I don't know your personal experiences, but having spent over two years in wheelchairs, on crutches, and walking boot using a cane, I can assure you that this variance will give access to beauty that is the very best medicine for those folks the Brooks are trying to serve.

Most sincerely,
Ellen E. Hotz RN,MSN,CHC

From: linda alley [mailto:lindasuealley@hotmail.com]
Sent: Wednesday, June 06, 2018 8:25 AM
To: Brooks Wade <brooks@jocasseelaketours.com>
Subject: Re: Dates for Sierra Club Outings

Thank you! Sounds wonderful!

Here is a comment about parking. Hope this is OK.

To The Zoning Board,

I support rezoning to accommodate overflow parking bordering Devils Fork State Park, currently operated by Jocassee Lake Tours. This service is a benefit to all the patrons of Devils Fork State Park. It really cuts down on traffic congestion.

Thank you,
Linda Alley

FW: Request zoning variance

Inbox x



Brooks Wade

12:38 PM (2 hours ago)

to me

Brooks Wade
Jocassee Lake Tours
PO Box 582, Salem, SC 29676
864-280-5501
www.JocasseeLakeTours.com

From: frank powell [mailto:frankpowell3@gmail.com]
Sent: Wednesday, June 06, 2018 9:44 AM
To: Jocassee Lake Tours <brooks@jocasseelaketours.com>
Subject: Request zoning variance

Hi Kay and Brooks, Jane and I very much would like to comment on the value of shuttle parking to Lake Jocassee that you provide.

To the Oconee County zoning board:

Please recognize the extraordinary service that Jocassee Lake tours provides to our up country environment and allow them to continue to use the existing shuttle parking area. From the moment people meet Kay and Brooks and their staff at that parking area to the time they return the overriding message received is one of preservation and sustainable existence with nature. We should do all that we can to support their programming.

Jane and Frank Powell

[1098 Doug Hollow Road, Seneca, South Carolina 29672](http://1098DougHollowRoad.Seneca.SouthCarolina29672)

June 4, 2018

I am writing in support of Jocassee Lake Tours and their need to continue the parking arrangement that allows for off site parking, especially on weekends when Devils Fork State Park is a mad house!

Brooks and Kay are tremendous supporters of the lake and its natural surroundings. I have brought several groups to the lake for their tours and those same people always return, bringing others to enjoy the beauty of Lake Jocassee. One of the great challenges is always the parking as the area near the docks is dominated by boaters and their trailers. Even on a good day, guests for the tour must be dropped off lakeside and then the driver must park on the other side near the campgrounds. On busy weekends, well, even this is impossible.

In my view, it can only help the local economy and their tour business to continue this parking/shuttle arrangement. Please give their zoning variance request thoughtful consideration.

Sincerely,

Helen LaMore

[1112 W. Whitetail Dr](#)

[Sapphire, NC 28774](#)

828-966-3030

helenlamore@gmail.com

FW: Parking in the Zone

Inbox x



Brooks Wade

1:42 PM (1 hour ago)

to me

Brooks Wade
Jocassee Lake Tours
PO Box 582, Salem, SC 29676
864-280-5501
www.JocasseeLakeTours.com

From: Vivian McCreery [mailto:bleedingheart10jm@gmail.com]
Sent: Wednesday, June 06, 2018 1:18 PM
To: brooks@jocasseelaketours.com
Subject: Parking in the Zone

I ask the members of the board to please grant a zoning variance for parking in the field in the Lake Overlay boundary. I have enjoyed Lake Jocassee since the late '80s, but now that I have arthritis in my feet, I don't get to hike like I did back then. Being able to park near the shuttle is a blessing, as is the opportunity of visiting our beautiful lake.

Best Regards,

Janine McCreery
Belton, SC



Ken Sloan
Visit Oconee SC
864-380-3976
Ken@SCMountainLakes.com
www.VisitOconeeSC.com

June 8, 2018

Adam Chapman
cc: Scott Carroll
415 South Pine St.
Walhalla, SC 29691

Re: Letter of Support Jocassee Lake Tours Variance Request

Dear Adam,

Regarding the attached letter citing a county code ordinance violation, it is my pleasure to write this letter in support of Phillip Maloney's and the Jocassee Lake Tours' request for a special exception to the existing Lake Overlay.

Lake Jocassee is one of Oconee County's most desirable and visited tourism attractions. As you probably know, National Geographic once published this area as one of "The Worlds Last Great Places – A Destination of a Lifetime." Each year, Lake Jocassee and Devils Fork State Park continue to show significantly increased numbers of tourists. I was informed earlier this year by SCPRT, that the park rangers turned away between 300 – 400 cars per weekend during the prime tourism months due to max parking capacity. In other words, if you are not inside the park before 9:30 AM on a Saturday or Sunday, you will not be allowed in simply because all of the parking spaces are full.

Jocassee Lake Tours offers an alternative to this issue. They use the property in question specifically for their customers only. Instead of taking up additional parking spots inside the park, they meet their guests just outside the park, allow them to park their cars and then they escort them to the lake for a guided boat tour. This is a great alternative to a significant weekend issue at the park. It not only frees up much needed parking spaces inside Devils Fork State Park, but it allows us as a county to provide an experience of a lifetime to a few more visitors on one our prized assets, Lake Jocassee.

The Visit Oconee tourism bureau supports the request for a variance that would allow this highly successful tourism operation to continue using this property as a weekend and holiday parking area. I encourage you to seriously consider their appeal.

Kindest regards,

Ken Sloan
President & CEO
Visit Oconee SC

Lake Jocassee Shuttle Service!

Inbox x



Heide Giezey

1:48 PM (1 hour ago)

to me

Hi Kay,

This email is to explain that I wouldn't be able to participate in your Jocassee Lake Tours for the rest of this year if your shuttle is not available. I'm having lower back surgery in July and will have limited activities and exercise. This includes walking, bending and carrying which really creates a problem for me.

I sincerely hope this problem is resolved as soon as possible.

Best of luck,
Heide Giezey

Sent from my iPad

Parking

Inbox x



Kevin Evans

9:32 AM
(1
minute
ago)

to me

To whom it may concern,

Parking is a premium at Devils Fork State Park during the summer season. (Memorial Day through Labor Day). Last summer alone we turned around over 6000 vehicles.

For the past several years Jocassee Lake Tours has used the area adjacent to our entrance as a parking area during this time frame only. This is a tremendous help to Devils Fork State Park as it allows more guests enter the Park. The more people that enter the Park, the better the Oconee County economy is.

Thanks if I can be of any further assistance please let me know.

Kevin Evans

Park Manager, Devils Fork State Park.

Sent by [MailWise](#) – Your emails, with style.:

Parking variance

Inbox x



karen

7:09 AM (7 hours ago)

to me

To whom it may concern:

My 86 year old parents very much enjoy outings on the Lake. The shuttle service provided by Kay and Brooks is essential for busy summer weekends at DFSP. You would be hard pressed to find ANYONE who loves the lake more than Brooks and Kay and they would never do anything hurtful for that pristine lake environment. Please consider their request thoughtfully.

Thank You

Karen & Tom Peter
Travelers Rest, SC

Sent from my iPhone

Shutte Please!

Inbox x



Joe Baiyor <jbaiyor1@gmail.com>

8:47 AM (6 hours ago)

to me

My sister & I come up to the Lake from the Atlanta area. In busy summer, the shuttle is a lifesaver after our 3-hour drive. SC has done a great job enticing us out-of-towners. Thanx for continuing to make us feel welcome & facilitate our visits by allowing the variance for the shuttle to continue!

Sent from Joe's iPhone
John's Creek, GA
678.427.3653 cell

shuttle

Inbox x



o

7:49 AM (7 hours ago)

to me

To Whom It May Concern:

The shuttle service provided by Lake Jocassee Tours is so much appreciated! We don't know how we would be able to explore and enjoy the beautiful lake without this service as it takes away the stress of will we find a parking space or not!

So, needless to say, we hope very much that you support this public service portion of the Lake Jocassee Tours.

Respectfully,
the Love family

Shuttle service

Inbox x



Ron Barnes <ron@barnes7.com>

2:23 PM (56 minutes ago)

to me

The shuttle service was very helpful when we last visited the lake. My father in law has dementia and this service was very helpful

scdealp <scdealp@bellsouth.net>

9:31 AM (5 hours ago)

to me

Jocassee Lake Tours provides responsible, eco-friendly and educational use of lake Jocassee for locals and visitors. The shuttle from parking outside Devils Fork park is in keeping with responsible use of the park.

Sent from my Verizon, Samsung Galaxy smartphone

zoning variance request

Inbox x



Janet Hutcheson

7:06 AM (7 hours ago)

to me

On holiday weekends, we have not been permitted into Devil's Fork State Park, even on foot, when the parking is full. We own a property nearby and had rented a boat, but were not allowed to walk into the park because all the parking spots were filled up. This policy would restrict patrons of Jocassee Lake Tours from accessing the tour they have paid for. They would not be adding to the boat traffic as it is a group boat.

Having parking nearby helps the patrons of Jocassee Lake Tours enjoy Oconee County's gem. Jocassee Lake Tours brings visitors into Oconee County and helps the economy of Oconee County.

Allowing a zoning variance would be a win-win for both the small business owners, Kay and Brooks Wade, and for Oconee County.

Thank you for your consideration,
Janet and Gaines Hutcheson

MORE TESTIMONY SUBMITTED BY Mr. Maalouf
6-25-18