

415 South Pine Street - Walhalla, SC



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

## AGENDA

6:00 PM, THURSDAY, NOVEMBER 8, 2018

COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

- ITEM 1-**        **Call to Order**
- ITEM 2-**        **Approval of Minutes from July 23, 2018**
- ITEM 3-**        **Public Comment (Non-Agenda)**
- ITEM 4-**        **Staff Update**
- 1.        General Items**
- ITEM 5-**        **SE-000004**    Harley Yoder, acting on behalf of Fair Play Investment Group, is requesting a Special Exception approval as outlined in Chapter 38-7.2 and 38-11.2 of the Oconee County Zoning Ordinance to permit an industrial use in the Fair Play Village sub-district of the I-85 Overlay at 500 East Fair Play Blvd, Fair Play, SC 29643 (TMS# 341-00-01-005).
- ITEM 6-**        **Old Business** [*to include Vote and/or Action on matters brought up for discussion, if required*]
- ITEM 7-**        **New Business** [*to include Vote and/or Action on matters brought up for discussion, if required*]
- ITEM 8-**        **Adjourn**



OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street -Walhalla, SC



Tel: (864)638-4218 FAX (864) 638-4168

APPLICATION FOR SPECIAL EXCEPTION

OCONEE COUNTY, SC

*Yoder's Building Supply*

APPLICANT: *HARLEY YODER* *Owner*  
Name Title/Organization

MAILING ADDRESS:  
(if different from owner)

PHONE (if different from owner): cell: *864-723-5338*  
email: *h.yoder@GoYoders.com*  
land line: *864-972-3003*

PROPERTY OWNER

MAILING ADDRESS: *P.O. Box 318, Fair Play, SC 29643*  
PHONE: cell: *864-723-5338* email: *h.yoder@GoYoders.com*  
land line: *864-972-3003*

PROPERTY INFORMATION

STREET ADDRESS: *500 EAST FAIR PLAY BLVD, FAIR PLAY, SC 29643*

TAX PARCEL # \_\_\_\_\_ DEED BOOK/PAGE: \_\_\_\_\_

ZONING DESIGNATION: \_\_\_\_\_ ACREAGE: \_\_\_\_\_

REQUEST

CODE SECTION FROM WHICH A SPECIAL EXCEPTION IS REQUESTED: \_\_\_\_\_

DESCRIPTION OF REQUEST:

**Instructions:**

1. The applicant/owner must respond to the "findings" questions on page 3 of this application (you must answer "why" you believe the application meets the tests for the granting of a Special Exception). See also Section 38-7.2 for additional information. You may attach a separate sheet addressing these questions.
2. You must attach a scaled drawing of the property that reflects, at a minimum, the following:
  - (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the requested variance; (c) existing buildings and other relevant improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested variance.
3. Include additional documentation to support the request as necessary.
4. The Zoning Administrator will review the application for sufficiency prior to placing the application on the BZA agenda. If the application does not provide sufficient information, the administrator will contact the applicant to request that the applicant provide the required information. You are encouraged to schedule an application conference with a planner, who will review your application at the time it is submitted to insure the necessary materials is provided.
5. The applicant and/or property owner affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the Community Development office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or at to have the restriction terminated or waived, then the Community Development office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.

To that end, the applicant hereby affirms that the tract or parcel of land which is subject of the attached application is  is not  restricted by any recorded

covenant that is contrary to, conflicts with, or prohibits the requested activity.

Harley Yod Applicant Signature  
10/4/18 Date  
Harley Yod Property Owner Signature  
10/4/18 Date

**APPLICANT RESPONSES TO  
SECTION 38-7.2  
(You may attach a separate sheet)**

1. The request is in accordance with the comprehensive plan and is consistent with the spirit, purposes, and the intent and specific requirements of this chapter, to include the definition and intent of the district in which the special exception is being requested.

2. The request is in the best interests of the county, the convenience of the community and the public welfare.

3. The request is 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. The request is suitable in terms of effects on highway traffic, parking and safety with adequate access arrangements to protect streets from undue congestion and hazards.



Date: October 9, 2018

To: Members of the Board of Zoning Appeals

From: Bill Huggins, AICP  
Senior Planner

**Re: Staff Report for SE18-000004, Special Exception Request by Fair Play Investment Group**

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The applicant is seeking to build a pre-engineered metal building on the site of Yoder's Building Supply in Fair Play. The proposed building is an expansion of the building supplier business, which has a long history in Fair Play. Yoder's also does on site construction of pre-engineered wooden trusses and similar products used in construction. As such, the business has an industrial component.

The property is located inside the Fair Play Village Center sub-district of the I-85 Corridor Overlay, which was established to promote high quality building design and low density residential use in an area where significant development is expected resulting from proximity to an I-85 exchange near the George border. This area functions as a gateway region into South Carolina from the west and provides opportunities for future industrial, commercial and residential growth. The overlays established in the region are intended to protect the Fair Play community from potential negative impacts of growth. The I-85 Overlay District actually consists of three sub-districts in that area, one of which is Fair Play Village. The sub district limits the density for residential development and provides strong regulation of of uses that may harbor rodents or other pests.

The Overlay provisions also require that any industrial use must be approved as a special exception by the Board of Zoning Appeals. The on-site fabrication of products at the facility results in a ruling that the use is an industrial activity, thus requiring Board review.

#### Criteria

The general criteria contained in the Zoning Ordinance for Board consideration in the review of Special Exception case are listed below. According to Section 38-7.2 of the Zoning Ordinance, proposed 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 character of the area is maintained. The area is zoned Control Free District, so types of uses are not generally restricted, except with respect to the criteria required in the overlay and where the Board of Zoning Appeals finds that a use allowed only by Special Exception does not meet the required criteria for approval. The Board also has authority to impose any additional conditions it sees fit on development allowed by Special Exception.

# Case SE 18-000005

Special Exception

