

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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MINUTES

BOARD OF ZONING APPEALS

6:00 PM, MONDAY, JANUARY 22, 2018

COUNTY COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

The Oconee County Board of Zoning Appeals held a meeting on January 22, 2018 at 6:00 PM in Council Chambers at the Oconee County Administrative Building, 415 S. Pine St., Walhalla, SC 29691.

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

Staff Present: Bill Huggins, Planner

Media present: None

ITEM 1- Call to Order

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

ITEM 2- Approval of Minutes from November 27, 2017

Mr. McKee made a motion to approve the minutes. Mr. Lusk seconded the motion. The motion was passed 5-0

ITEM 3- Election of Officers

Mr. McKee made a motion for Mr. Gilster to be Chairman and seconded by Mrs. Fowler the motion was approved unanimous.
Mrs. Fowler made a motion for Mr. Lusk to be Vice-Chairman and seconded by Mr. McKee the motion was approved unanimous.
Mr. McKee made a motion for Bill Huggins to be Secretary and seconded by Mrs. Fowler the motion was approved unanimous.

ITEM 4- Public Comment (Non-Agenda)
No one from the public signed up to address the Board or make comments.

ITEM 5- Staff Update

General Items

Mr. Huggins stated that a summary on permits since the December 2017 meeting, 47 mobile home, 42 new homes, total of 90 residential permits, 2 sign permits and 12 commercial permits. The Planning Commission is getting close to finishing the update on the Comprehensive Plan, the staff will then start the complete review for 2020. Adam Chapman has done a traffic study for the Planning Commission to see what areas to start the corridor overlay.

Update on "Ad Hoc" Committee to discuss BZA notification process

Mr. Huggins stated that the "Ad Hoc" committee will meet on either the 14 or 15 of February. The "Ad Hoc" committee is made up of 2 BZA members, 2 Planning Commission members and 2 citizens. The information from the "Ad Hoc" committee will be presented to the Planning Commission and then to the County Council for approval.

ITEM 6- Special Exception Request for Application SE18-000001 – Request for the construction of a 225' self-support communication tower at (226 Whitmire Church Road, Tamassee, SC Tax parcel ID# 053-00-01-052)

Staff Presentation

Mr. Gilster presented the request to the Board.

Applicant Presentation

Mr. LaPann is a zoning specialist with Faulk and Foster. Mr. LaPann stated that maps were submitted with the application. Mr. LaPann stated that the dark green is the excellent service, light green is the good service, yellow not so good service, red is the weakest and the white is doesn't exist. The tower name is "Ducky" and is surrounded by white. The area to the east and west but especially the north shows no coverage. Oconee County requires to submit a map showing proposed sites. It is going to have illumination because it is over 200' it also will have landscaping of a fence for security along with evergreens. The letter from FCC indicates that it meets the requirements. It will have multiple antennas one being Verizon with 3 others. The minimum setbacks are the height of the tower plus 50', to the

roadway is 300' and to the nearest neighbor is to the east is 320'. A addendum agreement so if anyone does get hurt Verizon Wireless will protect the County. A proof of insurance for 1 million dollars was submitted as well. Mr. LaPann went thru the requirements to allow a special exception.

Section 38-7.2

The board of zoning appeals may grant a special exception only if it finds adequate evidence that any proposed development will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The board of zoning appeals shall among other things require that any proposed use and location 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.

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. Lusk asked if the SCDOT encroachment permit and Mr. LaPann stated that he doesn't know because that's part of what he does. Mr. Huggins stated that in the pictures they show the balloon testing locations and meets the requirements. Mr. Huggins stated that it must also meet Section 32.131 thru 32.142 and are covered with the application. MR. Huggins also stated that the tower site could go to 229' with the lighting rod and 250' is the maximum allowed. The property is zoned CFD (Control Free District). Mr. ===== is in

opposition he stated that he owns property near the proposed tower site and the Oconee County Emergency Communication already has a tower near his property which already has the cable optic lines available and also the infrastructure. Also his property adjoins the SC Forestry Commission property that has growing timber. Mr. Alexander stated that his property is about 1.6 miles from the proposed site. Mr. Gilster asked why Mr. Alexander wants the tower on his land and he stated that his request is for personal gain. Mrs. Fowler asked what the elevation is on Mr. Alexander's property he stated he didn't know the elevation but can see 3 other towers from his property. Mrs. Comb stated that she went to One tone verified that the elevation is too low for a tower. Mr. LaPann stated that the request isn't relevant to the request. Mr. Gilster asked for a motion to vote on the items individually or one at a Mr. McKee stated that if the request meets all of the requirements that it should be approved and stated that if the encroachment isn't approved and the building permit is denied that is the safety net for the board. Mr. McKee made a motion to vote on all the items at one time and was seconded by Mr. Medford the vote was unanimous. Mr. Gilster stated he would read the criteria and then ask for a motion and second. Mrs. Fowler made a motion to approve the request and was seconded by Mr. Medford the vote was unanimous. Mr. McKee stated that it would be a benefit for the area. Mr. Huggins presented the order to Mr. Gilster for his signature.

ITEM 7- Old Business

Mr. Huggins stated that in February there maybe 1 or 2 cases.

ITEM 8- New Business

None

ITEM 9- Adjourn

A motion was made by Mr. Medford to adjourn and seconded by Mr. McKee. The motion was approved unanimously. The Board adjourned at approximately 7: 41 p.m.

