

OCONEE COUNTY BOARD OF ZONING APPEALS

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MINUTES

BOARD OF ZONING APPEALS

6:00 PM, MONDAY, NOVEMBER 8, 2018

COUNTY COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

The Oconee County Board of Zoning Appeals held a meeting on November 8, 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. McKee
Mr. Codner
Mr. Honea
Mr. Morgan

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 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 initial work on the Comprehensive Plan project is underway and that the consultants will be here again in January for a joint meeting with the Planning Commission and Council as well as other information gathering activities.

ITEM 6- Special Exception Request for Application SE18-000004 – Request for the construction of a new addition in the form of a storage building to a building supply business at 500 East Fair Play Blvd., Fairplay, SC (Tax parcel ID# 341-00-01-005)

Staff Presentation

Mr. Gilster presented the request to the Board.

Statement of Matter Before the Board

Mr. Huggins explained that the request is to permit the construction of a pre-fabricated building on the site of the existing Yoder’s Building Supply site to house building materials. He went on to state that the section of the Zoning ordinance which addresses the criteria for development in the Fairplay Village Center sub-district of the Village overlay requires that any industrial use request in that subdistrict be reviewed as a Special Exception by the Board of Zoning Appeals. He noted that the building under consideration will be used for storage, not for actual fabrication or production. However, he indicated that a Zoning Administration ruling was that the use is included under the industrial category since it is an extension of the existing use.

Mr. Gilster asked about the existing business. Mr. Huggins pointed out that Yoder’s had been active for many years in the building supply business. The new building is located on the same site. In response to a question about the use type for the new building, Mr. Huggins replied that it would not involve fabrication or industrial activity.

Mr Honea stated that when he was on the Planning Commission and they were developing the Fairplay overlay, the Yoder’s business was used as a template for the type of uses that might come under review. He indicated that it was felt at that time that the Yoder’s complex was a good model for the quality and type of use that would be welcome. He further added that this proposed use is no different than what they are already doing.

Applicant Comments

Mr. Harley Yoder addressed the Board on behalf of the request. In response to a question, he explained that the use would not involve fabricating trusses or other products.

Clarification of Preceding Statement

Upon additional review by staff of this request and process following the November 8 meeting, Mr. Huggins has determined that his analysis of the request was incorrect for the following reason:

The Zoning Ordinance was amended prior to the November 8 Board meeting to eliminate the reference to industrial uses in Section 38-11.2.

The amendment also clarified that any non-residential use would need to be reviewed as a Special Exception, not just uses identified as industrial in kind. However, in order to provide more flexibility in the approval process, the amendment stated that the Board would now have case by case discretion in the application of the design criteria set out in Appendix A to a proposed new non-residential use. Previously, such uses were required to meet all of the stringent standards set forth in the Appendix. These include parking standards, landscaping, buffers, signage and lighting standards, and building design elements.

Statement of Criteria for 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.

Board Action

A motion was made by Mr. Honea to allow the proposed use as a Special Exception subject to the criteria contained in the Zoning Ordinance for use uses. The motion was seconded by Mr. McKee. The Board voted 6-0 to approve the request.

ITEM 7- Old Business

None

ITEM 8- New Business

None

ITEM 9- Adjourn

A motion was made and seconded to adjourn. The motion was approved unanimously. The Board adjourned at approximately 6:30 p.m.