

# OCONEE COUNTY BOARD OF ZONING APPEALS

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## MINUTES

BOARD OF ZONING APPEALS

6:00 PM, MONDAY, JANUARY 28, 2019

COUNTY COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

The Oconee County Board of Zoning Appeals held a meeting on January 28, 2019 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. Honea  
Mr. Morgan

**Staff Present:** Bill Huggins, Planner

**Media present:** None

### ITEM 1- Call to Order

Bill Huggins called the meeting to order at 6:00 p.m. Mr. Huggins stated that officers for the new year need to be named in order to seat a new Chairman.

Mr. Huggins received nominations. Mr. Gilster indicated he would be willing to serve in that capacity again, and a motion was made nominating him. There were no other nominations. Board voted 5-0 to name Mr. Gilster Chairman for 2019. A motion was made by Mr. Codner to nominate Mr. McGhee as Vice-Chairman. There were no other nominations, and the Board voted 5-0 with Mr. McGhee abstaining to name him Vice-Chairman. After a motion by Ms. Fowler, and a second by Mr. Morgan, the Board voted 5-0 to name Mr. Huggins as Secretary.

### ITEM 2 Approval of Minutes from November 8, 2018 meeting

Mr. Gilster noted two changes need to the draft minutes, and Mr. Huggins stated that these modifications would be made. Mr. Codner made a motion to

approve the minutes from November 8 as modified. Board voted 5-0 to approve the minutes.

ITEM 3- Public Comment (Non-Agenda)  
No one from the public signed up to address the Board or make comments.

ITEM 4- Staff Update

None

ITEM 5- Special Exception Request for Application SE18-000007 – Request for the construction of a new 78’ x 100’ building as addition to an existing warehouse at Yoder’s Building Supply at 500 E Fairplay Boulevard, Fairplay, SC - Tax Parcel ID# 341-00-01-003

#### Staff Presentation

##### Statement of Matter Before the Board

Mr. Huggins explained that in the previous request for Yoders he had stated that industrial uses in the Village Center overly in Fairplay required BZA approval and that the use in question had been judged to be industrial in nature. In fact, the industrial reference had already been removed from the Ordinance by amendment, but any non-residential use still required Board review. Mr. Huggins also noted that the Appendix A standards still do apply, should The Board choose to apply any or all of them. In addition, the standard criteria for consideration of a Special Exception must also be considered by the Board in making a decision.

The current request is for a new building/expansion on the Yoder site for storage of materials.

##### Applicant Comments

Mr. Harley Yoder addressed the Board on behalf of the request. He stated that the request is an addition to an existing building and will be used to store cabinets and windows. He also clarified the location of the proposed building on the site for the benefit of Board members.

Mr. Yoder stated that Appendix A was never intended to be used in relation to the Fairplay Village Center overlay.

##### 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**

The Board determined to vote on the request with one motion encompassing all of the criteria required for consideration. Mr. Coder made a motion to consider all of the criteria with a single motion. The motion was seconded and passed unanimously.

Mr. Huggins read the criteria into the record. A motion was made by Mr. and seconded to approval the request based upon its conformance to the stated criteria. The motion was approved unanimously (5-0).

#### **ITEM 6. Approval of Board Calendar for 2019**

A motion was made and seconded to approval the Board calendar established for 2019. The motion was approved unanimously (5-0).

ITEM 7- Old Business  
None

ITEM 8- New Business

Mr. Gilster stated that he does not feel that Board should make the determination about whether or not any of the requirements of Appendix A should apply to projects within the various overlays.

Mr. Chapman stated that the issue does need to be addressed, based on the interests of the Fair Play stakeholders and he suggested sending the issue to Council for consideration.

A motion was made and seconded to send the item to Council for consideration and possible referral to Planning Commission.  
The motion was approved by a unanimous vote (5-0).

ITEM 9- Adjourn

A motion was made and seconded to adjourn. The motion was approved unanimously. The Board adjourned at approximately 6:28 p.m.