

## OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

6:00 PM, MONDAY, February 24th, 2020  
COUNCIL CHAMBERS  
OCONEE COUNTY ADMINISTRATIVE COMPLEX

- ITEM 1- **Call to Order**
- ITEM 2- **Approval of Minutes of January 27<sup>th</sup>, 2020 Meeting**
- ITEM 3- **Approval of Board Calendar for January of 2021**
- ITEM 4- **Election of Secretary**
- ITEM 5- **Variance request for Application #VA 20-000002 \_ 9' Variance from the 10' setback requirement for new structures from the rear-setback at 735 Coneross Creek Road, Seneca 29678 (TMS) #293-04-01-008.**
- ITEM 6- **BZA Continuing Education date – May 4<sup>th</sup> – 3:30 to 4:30 – Council Chambers**
- ITEM 7- **Member attendance**
- 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**

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**MINUTES**  
BOARD OF ZONING  
APPEALS 6:00 PM,  
MONDAY, JANUARY 27,  
2020

COUNTY COUNCIL  
CHAMBERS OCONEE COUNTY  
ADMINISTRATIVE COMPLEX

The Oconee County Board of Zoning Appeals held a meeting on January 27, 2020, at 6:00 PM in Council Chambers at the Oconee County Administrative Building, 415 S. Pine St., Walhalla, SC 29691.

**Members Present:** Bill Gillster  
Jim Codner  
John Eagar  
Charles Morgan

**Staff Present:** Bill Huggins, Planner and Board Secretary

**Media present:** None

**ITEM 1 Call to Order**

Mr. Huggins called the meeting to order at 6 p.m.

**ITEM 2 Election of Board Officers for 2020**

Mr. Huggins opened the floor for nominations for the position of Board Chairman for the 2020 calendar year. Mr. Gilster nominated Jim Codner, seconded by Mr. Eagar. There were no further nominations, and the Board voted 4-0 to elect Mr. Codner to the position.

Mr. Codner received the gavel to begin his role as Chairman. Mr. Codner opened the floor for Vice Chairman nominations. Mr. Gilster nominated Mr. Morgan for the position. There were no further nominations, and the Board voted 4 -0 to select Mr. Morgan for the position.

Next, Mr. Eagar nominated Mr. Huggins to continue serving as Secretary for the Board, and Mr. Morgan seconded. There being no further nominations, The Board voted 4- 0 to select Mr. Huggins for the position.

**ITEM 3 Approval of Board Calendar for 2020**

Next, the Board voted 4- 0 to approve the Calendar for 2020.

**ITEM 4 Approval of Minutes of the September 23, 2019 Meeting**

Mr. Gilster noted an error in page three of the agenda packet from the September meeting in the sixth paragraph. The draft minutes' state that "Mr. Gilster stated that he would like to place a larger responsibility on staff to provide more complete information, including photos, so that site visits are needed." Mr. Gilster stated that the word "not" should be inserted between "are" and "needed" at the end of the sentence. The last section should state "so that site visits are not needed." Mr. Eagar made a motion to adopt the minutes as amended. Mr. Morgan seconded. The minutes were approved by a 4-0 vote as amended.

**ITEM 5 Variance Request for Application #VA 20-000001**

Mr. Huggins introduced and explained the request for a 20' setback variance from the 25' front setback requirement for signs in the Control Free District. The request is to allow the sign within five feet of the front property line as an identification sign for a new gun range business along Clemson Blvd. near the intersection with Old Clemson Highway. The applicant had stated in his submittal that the required setback would place the sign within the travel lane of the business parking lot and would also

impede the proposed internal connection of the business with the existing 7-11 convenience store adjoining the site to the east.

Next the applicant addressed the Board to explain the request. Eric McCullum from Deep South Defense stated that the variance request is to place the sign five feet from the right of way line, and essentially in line with relative to the right-of-way with the existing 7-11 sign and other signs in the area.

Next Mr. John Royal spoke on behalf of the request. He stated that he once owned property across Clemson Blvd behind the new Bojangles location. He expressed support for the business.

### **Staff Comment**

Mr. Codner asked for any further comments from staff. Mr. Huggins responded to comments from Mr. McCullum about the orientation of other free standing signs in the area. He explained that it is likely that most of those signs were installed prior to the current zoning ordinance and sign ordinance setback minimum. He further noted that an amendment in recent years to the ordinance established the 25' setback figure, making it consistent with the setback requirement for any vertical structure.

### **Board Comments and Discussion**

The Board voted 4-0 to consider each of the criteria for approval of a variance separately, thus voting on each individually.

#### Criteria

1. *Extraordinary and Exceptional Condition that pertains to the subject property that does not generally apply to other land or structures in the vicinity.*

Mr. Gilster stated that he felt the applicant would have known the requirements for placement before layout of the parking lot and site. He saw no extraordinary conditions associated with the request. Mr. Morgan stated that the parking lot is apparently a part of the overall design. He continued that he didn't feel this is a safety issue to allow the sign closer to the front line. Mr. Huggins was not aware of any explicit safety issues. Mr. Morgan felt allowing the request would be beneficial to the business and to others in the area as well.

Mr. Morgan suggested that by locating the sign farther back than most signs in the area, the new installation will stand out more and have more of a negative visual impact.

Mr. Gilster stated that the vote needed to be taken based on community issues, not on the previous code requirement.

Mr Morgan expressed concern for establishing consistency with signage placement throughout the area. Mr. Codner indicated

that he saw no compelling reason why the sign can not be placed somewhere other than the location desired by the applicant.

Mr. Eagar expressed concern about placing the sign in the middle of the parking area and how it might preclude the use of an connecting drive between the two businesses.

Mr. Gilster stated that it is not the Board's job to question the current setback requirement but to address whether or not the request meets the criteria for granting a variance.

Mr. Huggins responded to concerns by Mr. Morgan and others about the setback requirement in the ordinance by stating that the Board could agree to request that Council consider its concern and whether or not the current setback requirement is appropriate. However, that is not the issue before the Board in the current matter.

Mr. Codner added that he sees no special conditions associated with the property itself that precludes the applicant from meeting the requirement.

Other options for placement were also discussed.

Mr. Eagar asked that Mr. McCullum indicate whether or not other options would work for the sign. Mr. McCullum responded that the deceleration lane of the highway is 75' from the edge of the parking area. Therefore, the sign as proposed would not create a visual impediment or a problem with ingress or egress along that corridor.

Mr. Gilster asked if Mr. McCullum was aware at the time the site was designed and approved for construction about the sign setback issue. He indicated that all the plans were submitted together and he was not aware of the problem until the formal application for a sign permit was submitted.

Mr. Huggins stated that he did not know the sequence of submittals and approvals on this application.

### **VOTE on Criterion 1**

Board voted 2-2 on the validity of this criterion. This constitutes a denial of the motion.

Mr. Gilster and Mr. Cogner voted no. Mr. Morgan and Mr. Eagar voted yes.

Mr. Huggins stated that the failure of this motion constitutes a

denial of the request without considering the remaining criteria, since all criteria must be met. However, the Board decided to vote on the remaining criteria as a matter of record.

**Vote on Criterion 2**

The Board voted 2-2 on this criterion. This constitutes a denial of the motion.

Mr. Gilster and Mr. Cogner voted no. Mr. Morgan and Mr. Eagar voted yes.

**Vote on Criterion 3**

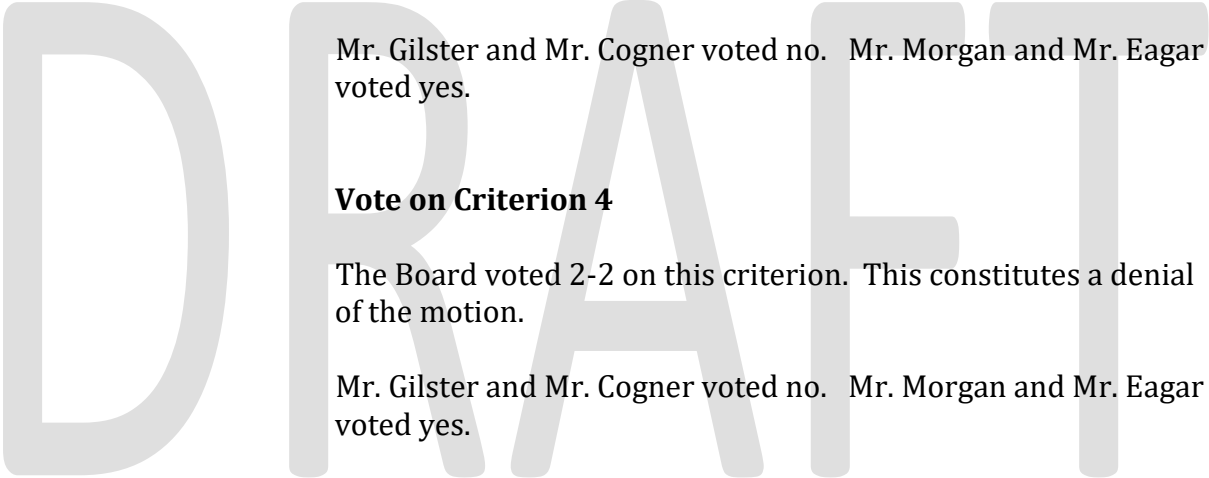
The Board voted 2-2 on this criterion. This constitutes a denial of the motion.

Mr. Gilster and Mr. Cogner voted no. Mr. Morgan and Mr. Eagar voted yes.

**Vote on Criterion 4**

The Board voted 2-2 on this criterion. This constitutes a denial of the motion.

Mr. Gilster and Mr. Cogner voted no. Mr. Morgan and Mr. Eagar voted yes.



**ITEM 6 Public Comment (Non-Agenda)**

Mr. John Royal spoke to the Board about supporting new businesses and giving some latitude in addressing code requirements.

**ITEM 7 Old Business**

None

**ITEM 8 New Business**

None

**ITEM 9 Adjourn**

The meeting was adjourned by a 4-0 vote at 7:00 p.m.

Variance Request for Application #VA 20-000002 :  
9' Variance from the 10' setback requirement for new structures from the rear-setback at 735 Coneross Creek Road, Seneca 29678 (TMS) #293-04-01-008.

## **APPLICANT RESPONSES TO SECTION 38-7.1**

- 1. Describe the extraordinary and exceptional condition (such as size, shape, and topography) that pertains to the subject property that does not generally apply to other land or structures in the vicinity:**

We are limited to the location we can build our house. The drainage from Coneross Creek Road forced the septic system to be installed in the location permitted. This then forces the house to only have one location. The rear property is lake front but does have a Corp line. The only restriction is that no structure can cross the line. The location of my house will not cross this line but will require approval from Oconee County. My requested location is not within 10' of any privately owned property. I am asking that Oconee County allow me to locate the house as close as 1 foot to the Corp line on one corner of the sun room.

- 2. Are the circumstances affecting the subject property the result of actions by the applicant/owner? Explain:**

I have not taken any action that resulted in these circumstances.

- 3. Describe the ways in which application of the requirement(s) of the ordinance effectively prohibit or unreasonably restrict the utilization of the subject property:**

I have looked at several house plans and none will work without coming closer than 10' to the Corp line. I have reduced the size of my house to work if the variance is approved.

- 4. Will the proposed variance result in an activity that 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? Explain:**

No.

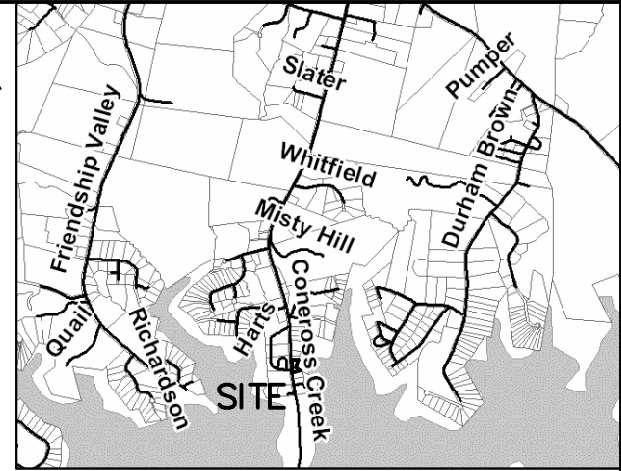


Coneross Creek Road S-37-184

TMS# 293-04-01-011  
 Lots 10 & 11  
 Stock Loan Services, LLC  
 DB 1853 Pg 184  
 PB W Pg 21

Combined  
 Lots 8 & 9  
 0.668 Ac.  
 29,085 Sq.Ft.

TMS# 293-04-01-011  
 Lot 7  
 Stock Loan Services, LLC  
 DB 1853 Pg 184  
 PB W Pg 21



Vicinity Map (NTS)



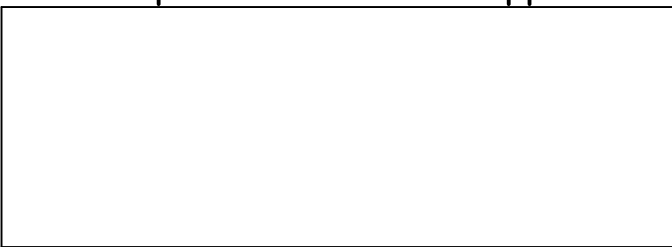
U.S. Government  
 Lake Hartwell

**SURVEY NOTE**

These lots have been re-surveyed and monumented at some time in the past. No new survey plat or deed description was found recorded. Monuments were found on the COE line and along the R/W of Coneross Creek Rd. to match the front and rear distances shown on PB W Pg 21. These monuments cause the lots to be 20' to 30' less in depth than the plat shows. It is apparent in the field that these monuments have been honored as the boundary to the lots, therefore this survey plat shows the existing monuments found.

U.S. Government  
 Lake Hartwell

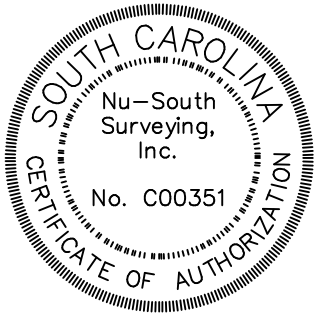
**Development Standards Approval**



Lots 7, 8, & 9 are shown as one Tax Parcel # 293-04-01-008. The lots were conveyed as individual lots in DB 1853 Pg 184. These lots have not been combined by survey as one parcel. The intent of this survey is to combine Lot 8 & 9 into one lot and leave lot 7 as a individual lot.

**NOTES:**

- 1) TMS# 293-04-01-008
- 2) Reference Deed; DB 1853 Pg 184
- 3) Reference Plat; PB W Pg 21
- 4) Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject property: easements, other than possible easements that were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations, and any other facts that an accurate and current title search may disclose.



"I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also there are no visible encroachments or projections other than shown."

Earl B. O'Brien R.L.S. No.10755

Map #	Surveyed By	Drawn By	Checked By
9422	WH, GK	EBO	EBO
<b>Legend</b> (Old)      (New) ●          ○ 1/2" Rod ■          □ Mag Nail ▲ Computed Pt.		Survey and Certification for <h2 style="text-align: center;">Bobby Moffitt</h2> <p style="text-align: center;">NON-Transferable</p>	
 <b>Nu-South Surveying Inc.</b> 117 E. Mauldin St. Anderson S.C. 29621 (864) 224-2754		Revised Jan.29,2020 to show existing garage and proposed dwelling Oconee County      South Carolina Scale 1"= 50'      Date: Aug.14,2013 	

THIS DRAWING AND THE DESIGN SHOWN THEREON ARE THE PROPERTY OF NU-SOUTH SURVEYING, INC. THE REPRODUCTION, COPYING OR USE OF THIS DRAWING WITHOUT WRITTEN CONSENT IS PROHIBITED AND ANY INFRINGEMENT WILL BE SUBJECT TO LEGAL ACTION.

Amended 4-3-14 JK

Justice 10-7  
828-674-8844 3:00



### PERMIT TO CONSTRUCT Onsite Wastewater System

File Nbr **2014030020**  
County: **Oconee**

Name: JOHN MOFFITT

Program Code: 360

Type Facility: HOUSE

Address: PO BOX 772  
EAST FLAT ROCK, NC 28728

System Code: 100

Subdivision:

Site: CONEROSS CREEK RD  
, SC

TM#: 293-04-01-008

Block: Lot: 8 & 9

Water Supply: PUBLIC

#### PERMIT TO CONSTRUCT SYSTEM SPECIFICATIONS

Daily Flow (gpd): 380

Tank Sizes (gal): Septic Tank: 1000 Pump Chamber: Grease Trap:

LTAR: .40

Trenches: Length (ft): 300 Width (in): 38 Max. Depth (in): 37 Agg. Depth (in): 14

Min Pump Capacity: gpm at ft. of Head

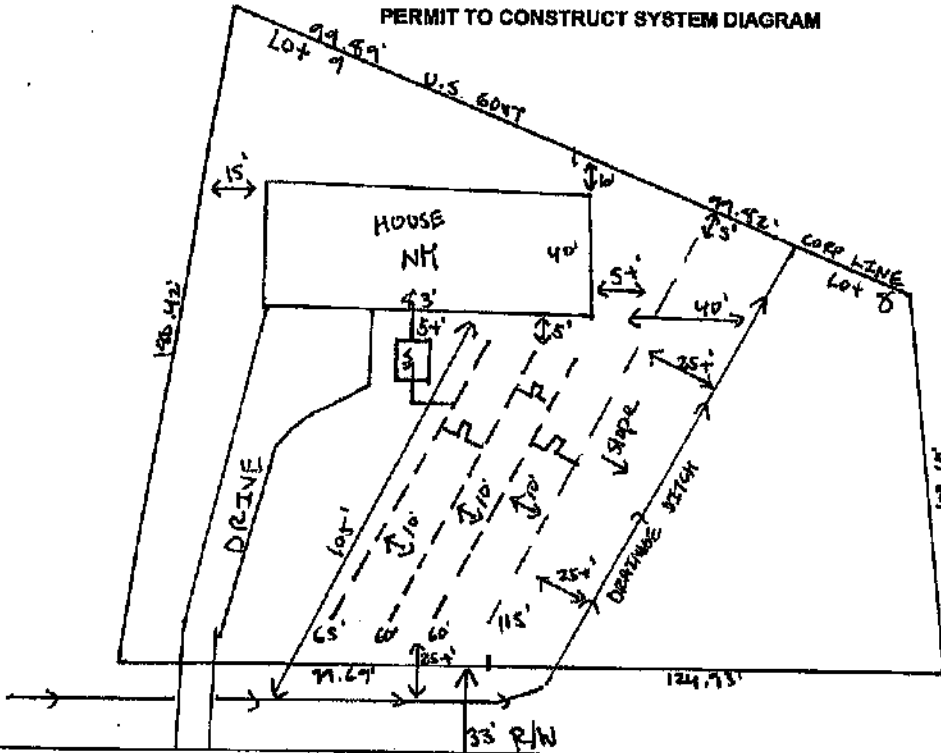
#### SPECIAL INSTRUCTIONS/CONDITIONS

THIS PERMIT IS SITE SPECIFIC. ANY CHANGES TO THE SYSTEM MUST BE APPROVED BY DHEC. ALTERNATIVE TRENCH PRODUCTS APPROVED UNDER STATE RULES AND REGULATIONS MAY BE SUBSTITUTED. ANY UNAPPROVED CHANGES WILL VOID THIS PERMIT.

DRAINLINES MUST FOLLOW LEVEL SURFACE CONTOUR - USE STEP-DOWNS BETWEEN LINES AS NEEDED  
DRAINLINES TO BE 10'+ ON CENTER - SYSTEM MUST BE 5'+ FROM FOUNDATION AND PROPERTY LINES  
DO NOT DRIVE OR PARK OVER SEPTIC SYSTEM  
KEEP DRAINLINES 25'+ FROM DRAINAGE DITCH  
KEEP SYSTEM 50'+ FROM LAKE AT ALL POINTS  
PERMIT IS FOR A HOUSE WITH NO BASEMENT  
MAX DEPTH 37"

#### PERMIT TO CONSTRUCT SYSTEM DIAGRAM

0.668 AC (NTS)



CONEROSS CREEK RD

Issued/Revised By: Th. J. Shape

Date: 3/24/14

DHEC 1781 (01/2014)

This Permit is Appealable Under the Administrative Procedures Act.  
This Permit will Expire and Become Null and Void Five (5) Years from the Issuance Date.  
There may be an Additional Fee for Changes in this Permit that Require a Site Reevaluation.

S/O 3/14

37-57490



Application for Permit to Construct an Individual Sewage Treatment and Disposal System

2014030020

Home Phone No.: 828-545-3696 Work Phone No.: 828-651-7523 Application No.: 2013060014

I, John Robert Moffitt PO Box 772 (Name) (Mailing Address) Re-EVAL

East Flat Rock NC 28726 (City/Town) (State) (Zip Code)

hereby make application for a Permit to Construct an Individual Sewage Disposal System to serve a:

House: [X] Mobile Home: [ ] Other (Specify): [ ]

If in subdivision, give name: Alexander Acres Lot#: 8 & 9 (purchased and combined to one lot)

Street: Coneross Creek Rd Tax Map#: 293-04-01-008

Lot Identification

In order for your application to be processed, stake the corners of the proposed building and center of the lot with distinctive markers. Place site locator card on front of property in a conspicuous location. Contact the Health Department when the lot is staked, house site located, and lot posted. You can prevent delays in the evaluation by flagging all the property corners.

Applicant's Sketch of Proposed Installation on Lot

Sketch must show dimensions, proposed and existing structures, proposed pool, proposed or existing wells (including wells on adjoining property), proposed building to road and property lines. Attach copy of deed describing boundaries or plat.

see attached

Please Give Exact Directions To Lot

- 1. Start out going east on Booker Dr toward S Tugaloo
2. Turn left onto S College St / SC-183
3. Take the 2nd right onto E Main St / SC-28 / SC-183. Continue to follow SC-28. Map/Hide Map SC-28 is just past E South Broad St
4. Turn slight right onto ramp
5. Turn slight right onto S Highway 11 / SC-11
6. Turn slight right onto ramp
7. Turn left onto W Oak Hwy / SC-24
8. Turn left onto Coneross Creek Rd.

No. Bedrooms: 2 to 3

Basement: Full [ ] Partial [ ] None: [X]

Plumbing in Basement: Yes [ ] No [X]

Well: Existing [ ] Proposed [ ] None [X]

Public Water: Yes [X] No [ ]

If commercial establishment, answer following:

Type of Business: \_\_\_\_\_

Number of Occupants: \_\_\_\_\_ Number of Employees: \_\_\_\_\_

Other: \_\_\_\_\_ (i.e., seating capacity, meals per day)

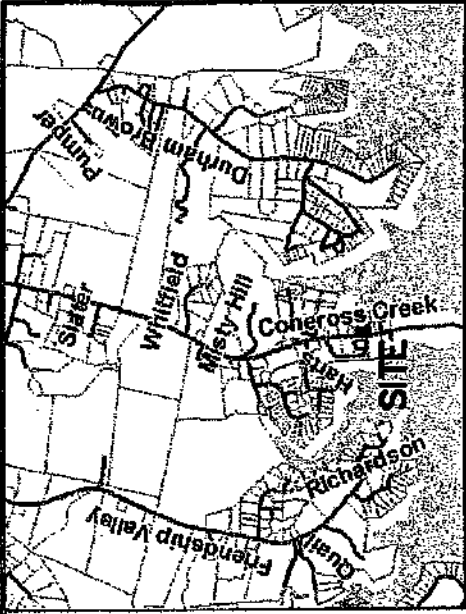
Public Restrooms: \_\_\_\_\_ Number of Hours of Daily Operation: \_\_\_\_\_

Information not in conformance with actual conditions on the property will avoid the Permit to Construct.

Permission is hereby granted for health department representatives to enter the above-described property at reasonable hours for the purpose of septic tank inspection and / or site evaluation.

3/10/14 Date

John Robert Moffitt Property Owner or Agent's Signature



Vicinity Map  
(NTS)



Recorded this 7 day of  
October 20 13  
Vol. B450 Pg. 9  
and Certified

Register of Deeds, Oconee County

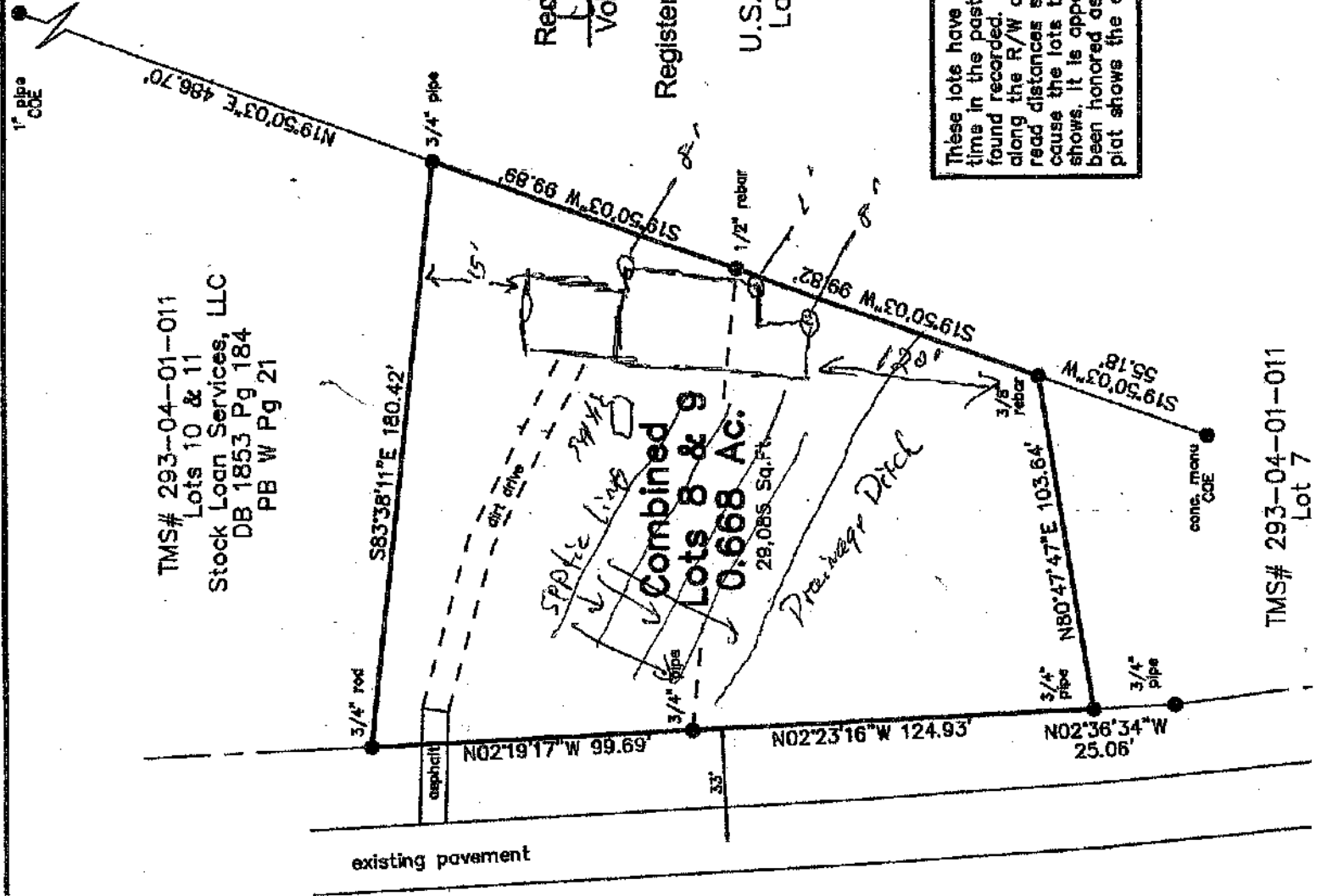
U.S. Government  
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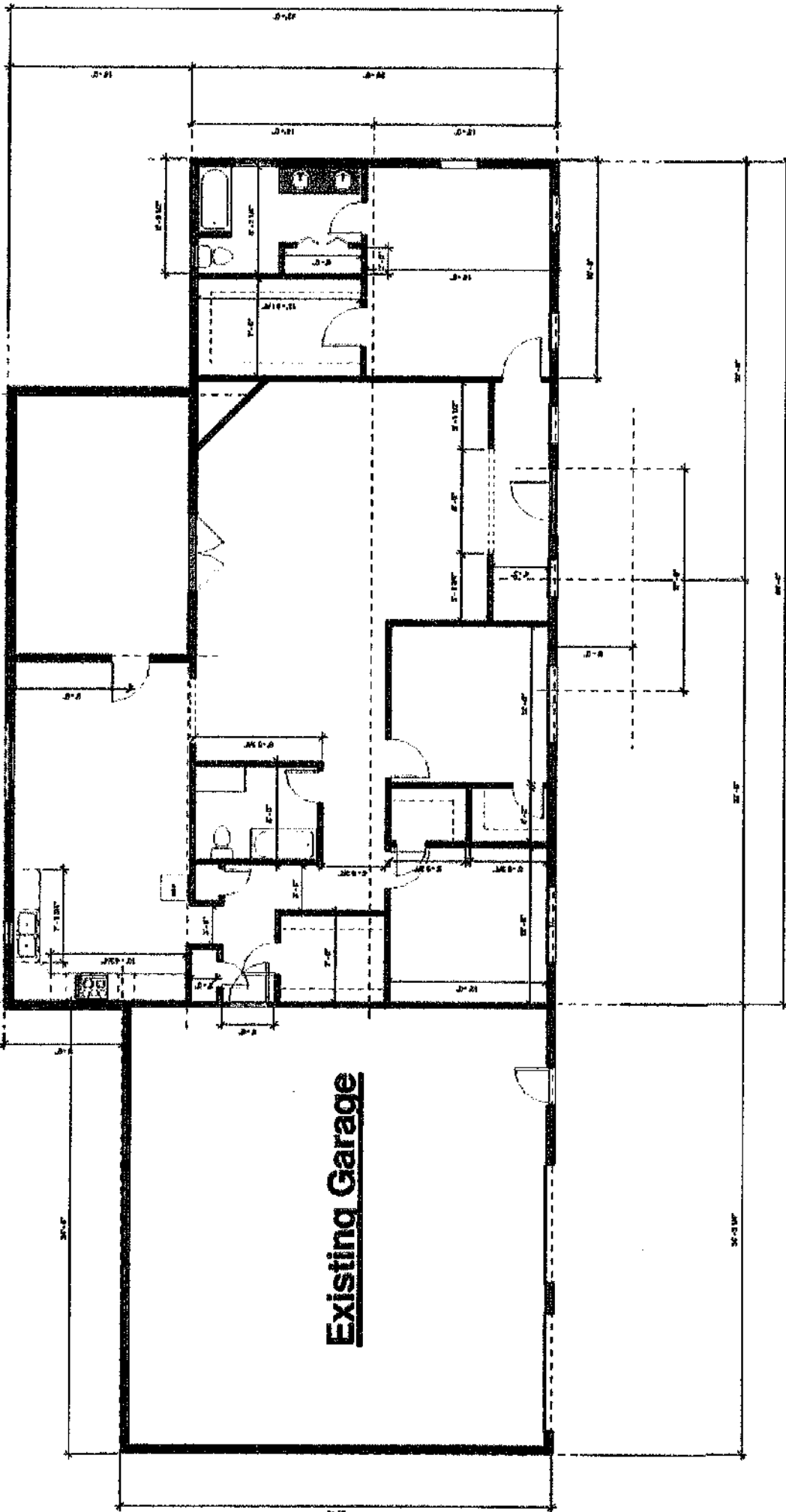
U.S. Government  
Lake Hartwell

TMS# 293-04-01-011  
Lots 10 & 11  
Stock Loan Services, LLC  
DB 1853 Pg 184  
PB W Pg 21



TMS# 293-04-01-011  
Lot 7

Coneross Creek Road S-37-184



**Existing Garage**

B&W VACATION RENTALS LLC  
PO BOX 772  
EAST FLAT ROCK, NC 28726

BROWN MILTON W & VIVIAN G  
710 RECTOR RD  
BELTON, SC 29627

DEJOHN PAUL & JENNIFER  
209 WOOD FARM LN  
SENECA, SC 29678

GIBSON TYLER D & LEE SHERRI D G  
PO BOX 36  
TOWNVILLE, SC 29689

JONES THELMA H  
747 CONEROSS CREEK RD  
SENECA, SC 29678

LALONDE LINDSAY H & BRADY B  
712 CONEROSS CREEK RD  
SENECA, SC 29678

MANLEY CATHY LYNN  
207 RIDGE BAY CT  
GREENVILLE, SC 29611

MCIVER FORDE A III  
731 CONEROSS CREEK RD  
SENECA, SC 29678