

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

**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, 201 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 -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 -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

- . *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 Adjourn**

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

