

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

Minutes

February 24, 2020

6PM

Council Chambers

415 South Pine Street, Walhalla

Members in Attendance

Jim Codner

Gwen Fowler

Marty McKee

John Eagar

Bill Gilster

Staff

Adam Chapman, Secretary

Media

None

ITEM 1- Call to order. Mr. Codner called the meeting to order at 6PM

ITEM 2- Approval of minutes from 01/27/2020 - Mr. Eagar made a motion to approve the minutes, Mr. Gilster seconded the motion. Mr. Codner made a correction to the minutes regarding the spelling of his name. Mr. Eagar amended his motion and Mr. Gilster seconded the amended motion. The three members present at the January 27th meeting of the Board voted unanimously to approve.

ITEM 3- Approval of Board Calendar for January 25th of 2021. As a matter of housekeeping Mr. Codner asked to set the January 2021 meeting for the 25th. Mr. Eagar made the motion, Mr. Gilster seconded the motion.

Vote: 5-0 in favor.

ITEM 4- Election of Secretary. Mr. Eagar nominated Adam Chapman, Planning Director to be the secretary for the Board of Zoning appeals for 2020. Mr. Gilster seconded the motion.

Vote: 5-0 in favor.

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.

Mr. Chapman gave a synopsis of the variance request. The position of the proposed home, the existing drainage easement, and the septic tank and field placement approved by SCDHEC make placement of the proposed home encroach into the County's 10' setback requirement by 9'.

The applicant, John R. Moffitt, spoke on his behalf. Mr. Moffitt stated that due to the existing drainage easement on the property for drainage from the state road there is only a portion of the property that is functionally buildable. SCDHEC has permitted a septic tank and field in a portion of the buildable area of the property. As the drainage easement and septic filed cannot be built upon the proposed house would need to encroach into the County's 10' rear setback by 9' in order to be built.

Mr. Gilster inquired about the status of the combination of the parcels. Mr. Moffitt noted that while the plats show "Lot 8" and "Lot 9" those lots are combined.

Mr. Codner asked the what the distance of the property line from them shore of the lake is. Mr. Moffitt estimated 300-350'. Mr. Chapman utilized Google Earth to do a rough measurement and showed 292' from the lake shore.

There were no other attendees speaking for or against the variance request.

A letter by Mr. Moffitt's neighbor, Ford McIver, was read into the record by Mr. Codner. The letter stated support for the variance request.

Mr. Codner stated that the Board would be voting on all the variance criteria individually, as opposed to one vote on all the variance criteria.

Mr. Codner began the process for considering the variance request.

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
Mr. Eagar made the motion, Mr. Gilster seconded the motion. Mr. Codner noted that the drainage across the property restricts the use and is an unusual situation.
Vote: 5-0 in favor
- (2) These conditions do not generally apply to other property in the vicinity;
Mr. Eagar made the motion, Mr. Gilster seconded the motion. Mr. Codner stated that this does not seem to be a normal situation in the community.
Vote: 5-0 in favor
- (3) Because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

Mr. Eagar made the motion, Mr. McKee seconded the motion. Mr. Eagar stated that this falls in line with the other above considerations in that this is unique to this property. Mr. Codner stated that this would prohibit the use of the property

- (4) The authorization of a variance 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.

Mr. Eagar made the motion, Mr. McKee seconded the motion. Mr. Codner stated that looking at the property and the distance to the lake, the community is not formally built and designed, the letter of support from the neighbor that this criterion has been met.

Vote: 5-0

Mr. Codner stated that the board finds in favor of request and grants the variance.

ITEM 6- Continuing Education.

Mr. Codner stated that there was a continuing education being hosted by the county and be put on by ACOG. Mr. Chapman asked who would be attending so he could put out a legal advertisement. All present committed to attending.

ITEM 7- Attendance.

Mr. Codner noted that Mr. Honea was no longer on the board and that the County was looking for a District 5 representative. Mr. Codner noted that attending the meetings by the board members is very important and the last meeting was only attended by four of the members.

ITEM 8 – Old Business

None

ITEM 9 – New Business

Mr. Chapman gave an update on the upcoming 2020 United States Census

ITEM 10- Adjourn

Mr. Eagar made a motion to adjourn, Mr. Codner seconded it. Vote: 5-0

Adjourned at 6:29PM