

415 South Pine Street - Walhalla, SC



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

## Agenda

Wednesday, January 27<sup>th</sup> at 6PM

- ITEM 1- Call to Order
- ITEM 2- Election of officers – Chair, Vice-Chair, Secretary
- ITEM 3- Approval of the 2021 calendar of meetings for the Board of Zoning Appeals
- ITEM 4- Brief statement about rules and procedures
- ITEM 5- Approval of minutes - September 28<sup>th</sup>, 2020 meeting

*Staff note: Items 6-9 are related to variances being requested on the same piece of property related to sign height, sign-face area, and number of permitted signs for a Speedway gas station and convenience store located in the vicinity of Exit 4 off of S.C. Highway I-85. Usage of the property, as a gas station and convenience store, is not part of these public hearings.*

- ITEM 6- Variance request for application #VA-20-06A related to number of free-standing signs located at 132 Grubbs Road, Fair Play, SC 29643 TMS# 341-00-04-001.  
**Increase of the number of permitted signs from one (1) sign to two(2) signs.**
- ITEM 7 - Variance request for application #VA-20-06B related to signage height located at 132 Grubbs Road, Fair Play, SC 29643 TMS# 341-00-04-001.  
**190' vertical-increase variance from the 10' height limit for a "high-rise" type sign.**
- ITEM 8- Variance request for application #VA-20-06C related to signage sign-face area located at 132 Grubbs Road, Fair Play, SC 29643 TMS# 341-00-04-001.  
**552 square-foot increase variance from the 75 square-foot limit for the sign faces on the "high-rise" type sign.**
- ITEM 9- Variance request for application #VA-20-06D related to signage height located at 132 Grubbs Road, Fair Play, SC 29643 TMS# 341-00-04-001.  
**10' vertical-increase variance from the 10' height limit for a "goal-post" type sign.**
- ITEM 10- Adjourn

For additional information concerning this hearing

Phone: Planning Office at (864) 638-4218

Email: [planninginfo@oconeesc.com](mailto:planninginfo@oconeesc.com).

Website: [Oconeesc.com](http://Oconeesc.com)>Council> Board of Zoning appeals

**LIMITED IN-PERSON ATTENDANCE PERMITTED**

*Due to the Novel Coronavirus pandemic and the ongoing state of emergency, in-person attendance at this Commission meeting by members of the general public will be limited. Attendance will be limited to twenty percent of the stated maximum occupancy, which equates to thirty-four (34) persons (including Council members, other elected officials, and staff). Attendees will be required to sit in designated seats, appropriately spaced. In-person attendance will be allowed on a "first-come" basis.*

*Additionally, to ensure the meeting otherwise remains open to the public, we will continue to broadcast it live on the County's YouTube channel, which can be found via the County's website at [Oconeesc.com](http://Oconeesc.com). Further, the public may call in and listen by dialing **888-475-4499 OR 877-853-5257** and entering meeting ID # **828 4377 0168**. And, individuals parked in close proximity to Council Chambers may listen to the meeting on FM 92.3.*



## Minutes

Board of Zoning Appeals

6:00 PM- Monday, September 28<sup>TH</sup>- 2020

### Members present:

Jim Codner  
John Eagar  
Gwen Fowler  
Charles Morgan  
Marty McKee

### Staff present:

Adam Chapman, secretary  
Vivian Kompier

### Media present:

None

- ITEM 1- Call to Order – Mr. Codner called the meeting to order at 6PM
- ITEM 2- Brief statement about rules and procedures – Mr. Codner outlined the rules and logistics for the applicants and citizens in council chambers.
- ITEM 3- Approval of minutes of May 28<sup>th</sup>, 2020 meeting.
- ITEM 4-** Special exception hearing for application #SE20-02- Construction of a new communication tower. The applicant is applying to construct a 250' tall communication tower located at 224 Highway 107 in Mountain Rest TMS 093-00-01-049

Mr. Codner opened the hearing. The applicant, Johnathan Yates or Hellman, Yates, and Tisdale attorneys and counselors at law introduced the proposed communications tower plan. Mr. Yates provided visual representations of the proposed tower's height from various locations in the immediate area. Mr. Yates noted this tower will include AT&T's "First-net service" which is to operate, maintain, and improve the first high-speed, nationwide wireless broadband network dedicated to public safety.

Mr. Codner opened the floor for public comment in support or in opposition to the proposed communication tower:

<b>Speaking in-favor of the project</b>	<b>Representing</b>	<b>Reason in-favor</b>
Charlie Price	Self	Emergency services communications
Bob Craig	Property owner	Betterment of the community via communications
<b>Speaking in-opposition of the project</b>		
Mike Ahern	Self	Visual nuisance, phone and internet available already, lighting nuisance, scenic highway location
Ernie Lombard	Self	Visual nuisance and not compatible with the scenic highway.
Lee Ahern	Self	Visual nuisance and not compatible with the scenic highway. Not against tower, just against the tower there.

Rebuttal by Mr. Yates:

Mr. Yates noted that the lighting issues will be upscale, there will be little to no traffic generated, this project will provide improved wireless communications and internet services, and the ability for first responders to utilize AT&T's FirstNet services.

Mr. Eagar asked if the tower could be moved back off the road further. Mr. Yates indicated due to technical specifications it could not be located elsewhere on the property. Mr. Morgan asked about the distance from the road, Mr. Yates noted it will be 266' from the road. Mr. Codner asked Mr. Chapman to present the balloon-test photos to the citizens present.

Mr. Codner began the voting process with the Special Exceptions Sec. 32-5 General criteria for granting a special exception.

1. *is* in accordance with the comprehensive plan and 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;
  - a. Motion: Mr. Eagar made the motion Mr. Morgan seconded the motion.
  - b. Discussion: Mr. Morgan noted the similarities to a prior case for a communications tower on Highway 11 and that

the Board felt that a communications tower adjacent to a scenic highway was not appropriate.

Mr. Codner noted this a balance of needs of technology and the needs to keep a scenic area scenic and that this communication tower conforms to the comprehensive plan.

Mr. Eagar noted this tower conforms to the comprehensive plan.

c. Vote: Vote 4:1 with Mr. Morgan voting against

2. *is* in the best interests of the county, the convenience of the community and the public welfare;

a. Motion: Mr. Eagar made the motion and Mr. Mckee seconded.

b. Discussion: Mr. McKee noted that safety needs being met are good for the general welfare of the Community.

Mr. Eagar noted this project is in the best interest of the County and community.

c. Vote: 5-0

3. *is* 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;

a. Motion: Mr. Eagar made the motion, Mr. Morgan made the seconded.

b. Discussion: Mr. Morgan noted this is the sticking point and asked if making this a stealth tower to make the tower look like a tree. Mr. Codner asked Mr. Yates if a stealth design is possible. Mr. Yates did not believe so and the way the tower is self-supported without the guy wires a stealth design is the least obtrusive way. Mr. Eagar noted the design as submitted is unobtrusive as shown. Mr. Morgan noted that being consistent with prior Board decisions is important. Mr. Morgan noted that precedent being set on one case being different from another is not consistent. Mr. Morgan does not think the tower is in harmony with the community in the area. Mr. Morgan noted that being consistent with rulings is important. Mr. Codner noted that the board cannot be restricted by previous votes by the board and that the board needs to look at this case with the information presented at this time. Mr. Eagar noted that as we, as a society, become more technology dependent that we have to assist in supporting that growth. Mrs. Fowler noted she lived in Mountain Rest for 30-years and having the ability to call for help is a necessity for both locals and tourists.

c. Vote: 3:2 with Mr. Morgan and Mr. McKee voting against

4. *is* Suitable in terms of effects on highway traffic, parking and safety with adequate access arrangements to protect streets from undue congestion and hazards.

a. Motion: Mr. Eagar made the motion, Mr. Morgan seconded the motion

- b. Discussion: Mr. McKee, Eagar, and Codner noted traffic is a non-issue with this proposed development.
- c. Vote: 5-0

Mr. Codner then noted based on the evidence presented to the Board, do I hear a motion that the proposed special exception be approved (or denied if even one criterion is not met).

- a. Motion: Mr. Eagar made the motion, Mr. Morgan seconded the motion.
- b. Discussion: No additional discussion.
- c. Vote: 4:1 with Mr. Morgan voting against.

**ITEM 5-** Variance request for application #VA20-4- 12.7' variance from the required 25' setback from a right-of-way for permitting an existing carport at 510 Rainbow Road, Seneca 29678 / TMS 241-01-01-001.

The applicant, Brad Johnson, noted that the house had its roof blown off during the Seneca tornado on April 13<sup>th</sup>, 2020. He noted Rainbow road ends at his property and is less than 600' long. Mr. Johnson gave a brief outline of the surrounding properties and the topographic issues related to his property. He did note that the builder built the structure prior to permitting. Mr. Codner noted that six emails were sent in support of this proposed variances. There were no comments in opposition.

1. There *are* extraordinary and exceptional conditions pertaining to the particular piece of property;
  - a) Motion: Mr. Eagar made the motion, Mr. Morgan seconded.
  - b) Discussion: Mr. Codner noted that topography and the road right-of-way appeared to be an issue with this site.
  - c) Vote: 5:0
2. These conditions *do not* generally apply to other property in the vicinity;
  - a) Motion: Mr. Eagar made the motion, Mr. Morgan seconded the motion.
  - b) Discussion: Mr. Codner noted there were unique circumstances.
  - c) Vote: 5-0
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; and
  - a) Motion: Mr. Eagar made the motion, Mr. Morgan seconded the motion.
  - b) Discussion: None
  - c) Vote: 5-0
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.
  - a) Motion: Mr. Eagar made the motion, Mr. Morgan seconded it.

- b) Discussion: Mr. Eagar made the motion, Mr. Morgan seconded it.
- c) Vote: 5-0

Mr. Codner noted” based on the evidence presented to the Board, do I hear a motion that the proposed Variance be approved (or denied if even one criterion is not met)”.

- a. Motion: Mr. Eagar made the motion, Mr. Morgan made the second.
- b. Discussion: None
- c. Vote: 5-0

**ITEM 6-**

Variance request for application #VA20-5- 15’ variance from the required 25’ setback from a right of way for construction of a new home TMS# 052-01-01-057 (unaddressed parcel) on Evergreen Ridge Road, Lot 17, with nearest addressed parcel being 339 Evergreen Road.

Staff note: Mrs. Fowler recused herself from this hearing due to a conflict of interest. Recusal form attached to these minutes.

Mr. Eagar asked staff about the normalcy of a five (5) foot side throughout the County. Mr. Chapman noted five feet is the side setback for Control-free District.

Mr. Lauren Wise, representing himself as a potential buyer. Mr. Wise noted there was an original bench-cut of land for a house however a previous owner placed a septic tank and field. Mr. Wise noted the steepness of the lot as being a constraint to build. Mr. Wise noted the neighboring properties with houses were built prior to the County having development standards and are built very close to the right of way.

Mr. Codner opened the floor for public comment in support or in opposition to the proposed variance:

<b>Speaking in-favor of the project</b>	<b>Representing</b>	<b>Reason in-favor</b>
None	-----	-----
<b>Speaking in-opposition of the project</b>	<b>Representing</b>	<b>Reason in-opposition</b>
Nancy Cochran	Self	Not extraordinary or special in relation to surrounding properties. Contests accuracy of survey
Andrew McCall	Self	Building in this area is a known challenge. Survey provided is not correct. Concerns about traffic and parking issues.

Rebuttal by Mr. Wise:

Mr. Wise noted that the septic permit is being followed and the installed septic tank is in place and only gives thirty feet between septic and road right of way. The consideration is not the view, but the grade of the lot and the existing septic tank and field. Mr. Wise's wife, Mrs. Wise noted where the house is going and the relationship to the required setback, proposed setback variance, septic field, and the neighboring home. Mr. Codner asked if moving the septic field is an option to move the house. Mr. Wise noted that the grade and the lack of native soil would preclude the installation of a different septic system. Mr. Eagar asked if the age of the septic system and if it would still work. Mr. Wise noted that the septic tank location was identified but as they do not own the property there has not been an inspection or any repair done to the existing tank.

1. There *are* extraordinary and exceptional conditions pertaining to the particular piece of property;
  - d) Motion: Mr. Eagar made the motion, Mr. Morgan seconded the motion.
  - e) Discussion: Mr. Morgan noted for safety a steep drop off is not an appropriate thing to build alongside a road. The topography is extraordinary. Mr. Codner agreed with Mr. Morgan.
  - f) Vote: 4-0
  
2. These conditions *do not* generally apply to other property in the vicinity;
  - d) Motion: Mr. Eagar made the motion, Mr. Morgan seconded the motion.
  - e) Discussion: Mr. McKee noted topography is similar to other lots in the area. Mr. McKee noted that the septic system setup on this lot makes this unique. Mr. Morgan noted such a large retaining wall near the road, if the variance is not granted, could be an unnecessary danger. Mr. McKee noted gravel roads, especially narrow ones like this, move over time and the retaining wall could be a hazard that sets this request apart.
  - f) Vote: 4-0
  
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; and
  - d) Motion: Mr. Eagar made the motion, Mr. Morgan seconded the motion.
  - e) Discussion: Mr. Codner noted that the future use of the house, as a private dwelling or as a rental is not what the Board is look at. Mr. Eagar noted that rentals may create more traffic.
  - f) Vote: 4-0

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.
  - d) Motion: Mr. Eagar made the motion, Mr. McKee seconded the motion
  - e) Discussion
  - f) Vote: 4-0

Mr. Codner noted “Based on the evidence presented to the Board, do I hear a motion that the proposed Variance be approved (or denied if even one criterion is not met)”.

- a. Motion/second: Eagar/Morgan
- b. Discussion: None
- c. Vote on original motion with any conditions as amended: 4-0

**ITEM 7- Adjourn**

## **Oconee County Board of Zoning Appeals 2021 meeting schedule**

Board of Zoning Appeals 2021 schedule

Day: Mondays' unless on a Thursday, as noted by "TR".

Time: 6PM

1. January 27
2. February 22
3. March 22
4. April 26
5. May 24
6. June 28
7. July 26
8. August 23
9. September 27
10. October 25
11. November 22
12. January 2022 - 24

# OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

APPLICATION FOR VARIANCE

OCONEE COUNTY, SC

Number of Monument signs  
Variance Application

APPLICANT: David Daffron Speedway, LLC  
Name Title/Organization

PROPERTY OWNER: (If different from applicant)

MAILING ADDRESS: 5446 University Parkway, Winston-Salem, NC 27105

PHONE: Cell: 312-459-7174 Email: ddraffron@speedway.com

Land Line: 336-231-5742

## PROPERTY INFORMATION

STREET ADDRESS: 132 Grubbs Road, Fair Play, Oconee County, SC 29643

TAX PARCEL #: 341-00-04-001, 341-00-04-006 DEED BOOK/PAGE: B610 / P3, A719 / P3

ZONING DESIGNATION: I-85 Overlay, Carolina Gateway ACREAGE: 16.95

## REQUEST

CODE SECTION FROM WHICH A VARIANCE IS REQUESTED: Sec. Appendix "A" (b)(3)(b)(3)

### DESCRIPTION OF REQUEST:

Applicant is requesting a variance to the Oconee County ordinance, Appendix A, Section (b)(3), specifically Item b.3, one-double faced or single faced sign shall be allowed per parcel. The applicant is requesting a variance grant for two (2) monument signs, including a highway high rise sign and a driveway goal post sign.

Instructions:

1. The applicant/owner must respond to the “findings” questions on page 3 of this application (you must answer “why” you believe the application meets the tests for the granting of a variance). See also Section 38-7.1 for additional information. You may attach a separate sheet addressing these questions.
- 2 . You must attach a scaled drawing of the property that reflects, at a minimum, the following:
  - (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the requested variance; (c) existing buildings and other relevant improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested variance.
3. The Zoning Administrator will review the application for sufficiency prior to placing the application on the BZA agenda. If the application does not provide sufficient information, the administrator will contact the applicant to request that the applicant provide the required information. You are encouraged to schedule an application conference with a planner, who will review your application at the time it is submitted to insure the necessary materials is provided.
4. The applicant and/or property owner affirms that the applicant or someone acting on the applicant’s behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the Community Development office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or at to have the restriction terminated or waived, then the Community Development office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.

To that end, the applicant hereby affirms that the tract or parcel of land which is subject of the attached application is  is not  restricted by any recorded

covenant that is contrary to, conflicts with, or prohibits the requested activity.

\_\_\_\_\_ Applicant Signature

\_\_\_\_\_ Date

\_\_\_\_\_ Property Owner Signature

APPLICANT RESPONSES TO  
SECTION 38-7.1

(You may attach a separate sheet)

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.

The project property located in the NE corner of the I-85, Exit 4 interchange is elevated (20 ft +/-), it is over 800 feet north from the I-85 NB/SB lanes and it is heavily wooded all along I-85 with no sight lines to the site. SCDOT requires 750 feet separation from an exit ramp to a commercial driveway. The business needs to be visible while traveling NB or SB as well as from the exit ramp and Whitfield Road intersections for a vehicle to locate the business and negotiate a safe travel path to the business. The HiRise sign will be located along the I-85 RW and the goal post sign 750 feet+ from the nearest exit ramp (SB) at the site development.

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

No, the existing site is undeveloped; the existing tree line extends into the I-85 limited access area. The available access to the site is at Whitfield Road and Grubbs Road intersection and along Grubbs Road along with the undulating topography dictates that the project be developed nearly 800+ feet horizontally north of the I-85 NB/SB lanes. The developer is actively preserving the existing tree canopy.

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.

A properly located and visible sign is essential for landmarking the business. Visibility of the business is essential for its success, a large percentage of the business is generated from I-85. Additionally, restricting a monument sign at the project site greatly impairs the ability of the business to be seen from the interstate lanes or the exist ramp intersections. Any business use of this property would be disadvantaged without installing both a standard goal post monument sign and a standard HiRise sign.

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. Speedway CFL business are commonly located at interstate interchanges. It is a permitted use within the zoning district and provides a service to the local community. The business services include refueling of vehicles and convenience merchandise. Having both a high rise sign and site driveway goal post sign is very typical of this type of business for not only Speedway across the nation, but also for their competitors. The proposed two (2) monument signage (goal post and high rise) variance will not cause an adverse impact on surrounding property values. This is a very typical monument signage configuration that already exit along this I-85 corridor.

# OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

APPLICATION FOR VARIANCE

OCONEE COUNTY, SC

HiRise Sign Face Area  
Variance Application

APPLICANT: David Daffron Speedway, LLC  
Name Title/Organization

PROPERTY OWNER: (If different from applicant)

\_\_\_\_\_

MAILING ADDRESS: 5446 University Parkway, Winston-Salem, NC 27105

PHONE: Cell: 312-459-7174 Email: ddraffron@speedway.com

Land Line: 336-231-5742

## PROPERTY INFORMATION

STREET ADDRESS: 132 Grubbs Road, Fair Play, Oconee County, SC 29643

TAX PARCEL #: 341-00-04-001, 341-00-04-006 DEED BOOK/PAGE: B610 / P3, A719 / P3

ZONING DESIGNATION: I-85 Overlay, Carolina Gateway ACREAGE: 16.95

## REQUEST

CODE SECTION FROM WHICH A VARIANCE IS REQUESTED: Sec. 32-521(3)

DESCRIPTION OF REQUEST:

Applicant is requesting a variance to the Oconee County ordinance, 2020-09 Exhibit A, Section 32-521, specifically Item 3, Signage maximum face area per sign of 75 square feet. The applicant is requesting a variance grant for 1,254 square feet maximum face area for a highway high rise sign.

Instructions:

1. The applicant/owner must respond to the “findings” questions on page 3 of this application (you must answer “why” you believe the application meets the tests for the granting of a variance). See also Section 38-7.1 for additional information. You may attach a separate sheet addressing these questions.
- 2 . You must attach a scaled drawing of the property that reflects, at a minimum, the following:
  - (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the requested variance; (c) existing buildings and other relevant improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested variance.
3. The Zoning Administrator will review the application for sufficiency prior to placing the application on the BZA agenda. If the application does not provide sufficient information, the administrator will contact the applicant to request that the applicant provide the required information. You are encouraged to schedule an application conference with a planner, who will review your application at the time it is submitted to insure the necessary materials is provided.
4. The applicant and/or property owner affirms that the applicant or someone acting on the applicant’s behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the Community Development office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or at to have the restriction terminated or waived, then the Community Development office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.

To that end, the applicant hereby affirms that the tract or parcel of land which is subject of the attached application is  is not  restricted by any recorded

covenant that is contrary to, conflicts with, or prohibits the requested activity.

\_\_\_\_\_ Applicant Signature

\_\_\_\_\_ Date

\_\_\_\_\_ Property Owner Signature

APPLICANT RESPONSES TO  
SECTION 38-7.1  
(You may attach a separate sheet)

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.

The project property located in the NE corner of the I-85, Exit 4 interchange is elevated (20 ft +/-), it is over 800 feet north from the I-85 NB/SB lanes and it is heavily wooded all along I-85 with no sight lines to the site. The business is not visible from the I-85 NB/SB traffic lanes and a 75 SF (33.5SF each side) on a HiRise monument sign would not be visible from either NB / SB lanes.

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

No, the existing site is undeveloped; the existing tree line extends into the I-85 limited access area. The available access to the site is at Whitfield Road and Grubbs Road intersection and along Grubbs Road along with the undulating topography dictates that the project be developed nearly 800+ feet north of the I-85 NB/SB lanes.

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.

A properly located and visible sign is essential for landmarking the business. Visibility of the business is essential for its success, a large percentage of the business is generated from I-85. Additionally, restricting the monument sign area to 75 SF (33.5 SF each side) greatly impairs the ability of the business to be seen from the interstate as well as to provide a driver sufficient distance and lead time to safely maneuver the exit from I-85 either NB or SB. Any business use of this property would be disadvantaged without a standard high rise sign face area over 75 SF.

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. Speedway CFL business are commonly located at interstate interchanges. It is a permitted use within the zoning district and provides a service to the local community. The business services include refueling of vehicles and convenience merchandise. The proposed high rise sign is very typical of this type of business and is a standard height and size for not only Speedway across the nation, but also for their competitors. The proposed high rise signage variance will not cause an adverse impact on surrounding property values. There are multiple high signs that already exist along this I-85 corridor.

# OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

APPLICATION FOR VARIANCE

OCONEE COUNTY, SC

HiRise Sign Height  
Variance Application

APPLICANT: David Daffron Speedway, LLC  
Name Title/Organization

PROPERTY OWNER: (If different from applicant)  
\_\_\_\_\_

MAILING ADDRESS: 5446 University Parkway, Winston-Salem, NC 27105

PHONE: Cell: 312-459-7174 Email: ddraffron@speedway.com

Land Line: 336-231-5742

## PROPERTY INFORMATION

STREET ADDRESS: 132 Grubbs Road, Fair Play, Oconee County, SC 29643

TAX PARCEL #: 341-00-04-001, 341-00-04-006 DEED BOOK/PAGE: B610 / P3, A719 / P3

ZONING DESIGNATION: I-85 Overlay, Carolina Gateway ACREAGE: 16.95

## REQUEST

CODE SECTION FROM WHICH A VARIANCE IS REQUESTED: Sec. Appendix "A" (b)(3)(b)(2)

### DESCRIPTION OF REQUEST:

Applicant is requesting a variance to the Oconee County ordinance, Appendix A, Section (b)(3), specifically Item b.2, signage maximum height of 10'-0". The applicant is requesting a variance grant for 200'-0" maximum height for a highway high rise sign.

Instructions:

1. The applicant/owner must respond to the “findings” questions on page 3 of this application (you must answer “why” you believe the application meets the tests for the granting of a variance). See also Section 38-7.1 for additional information. You may attach a separate sheet addressing these questions.
- 2 . You must attach a scaled drawing of the property that reflects, at a minimum, the following:
  - (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the requested variance; (c) existing buildings and other relevant improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested variance.
3. The Zoning Administrator will review the application for sufficiency prior to placing the application on the BZA agenda. If the application does not provide sufficient information, the administrator will contact the applicant to request that the applicant provide the required information. You are encouraged to schedule an application conference with a planner, who will review your application at the time it is submitted to insure the necessary materials is provided.
4. The applicant and/or property owner affirms that the applicant or someone acting on the applicant’s behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the Community Development office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or at to have the restriction terminated or waived, then the Community Development office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.

To that end, the applicant hereby affirms that the tract or parcel of land which is subject of the attached application is  is not  restricted by any recorded

covenant that is contrary to, conflicts with, or prohibits the requested activity.

\_\_\_\_\_ Applicant Signature

\_\_\_\_\_ Date

\_\_\_\_\_ Property Owner Signature

APPLICANT RESPONSES TO  
SECTION 38-7.1

(You may attach a separate sheet)

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.

The project property located in the NE corner of the I-85, Exit 4 interchange is elevated (20 ft +/-), it is over 800 feet north from the I-85 NB/SB lanes and it is heavily wooded all along I-85 with no sight lines to the site. The business is not visible from the I-85 NB/SB traffic lanes and a 10 feet high monument sign would not be visible from either NB / SB lanes.

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

No, the existing site is undeveloped; the existing tree line extends into the I-85 limited access area. The available access to the site is at Whitfield Road and Grubbs Road intersection and along Grubbs Road along with the undulating topography dictates that the project be developed nearly 800+ feet north of the I-85 NB/SB lanes.

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.

A properly located and visible sign is essential for landmarking the business. Visibility of the business is essential for its success, a large percentage of the business is generated from I-85. Additionally, restricting the location sign to 10 feet greatly impairs the ability of the business to be seen from the interstate as well as to provide a driver sufficient distance and lead time to safely maneuver the exit from I-85 either NB or SB. Any business use of this property would be disadvantaged without a standard high rise sign over 10 feet high.

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. Speedway CFL business are commonly located at interstate interchanges. It is a permitted use within the zoning district and provides a service to the local community. The business services include refueling of vehicles and convenience merchandise. The proposed high rise sign is very typical of this type of business and is a standard height and size for not only Speedway across the nation, but also for their competitors. The proposed high rise signage variance will not cause an adverse impact on surrounding property values. There are multiple high signs that already exit along this I-85 corridor.

\_\_\_\_\_ Date

APPLICANT RESPONSES TO  
SECTION 38-7.1  
(You may attach a separate sheet)

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.

The project property located in the NE corner of the I-85, Exit 4 interchange is elevated (20 ft +/-), it is over 800 feet north from the I-85 NB/SB lanes and it is heavily wooded all along I-85 with no sight lines to the site. The business is not visible from the I-85 NB/SB traffic lanes and a 20 feet high monument sign would not be visible from either NB / SB lanes.

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

No, the existing site is undeveloped; the existing tree line extends into the I-85 limited access area. The available access to the site is at Whitfield Road and Grubbs Road intersection and along Grubbs Road along with the undulating topography dictates that the project be developed nearly 800+ feet north of the I-85 NB/SB lanes.

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# OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

APPLICATION FOR VARIANCE

OCONEE COUNTY, SC

Goal Post Sign Height  
Variance Application

APPLICANT: David Daffron Speedway, LLC  
Name Title/Organization

PROPERTY OWNER: (If different from applicant)  
\_\_\_\_\_

MAILING ADDRESS: 5446 University Parkway, Winston-Salem, NC 27105

PHONE: Cell: 312-459-7174 Email: ddraffron@speedway.com

Land Line: 336-231-5742

## PROPERTY INFORMATION

STREET ADDRESS: 132 Grubbs Road, Fair Play, Oconee County, SC 29643

TAX PARCEL #: 341-00-04-001, 341-00-04-006 DEED BOOK/PAGE: B610 / P3, A719 / P3

ZONING DESIGNATION: I-85 Overlay, Carolina Gateway ACREAGE: 16.95

## REQUEST

CODE SECTION FROM WHICH A VARIANCE IS REQUESTED: Sec. Appendix "A" (b)(3)(b)(2)

DESCRIPTION OF REQUEST:

Applicant is requesting a variance to the Oconee County ordinance, Appendix A, Section (b)(3), specifically Item b.2, signage maximum height of 10'-0". The applicant is requesting a variance grant for 20'-0" maximum height for a highway rise sign.

Instructions:

1. The applicant/owner must respond to the “findings” questions on page 3 of this application (you must answer “why” you believe the application meets the tests for the granting of a variance). See also Section 38-7.1 for additional information. You may attach a separate sheet addressing these questions.
- 2 . You must attach a scaled drawing of the property that reflects, at a minimum, the following:
  - (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the requested variance; (c) existing buildings and other relevant improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested variance.
3. The Zoning Administrator will review the application for sufficiency prior to placing the application on the BZA agenda. If the application does not provide sufficient information, the administrator will contact the applicant to request that the applicant provide the required information. You are encouraged to schedule an application conference with a planner, who will review your application at the time it is submitted to insure the necessary materials is provided.
4. The applicant and/or property owner affirms that the applicant or someone acting on the applicant’s behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the Community Development office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or at to have the restriction terminated or waived, then the Community Development office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.

To that end, the applicant hereby affirms that the tract or parcel of land which is subject of the attached application is  is not  restricted by any recorded

covenant that is contrary to, conflicts with, or prohibits the requested activity.

\_\_\_\_\_ Applicant Signature

\_\_\_\_\_ Date

\_\_\_\_\_ Property Owner Signature

APPLICANT RESPONSES TO  
SECTION 38-7.1

(You may attach a separate sheet)

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.

The project property located in the NE corner of the I-85, Exit 4 interchange is elevated (20 ft +/-), it is over 800 feet north from the I-85 NB/SB lanes and it is heavily wooded all along I-85 with no sight lines to the site. The business needs to be visible from the exit ramp and Whitfield Road intersections for a vehicle to locate the business and negotiate a safe travel path to the business.

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

No, the existing site is undeveloped; the existing tree line extends into the I-85 limited access area. The available access to the site is at Whitfield Road and Grubbs Road intersection and along Grubbs Road along with the undulating topography dictates that the project be developed nearly 800+ feet horizontally north of the I-85 NB/SB lanes.

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.

A properly located and visible sign is essential for landmarking the business. Visibility of the business is essential for its success, a large percentage of the business is generated from I-85. Additionally, restricting the location sign to 10 feet greatly impairs the ability of the business to be seen from the interstate exist ramp intersections. Any business use of this property would be disadvantaged without a standard goal post monument sign over 10 feet high.

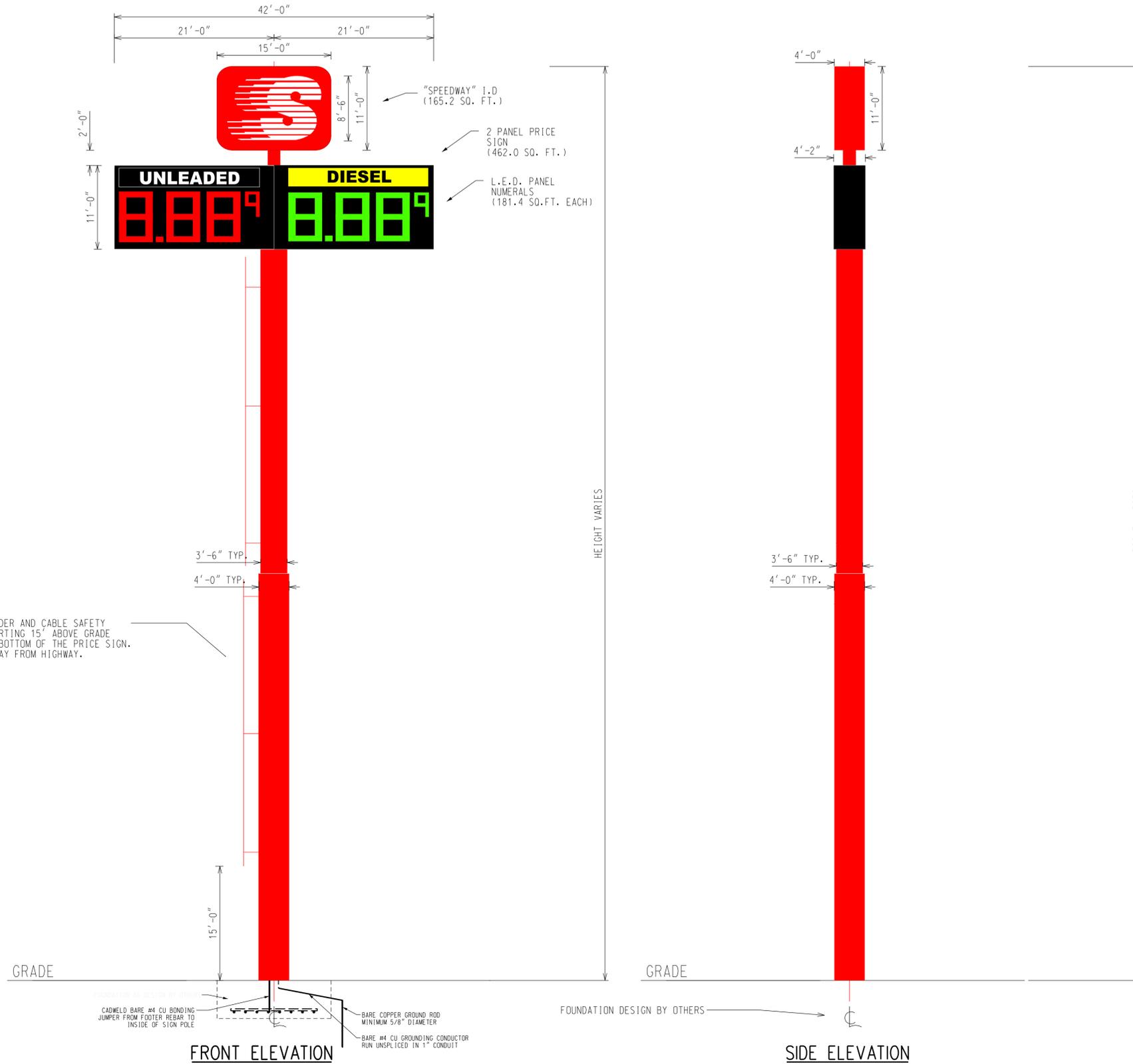
4. Will the proposed variance result in an activity that will not be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance. Explain.

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# LED HIGH-RISE SIGN ELEVATION

## NOTES

- INSTALL WITH DIESEL TOWARD THE HIGHWAY BOTH SIDES
- ALL PRODUCT PANELS ARE BACK-TO-BACK
- INTERNAL ILLUMINATION OF LOGO AND PRODUCT PANELS WITH LED'S
- INSTALL SAFETY LADDER UNDER UNLEADED SIDE
- DECORATE LOGO FACE BACKGROUND WITH 3036-33 RED VINYL
- LED NUMERALS ARE 89" TALL WITH A 12" WIDE STROKE
- PAINT POLE SHERWIN WILLIAMS SHER-CRYL SW 4081 SAFETY RED COLOR



**NOTE**  
THIS DRAWING IS FOR REFERENCE ONLY AND IS NOT TO BE USED FOR INSTALLATION



Prepared By:  
Speedway Engineering and Construction Dept.  
Enon, OH 45323

NO.	REVISIONS	DATE	BY	DESCRIPTION
1.	ISSUED FOR CONSTRUCTION	08/21/15	J. FRYE	ISSUED FOR CONSTRUCTION
2.	UPDATED DIESEL PLACARD COLOR TO YELLOW	08/21/15	J. FRYE	UPDATED DIESEL PLACARD COLOR TO YELLOW
3.	UPDATED DIESEL PLACARD PRIORITY	08/21/15	J. FRYE	UPDATED DIESEL PLACARD PRIORITY
4.	NAME CHANGE TO HIGH - RISE	08/21/15	J. FRYE	NAME CHANGE TO HIGH - RISE
5.	ADD TAX EXEMPT CASH/CREDIT DSL OPTION	08/21/15	J. FRYE	ADD TAX EXEMPT CASH/CREDIT DSL OPTION
6.	BONDING UPDATE AT SIGN BASE FRONT ELEVATION	08/21/15	J. FRYE	BONDING UPDATE AT SIGN BASE FRONT ELEVATION
7.	DELETE TAX EXEMPT OPTION	08/21/15	J. FRYE	DELETE TAX EXEMPT OPTION
8.	REMOVED CASH/CREDIT OPTION	08/21/15	J. FRYE	REMOVED CASH/CREDIT OPTION

## SPEEDWAY LED HIGH - RISE SIGN DETAILS

STORE OR BLDG. NO.	
VERSION OR PROJECT ID	
SCALE	1/8" = 1'-0"
DESIGN TEAM	DATE
DGNR. E. NICHOLAS	11-25-15
P.MGR. J. FRYE	11-25-15
RYWR. B. BAIRD	11-25-15
DRWG. NO.	STD-AHR

45371163-45371164-45371165-45371166-45371167-45371168-45371169-45371170-45371171-45371172-45371173-45371174-45371175-45371176-45371177-45371178-45371179-45371180-45371181-45371182-45371183-45371184-45371185-45371186-45371187-45371188-45371189-45371190-45371191-45371192-45371193-45371194-45371195-45371196-45371197-45371198-45371199-45371200

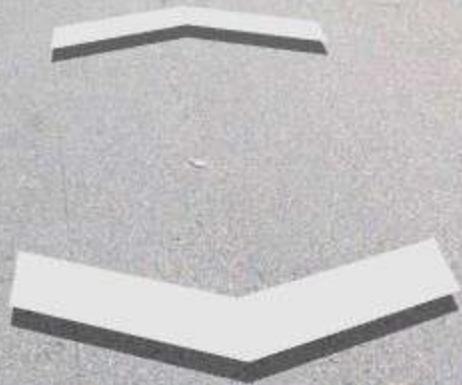












337-00-05-005  
SPORTSWEAR UNLIMITED INC A SO CAF  
5739 AIRPORT RD  
ANDERSON, SC 296240000

337-00-05-006  
RICHARDSON LILLIE MAE W ETAL L/E  
1004 E FAIRPLAY BLVD  
FAIRPLAY, SC 29643

337-00-05-033  
MEADER HARRY L III & BRENDA G  
8545 96TH CT  
VERO BEACH, FL 329673447

337-00-05-043  
MOSELY STEPHANIE  
100 ACE HIGH STABLES RD  
CRAWFORDVILLE, FL 32327

337-00-05-067  
TUGALOO SELF STORAGE  
8800 HOLLY BROOK LN  
MINT HILL, NC 28227

341-00-02-010  
THE ESTATE OF LESSIE WHITFIELD  
330 RICHEY RD  
FAIR PLAY, SC 29643

341-00-02-011  
MORGAN JOHN D LIV TST  
455 LONGBOAT CLUB RD #304  
LONGBOAT KEY, FL 34228

341-00-03-002  
BROWN JAMES ELLIOTT TST  
1004 E FAIRPLAY BLVD  
FAIR PLAY, SC 29643

341-00-04-001  
WILLIAM G COLLINS LLC  
115 MUSKHOGEAN RD  
FAIR PLAY, SC 29643

341-00-04-005  
GRUBBS ROBERT GREGORY & PAULA A  
PO BOX 233  
FAIR PLAY, SC 29643

341-00-04-006  
WILLIAM G COLLINS LLC  
115 MUSKHOGEAN RD  
FAIR PLAY, SC 29643