



Minutes

6:00 PM – March 22, 2021

Members in Attendance

Jim Codner
John Eagar
Bill Gilster
Bill Decker
Tim Mays

Staff

Adam Chapman, Secretary
Vivian Kompier

Media

None

ITEM 1- Call to Order

Mr. Codner called the meeting to order at 6pm.

ITEM 2- Approval of minutes of January 27, 2021 meeting – Minutes not available at the time of the meeting.

ITEM 3- Brief statement about rules and procedures

Mr. Codner outlined the proceedings of the meeting going forward.

- A. Applicant will provide a presentation about the needs for the variance for 5-minutes with the chairman having the unilateral ability to grant more time as needed.
- B. Staff will address any additional issues
- C. Citizen comment- 5-minutes each
- D. Applicant rebuttal and questions from Board members
- E. Voting

ITEM 4- SA21-001 Appeal of Staff decision regarding a staff decision in relation to the Vegetative Buffer requirements of the Lake Overlay District of the Oconee County Code of Ordinances at 113 Deer Laurel Way, Salem -TMS# 047-01-01-019.

Applicant's opening statement and provision of evidence:

David J. Van De Water Jr., Arbor Engineering Inc., emailed an updated site plan to Mr. Chapman. The applicant believes that the beach and point were created prior to the adoption of the Zoning Ordinance by natural causes and therefore should not be considered impediments to the buffer. The owners of the property simply added sand and pine straw or landscaping. Therefore, the applicant believes it should not fall under the scope of the 15% allowable view lane. The

applicant also stated that, should the appeal be denied, it would set the precedent for overly restrictive governance of the Lake Overlay District.

Staff comments

Mr. Chapman presented his interpretation based on a 15% view lane that is in existence and that adding additional encroachments, taking away from the vegetative buffer, would be against the County Code of Ordinances.

Applicant rebuttal

[None.]

Public comment-time:

Mr. Codner then opened up the public comment portion of the meeting and no one signed up to speak.

Board considerations

Mr. Codner referenced the County Code of Ordinances, in regards to the allowed 15% view lane and the vegetative buffer.

Mr. Codner asked for a vote on whether or not the Zoning Administrator correctly fulfilled their duty in enforcing the code of ordinance?

Mr. Eagar made a motion in the affirmative, seconded by Mr. Gilster. Vote 5 – 0. The motion passed.

ITEM 5- SE21-001 Special exception hearing regarding a proposed non-residential use within the Lake Overlay District. Proposed use is a 12-site camping facility. TMS#- 038-00-01-005 unaddressed parcel with closest addressed parcel being 112 Francis Falls Drive, Salem.

Staff Comments

Any non-residential use within the Lake Overlay District must be approved by the Board of Zoning Appeals.

Applicant's opening statement and provision of evidence:

Bruce Mann, spoke on behalf of himself and Phil Maloney, who purchased the property in 2004. The owners had two 4-hour meetings initially and spoke with local officials and professionals in the Parks, Recreation & Tourism industry to establish a concept on how to allow people to enjoy the lake.

Tyler and Halee Senecal, the Domes at Jocassee, are interested in bringing luxury camping or glamping to the area to allow the public to enjoy the beauty that the lake has to offer. Discussion regarding the domes and the overall vision for the camping facility continued.

Public comment-time:

Mr. Codner then opened up the public comment portion of the meeting and asked people to be concise with their comments as there are many people signed up to speak.

Name	For	Against	Why?
Chris Lynch		*	Traffic, lake, water quality, fire/life safety
Joe Beckaerd		*	Neighboring property values, safety, fire, noise Oconee Bells
Frank Holleman		*	Sustainability, Oconee Bells, against comprehensive plan. (letter sent as well)
Bill Busch		*	Agrees with Mr. Holleman, not in harmony with the community, traffic
Ken Sloan	*		Help with lodging, benefit to the community, state understands tourism needs
Janelle Marsh		*	Traffic, overdevelopment
Nikki Cox		*	Natural beauty, traffic/safety, Oconee Bells
Debbie Sewell		*	Oconee Bells, Black Timber Rattler, water quality, traffic
Sherry Cobb		*	Concerned about children, fences, 24-hour security, dogs
John Robinson		*	State Park does not allow walk-ins, traffic, Oconee Bells, permanent structures, not campsites
Alexander Shadwick	*		It's a benefit to the community, this will preserve the property
Marjorie Felton		*	Water, natural beauty, land is worth protecting
Larry Hinkle		*	Traffic, natural beauty
Bill White		*	Noise, people trespassing, not a good fit
Sydney Phillip		*	Oconee Bells, overdevelopment
Mike Sewell		*	Traffic, property values, natural beauty
Andy Lockridge			Lack of infrastructure, impact on existing infrastructure

Board considerations

(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;

Mr. Eagar made a motion, seconded by Mr. Gilster. Discussion regarding the criterion continued.

Mr. Codner asked for a vote who believe that this criterion is being met

In-favor	Opposed
0	5 – All opposed

Mr. Codner noted that this criterion failed.

(2) In the best interests of the county, the convenience of the community and the public welfare.

Mr. Codner asked for a vote who believe that this criterion is being met

In-favor	Opposed
0	5 – All opposed

Mr. Codner noted that this criterion failed.

(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;

Mr. Codner asked for a vote who believe that this criterion is being met.

In-favor	Opposed
0	5 – All opposed

Mr. Codner noted that this criterion failed.

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

Mr. Codner asked for a vote who believe that this criterion is being met.

In-favor	Opposed
4	1 – Mr. Eagar

Mr. Codner noted that this criterion failed.

(5) Mr. Codner then asked - Based on the evidence presented to the Board, do I hear a motion that the proposed special exception be denied:

Mr. Eagar made a motion, seconded by Mr. Gilster to deny the special exception.

In-favor	Opposed
5	0

The motion to deny the special exception passed.

ITEM 6- VA21-001 Variance hearing regarding a proposed 130 and 132-foot variance from the required 195' fall zone of a proposed 195' monopole communications tower at TMS# 060-00-02-033 unaddressed parcel with the closest addressed parcel being 851 Highway 107, Mountain Rest.

Applicant's opening statement and provision of evidence:

Jonathan Yates, Hellman, Yates & Tisdale Attorneys and Counselors at Law, stated monopole would be connected to the tower approved in September 2020. It will be part of the network for first responders and provide service.

Public comment-time:

Mr. Codner then opened up the public comment portion of the meeting.

Name	For	Against	Why?
Will Lumbard	*		Best use of property
Earnie Lumbard		*	Scenic Byway
Charlie Price	*		Daughter killed, no ATT cell tower

Board considerations

- (1) **There are extraordinary and exceptional conditions pertaining to the particular piece of property;**

Mr. Eagar made a motion, seconded by Mr. Gilster. Discussion regarding the criterion continued.

Mr. Codner asked for a vote who believe that this criterion is being met.

In-favor	Opposed
5	0

Mr. Codner noted that this criterion passed.

- (2) **These conditions do not generally apply to other property in the vicinity;**

Mr. Codner asked for a vote who believe that this criterion is being met.

In-favor	Opposed
5	0

Mr. Codner noted that this criterion passed.

- (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,**

Mr. Codner asked for a vote who believe that this criterion is being met.

In-favor	Opposed
5	0

Mr. Codner noted that this criterion passed.

- (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. Codner asked for a vote who believe that this criterion is being met.

In-favor	Opposed
5	0

Mr. Codner noted that this criterion passed.

- (5) **Mr. Codner then asked - Based on the evidence presented to the Board, do I hear a motion that the proposed variance be approved:**

Mr. Eagar made a motion, seconded by Mr. Gilster to approve the variance.

In-favor	Opposed
5	0

The motion passed.

- ITEM 7- SE21-002 Special exception hearing for a proposed 195' monopole communications tower at TMS#060-00-02-033 unaddressed parcel with closest addressed parcel being 851 Highway 107, Mountain Rest.**

Board considerations

- (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;

Mr. Eagar made a motion, seconded by Mr. Gilster. Discussion regarding the criterion continued.

Mr. Codner asked for a vote who believe that this criterion is being met.

In-favor	Opposed
5	0

Mr. Codner noted that this criterion passed.

- (2) In the best interests of the county, the convenience of the community and the public welfare.

Mr. Codner asked for a vote who believe that this criterion is being met.

In-favor	Opposed
5	0

Mr. Codner noted that this criterion passed.

- (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;

Mr. Codner asked for a vote who believe that this criterion is being met.

In-favor	Opposed
5	0

Mr. Codner noted that this criterion passed.

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

Mr. Codner asked for a vote who believe that this criterion is being met.

In-favor	Opposed
5	0

Mr. Codner noted that this criterion passed.

- (5) Mr. Codner then asked - Based on the evidence presented to the Board, do I hear a motion that the proposed special exception be approved:

Mr. Eagar made a motion, seconded by Mr. Gilster to approve the special exception.

In-favor	Opposed
5	0

The motion passed.

ITEM 8- VA21-002 Variance hearing regarding a proposed 23' variance from the required 25' setback from a right of way located at 272 Herring Rd, Fairplay TMS# 341-00-05-004 for the installation of twelve (12) Electric Vehicle charging stalls capable of supporting Tesla Vehicles with ancillary support equipment.

Due to a conflict of interest, Tim Mays recused himself from the discussion.

Applicant's opening statement and provision of evidence:

Matthew Selkirk, Dewberry Engineers, stated the existing parcel does not conform to setback standards. The project will convert fifteen existing parking stalls to twelve Tesla compatible parking stalls. The spaces are currently utilized for U-Haul rentals. The project includes the installation of twelve charging posts for Tesla vehicles. There currently is not a charging station between Atlanta, GA and Greenville, SC. The request is to continue to use the non-conforming setback as is.

Board considerations

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;

Mr. Eagar made a motion, seconded by Mr. Gilster. Discussion regarding the criterion continued.

Mr. Codner asked for a vote who believe that this criterion is being met.

In-favor	Opposed
4	0

Mr. Codner noted that this criterion passed.

(2) These conditions do not generally apply to other property in the vicinity;

Mr. Codner asked for a vote who believe that this criterion is being met.

In-favor	Opposed
4	0

Mr. Codner noted that this criterion passed.

(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,

Mr. Codner asked for a vote who believe that this criterion is being met.

In-favor	Opposed
4	0

Mr. Codner noted that this criterion passed.

(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. Codner asked for a vote who believe that this criterion is being met.

In-favor	Opposed
4	0

Mr. Codner noted that this criterion passed.

(5) Mr. Codner then asked - Based on the evidence presented to the Board, do I hear a motion that the proposed variance be approved:

Mr. Eagar made a motion, seconded by Mr. Gilster to approve the variance.

In-favor	Opposed
4	0

The motion to approve the proposed variance passed.

ITEM 9- VA21-004A Variance request related to number of free-standing signs located at 132 Grubbs Road, Fair Play, SC 29643 TMS# 341-00-04-001. A third sign increase from the one sign permitted and one sign approved at a hearing on 1/27/2021.

Applicant's opening statement and provision of evidence:

Robert Cash, CESO, stated the project is for the addition of two goal post signs on the same property for visibility down Whitfield Road and Hwy 123.

Public comment-time:

Mr. Codner then opened up the public comment portion of the meeting.

Name	For	Against	Why?
Andre Roterbacher		*	One sign should be enough

Board considerations

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;

Mr. Eagar made a motion in the affirmative, seconded by Mr. Gilster. Discussion regarding the criterion continued.

Mr. Codner asked for a vote who believe that this criterion is being met.

In-favor	Opposed
2 Mr. Eagar & Mr. Mays	3 Mr. Codner, Mr. Gilster, & Mr. Decker

Mr. Codner noted that this criterion failed.

(2) These conditions do not generally apply to other property in the vicinity;

Mr. Codner asked for a vote who believe that this criterion is being met. Mr. Eagar made a motion in the affirmative, seconded by Mr. Gilster.

In-favor	Opposed
5	0

Mr. Codner noted that this criterion passed.

- (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,**

Mr. Codner asked for a vote who believe that this criterion is being met. Mr. Eagar made a motion in the affirmative, seconded by Mr. Gilster.

In-favor	Opposed
0	5

Mr. Codner noted that this criterion failed.

- (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. Codner asked for a vote who believe that this criterion is being met. Mr. Eagar made a motion in the affirmative, seconded by Mr. Gilster.

In-favor	Opposed
1 Mr. Eagar	4

Mr. Codner noted that this criterion failed.

- (5) Mr. Codner then asked - Based on the evidence presented to the Board, do I hear a motion that the proposed variance be denied:**

Mr. Eagar made a motion in the affirmative, seconded by Mr. Gilster to approve the variance.

In-favor	Opposed
5	0

The motion failed.

VA21-004B Variance request related to signage sign-face area located at 132 Grubbs Road, Fair Play, SC 29643 TMS# 341-00-04-001. 189 square-foot increase variance from the approved 75 square-foot limit for the sign faces on the “high-rise” type sign.

Applicant’s opening statement and provision of evidence:

Robert Cash, CESO, stated the project is for the addition of two goal post signs on the same property for visibility down Woodfield Road and Hwy 123.

Public comment-time:

Mr. Codner then opened up the public comment portion of the meeting.

Name	For	Against	Why?
Andre Royterbacher		*	One sign should be enough

Board considerations

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;**

Mr. Eagar made a motion in the affirmative, seconded by Mr. Mays. Discussion regarding the criterion continued.

Mr. Codner asked for a vote who believe that this criterion is being met.

In-favor	Opposed
5	0

Mr. Codner noted that this criterion passed.

(2) These conditions do not generally apply to other property in the vicinity;

Mr. Codner asked for a vote who believe that this criterion is being met. Mr. Eagar made a motion in the affirmative, seconded by Mr. Mays.

In-favor	Opposed
5	0

Mr. Codner noted that this criterion passed.

(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,

Mr. Codner asked for a vote who believe that this criterion is being met. Mr. Eagar made a motion in the affirmative, seconded by Mr. Mays.

In-favor	Opposed
5	0

Mr. Codner noted that this criterion passed.

(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. Codner asked for a vote who believe that this criterion is being met. Mr. Eagar made a motion in the affirmative, seconded by Mr. Mays.

In-favor	Opposed
5	0

Mr. Codner noted that this criterion passed.

(5) Mr. Codner then asked - Based on the evidence presented to the Board, do I hear a motion that the proposed variance be approved:

Mr. Eagar made a motion in the affirmative, seconded by Mr. Gilster to approve the variance.

In-favor	Opposed
5	0

The motion passed.

ITEM 10- Adjourn – The meeting was adjourned by a unanimous vote at 10:26pm.