

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

Minutes

6:00 PM – April 26, 2021

Members in Attendance

Jim Codner
John Eagar
Bill Gilster
Bill Decker
Tim Mays
Gwen Fowler
Marty McKee

Staff

Vivian Kompier, Secretary

Media

None

ITEM 1- **Call to Order -**

Mr. Codner called the meeting to order.

ITEM 2- **Appoint Secretary –**

Mr. Eagar made a motion to elect Vivian Kompier as secretary, seconded by Mr. Gilster. The motion passed 7/0.

ITEM3- **Approval of minutes January 27, 2021 -**

Mr. Eagar made a motion to approve the minutes, Mr. McKee seconded. The motion was approved 6/0 with Mr. Mays abstaining as he was not present at the January meeting.

Approval of minutes March 22, 2021 –

Mr. Eagar made a motion to accept the minutes, Mr. Gilster seconded. The motion was approved 5/0 with Mr. McKee and Ms. Fowler abstaining as they were not at the March meeting.

ITEM 4- **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 – People speaking in favor of the development first, then people speaking against.

- D. Applicant rebuttal and questions from Board members
- E. Voting

ITEM 5- VA 21-005: Property owner The Neal Group SC, LLC is requesting a +/-7' Variance from the 25' setback requirement from the right-of-way/property line to permit an existing foundation for a home at 202 Cove Ct, Seneca 29672 (Tax ID# 193-08-01-021).

Mr. Eagar recused himself from this variance. (Recusal attached)

1. Applicant presentation – Mr. Chad Neal
2. Board member questions – Mr. Gilster questioned if just the foundation is there. Mr. Neal confirmed that they stopped construction, but let the contractor finish the foundation to be able to do the cleanup that would be necessary. Mr. McKee questioned if the septic was approved. Mr. Neal said that the septic was approved for the new location.
3. Staff comment – Ms. Kompier mentioned that there was conversation between her and Mr. Neal in regards to where the property line is. Ms. Kompier also stated that she spoke with the home owners' representative and they are ok with whatever the BZA decides.
4. Citizen comment - None
5. Applicant rebuttal - None
6. Unsworn public comment - None

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

a) Motion – Mr. McKee made a motion, seconded by Mr. Mays. Discussion regarding the criterion continued.

b) Vote

In-favor	Opposed
6	0

Mr. Codner noted that the criterion passed.

2. These conditions **do not** generally apply to other property in the vicinity;

a) Motion - Mr. Gilster made a motion, seconded by Mr. McKee. Discussion regarding the criterion continued.

b) Vote

In-favor	Opposed
6	0

Mr. Codner noted that the 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

a) Motion - Mr. Gilster made a motion, seconded by Mr. Decker. Discussion regarding the criterion continued

b) Vote

In-favor	Opposed
6	0

Mr. Codner noted that the 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.

a) Motion - Mr. McKee made a motion, seconded by Mr. Mays. Discussion regarding the criterion continued.

b) Vote

In-favor	Opposed
6	0

Mr. Codner noted that the criterion passed.

Mr. Codner asked - Based on the evidence presented to the Board, do I hear a motion that the proposed Variance be **approved**.

a. Motion - Mr. McKee made a motion, seconded by Mr. Mays. Discussion regarding the criterion continued.

b. Vote

In-favor	Opposed
6	0

Mr. Codner noted that the criterion passed.

ITEM 6- SE21-03: Phoenix Development Group Partners – Daniel Marinko has requested a Special Exception for a full-service Independent Living, Assisted Living, and Memory Care facility at an unaddressed parcel at the NE corner of Sheep Farm and Bountyland Roads. (Tax ID# P/O 207-00-01-017)

Mr. McKee recused himself from this Special Exception (Recusal attached)
Mr. Mays recused himself from this Special Exception (Recusal attached).

1. Applicant presentation – Mr. Daniel Marinko made the presentation (presentation attached).
2. Board member questions –

Mr. Gilster asked what would be the age group and who are you marketing to? Mr. Marinko explained the division of the business itself, but it is mostly for anyone who would need assistance with day to day lives and activities. The exception is the memory care which is more for people with dementia and Alzheimer’s.

Mr. Gilster asked if it would be available for lower income people. Mr. Marinko explained that it would be a private pay facility so they would not accept Medicaid or Medicare. The cost would be based on market rates with it being a new product they could charge more.

Mr. Decker asked if there would be an uptick with local merchants. Mr. Marinko explained that there is the possibility with adding up to 114 residents.

Mr. Decker then asked how they will handle security of the facility. Mr. Marinko said they will have access control (door security) and RFID (card readers). No full time security on duty, but there will be staff 24/7.

Mr. Codner asked how they plan to get sewer to the facility. Mr. Marinko explained that they are working with the County in regards to sewer.
3. Staff comment - None
4. Citizen comment - None
5. Applicant rebuttal - None
6. Unsworn public comment - None

1) Traffic flow from the facility **shall not** present a danger to local residents, motorists and pedestrians.

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

b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that the criterion passed.

(2) Noise, lighting, and activities carried out on the premises of the facility **shall not** present a nuisance to local residents.

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

b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that the criterion passed.

(3) The residents of the facility **shall not** present any potential danger to local residents.

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

b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that the criterion passed.

(4) The residents of the facility **shall** reside in a safe and healthy environment.

a. Motion - Mr. Eagar made a motion, seconded by Mr. Decker.
Discussion regarding the criterion continued.

b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that the criterion passed.

(5) The proposed development **is** in compliance with the other provisions of this chapter.

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

b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that the criterion passed.

Special Exceptions Sec. 32-5

General criteria for granting a special exception.

(1) **IS** 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;

a) Motion - Mr. Eagar made a motion, seconded by Mr. Gilster.

Discussion regarding the criterion continued.

In-favor	Opposed
5	0

Mr. Codner noted that this criterion passed.

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

- a) Motion - Mr. Eagar made a motion, seconded by Mr. Decker.
Discussion regarding the criterion continued.

In-favor	Opposed
5	0

Mr. Codner noted that this criterion passed.

(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 a motion, seconded by Mr. Decker.
Discussion regarding the criterion continued.
- b) Vote -

In-favor	Opposed
5	0

Mr. Codner noted that this criterion passed.

(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 a motion, seconded by Mr. Decker.
Discussion regarding the criterion continued.
- b) Vote -

In-favor	Opposed
4	1 – Ms. Fowler

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:

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

b) Vote

In-favor	Opposed
5	0

Mr. Codner noted that this criterion passed.

ITEM 10- Adjourn – The meeting was adjourned by a unanimous vote at 7:12pm.



OCONEE COUNTY
Board of Zoning Appeals
RECUSAL FORM

Member Name: T. MARSHALL McKEE
Please print

Member Signature: [Handwritten Signature]

Meeting Date: April 26, 2021

Item for Discussion / Vote:

PHOENIX Development Group
PROPERTY OWNERS BY TRUFT Development Corp

Reason for Recusal: I was not present for the original meeting/discussion.
 I have a personal/familiar interest in the issue.
 Other:

[Handwritten Signature]
Vivian Kompier
Secretary



OCONEE COUNTY
Board of Zoning Appeals
RECUSAL FORM

Member Name: Tim Mays

Please print

Member Signature: Tim Mays

Meeting Date: 4/26/21

Item for Discussion / Vote:

#CQ - 2021-03 - Phoenix

Reason for Recusal: I was not present for the original meeting/discussion.

I have a personal/familiar interest in the issue.

Other:

Employer Blue Ridge Electric Cooperative
is involved with the project

Vivian Kompier
Vivian Kompier
Secretary



OCONEE COUNTY
Board of Zoning Appeals
RECUSAL FORM

Member Name: John A. Eassey
Please print

Member Signature: John A. Eassey

Meeting Date: 4/26/2021

Item for Discussion / Vote:

VAZ1-0005 - The Neal Group, SC, LLC VARIANCE

Reason for Recusal: I was not present for the original meeting/discussion.

I have a personal/familiar interest in the issue.

Other:

Vivian Kompier
Vivian Kompier
Secretary