

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

Minutes

6:00 PM – May 23, 2022, 2022

Members in Attendance

Gwen Fowler
Marty Mckee
John Eagar
William Decker

Tim Mays
Jim Codner
Bill Gilster

Staff

James Coley, Planning Director
Vivian Kompier, Senior Planner

Media

Lauren Pierce

ITEM 1 – Call to order – Mr. Codner called the meeting to order at 6:00 PM.

ITEM 2 – Motion to approve the minutes from April 25, 2022 – Mr. Eagar made a **motion** to approve the minutes from April 25; seconded by Mr. Mays. **Motion** by Mr. Eagar to amend the minutes to include the transcript from Ms. Morgan, seconded by Mr. Mays. Mr. Codner called for a vote. The motion passed unanimously 5/0 with Mr. Decker and Ms. Fowler abstaining.

ITEM 3 – Brief statement about rules and procedures – Mr. Codner outlined the proceedings of the meeting going forward:

- Applicant will provide a presentation to state their request (5 minutes).
- Staff will be asked to make any comments regarding the request.
- The public is allowed to voice their approval or opposition to the proposed. Please do not repeat opinions that have already been stated into the record (3-5 minutes).
- Applicant rebuttal
- Board members will discuss in detail.
- Voting

ITEM 4 – Variance application #VA 22-003 – Shelby Stewart of Brown Haven Homes is requesting a variance from the 25' setback. The 25' setback for the

Residential District starts at the 80' minimum width requirement. TMS# 162-05-01-040 addressed as 545 Peninsula Road West Union, SC 29696.

Applicant's opening statement and provision of evidence: Mr. Russ Armstrong presented on behalf of the applicant. Mr. Armstrong stated that their construction company took over construction after the lot sold. The HOA has already issued a variance for the reduced setback.

Staff comments:

- Mr. Coley – stated the Department's had incorrectly issued a permit and that the original permit was voided as a result of the lot being a flag lot, as it does not meet the minimum 80' width. The zoning is residential, not control free.

Public Comment:

- Mr. Gary Larange (sp), representing the HOA, the HOA believes that the house is sited in the best location for the property, and the HOA has granted a variance
- An email from Jonathan Lee, the adjacent property owner, opposing the variance

Applicant rebuttal: Do not believe there is a negative impact on the neighbor who was against

Board questions and discussion:

- Board requested to view the septic tank and the foundation, and the impact changing the site would have on both.
- The house could be closer to the side property line than it currently is
- It was a county mistake to issue the permit originally.

Consideration of VA22-003:

1. There **are** extraordinary and exceptional conditions pertaining to the particular piece of property:
 - a. Motion – Mr. Mays made a motion, seconded by Mr. Eagar. No discussion.
 - b. Vote

In-favor	Opposed
7	0

Mr. Codner noted that the criterion passed.

2. These conditions **do not** generally apply to other property in the vicinity:
 - a. Motion – Mr. Eagar made a motion, seconded by Mr. McKee. No discussion.
 - b. Vote

In-favor	Opposed
7	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. Eagar made a motion, seconded by Mr. McKee.
 - b. Vote

In-favor	Opposed
7	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. Eagar made a motion; seconded by Mr. Mays. No discussion.
 - b. Vote

In-favor	Opposed
7	0

Mr. Codner noted that the criterion passed.

5. 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. Eagar made a motion; seconded by Mr. McKee. No discussion.
 - b. Vote

In-favor	Opposed
7	0

Mr. Codner noted that variance request was approved.

ITEM 5 - Variance application #VA22-002 – Jeff Edney of WK Dickson & Co., Inc is requesting a 5' variance allowing the side setbacks to be reduced to 0' thus allowing for single family attached homes. TMS#'S 254-00-01-024/025/029/031/032/055/056/061. An unaddressed parcel with the nearest address of 1707 S. Oak St. Seneca SC, 29678

Applicant's opening statement and provision of evidence: Mr. Edney and Ms. Trisha Chasem clarified that the project is in a control free district, and thus are allowed to do the town home project. The request is to eliminate the side setback requirement to allow for individually platted town homes for sale. They believe that the variance will

increase the likelihood on individuals purchasing the homes as opposed to investors buying blocks of townhomes.

Staff comments:

Mr. Coley confirmed that the project could be done without the variance, but the developer would not be able to sell the units individually without the variance. Ms. Kompier showed the board a map showing all of the parcels that are included in the total development.

Board questions:

- Board asked about the size of the lots, shown on the drawing

Public comment:

- Larry Rice- owns 750' of adjoining property. Setbacks are needed, 5' setbacks are already too small.
- Victoria Herron- project backs up to her family home. She is concerned about traffic, too many people and lots being too small for the existing community
- Robert Herron- project area is surrounded by single family homes, concerned about home values, traffic, and thinks the project takes away from the neighborhood.
- Dana Moore 1707 s Oak, lived here since 1943, concerned about traffic, and concerned about keeping the integrity of the property
- Ronald Perry- lives close on Oak St, concerned about total number of homes being added, does not want this project behind him

Applicant rebuttal: Mr. Edney and Ms. Chasem acknowledged that they hear the concerns. They clarified they will meet the front and rear setbacks. They have engaged a traffic study and will abide by the recommendations of the traffic study. They are willing meet with the neighbors to try and help assist with the concerns

Board discussion:

- Board asked about the number of units in each block
- Reiterated that they can build the townhouses as a block currently, but are seeking the variance to sell each unit individually
- Board requested information on the buffer at the north of the property, they want to keep trees where they can
- Question on the individual parcels that need the variance -031,032, 055, 056
- Question on the finality on the design they have presented- buffer to remain, approx. 25'
- Question of intent renters or owners- do not know what will happen
- Variance can apply to parcels 031, 0032, 055, 056, as shown
- Agreeable to make improvements to the buffer area

Consideration of VA22-002:

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

- a. Motion – Mr. Eagar made a motion, seconded by Mr. Gilster.
- b. Vote

In-favor	Opposed
7	0

Mr. Codner noted that the criterion passed.

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

- a. Motion – Mr. Eagar made a motion, seconded by Mr. Gilster. No discussion.
- b. Vote

In-favor	Opposed
7	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. Eagar made a motion, seconded by Mr. Mays.
- b. Vote

In-favor	Opposed
7	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. Eagar made a motion; seconded by Mr. Gilster.
- b. Vote

In-favor	Opposed
7	0

Mr. Codner noted that the criterion passed.

5. 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. Eagar made a motion; seconded by Mr. McKee. No discussion.

b. Vote

In-favor	Opposed
7	0

Mr. Codner noted that variance request was approved with the following condition:

- **0' side setback lot lines on parcels ending 031, 032, 055, 056, and as shown on the plan sheet as presented**
- **Developer agrees to make improvements to the buffer area, subject to discussions with the neighboring property owners**

ITEM 6 – Amend agenda – Mr. Mays made a motion to amend the agenda to add a discussion item to consider a recommendation to the planning commission to allow for town homes to be sold as individual units without a variance hearing, seconded Mr. Eagar. Mr. Codner called for a vote. The motion passed unanimously 7/0. Board directs staff to work on a recommendation to be presented at the next meeting.

Item 7 Adjourn – Mr. Mays made a motion to adjourn; seconded by Mr. McKee. Mr. Codner called for a vote. Motion passed unanimously 7/0.