

# OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

## Minutes

6:00 PM – January 26, 2023,

### Members in Attendance

Gwen Fowler  
Jim Codner

Bill Gilster  
John Eagar

### Staff

James Coley, Planning Director

### Media

NA

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

**ITEM 2 – Election of officers** – Mr. Coley called for nominations for Chair. Mr. Eagar made a motion that Mr. Codner continue as Chair; seconded by Mr. Gilster with no discussion. Mr. Coley called for a vote. The motion was approved 4/0. Mr. Codner called for nominations for Vice-Chair. Mr. Gilster made a motion for Mr. Eagar serve as Vice-Chair; with no discussion. Mr. Codner called for a vote. The motion was approved 4/0. Mr. Eagar made a motion that Mr. Coley serve as Secretary; seconded by Mr. Codner with no discussion. Mr. Codner called for a vote. The motion was approved 4/0.

**ITEM 3 – Approval of 2023 calendar** – Mr. Eagar made a motion that the proposed 2023 calendar be adopted; seconded by Mr. Mays with no discussion. Mr. Codner called for a vote. The motion was approved 5/0.

**ITEM 4 – Motion to approve the minutes from August 22, 2022** – Mr. Eagar made a **motion** to approve the minutes from August 22; seconded by Mr. Gilster. Mr. Codner called for a vote. The motion passed 4/0.

**ITEM 5 – 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 6 – 1. Special Exemption SE22-008, Ron Taffer of Bob Hill Realty- for a new commercial boat dealership in the Lake Overlay for TMS 209-00-01-015, 210 Worth St Seneca SC 29672.**

**Applicant's opening statement and provision of evidence:** Mr. Ron Taffer representing Bob Hill Realty. Mr. Taffer stated he is representing the buyer. The buyers are interested in the property because of its location on 123 and the special exemption is required due to the position of the second tract within the overlay. The applicant presented a sketch plan for how the parcels would be used. The

**Staff comments:**

Mr. Coley stated the parcel is in the overlay, and as a result a special exemption is required for any commercial purpose. The hearing is only for the parcel outside of city limits.

**Public Comment:** Ms. Cocella- neighbor with concern with access to Worth Street, due to traffic and family safety concerns.

Mr. Teat- neighbor concerns with safety and access to Worth Street. Would like a natural barrier separating the uses.

**Applicant rebuttal:** Mr. Taffer stated no access to Worth Street is planned and plan landscaping to enhance the property. Mr. and Mrs. Levandowski want to add natural buffer between the residential and commercial uses. They are only planning to use the overlay property for storage. The business is only operating in the Seneca property.

**Board questions and discussion:**

- Confirmation of the overlay parcel will only be for storage
- Lights will have shields
- Stipulation that access would be off 123, and boat deliveries to go west through the back access
- Require landscaping buffer

**Consideration of SE22-008:**

- 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:
  - a. Motion – Mr. Eagar made a motion in the affirmative, seconded by Mr. Gilster. A brief discussion followed.

b. Vote

In-favor	Opposed
4	0

Mr. Codner noted that the criterion passed.

- 2. In the best interests of the County, the convenience of the community and the public welfare:

- a. Motion – Mr. Eagar made a motion in the affirmative, seconded by Mr. Gilster. A brief discussion followed.

b. Vote

In-favor	Opposed
4	0

Mr. Codner noted that the criterion passes

- 3. Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with appropriate in appearance to the existing or intended character of the general vicinity:

- a. Motion – Mr. Eagar made a motion in the affirmative, seconded by Mr. Gilster. A brief discussion followed.

b. Vote

In-favor	Opposed
4	0

Mr. Codner noted that the 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.

- a. Motion – Mr. Eagar made a motion in the affirmative, seconded by Mr. Gilster. A brief discussion followed.

b. Vote

In-favor	Opposed
4	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 special exception be **approved with the following condition: Normal egress shall be through 123 and no access shall be allowed to the east from Worth Street. Occasional delivery traffic will be permitted to exit through Worth Street to the west. A landscape barrier sufficient to obscure the residential property from the commercial property shall be installed between the business and existing residential property. If a fence is installed the landscaping shall be on the residential side of the fence.**
- a. Motion – Mr. Eagar made a motion in the affirmative, seconded by Mr. Gilster. A brief discussion followed.
  - b. Vote

In-favor	Opposed
4	0

Mr. Codner noted that the special exception was approved with the following conditions: **Normal egress shall be through 123 and no access shall be allowed to the east from Worth Street. Occasional delivery traffic will be permitted to exit through Worth Street to the west. A landscape barrier sufficient to obscure the residential property from the commercial property shall be installed between the business and existing residential property. If a fence is installed the landscaping shall be on the residential side of the fence.**

**ITEM 7- 2. Variance application #VA22-0014 – Wesley White of Ridgewater Engineering and Surveying is requesting a 5’ variance allowing the side setbacks to be reduced to 0’ thus allowing for single family attached homes. TMS#’S 225-00-06-008. Closest address of 111098 Watson Dr. Seneca 29672**

**Applicant’s opening statement and provision of evidence:** Mr. Jamie Turner of Ridgewater Engineer presented for the applicant. The owner is interested in developing 3 five unit townhomes for individual platted sale.

**Staff comments:** This is consistent with individual townhome projects for individual sale. The ordinances have not been updated to allow for exemption from setback requirements for individually platting townhome units for sale.

**Public Comment:** Mr. Brown, owner of the adjacent property, stated his concern with the project building on the lot line.

Mr. Hall left prior t making his comments  
One email from Ms. Binder against the variance.

**Applicant rebuttal:** The lot setbacks are being followed. The variance is only for the side setback requirements on the shared walls to allow for the individual platting of the units for sale. Mr. Turner believes the owner will do landscaping as part of the project.

**Board questions and discussion: None**

**Consideration of VA22-014:**

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

- a. Motion – Mr. Eagar made a motion in the affirmative, seconded by Mr. Gilster. A brief discussion followed.  
b. Vote

In-favor	Opposed
4	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 in the affirmative, seconded by Mr. Gilster. A brief discussion followed.  
b. Vote

In-favor	Opposed
4	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 in the affirmative, seconded by Mr. Gilster. No discussion.  
b. Vote

In-favor	Opposed
4	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 in the affirmative, seconded by Mr. Gilster. A brief discussion.  
b. Vote

In-favor	Opposed
4	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. Gilster. No Discussion.
  - b. Vote

In-favor	Opposed
4	0

Mr. Codner noted that variance request was approved.

**Item 8 Discussion of rules regarding timeline for applicant submittals – Mr. Coley presented the change to require applicants to submit all materials 3 business days ahead of the hearing date. A brief discussion followed.** Mr. Eagar made a motion to adopt the change; seconded by Mr. Gilster. Mr. Codner called for a vote. Motion passed unanimously 4/0.

**Item 9 Adjourn –** Mr. Eagar made a motion to adjourn; seconded by Mr. Gilster. Mr. Codner called for a vote. Motion passed unanimously 5/0.