

# OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

## Minutes

6:00 PM – March 27, 2023,

### Members in Attendance

Gwen Fowler

Bill Gilster

Jim Codner

John Eagar

Bill Decker

### 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 – Motion to approve the minutes from January 26, 2023** – Mr. Eagar made a **motion** to approve the minutes; seconded by Mr. Gilster. Ms. Fowler requested the date be corrected. Mr. Codner wanted to confirm everyone was in agreement on the restrictions on Mr. Taffers Special exemption (SE22-00008).

Mr. Codner called for a vote. The motion passed 4/0 with Mr. Decker abstaining

**ITEM 3 and 4– 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 5 - Variance application #VA23-00001- Kathy O'Brien is requesting a 5' variance to the 5' side setback along the northwest property line. TMS 111-12-03-011, address 55 Par Harbor Way Salem SC 29676**

**Applicant's opening statement and provision of evidence:** Ms. O'Brien presented the request and statements from neighbors and the HOA

**Staff comments:** Staff was available for questions. There were none

**Public Comment:** Kevin McCracken from HOA spoke in support

**Applicant rebuttal:** NA.

**Board questions and discussion:** Are any utilities in the setback- no

**Consideration of VA23-00001:**

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. Decker. A brief discussion followed.
  - b. Vote

In-favor	Opposed
5	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
5	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. Decker. No discussion.
  - b. Vote

In-favor	Opposed
5	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
5	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. Decker. No Discussion.

- b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that variance request was **approved**.

**ITEM - 6. Variance application #VA23-00002- Kerry S Smith is requesting a 9' variance to the 25' front setback. TMS 120-00-01-058 address 675 Pickett Post Rd Walhalla SC 29691**

**Applicant's opening statement and provision of evidence:** Mr. Smith presented his request. He was unaware of the setback. He provided letters from 4 neighbors in support

**Staff comments:** Staff explained there was no permit required for land disturbance, or on-grade ground work.

**Public Comment:** Mr. Smith, spoke in favor of the variance, and against setbacks

**Applicant rebuttal:** NA

**Board questions and discussion:** None

**Consideration of VA23-00002:**

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. No discussion followed.

b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that the criterion passed.

2. These conditions **do not** generally apply to other property in the vicinity:
- Motion – Mr. Eagar made a motion in the affirmative, seconded by Mr. Gilster. A brief discussion followed.

b. Vote

In-favor	Opposed
5	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

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

b. Vote

In-favor	Opposed
5	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.

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

b. Vote

In-favor	Opposed
5	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**.

- Motion – Mr. Eagar made a motion; seconded by Mr. Decker. No Discussion.

b. Vote

In-favor	Opposed

5	0
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Mr. Codner noted that variance request was **approved**.

**ITEM 7 - 7. Variance application #VA23-00003-Randy Moore of Y&R Construction LLC is requesting an 18' variance to the 25' front setback. TMS 045-00-02-166, address 289 Jocassee Ridge Way Salem SC 29676**

**Applicant's opening statement and provision of evidence:** Mr. James Moore presented for Randy, and explained the site conditions and history of the lots in this area. The HOA provided a letter of support for the variance.

**Staff comments:** Staff presented the topo map for review and confirmed location of other homes predating the establishment of the setback

**Public Comment:** Mr. Jackson , HOA president spoken in support . Mr. Alexander spoke in support

**Applicant rebuttal:** NA

**Board questions and discussion:** None

**Consideration of VA23-00003:**

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. Decker. A brief discussion followed.
  - b. Vote

In-favor	Opposed
5	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. Decker. A brief discussion followed.
  - b. Vote

In-favor	Opposed
5	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. Decker. No discussion.
  - b. Vote

In-favor	Opposed
5	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. Decker. A brief discussion.
  - b. Vote

In-favor	Opposed
5	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
5	0

Mr. Codner noted that variance request was **approved**.

**ITEM 8- Variance application #VA23-00004- Karuam Booker of Civil and Environmental Consultants INC is requesting an additional 3' variance to the 25' front setback from the original variance approved as VA22-00009. TMS 176-00-01-155, address 102 Lusk Dr. West Union SC 29696**

**Applicant's opening statement and provision of evidence:** Mr. Booker explained the additional request and the conditions that were discovered after the previous variance was granted. Matt Aho, contractor presented additional information on construction aspects of the request.

**Staff comments:** Staff reviewed the original variance approval, and the addition request.

**Public Comment:** NA

**Applicant rebuttal:** NA

**Board questions and discussion:** would the board have ruled differently if the original request was for the scope of this request

**Consideration of VA23-00004:**

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
5	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. Decker. A brief discussion followed.

- b. Vote

In-favor	Opposed
5	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. Decker. No discussion.

- b. Vote

In-favor	Opposed
5	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. Decker. A brief discussion.
- b. Vote

In-favor	Opposed
5	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. Decker. No Discussion.
  - b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that variance request was **approved**.

**ITEM 9 - Variance application #VA23-00005- Jody Smith is requesting a 2.36' variance to the vegetative buffer in the lake overlay. TMS 193-02-01-012, address 210 Honeysuckle Dr. Seneca SC 29672**

**Applicant's opening statement and provision of evidence:** Mr. Smith presented the request and explained the site conditions.

**Staff comments:** Staff explained the issue with the buffer and allowable construction within the buffer

**Public Comment:** NA

**Applicant rebuttal:** NA

**Board questions and discussion:** None

**Consideration of VA23-00005:**

- 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. Decker. A brief discussion followed.
  - b. Vote

In-favor	Opposed
5	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
5	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
5	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. Decker. A brief discussion.
  - b. Vote

In-favor	Opposed
5	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. Decker. No Discussion.
  - b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that variance request was **approved**.

**Item 10 Adjourn** – Mr. Eagar made a motion to adjourn; seconded by Mr. Gilster. Mr. Codner called for a vote. Motion passed unanimously 5/0.