

# 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 22, 2023,

### Members in Attendance

Gwen Fowler

Bill Gilster

James Henderson

John Eagar

Tim Mays

### Staff

James Coley, Planning Director

### Media

NA

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

**ITEM 2 – Election of Vice Chair** – Mr. Eagar called for nominations for Vice Chair. Mr. Gilster made a motion that Ms. Fowler serve as Vice Chair, Second by Mr. Mays. Mr. Eagar called for any other nominations for Vice-Chair. Mr. Eagar called for a vote. Ms. Fowler was appointed 5/0.

**ITEM 3 – Motion to approve the minutes from April 24, 2023** – Mr. Mays made a **motion** to approve the minutes; seconded by Mr. Henderson. Mr. Eagar called for a vote. The motion passed 6/0.

**ITEM 4 – Brief statement about rules and procedures** – Mr. Eagar 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. Special Exemption #SE23-000001- Amy Wilby of Gaskins and LeCraw is requesting a special exemption to the Fair Play Village Overlay District to allow**

**for a new commercial retail building with associated parking and driveway onto Fairplay Blvd. TMS 341-00-02-005 address 642 E Fairplay BLVD. Fair Play SC 29643**

**Applicant’s opening statement and provision of evidence:**

Ms. Wooten spoke on behalf of the applicant. She explained the desire to place a “Dollar General” grocery store. Mr. Sharp from the design team made some requests for relief on Appendix A

**Staff comments:**

- Mr. Coley confirmed the application proposed commercial business is in the Village Center Overlay. The non-residential use requires the Special exemption. The Board can require any or all of the Appendix A.

**Public comment:**

- Alicia Walker- spoke in generally in favor of the project, with concern regarding façade and frontage.

**Applicant rebuttal:**

NA.

**Board Questions:**

NA

**Board discussion:**

NA

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

In-favor	Opposed
5	0

Mr. Eagar 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. Mays made a motion in the affirmative, seconded by Mr. Henderson.
  - b. Vote

In-favor	Opposed
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5	0
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Mr. Eagar noted that the criterion passed.

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. Mays made a motion in the affirmative, seconded by Mr. Henderson. A brief discussion followed.
  - b. Vote

In-favor	Opposed
5	0

Mr. Eagar 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. Mays made a motion in the affirmative; seconded by Mr. Henderson. A brief discussion followed.
  - b. Vote

In-favor	Opposed
5	0

Mr. Eagar noted that the criterion passed.

5. Mr. Eagar asked – Based on the evidence presented to the Board, do I hear a motion that the proposed special exception be **APPROVED WITH THE FOLLOWING CONDITIONS: Appendix A to be followed in its entirety, and that Appendix A, A, 5 (Suitable materials for treating building facades may include, but are not limited to: stone, brick, glass, wood siding, split block, or stucco. Alternative materials may be approved by the planning director.) be amended to require the façade be consistent with existing business.**
  - a. Motion – Mr. Mays made a motion; seconded by Mr. Henderson. No discussion.
  - b. Vote

In-favor	Opposed
5	0

**ITEM 6. Variance application #VA23-00008- Michael Tilson is requesting a 10' variance to the 10' rear setback. TMS 285-03-04-003 address 143 Rivoli Point Rd Westminster SC 29693**

**Applicant's opening statement and provision of evidence:** Ms. Tilson (property owner) presented on her own behalf. They would like to extend the existing structure to the rear. The applicant provided letters of support from neighbors.

**Staff comments:** Request is for setback variance on rear property line. The parcel is on Lake Hartwell, not in an overlay district.

**Public Comment:** NA

**Applicant rebuttal:** NA

**Board questions and discussion:** Ms. Fowler asked about the septic system location on the parcel

**Consideration of VA23-000008:**

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

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

In-favor	Opposed
5	0

Mr. Eagar 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 in the affirmative, seconded by Mr. Mays. A brief discussion followed.
- b. Vote

In-favor	Opposed
5	0

Mr. Eagar 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 in the affirmative, seconded by Mr. Mays. No discussion.
- b. Vote

In-favor	Opposed
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5	0
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Mr. Eagar 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. Mays made a motion in the affirmative, seconded by Mr. Gilster. A brief discussion.
  - b. Vote

In-favor	Opposed
5	0

Mr. Eagar noted that the criterion passed.

5. Mr. Eagar asked – Based on the evidence presented to the Board, do I hear a motion that the proposed variance be **Approved**.
  - a. Motion – Mr. Mays made a motion; seconded by Mr. Henderson. No Discussion.
  - b. Vote

In-favor	Opposed
5	0

Mr. Eagar noted that variance request was approved.

**Item 9 Adjourn** – Mr. Mays made a motion to adjourn Mr. Eagar called for a vote. Motion passed unanimously 5/0.