

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

Minutes

6:00 PM – September 25, 2023,

Members in Attendance

William Decker

Bill Gilster

James Henderson

John Eagar

Tim Mays

Staff

James Coley

Media

NA

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

ITEM 2 – Motion to approve the minutes from August 22, 2023 – Mr. Gilster made a **motion** to approve the minutes; seconded by Mr. Mays. Mr. Eagar called for a vote. The motion passed 4/0 (Mr. Decker abstained).

ITEM 3 – 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 4. Variance application #VA23-000013- Elisa Sander of Seamon Whiteside is requesting a variance from the side setback requirements for internal side setbacks on a townhome project to plat individual townhomes for sale. TMS 255-00-01-073, with the nearest address of 99 Jason Dr Seneca SC 29678

Mr. Paul Talbert presented to the board on behalf of Seamon Whiteside. The intent of the project is to provide individual townhomes for sale instead of rent.

Staff comments:

Mr. Coley confirmed the request is to allow for removal of internal side setbacks for individual sale of the units. No variance would be required if the townhome units were to be a lease/ rent product.

Public comment:

NA

Applicant rebuttal:

NA.

Board Questions: NA

Board discussion: NA

Consideration of VA23-000013:

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

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

In-favor	Opposed
5	0

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. Gilster made a motion in the affirmative, seconded by Mr. Henderson. 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 5. Variance application #VA23-000014- Bennett Keasler is requesting a setback reduction to 10' front, 5' side and rear TMS 310-00-02-156 with the nearest address of 415 Watershed Rd Seneca SC 29678

Mr. Mays recused himself from the proceedings.

Applicant's opening statement and provision of evidence: Ms. Susan Snipes presented on behalf of the family. The applicant is for reduction of the setbacks to match the control free district setbacks, as the property is a remainder from family subdivisions, and was unknown until recently. The property was zoned into an Agricultural district while still "hooked" to a larger parcel. When the parcel was identified the zoning remained in place. The restriction of the Agricultural zoning district are intended for a 1 acre lot and are too restrictive for a parcel less than ¼ acre.

Public Comment:

Mr. William Lewis Jr. spoke in opposition

Mr. Louis Gauvain spoke in opposition
Ms. Valerie Gauvain spoke in opposition
Mr. Jim Link spoke in opposition
Mr. Joey Powell spoke in opposition

Staff comments: Mr. Coley reviewed the assessor’s office historical narrative of how the parcel came to be, and how the parcel was identified and the zoning remaining.

Applicant rebuttal: NA

Board questions and discussion: The board discussed the zoning and history of the parcel, the size of the parcel, and the conditions of the parcel

Consideration of VA23-000014:

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

In-favor	Opposed
0	4

Mr. Eagar noted that the criterion failed.

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

In-favor	Opposed
0	4

Mr. Eagar noted that the criterion failed.

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.
 - a. Motion – Mr. Decker made a motion in the affirmative, seconded by Mr. Gilster. No discussion.
 - b. Vote

In-favor	Opposed
0	4

Mr. Eagar noted that the criterion failed.

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

In-favor	Opposed
0	4

Mr. Eagar noted that the criterion failed.

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. Gilster made a motion; seconded by Mr. Decker. No Discussion.
 - b. Vote

In-favor	Opposed
0	4

Mr. Eagar noted that variance request was denied.

Item 6 Adjourn – Mr. Henderson made a motion to adjourn, seconded by Mr. Gilster. Mr. Eagar called for a vote. Motion passed unanimously 4/0.