

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

Minutes

6:00 PM – November 27, 2023

Members in Attendance

Gwen Fowler

Bill Gilster

James Henderson

John Eagar

Tim Mays

Thomas James

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 October 23, 2023 – Mr. Henderson made a **motion** to approve the minutes; seconded by Mr. Gilster. Mr. Eagar called for a vote. The motion passed 6/0.

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 #VA23-000023- Ashley Cothran is requesting relief from the Lake Residential Zoning District lot size requirements. TMS 123-11-01-028, and 123-11-01-047 with an address of 401 Long View Ridge Seneca SC 29672

Mr. TJay Bagwell presented for the applicant. Mr. Bagwell showed a proposed plat combining the parcels. Mr. Bagwell shared a Freedom of Information request regarding the zoning ordinance. Mr. Coley informed the Board that the ordinance

was provided by County attorney Root. Mr. Bagwell stated the applicant has built 10 houses in the community and all were similarly configured. Mr. Bagwell showed houses in close proximity that are all non-conforming. Mr. Bagwell stated the requirements are not possible to be adhered to due too the design to the subdivision. Mr. Eagar asked if they were only asking for variances from the lot width and if all setbacks would be required. Mr. Coley asked for clarification regarding the combination of the parcels. Mr. Bagwell took a sidebar with his client. Ms. Cothran amended the request to include .6' variance be approved for the east front setback on parcel 123-11-01-047.

Staff comments:

Mr. Coley confirmed the request is for the relief from the 80' lot width as well as the setback variance to stay in compliance. The combination of the lots would further restrict the development as the setbacks would be increased. Mr. Coley stated that the ordinance has been in place and cannot speak to the past decisions of the departments, but did agree that the zoning requirements would limit the ability to development the parcel.

Public comment:

NA

Applicant rebuttal:

NA.

Board Questions: The Board did not have any questions for the applicant.

Board discussion: NA

Consideration of VA23-000015:

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 |
|----------|---------|
| 6 | 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. James. A brief discussion followed.

b. Vote

| In-favor | Opposed |
|----------|---------|
| 6 | 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 |
|----------|---------|
| 6 | 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. Henderson made a motion in the affirmative, seconded by Mr. James. A brief discussion.

b. Vote

| In-favor | Opposed |
|----------|---------|
| 6 | 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. James made a motion; seconded by Mr. Mays. No Discussion.

b. Vote

| In-favor | Opposed |
|----------|---------|
| 6 | 0 |

Mr. Eagar noted that variance request was approved. The motion passed 6/0.

ITEM 5 Adjourn –Mr. Henderson made a motion to adjourn, seconded by Mr. Gilster. Mr. Eagar called for a vote. Motion passed unanimously 6/0.