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Meeting agenda  
Monday August 26, 2024 at 6:00pm

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1. Call to order
2. Approval of minutes: 07.22.24
3. Brief statement about rules and procedures
4. Variance application #VA24-000014 John Heidelberg is requesting a 13ft variance to the front setback. TMS 045-00-02-171 with an address of 288 Jocassee Ridge Way, Salem SC 29676. Ref. Sec. 38 – 10.2
5. Adjourn

**Oconee County  
Board of Zoning  
Appeals**

Council Chambers  
415 South Pine Street  
Walhalla, S.C. 29691

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**BOARD MEMBERS**

James Henderson, District I  
Gwen Fowler, District II  
John Eagar, Chairman, At-Large

Bill Decker, At-Large

Bill Gilster, District III  
Thomas James, District IV  
Tim Mays, District V

# OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

## Minutes

6:00 PM – July 22, 2024

### Members in Attendance

Will Decker – At Large  
Tim Mays – District 5  
John Eagar – At Large

Bill Gilster – District 3  
Jim Henderson – District 1  
Gwen Fowler - District 2

### Members Absent

Thomas James – District 4

### Staff

James Coley  
Logan Gibbons

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

**ITEM 2 – Motion to approve the minutes from June 24, 2024** – Mr. Mays made a **motion** to approve the minutes; seconded by Mr. Decker. Mr. Eagar called for a vote. The motion passed 4/0/2. Ms. Fowler and Mr. Henderson 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 #SE24-000001 for new communications tower. Variance application: #VA24-000010 Duke Power Co. is requesting a 60-foot increase to the 250-foot Industrial/agricultural height restriction for cell towers.**

**TMS 137-00-01-001 with an address of 7805 Rochester Hwy Seneca SC 29672. Ref. Sec. 32-136**

**Applicant Comments:**

Stated Name: Sarah Spruill from Haynsworth Sinkler Boyd, representing Duke Energy.

Ms. Spruill confirmed that the board had received the application prepared by Duke Energy.

Ms. Spruill stated that Duke Energy is sought to build a 310 ft tower next to the Oconee nuclear site, therefore needed a 60ft variance. She stated the parcel is zoned CFD. She further stated that the parcel is over 110 acres and that the fall zone for the tower is wholly contained within the parcel.

Ms. Spruill stated that the tower is needed for Duke Operation and point to point communication. The height is required because of the limitations in the surrounding topography.

Ms. Spruill explained that Duke Energy had looked for alternatives including co-location, stealth design, and others but would not adequately satisfy their need.

Ms. Spruill explained that with board approval of the application the county would be able to use the tower for emergency services.

Ms. Spruill further stated that this tower is consistent with the comprehensive plan and is in the best interest of the county. No traffic or access issues because the tower is contained fully within the property.

**Staff comments:**

Mr. Coley explained that the application is complete and that the county has no objections to the application.

**Public comment:**

**Applicant rebuttal:**

NA.

**Board Questions/ Discussion:**

Mr. Gilster questioned about the safety of the tower.

- Ms. Spruill called up Patrick Bernier, senior project manager with Duke Energy.

- Mr. Bernier explained that this tower was a similar situation to an earlier hearing regarding the tower at Bad Creek. He explained the intention is to increase safety of line workers during storm recovery, and day to day operations.
- Mr. Bernier confirmed Duke’s intention to have county 911 services on the tower.
- Mr. Bernier explained that similar to the Bad creek tower, this tower is designed to break in half before falling to minimize damage.

Mr. Eagar questioned if Duke had any intention to open the tower up to public phone wireless use.

- Mr. Bernier explained that they are open to leasing tower space to any wireless companies, and was unaware of any pending applications for this tower.

Mr. Henderson complimented the thoroughness of the application.

- Ms Spruill explained that the tower was extremely important to duke energy.

**Consideration of SE24-000001:**

1. Is in accordance with the Comprehensive Plan and consistent with the spirit, purpose, and the intent and specific requirements of this chapter, to include the definition and intent of the district in which the Special Exemption is being requested

- 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 **did pass**.

2. Is in the best interests of the County, the convenience of the community and the public welfare

- a. Motion – Mr. Henderson made a motion in the affirmative, seconded by Mr. Mays. No Discussion
- b. Vote

In-favor	Opposed
6	0

Mr. Eagar noted that the criterion **did pass**.

3. Is suitable for the property in question, and designed, constructed, operated and maintained so as to be in harmony with and 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. No discussion.
- b. Vote

In-favor	Opposed
6	0

Mr. Eagar noted that the criterion **did pass**.

4. Is 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. Henderson made a motion in the affirmative, seconded by Mr. Gilster. No Discussion
  - b. Vote

In-favor	Opposed
6	0

Mr. Eagar noted that the criterion **did pass**.

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

In-favor	Opposed
6	0

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

**Consideration of VA24-000010:**

6. There **are** extraordinary and exceptional conditions pertaining to the particular piece of property:
  - a. Motion – Mr. Henderson made a motion in the affirmative, seconded by Mr. Mays. No discussion
  - b. Vote

In-favor	Opposed
6	0

Mr. Eagar noted that the criterion **did pass**.

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

In-favor	Opposed

6	0
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Mr. Eagar noted that the criterion **did pass**.

8. 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. Henderson made a motion in the affirmative, seconded by Mr. Mays. No discussion.
  - b. Vote

In-favor	Opposed
6	0

Mr. Eagar noted that the criterion **did pass**.

9. 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. No Discussion
  - b. Vote

In-favor	Opposed
6	0

Mr. Eagar noted that the criterion **did pass**.

10. 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
6	0

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

**Item 5. \*\*\*This application was withdrawn from the 07/22/24 Agenda\*\*\* Variance application: #VA24-000011 Jim Anthony of Falls Park Subdivision is seeking relief from the 100-foot minimum between a curve and intersecting road right of way. TMS 039-00-01-014 with an address of 105 Jocassee Landing Dr. Salem SC 29676 Ref. Sec. 26-3 (e) (3)**

Mr Eagar asked why the application was left in the agenda.

- Mr. Coley explained that because of public interest the application was left for clarity.

**ITEM 6. Variance application: #VA24-000012 Devin Moeser is requesting a 6-foot variance to the front setback. TMS 271-01-01-137 with an address of 34 Ulster Dr. Seneca SC 29678. Ref. Sec. 38-10.2**

**Applicant Comments:**

Stated Name: Devin Moeser, Development Manager, Core Spaces

Mr. Moeser explained that they had built over 200 new student housing, in which the layout was designed based on the original survey that had done for the property. Upon completion of the development, a new as-built survey was done. Mr. Moeser pointed out that open discovery of the violation, he had self-reported.

Mr. Moeser explained that the issue had originally occurred because the first surveyor assumed incorrectly that the road right of way curved with the road, instead of being a point to point linear line.

**Staff comments:**

Mr. Coley showed that Ulster rd has a 66ft road right of way which condenses into a 50ft right of way. He explained, that although the violation was not originally caught, core self-reported the issue.

**Public comment:**

**Applicant rebuttal:**

NA.

**Board Questions/ Discussion:**

**Consideration of VA24-000012:**

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. No discussion
- b. Vote

In-favor	Opposed
6	0

Mr. Eagar noted that the criterion **did pass**.

2. These conditions **do not** generally apply to other property in the vicinity:

- 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 **did pass**.

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

In-favor	Opposed
6	0

Mr. Eagar noted that the criterion **did pass**.

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. Gilster. No Discussion
- b. Vote

In-favor	Opposed
6	0

Mr. Eagar noted that the criterion **did pass**.

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

In-favor	Opposed
6	0

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

**ITEM 8- Adjourn** – Mr. Mays made a motion to adjourn, seconded by Mr. Henderson. Mr. Eagar called for a vote. Motion passed unanimously 6/0.

DRAFT

# VA24-000014

## Legal Description:

Variance Application: #VA24-000014 John Heidelberg is requesting a 13ft variance to the front setback. TMS 045-00-02-171 with an address of 288 Jocassee Ridge Way, Salem SC 29676. Ref. Sec. 38 – 10.2

## GIS:



# Freedom of Information Act - Variance Application

## Permitting Information

Code section from which a variance is requested

Application is restricted by hoa.

**Upload Supporting Documentation Here**

Application is not

### APPLICANT RESPONSES TO SECTION 38-7.1

Describe the extraordinary and exceptional condition (such as size, shape, and topography) that pertains to the subject property that does not generally apply to other land or structures in the vicinity.:

The lot is extremely steep in the back which is requiring the house be built closer to the front setback.

Are the circumstances affecting the subject property the result of actions by the applicant/owner? Explain.

No

Describe the ways in which application of the requirement(s) of the ordinance effectively prohibit or unreasonably restrict the utilization of the subject property.:

The property is zoned control free and is over 1/2 acre, thus requiring a 25ft setback. Road right of way is 40ft with 20ft of paved surface. I am requesting to be 22ft from edge of the pavement, as was granted for the neighbor directly across the street. Therefore a 13ft variance is needed.

Will the proposed variance result in an activity that 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. Explain.:

One neighbor has already been granted the ability to be built as requested. If I am granted this variance it will keep with the character of the subdivision.

### **General Contractor**

ICC 113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code of the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

### Comments

OCONEE COUNTYS APPROVAL, PERMITTING, AND/OR INSPECTION(S) OF THIS PROJECT DOES NOT MEAN THAT THE PROJECT IS IN COMPLIANCE WITH ALL APPLICABLE SUBDIVISION AND/OR HOMEOWNERS ASSOCIATION, OR SIMILAR ENTITYS, BUILDING AND LAND USE REQUIREMENTS OR RESTRICTIONS, BY SIGNING BELOW YOU ACKNOWLEDGE THAT COMPLIANCE WITH ANY SUCH STANDARDS IS YOUR RESPONSIBILITY.

## Workflow Reviews Information

Type	Creation Date	Due Date	Completion Date	Status	Description
Application Check	07/11/2024	07/12/2024	01/01/1900	Pending	
Planning and Zoning Review	07/11/2024	01/01/1900	01/01/1900	Pending	
Review Complete	07/11/2024	01/01/1900	01/01/1900	Pending	

## Inspection Information

## Activities Information

## Documents Information



Jocassee Ridge Way

← 281 Jocassee Ridge Way  
 Salem, South Carolina  
 Google Street View  
 Mar 2024



Google

Jocassee Ridge Way



← 287 Jocassee Ridge Way

Salem, South Carolina



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