

Meeting agenda Monday, September 23, 2024 6:00pm

- 1. Call to order
- 2. Approval of minutes: 08.26.24.
- 3. Brief statement about rules and procedures
- 4. Variance application #VA24-000015. William McCowan is requesting a 5-foot variance to the side setback. TMS 110-02-01-007 with an address of 194 Palmetto Pointe Dr. Salem SC 29676. Ref. Sec. 38-10.2
- 5. Variance application #VA24-000016. Paul O'Flynn is requesting a 4-foot variance to the side setback for a proposed garage. TMS 210-01-03-032 with an address of 618 Broadway St. Seneca, SC. 29672. Ref. Sec. 38-10.2
- 6. Adjourn

Oconee County Board of Zoning Appeals

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

www.oconeesc.com

YouTube: "YourOconee"

Staff contact 846-638-4218

planninginfo@oconeesc.com

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

Minutes

6:00 PM - August 26, 2024

Members in Attendance

John Eagar – At Large Jim Henderson – District 1 Tim Mays – District 5 Gwen Fowler-District 2

Members Absent

Thomas James – District 4 Bill Gilster – District 3 Will Decker - At Large

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. Henderson. Mr. Eagar called for a vote. The motion passed 4/0.

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 #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 Applicant Comments:

Stated Name: John Heidelberg

Mr. Heidelberg pointed the board's attention to the HOA's approval of his variance setback, in addition to that all other houses in the neighborhood have needed similar variances.

Mr. Heidelberg explained the need for the variance, and referenced the fact his lot drops off to a steep decline on his property, thus restricting the buildable space of his lot.

Staff comments:

Mr. Gibbons confirmed the applicants request for a variance was based on the similar variances granted to neighbors in the past.

Public comment:

Applicant rebuttal:

NA.

Board Questions/ Discussion:

Ms. Fowler requested the staff show a topography map of the site.

- Mr. Heidelberg was asked to point out the location of his proposed house on the topography.

Mr. Mays pointed out the HOA's approval letter, highlighting the fact the board has approved similar variances.

Consideration of VA24-000014:

- 1. 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	
4	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
4	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.
 - Motion Mr. Henderson made a motion in the affirmative, seconded by Mr. Mays. No discussion.
 - b. Vote

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

In-favor	Opposed	
4	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. Mays made a motion; seconded by Mr. Henderson. No Discussion.
 - b. Vote

In-favor	Opposed	
4	0	

Mr. Eagar noted that variance request was approved

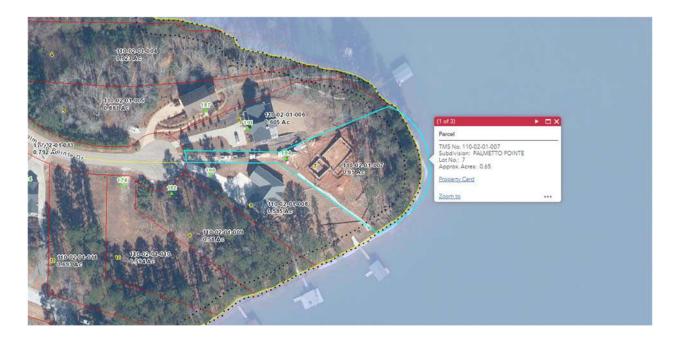
ITEM 5- Adjourn – Mr. Mays made a motion to adjourn, seconded by Mr. Henderson. Mr. Eagar called for a vote. Motion passed unanimously 4/0.

VA24-00015

Legal Description:

Variance Application: #VA24-000015. William McCowan is requesting a 5-foot variance to the side setback. TMS 110-02-01-007 with an address of 194 Palmetto Pointe Dr. Salem SC 29676. Ref. Sec. 38-10.2

GIS:





Application Application is

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.:

Are the circumstances affecting the subject property the result of The steep slope on one side of the property is a natural actions by the applicant/owner? Explain.

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

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.:

General Contractor

uses or to the public good.. The character of the district shall not be harmed by the granting of this variance.

Ramey Home Builders Inc

then ties back up the hill about 30 feet.

down the hill...

the property.

level.

Do to the required position of the house on our lot, the natural condition of the lot has a large drop off on one end and it was determined by my builder that it would be best to build a erosion

control retaining wall that would keep the property from washing

The wall comes off the foundation towards the property line and

When final grading is done, the top of the wall will be at grade

occurrence that has been their since the lot was purchased.

There should not be any restriction or prohibit the utilization of

The proposed variance should have no impact on the adjacent

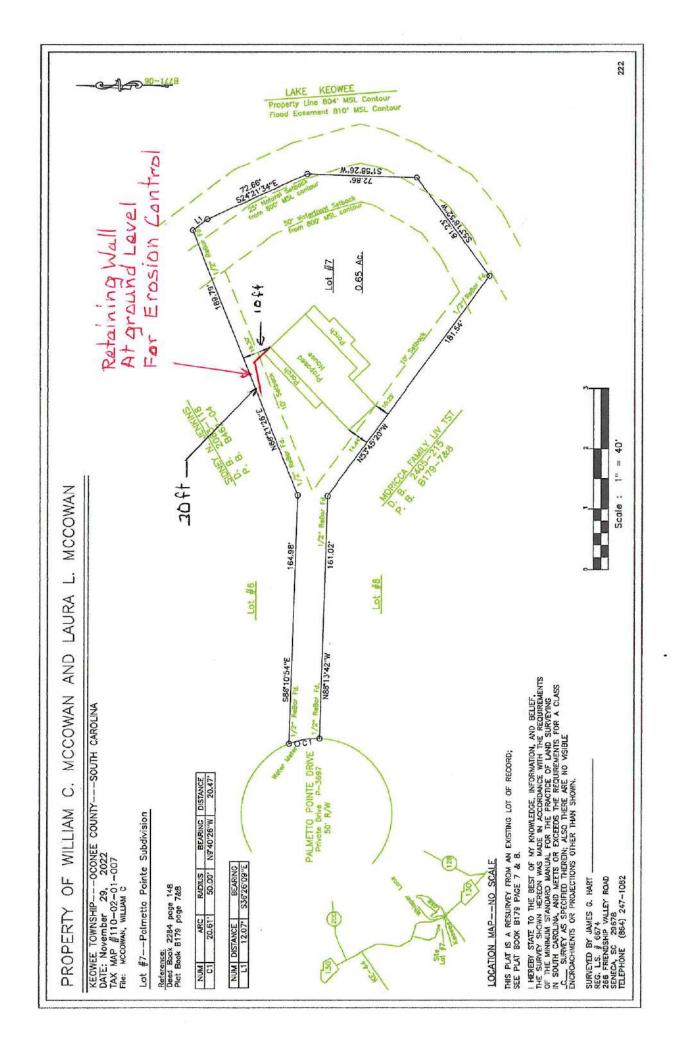
ICC 113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code of the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed.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

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 07/19/2024 07/20/2024 08/30/2024 Approved Check









TMS 110-02-01-007 194 Palmetto Pointe Dr - 5 foot variance to the side setback

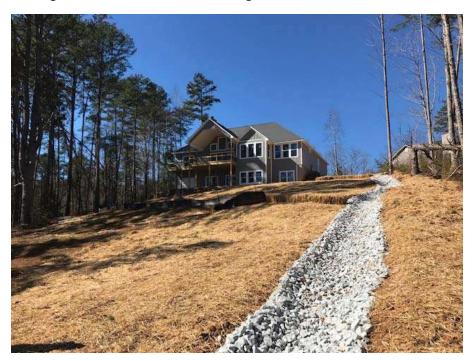
Palmetto Pointe HOA Board Member (Treasurer) Concerns:

- The Palmetto Pointe HOA Board is made up of a President, Vice President, Secretary, and Treasure. These Board members also act as the Architectural Committee who need to vote on all proposals. The goal is to work with the Proposer and any directly impacted neighbors to create an alternative proposal (if necessary) in order to achieve a majority or unanimous vote for approval.
- 2) The Palmetto Pointe HOA Board Meeting Minutes from 2/26/23 indicated an Architectural proposal from Lot 7 (Proposal 3 retaining walls) which was verbally submitted. The other Board members requested formal information from the owner (Vice President) before discussing with neighbors and voting.
- 3) The Palmetto Pointe HOA Neighborhood Meeting Minutes from 7/15/2023 indicated the need to follow the covenants for retaining walls and questions and details need to be provided to the HOA President and Vice President before an HOA Board review and vote for approval.
- 4) The HOA Neighborhood Meeting is not an HOA Board meeting so we do not review Architectural proposals in front of all of the neighbors.
- 5) On the date of the HOA Neighborhood meeting, to my knowledge, there was no official retaining wall proposal documentation submitted by the proposing owner. Therefore, no official proposal was reviewed by all of the HOA Board members. Without a formal review there is no formal vote or disposition. This basically means that the proposal was not approved.
- 6) In this case the proposing owner proceeded with work without approval. Therefore, the neighbor most impacted indicated that they were never informed by the Board or the owner of any such proposal, and showed some dismay (rightfully so).
- 7) Some Board members are concerned that this particular owner, who just happens to be the Vice President, is not following the rules and regulations set forth by the official Covenants/Restrictions and Plat Map submitted to Oconee County on Dec 14, 2006. For example:
 - a. On the dates between Sep 3 and Sep 6, 2024 this same Owner (Vice President) decided to move his dock to a new location without Board notification, review, and approval.
 - b. Duke dock permits recommend that owners follow all local regulation, in this case according to Duke a local regulation is defined as town, city, county regulations as well as HOA regulations. Clearly the HOA regulations were not followed.
 - c. Over 1.5 years earlier, on 2/26/23, the Board had a majority vote to not allow the dock in this new location (well outside of the Pier Zone documented with the covenants on Dec 14, 2006), and agreed upon another location which the dock was placed in March or April of 2023.
 - a. Last week, when confronted why they moved their dock from the approved location, the owner stated they moved the dock because that is where they want it, and the location helps gain some water depth for use of the boat lift.
 - b. No reasonable explanation or water depth data was provided to the Board why the new location is more appropriate in terms of water depth than the pier zone area indicated in the Plat Map included with the Covenants dated Dec 14, 2006.

- c. The 2 Board members who did not approve the move understood that the water depth during drought may be an issue and recommended the owner to work with Duke to get a longer gang plank/cables approved in order to move the dock into deeper waters.
- d. The owner did not follow this recommendation for whatever reasons, and thus moved his dock without HOA Board approval.
- e. The movement of the dock is well outside of the approved pier zone and is adversely affecting the neighbor who's purchasing contract and closing documents included the covenants and plat map filed on Dec 14, 2006. They purchased their property under the pretense that these Rules and Regulations would be followed by the Board and all neighbors. Covenant Item 47 C (iii) "The use of all Shared Private Piers, Waterfront Lot Piers, Shsared Private Boatslips, and Waterfront Boatslips shall be subject to each of the following (iii) any rules and regulations adopted by the Board of Directors"
- 8) As a Board member I would like a solution that meets county regulations for drainage, is long-term aesthetically pleasing to the parties involved, and preserves property value for the parties involved, as well as, the overall neighborhood.
- 9) We feel a friendly solution exists for the most impacted parties, but the county will need to vote on the disposition and guide the next steps.

Lot 8-190 Palmetto Pointe Dr. owner concern about drainage from Lot 7, 194 Palmetto Pointe Dr Timothy and Pilar Moricca

Drainage ditch installed Feb '22 – looks great



This is what our property looked like Apr '22 near the neighbors proposed driveway and building site – gradual slope on the left bank



Sep '24 – No silt fences present and drainage coming toward my property – for over 2 years



Sep '24 – A more dramatic slope created by no silt fences and drainage into my yard



Sep '24 Resultant of our Drainage ditch/retention pool being filled with silt from Lot 7 runoff



We formally request that the Builder and Owner come up with an immediate solution to clean our drainage ditch and retention pool of the silt, and create a drainage solution to keep runoff on their property. Just as an FYI, the owner is not going to use gutters or downspouts on his home therefore, there will be a lot of learning for him to figure out drainage on his property without affecting neighbors or Duke.



Oconee County Board of Zoning Appeals 415 S. Pine Street Walhalla, SC 29691

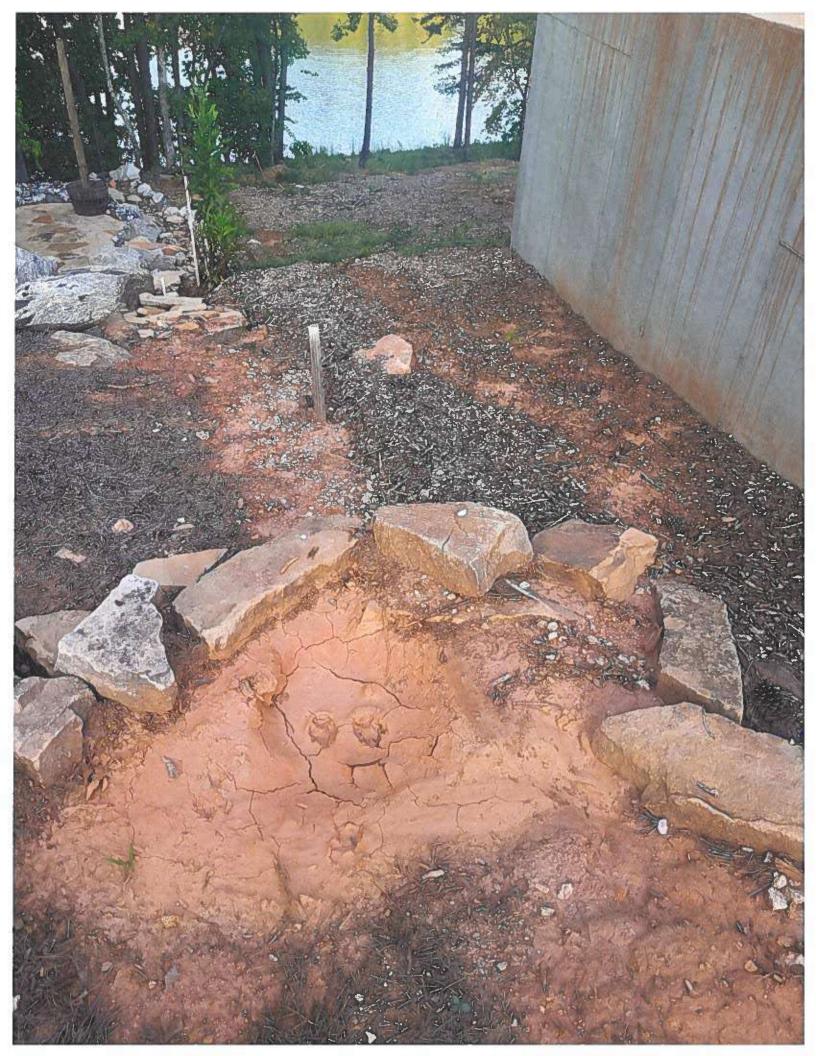


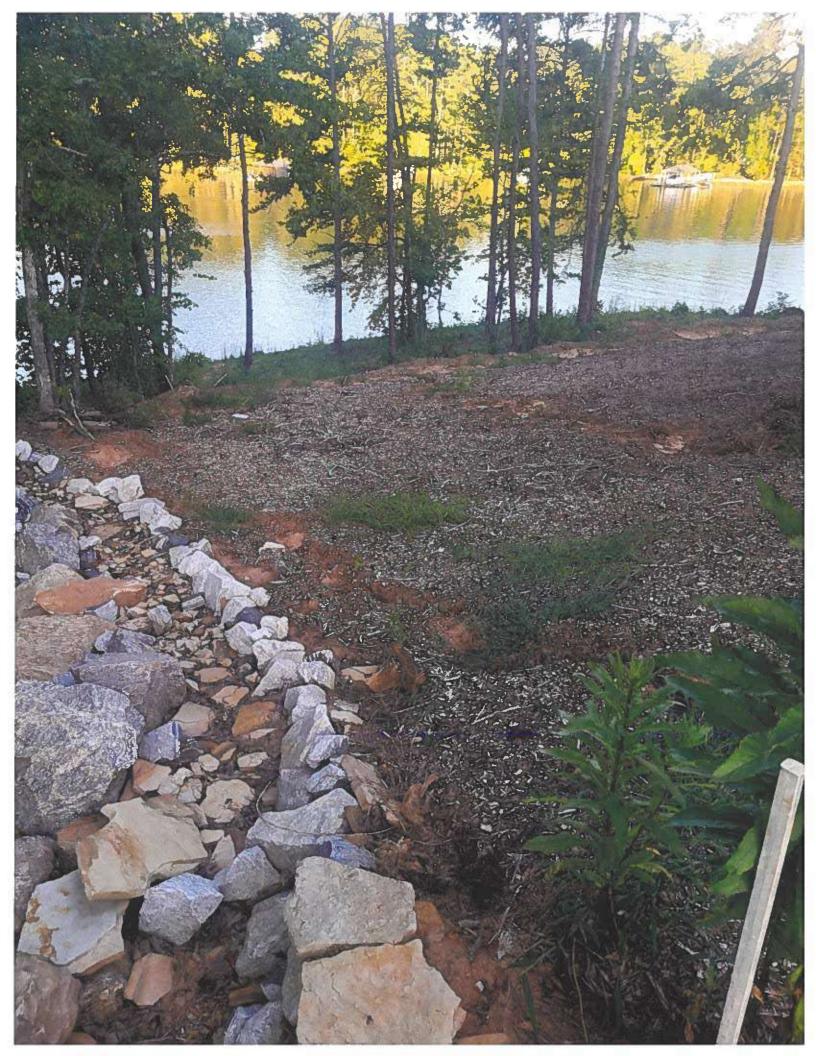
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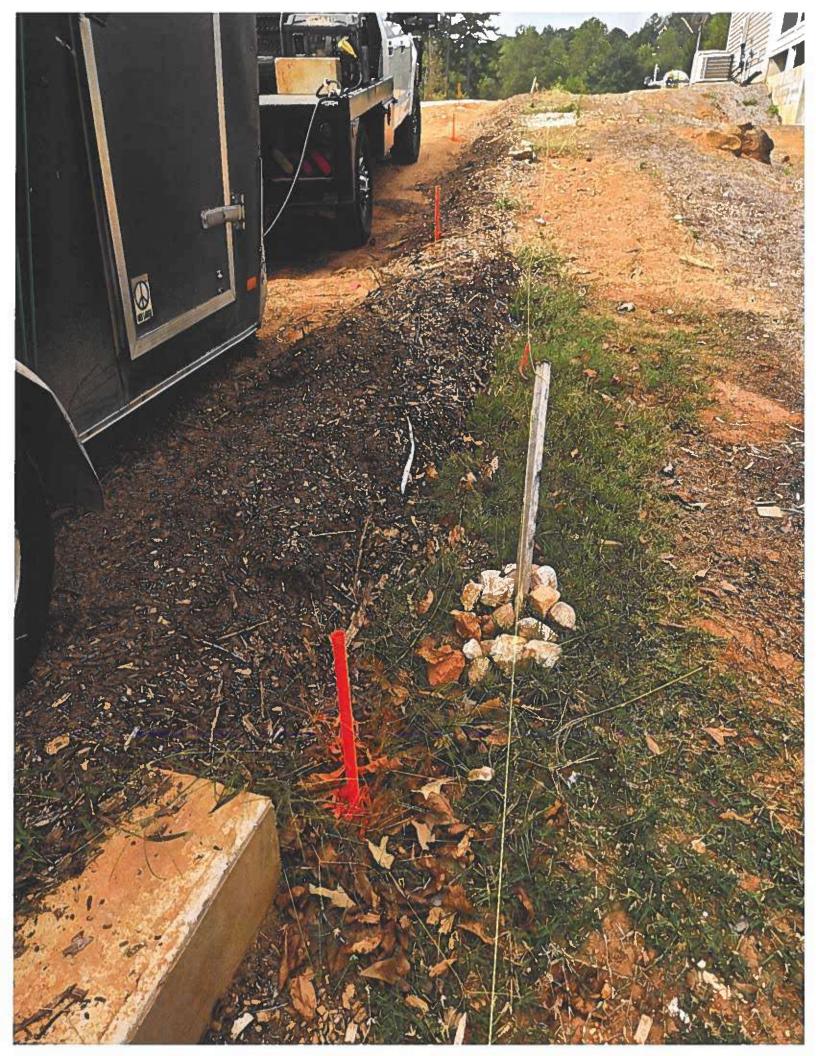
Public Comment Sign-Up

✓ 1.	Elizabeth Nowell Pictures Attached	d
√ 2.	Bill McCowan	
√3.	Tim Moricca	
	PILAR MORICCA	
1(0	



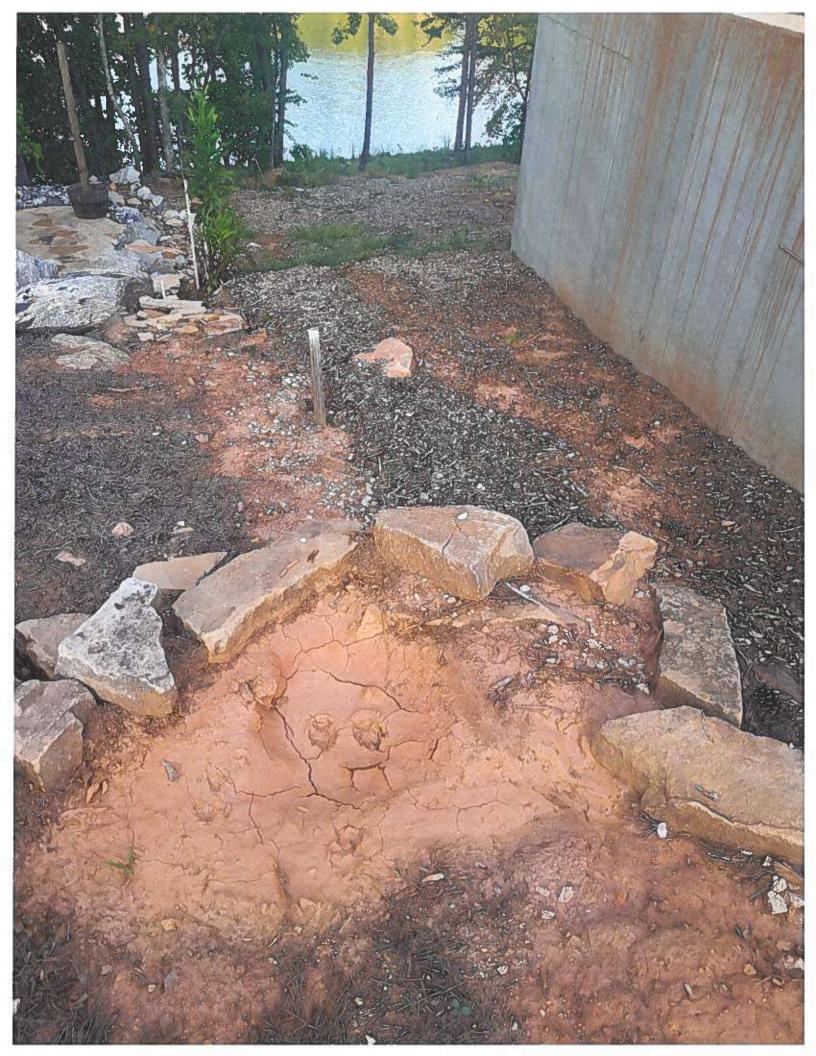


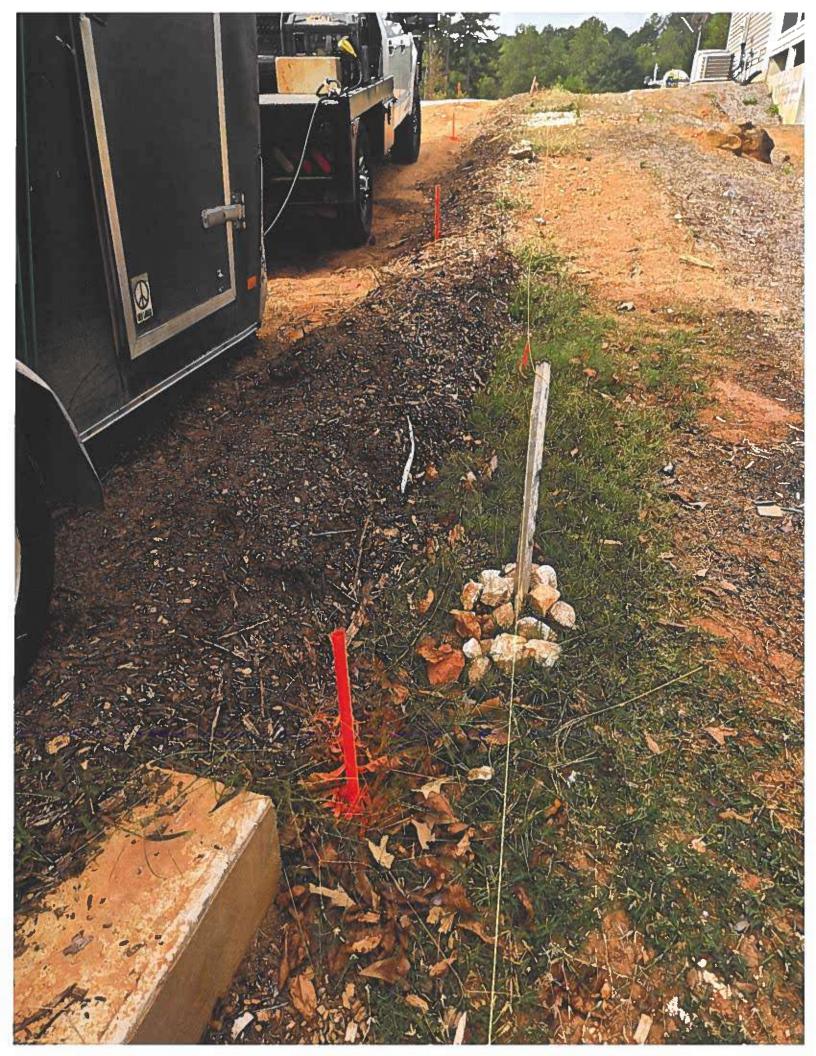




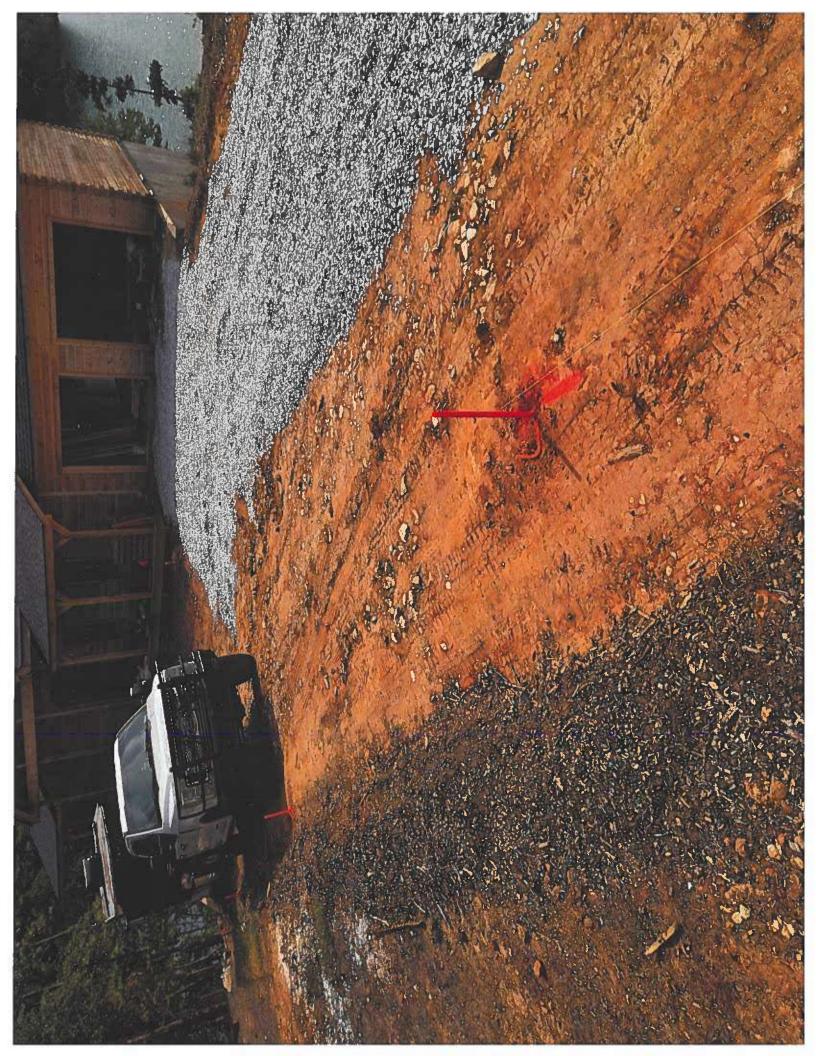










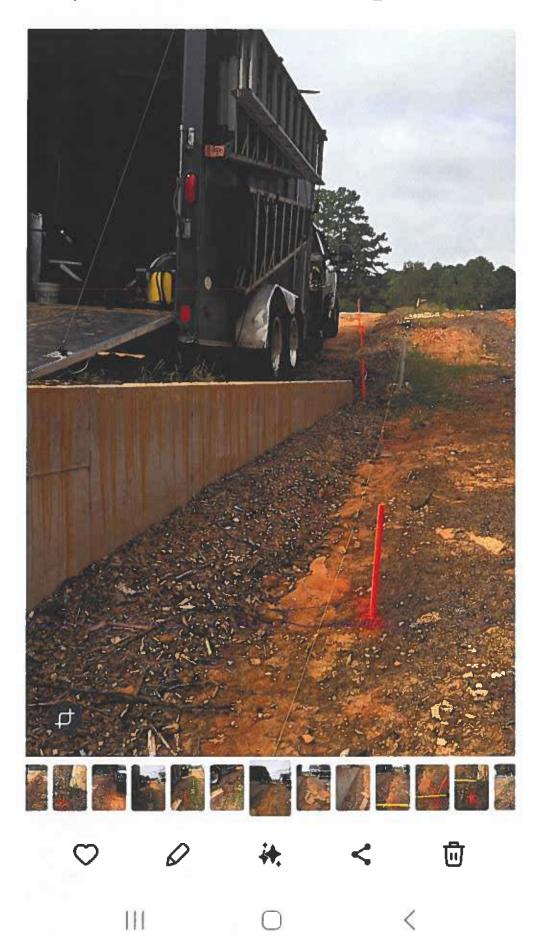


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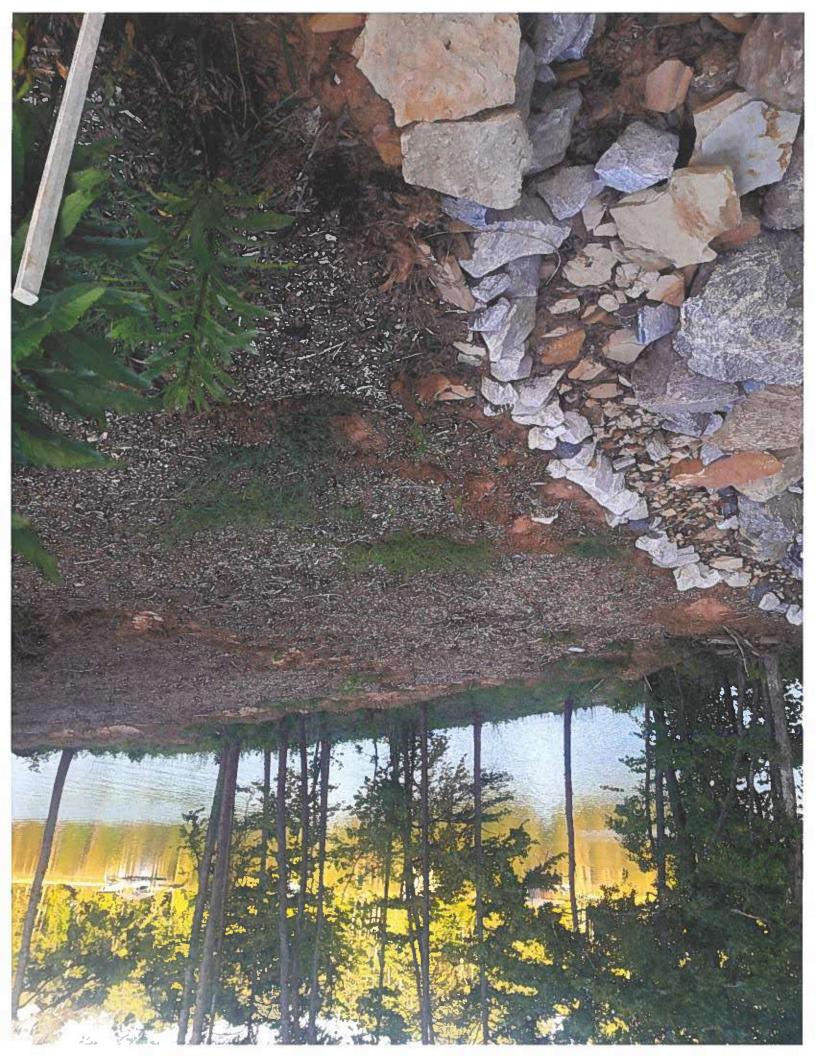


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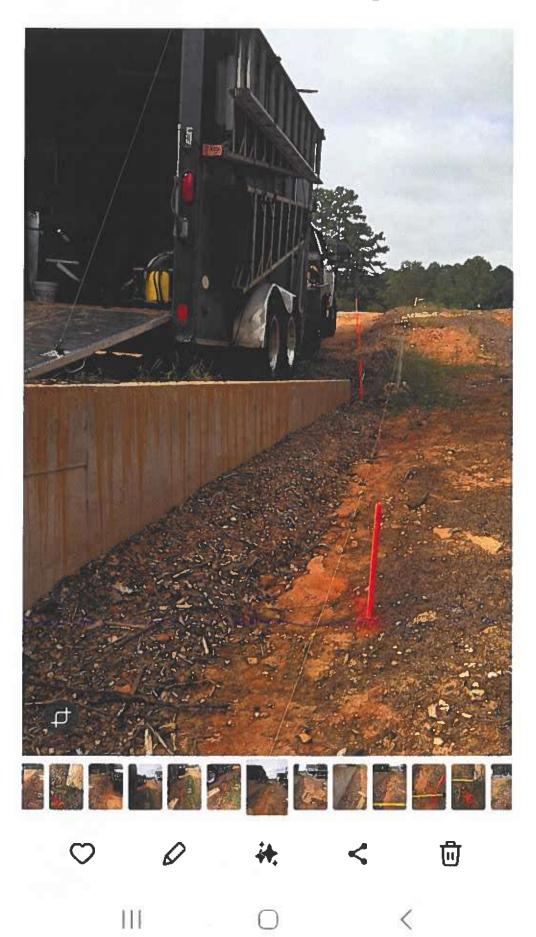


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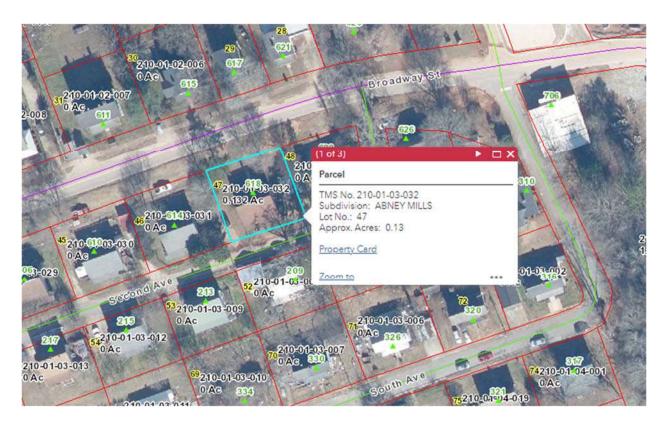


VA24-000016

Legal Description:

Variance Application: #VA24-000016. Paul O'Flynn is requesting a 4-foot variance to the side setback for a proposed garage. TMS 210-01-03-032 with an address of 618 Broadway St. Seneca, SC. 29672. Ref. Sec. 38-10.2

GIS:



Freedom of Information Act - Variance Application Permitting Information

Code section from which a variance is requested
Application is

Upload Supporting Documentation Here

Application is not

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.:

small house that was renovated as a retirement home. she got a building permit from Oconee county. Being a full time resident has created the need for more storage and more space for an automobile and sheshed/workshop.

There is a deck on the other side that is

preventing the garage from being placed there. Additionally the house sits in the middle of the lot, so this side is the only position it can be placed.

A smaller garage would not be conducive for what I am wanting. Additionally it would require a lot of extra money to change plans in order to be compliant.

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.:

Ref sec. 38-10.2

The required setbacks would inhibit me from being able to utilize the property as the plan has laid out. We'd be forced to use a garage that would not meet our needs.

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.:

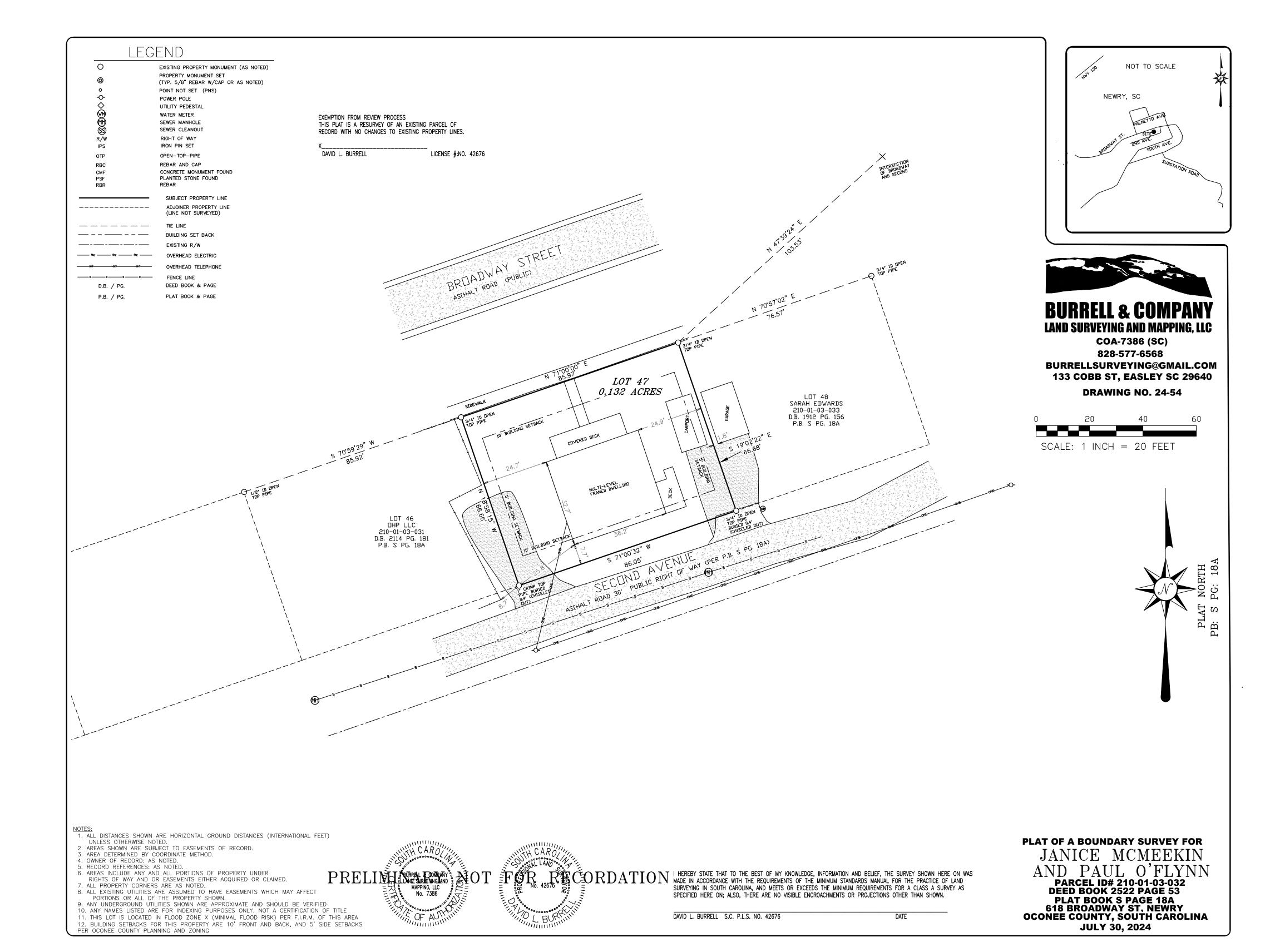
no this will not be a detriment

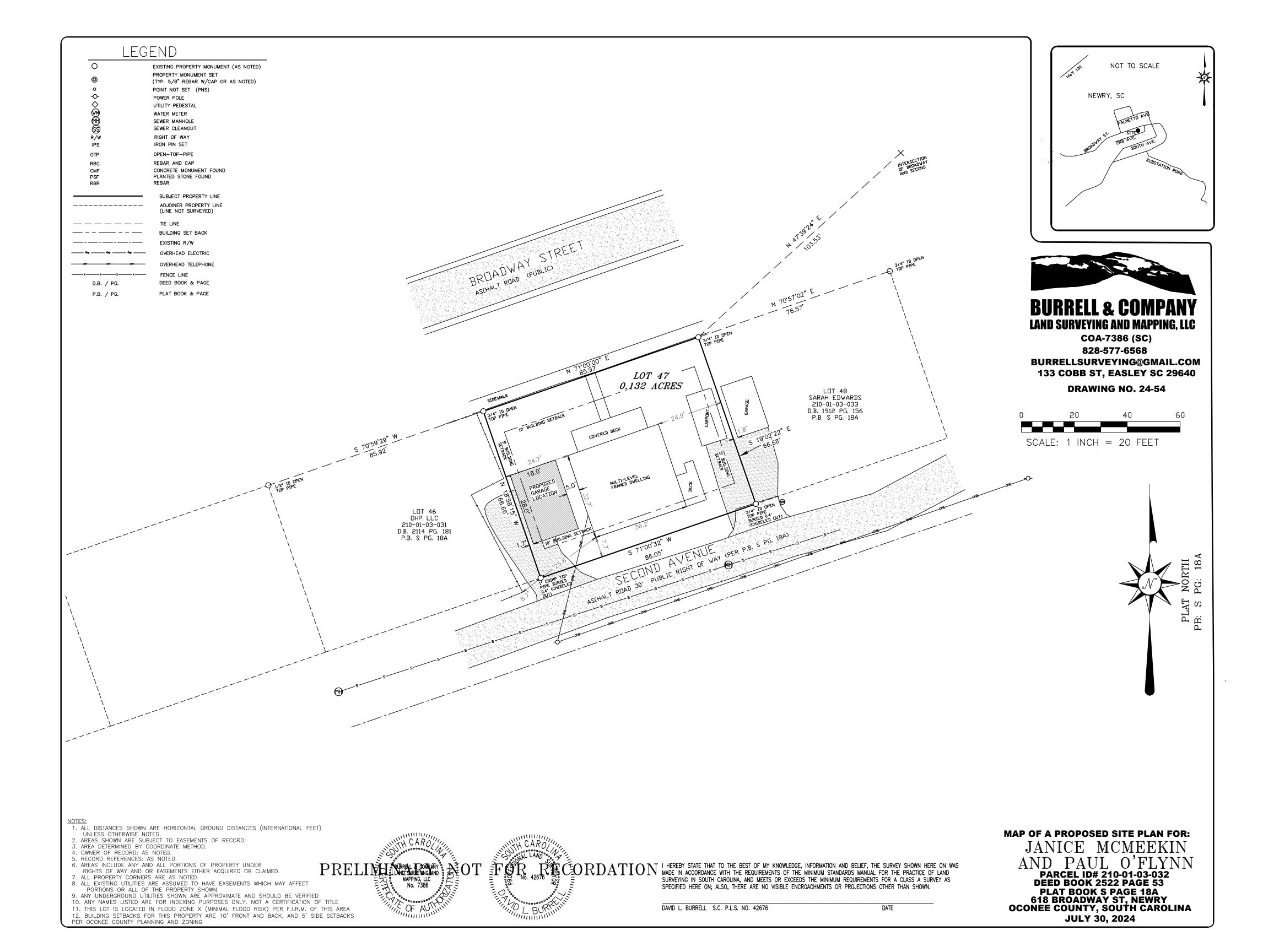
General Contractor

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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.





Mr. James Coley, Director of Planning and Zoning

415 Pine Street

Walhalla, SC 29691

Dear Mr. Coley,

Enclosed are the letters sent to the neighbors near our home at 618 Broadway St. Newry, SC, to inform them that we are building a garage on our property. We did inform them about our applying for a Variance through the Department of Planning and Zoning of Oconee County. We offered to share our architectural plan and sent the survey and platt.

Additionally, we gave the information about the variance request that is to be heard by the Board of Zoning Appeals on September 23, 2024 at 6:00 pm.

Thank you,

Janice Mc Meekin

Janice Mc MeekIN

803-360-5318

Paul O'Flynn

502-744-8946

Sarah L. Edwards

PO Box 79

Newry, SC 29665

Dear Neighbor,

As your neighbor living at 618 Broadway St. in Newry I personally wanted to inform you that my family and I are planning to build a garage on our property. The structure will be a two story building that is 18 feet wide and 28 feet long. It will be located on the empty part of my property between 614 Broadway and 618 Broadway St. I have enclosed a copy of a recently completed survey which shows the proposed structure.

We will be applying for a variance for this project through the Department of Planning and Zoning of Oconee County. This variance request will allow the building to utilize more of the 5 feet set back required on each side of the building and property line which is required by the present zoning laws. This setback will have no impact on most of the surrounding neighbors. I felt it was important to let you know the plan and the process. It will be important for us to work with the owner of 614 Broadway to assure adequate parking spaces are maintained for that property. Brian Armstrong will serve as the forman of the project and I will serve as the general contractor. I, my husband and Brian are available to answer questions now and through the building process. Our phone numbers are included at the bottom of this letter. We are also more than happy to share the architectural plans now and as the work progresses. Our variance request will be heard by the Board of Zoning Appeals on September 23,2024 at 6:00 pm.

We are committed to building a structure of which the neighborhood will be proud. At the same time we want the construction process to be as minimally

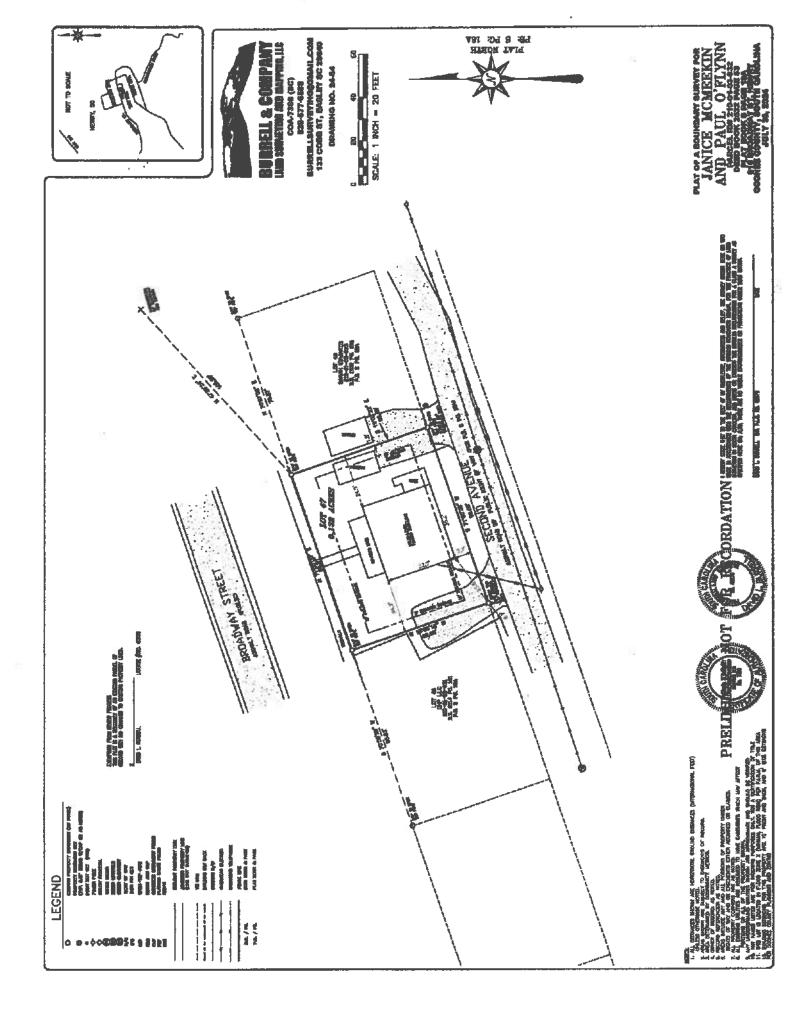
invasive to the neighbors as possible. We we are committed to attempt to quickly resolve any problems that arise. Finally, when all is done we will look foward to inviting you to an open house at our garage/workshop/sheshed.

Sincerely,

Paul

Janice Mc Meekin 803-360-5318

Brian Armstrong 864-903-9613



Sarah Lynn Blackwell
213 Second St.
Newry.SC 29665

Dear Neighbor

As your neighbor living at 618 Broadway St. in Newry I personally wanted to inform you that my family and I are planning to build a garage on our property. The structure will be a two story building that is 18 feet wide and 28 feet long. It will be located on the empty part of my property between 614 Broadway and 618 Broadway St. I have enclosed a copy of a recently completed survey which shows the proposed structure.

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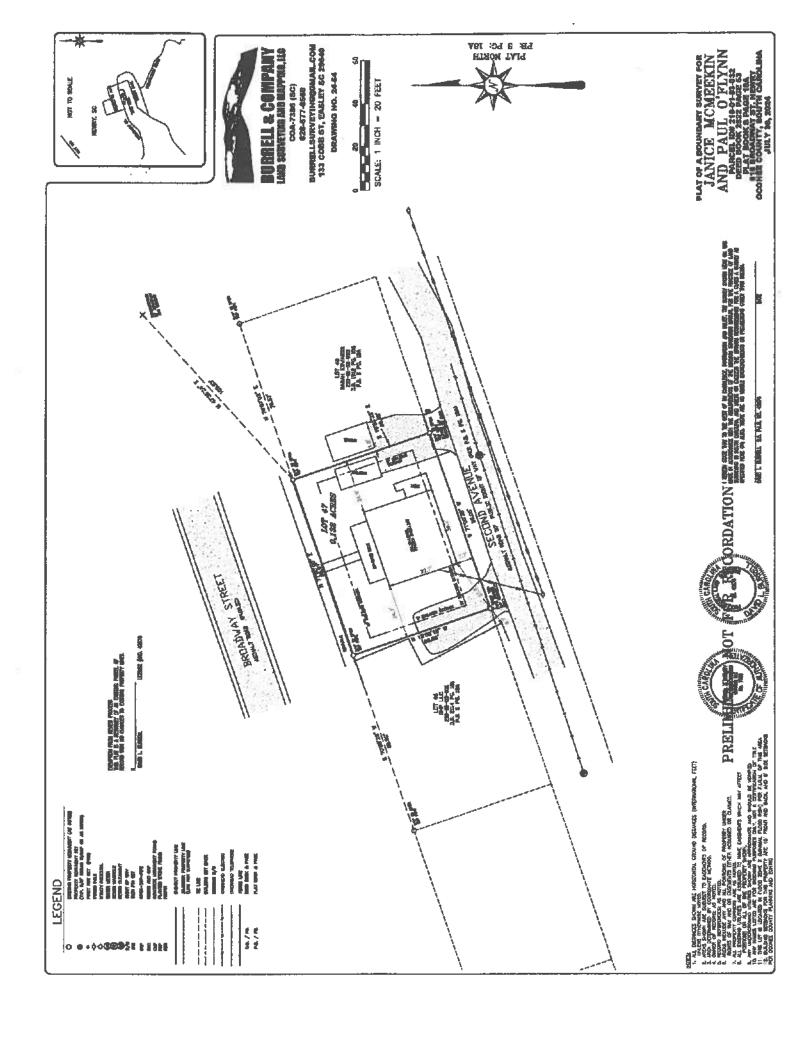
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Sincerely,

Janice Mc Meekin 803-360-5318

Brian Armstrong 864-903-9613



Landlord of 614 Broadway St. Newry, SC

OHP LLC

417 Perry Street

Greenville, \$29601

Dear Neighbor,

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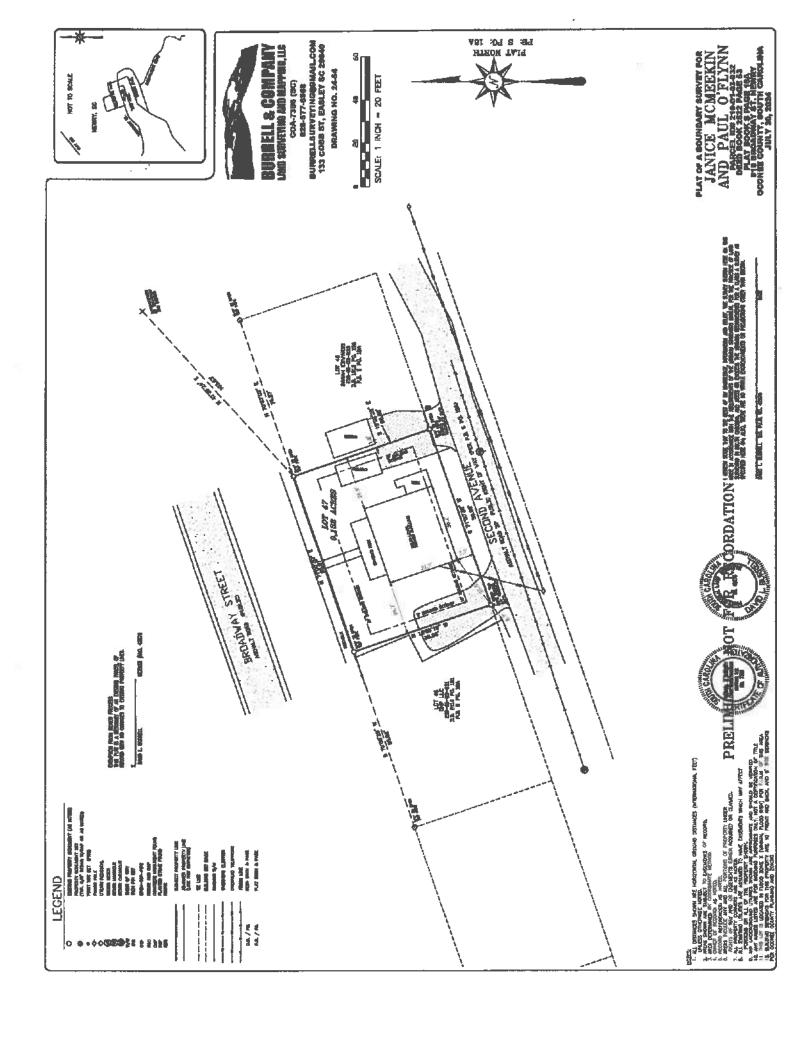
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Sincerely,

Janice Mc Meekin 803-360-5318 Brian Armstrong 864-903-9613



Kimberely Whate & Donnie Arnold 209 Second St.

Newry, SC 29665

Dear Neighbor,

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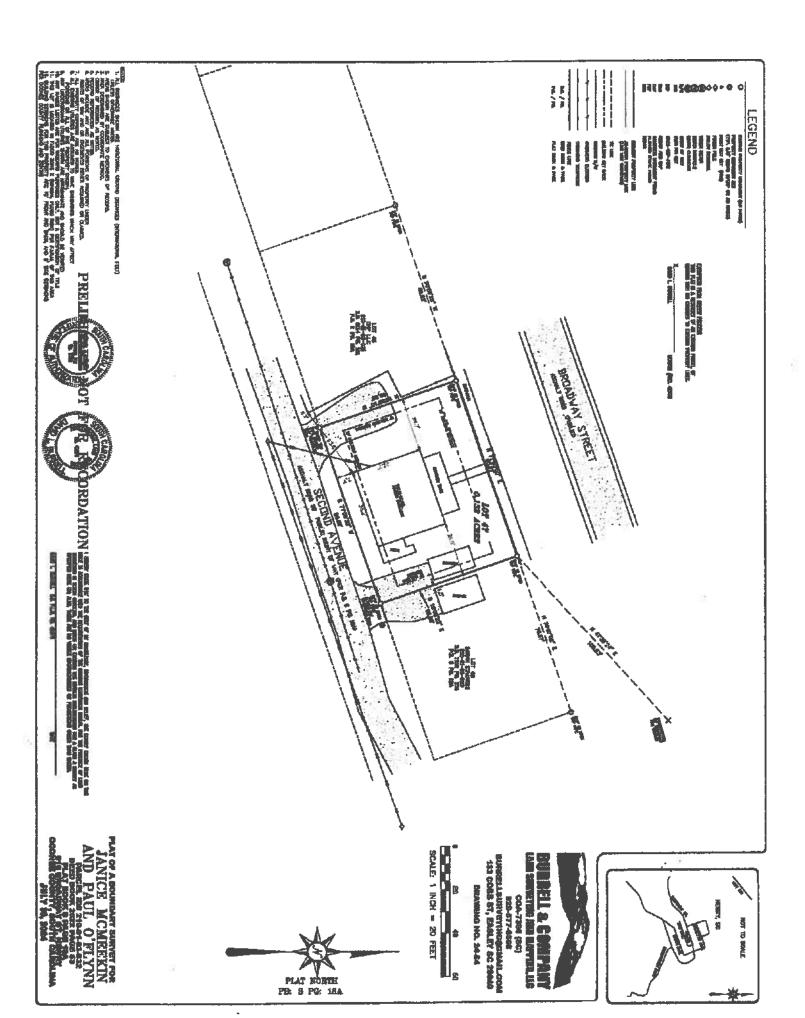
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Sincerety,

Janice Mc Meekin 803-360-5318 Brian Armstrong 864-903-9613



Navigate to...



WAY VIEW PERMIT

Home / Services / Permits / View Permit

Make a payment
Upload documents
Leave message

Permit #: BR24-000564 Project #: 24-001839

Status: Void Due to Inactivity

Balance Due: \$0.00

Address: 618 BROADWAY ST 👂

Description: Garage for parking car, workshop, office and extra bathroom. also storage.



Permit

Reviews

Documents

Inspections

Permit #:

BR24-000564

Permit Type:

Residential Permit

Sub Time.					
Sub Type: New Construction Garage					
Issue Date:					
Expiration Date:					
Expiration Date.					
Property Owner:					
MCMEEKIN JANICE G					
Property Owner Email:					
janicegmcmeekin@gmail.com					
Property Owners Phone #:					
803-360-5318					
Contractor Information					
Type of Contractor:					
Owner Builder					
Contractor:					
- Janice McMeekin					
Please enter the phone # the inspector should use for contact prior to inspection					
Phone:					
803-360-5318					
Renter/Leasee Information					
Renter/Leasee:					
Project Information					
Foundation Repair:					
Value.of,completed.project:					
400000,00					
Type of Work					
please check all that apply					
Single,Family.Dwelling:					
No					
Detatched.Garage:					
Yes					
Townhouse:					
No					
Duplex:					
No					
Electrical:					

TMS 210-01-03-032; 4-foot variance to side setback

rfarver48@aol.com <rfarver48@aol.com>

Fri 9/6/2024 9:20 AM

To:Planning Info <planninginfo@oconeesc.com> Cc:Charles Farver <rfarver48@aol.com>

Dear Sir or Madam.

My wife, Pamela Farver, and myself, C. Ronald Farver, live at 626 Broadway Street (TMS 210-01-03-004). We recently purchased 622 Broadway Street (TMS 210-01-03-033) which is adjacent to the property forf which the setback variance is being requested.

We do not have any objection to the requested 4-foot variance to the side setback being requested.

C Ronald Farver 626 Broadway Street Box 33 Newry, SC 29665



Oconee County Board of Zoning Appeals 415 S. Pine Street Walhalla, SC 29691



Variance Application: #VA24-000016. Paul O'Flynn is requesting a 4-foot variance to the side setback for a proposed garage. TMS 210-01-03-032 with an address of 618 Broadway St. Seneca, SC. 29672. Ref. Sec. 38-10.2

Public Comment Sign-Up

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