
Meeting agenda
Monday November 25, 2024 at 6:00pm

1. Call to order
2. Approval of minutes: 09.23.24
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: #VA24-000018: Arthur Covert is requesting a 4-ft variance to the rear setback for a bathroom addition. TMS 334-01-05-030 with an address of 165 Ricks Rd, Fair Play, SC 29643. Ref. Sec. 38-10.2
6. ~~Variance Application: #VA24-000019: Tim Revis with Total Quality Home Builders is requesting a 5-ft variance to the side setback for a retaining wall. TMS 150-00-01-524 with an address of 699 Turtle Cove Rd, Seneca, SC 29672. Ref. Sec. 38-10.2~~ **Withdrawn**
7. Variance Application: #VA24-000020: William Houts is requesting a 6-ft variance to the front setback for a garage. TMS 052-03-01-031 with an address of 261 Jumping Branch Rd, Tamasee, SC 29686. Ref. Sec. 38-10.2.
8. Variance Application: #VA24-000021 Ellis Gunter is requesting a 5-ft variance to the rear setback for new construction. TMS 334-01-01-021 with an address of 1055 Shelor Ferry Rd, Fair Play, SC 29643. Ref. Sec. 38-10.2
9. 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 – September 23, 2024

Members in Attendance

John Eagar – At Large
 Jim Henderson – District 1
 Thomas James – District 4
 Bill Gilster – District 3

Tim Mays – District 5
 Gwen Fowler -District 2
 Will Decker – At Large

Members Absent

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. Gilster made a **motion** to approve the minutes; seconded by Mr. Henderson. Mr. Eagar called for a vote. The motion passed 4/0/3.

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 #VA24-000015 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

Applicant Comments:

Stated Name: William McCowan

Mr. McCowan explained that he had owned the property for over 13 years and that it was always his intention to build on it. The property, however, had a steep decline which prevented construction where Mr. McCowan ideally would have wanted it. Because of this, Mr. McCowan's main concern was drainage at the front of the property.

Mr. McCowan stated that he contracted with Brian Ramey with Ramey Homebuilders to build the house. It was Mr. Ramey's recommendation to put in the retaining wall to help with runoff. Mr. McCowan explained that the purpose of the shape and dimensions of the retaining wall are such to funnel storm water down the retaining wall and out the back of the property. After putting in the wall, it was discovered that the last 8 feet of it fall within the County Setbacks.

Mr. McCowan explained that a county inspector approved of the retaining wall, but recommended that he seek a variance for the portion that is close to the property line.

Staff comments:

Mr. Coley explained the original building permit did not include a retaining wall.

- He also stated that the county inspector does not inspect pins and property lines. He explained it was the responsibility of the builder to determine those.
- Mr. Coley further stated that retaining walls meet the description of a structural element and are required to be outside of the setback.
- Mr. Coley explained that per chapter 32 builders are responsible for runoff before, during, and after development.

Public comment:

Stated Name: Elizabeth Nowell

Ms. Nowell introduced herself as the neighbor directly impacted by the variance request. Ms. Nowell distributed photos she had supplied as evidence to her comments. Ms. Nowell explained that from the time construction began, she has had issues with runoff coming from the applicant's property.

Ms. Nowell explained that she installed French Drain system to help mitigate the runoff coming from the applicant's property. She stated that shortly after Mr. McCowan's retaining wall was installed, her French Drains were completely covered in mud and silt. Ms. Nowell stated that the property lines initially marked were incorrect and she had a surveyor mark them again. She then explained that the closest edge of the retaining wall according to the newly marked property line was 3 inches.

Ms. Nowell then asked the board who was responsible for ensuring the retaining wall was outside of the setback.

- Mr. Eagar explained the home owner was responsible.

Ms. Nowell stated that the applicant had a silt fence that had been washed away and never replaced.

- Mr. Decker asked Ms. Nowell what her ideal solution would be.
 - o Ms. Nowell stated she wants the wall removed and erosion controlled.

Ms. Nowell explained that she attempted to alleviate some of the runoff by installing stones that have been placed on Mr. McCowan's property as well.

- Mr. Eagar asked if Ms. Nowell was opposed to the wall.
 - o Ms. Nowell stated she was opposed to the wall being 3 inches from her property. She also expressed her concerns about enough space for landscaping given the wall was installed so close to the property line.
- Mr. Eagar explained that even if the variance was denied, only the portion of the wall within the setback would be removed. Mr. Eagar asked Ms. Nowell if that would solve the issue for her.
 - o Ms. Nowell explained it would help, as it allowed for room for landscaping.

Stated Name: Tim Moricca

Mr. Moricca introduced himself as the neighbor of the applicant on the side opposite of the retaining wall. Tim referenced the letter he provided Planning Staff, and explained that it summarized his concerns.

Mr. Moricca expressed drainage concerns. Mr. Moricca explained that he holds a position on the HOA and stated that the HOA never approved of the retaining wall. Mr. Moricca explained that they do not allow for solid concrete walls per their HOA covenants. However, he also stated that because the wall is already established the HOA would likely work with Mr. McCowan to find a solution.

- Mr. Eagar asked Mr. Moricca to clarify if the HOA explicitly does not allow for concrete walls.
 - o Mr. Moricca explained that it was his understanding that when someone bought land in the subdivision that they were given the HOA covenants and restrictions. He stated he built his house in accordance to those restrictions and it similarly should be the case with Mr. McCowan.
- Mr. Eagar asked if the building plans were ever presented to the HOA board.
 - o Mr. Moricca explained that there was a verbal discussion regarding the plans but no formal approvals were ever given to Mr. McCowan.

Mr. Moricca explained that he was also experiencing drainage issues from the construction of Mr. McCowan.

- Mr. Eagar asked if Mr. Moricca was for or against the variance.
 - o Mr. Moricca stated he was not in favor for it.

Applicant rebuttal:

Mr. McCowan confirmed he is on the HOA board as well. He explained that he had submitted drawings to the HOA board highlighting where the walls were placed. He stated that he was told by [Chirs Kline (former VP of HOA board)] that it was voted on and approved.

Mr. McCowan expressed concerns about Ms. Nowell's survey and stated that he would like the surveyor to communicate with [Ramey Builders]. Mr. McCowan said that her surveyor refused to speak with Ramey or anyone who is not a licensed surveyor. Mr.

McCowan showed his original plot plan showing existing pins and called into question the validity of Ms. Nowell's survey.

Mr. McCowan explained that Ms. Nowell's French drain and rocks are on his property and has not made a complaint about it.

Mr. Eagar pointed out that disputes over the property line were outside the scope of the BZA board.

Mr. McCowan reaffirmed that he retaining wall had a drainage system installed. He also planned to address the appearance of the wall completion of his home.

Mr. Mays asked if the applicant had talked with Mr. Ramey about the drainage issue on the side with the retaining wall.

- Mr. McCowan stated it was his idea.

Mr. Decker stated that there were complaints from both neighbors that their drains were clogged.

- Mr. McCowan stated that he does not believe that all of the silt in the drain is from his property. He explained after installing the silt fence, he has also placed mulch all over the property to stabilize it.

Board Questions/ Discussion:

Mr. Eagar asked if the applicant was aware of the county setbacks prior to installation of the retaining wall.

- Mr. McCowan stated he was not aware at the time of installation.

Mr. Gilster asked what the applicant would do if the variance does not get approved.

- Mr. McCowan explained he would have to get Ramey Homebuilders to remove the portion of retaining wall in the setback. He then stated he would have to address the erosion concerns in another manner.

Ms. Fowler questioned about current water control measures in place.

- McCowan explained that all water from the front of the house is diverted to a central drain via the retaining wall, and outflows to the lake from that drain. He stated all rain on top and behind the house flow directly to the lake.
- Ms. Fowler asked if the construction runoff is causing silt to get into the lake.
- Mr. McCowan explained that they had a silt fence in the early periods of construction and now stabilize the ground using mulch. Mr. McCowan stated that there is over 75ft of stabilized ground to dissipate runoff before it reaches the lake.

Mr. Gilster proposed that the applicant and neighbors should attempt to find a solution before a decision be made in regards to the hearing.

Mr. Decker asked the applicant if he intentionally ignored the bylaws of the HOA in regards to the concrete wall.

- Mr. McCowan stated he did not remember a specific bylaw for retaining walls. He explained that there was a restriction on freestanding walls that would serve a similar function as a fence, but not for retaining walls.

Mr. Mays asked if the variance was denied what Mr. McCowan's options would be.

- Mr. McCowan stated that his only option then would be to cut that section of the wall.

Mr. Mays asked how that would affect erosion.

- Mr. McCowan stated that it would increase the erosion.

Mr. Mays asked if there were any covenants referencing erosion control.

- Mr. McCowan said he was unaware of any.

Mr. Eagar stated that if Mr. McCowan would have to remove that portion of the wall, he would still be responsible for erosion control.

Consideration of VA24-000015:

Mr. Decker explained that the decision for the variance should be postponed, and require the applicant to show adequate erosion control measures if the wall is removed.

Mr. Eagar stated that the board should table the variance, and require that the applicant work with the HOA, builders, and neighbors to create a plan to mitigate erosion.

Mr. Fowler stated parties who gave approval to Mr. McCowan to install the retaining wall should appear and explain their approval.

Mr. Decker stated that the issue will still persist even if there was HOA approval.

Mr. Eagar stated that requiring an approved plan from all parties involved will removed barriers to the variance and make the decision easier to make.

Ms. Fowler stated she would deny the variance if the ruling was made. Ms. Fowler expressed concerns that the applicant should address drainage. She stated that the board was not presented any proof that Mr. McCowan had approval to put the retaining wall in and should be required to remove the portion in the setback.

Mr. Henderson stated that requiring the applicant to perform any of the discussed remediations were outside their scope explained they should focus on just the variance portion of it. He then explained he would be in favor of the variance being approved.

Mr. Eagar suggested they table the variance.

1. Table the variance until the next BZA meeting to be held November 25, 2024 with the parties involved meeting to come up with an amicable and cohesive plan to solve the erosion issue and decide whether or not the variance has the approval of the affected parties or not.
 - a. Motion – Mr. Mays made a motion in the affirmative, seconded by Mr. James. No discussion
 - b. Vote

In-favor	Opposed
7	0

ITEM 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

Applicant Comments:

Stated Name: Paul O’Flynn

Mr. O’Flynn stated that the property in question was purchased by his wife Janice McMeekin in 2019 to be a retirement home. Mr. O’Flynn explained that he was in need of more space for parking, wood working, and a she shed. He stated that in order to maintain the 5ft space required by international fire code and the setback would not allow for enough space to build the garage. Mr. O’Flynn stated that they needed to be 3.3 ft closer to the property line which was the need for the variance.

Mr. O’Flynn explained that he has already communicated with the neighbor who would be affected by the granting of the variance and has come to an agreement with them.

Staff comments:

Mr. Coley confirmed that the applicant was seeking to build the garage 1.7ft from the property line.

Public comment:

Applicant rebuttal:

NA.

Board Questions/ Discussion:

Consideration of VA24-000016:

2. 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. Decker. No discussion
 b. Vote

In-favor	Opposed
7	0

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

3. 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. Henderson. No Discussion
 b. Vote

In-favor	Opposed
7	0

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

4. 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. James made a motion in the affirmative, seconded by Mr. Decker. No discussion.
 b. Vote

In-favor	Opposed
7	0

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

5. 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. Henderson. No Discussion
 b. Vote

In-favor	Opposed
7	0

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

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

In-favor	Opposed
7	0

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

ITEM 6- Adjourn – Mr. Mays made a motion to adjourn, seconded by Mr. James. Mr. Eagar called for a vote. Motion passed unanimously 7/0.

VA24-000015

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 is 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.:

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 down the hill.. The wall comes off the foundation towards the property line and then ties back up the hill about 30 feet . When final grading is done, the top of the wall will be at grade level.

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

The steep slope on one side of the property is a natural occurrence that has been their since the lot was purchased.

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

There should not be any restriction or prohibit the utilization of the 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.:

The proposed variance should have no impact on the adjacent uses or to the public good.. The character of the district shall not be harmed by the granting of this variance.

General Contractor

Ramey Home Builders Inc

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

PROPERTY OF WILLIAM C. MCCOWAN AND LAURA L. MCCOWAN

KEOWEE TOWNSHIP---OCONEE COUNTY---SOUTH CAROLINA

DATE: November 29, 2022

TAX MAP #110-02-01-007

File: MCCOWAN, WILLIAM C

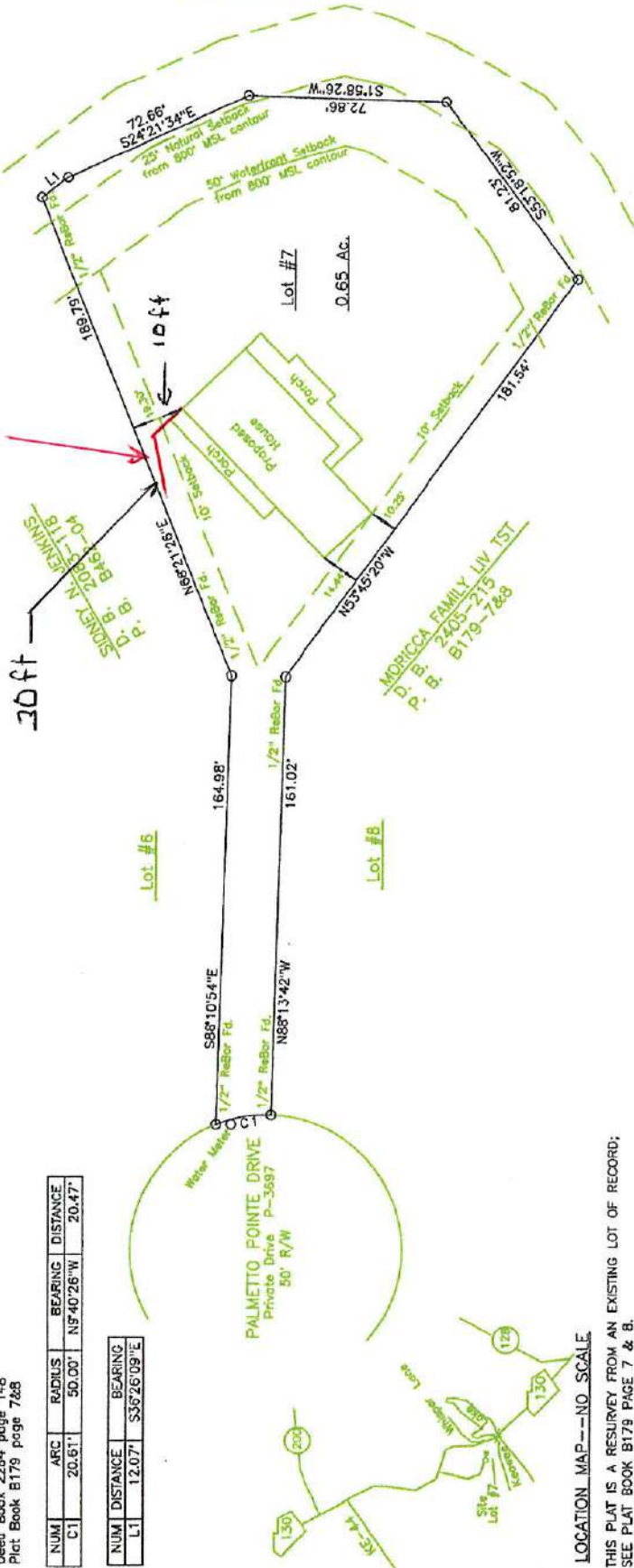
Lot #7---Palmetto Pointe Subdivision

Reference:
Reed Book 2284 page 148
Pict Book B179 page 788

NUM	ARC	RADIUS	BEARING	DISTANCE
C1	20.61'	50.00'	N74°02'26"W	20.47'

NUM	DISTANCE	BEARING
L1	12.07'	S36°26'09"E

Retaining Wall
At Ground Level
For Erosion Control



LOCATION MAP--NO SCALE

THIS PLAT IS A RESURVEY FROM AN EXISTING LOT OF RECORD;
SEE PLAT BOOK B179 PAGE 7 & 8.

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF,
THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS
OF THE MINIMUM STANDARD MANUAL FOR THE PRACTICE OF LAND SURVEYING
IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS
C SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE
ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

SURVEYED BY JAMES G. HART
REG. L.S. # 6674
268 FRIENDSHIP VALLEY ROAD
SENECA, SC 29678
TELEPHONE (864) 247-1082









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

Palmetto Pointe HOA Board Member (Treasurer) Concerns:

- 1) 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.

James Coley

From: John Eagar <[REDACTED]>
Sent: Sunday, November 24, 2024 5:21 PM
To: James Coley
Subject: Re: McCowan Permit #: VA24-000015

 **This message could be suspicious**

- The sender's email address couldn't be verified.

[Mark as Safe](#) Powered by Mimecast

Please add all pertinent data and photos.

Thanks,
John

On Friday, November 22, 2024 at 11:59:52 AM EST, James Coley <jcoley@oconeesc.com> wrote:

The contractor for Variance 24-15 that was continued from our last meeting sent in the attached photos yesterday morning. At your discretion, they can be included in an addendum to the backup materials. Would you like me to add these to the backup?

Thanks,

James Coley

Director

Oconee County Planning and Zoning

415 S. Pine Street

Walhalla, SC 29691

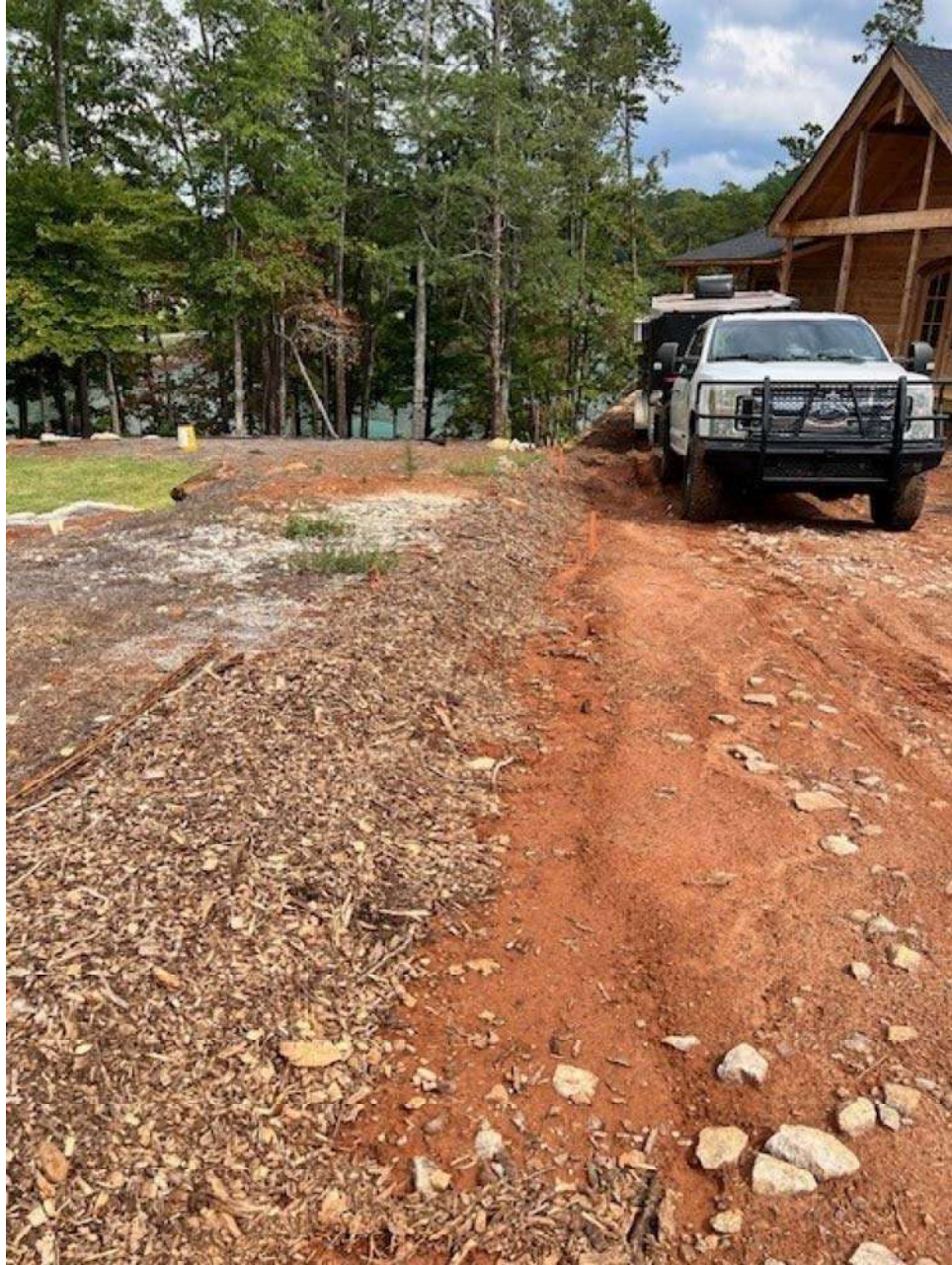
Phone: (864) 638.4218



CONFIDENTIALITY NOTICE: *All e-mail correspondence to and from this address may be subject to public disclosure under the South Carolina Freedom of Information Act (FOIA). This correspondence is intended exclusively for the individual or entity to which it is addressed, and may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure.*

If you are not the intended recipient, you may not read, use, copy, or distribute this e-mail message or its attachments. If you believe you have received this e-mail message in error, please contact the sender by reply e-mail or telephone immediately and destroy all copies of the original message.

From: Brian Ramey <[REDACTED]>
Sent: Thursday, November 21, 2024 7:54 AM
To: James Coley <jcoley@oconeesc.com>
Subject: McCowan Permit #: VA24-000015

























VA24-000018

Legal Description:

Variance Application: #VA24-000018: Arthur Covert is requesting a 4-ft variance to the rear setback for a bathroom addition. TMS 334-01-05-030 with an address of 165 Ricks Rd, Fair Play, SC 29643. Ref. Sec. 38-10.2

GIS:





LOGOUT

- Home
- Services
- Search
- Reports
- My Account
- Contact

APPLY FOR A DEVELOPMENT

Home / Services / Development Project / Apply for a Development

| indicates a required field

| Project Type:

Variance Application

| Sub Type:

BZA

| Project Description:

Setback variance

| Is this application for a new or existing project?:

A new project



| Address:

165 RICKS RD



|

FAIR PLAY

SC

29643

| Parcel #:

334-01-05-030

| Property Owner:

COVERT ARTHUR & TONYA



Your parcel # has been verified

ENTER A DIFFERENT ADDRESS →

Property Information

| Gate Code (if applicable):

No

| Subdivision:

PORT BASS

| Lot:

39

| Base Zoning District:

CFD

| Overlay:

No

| Fire District:

| Flood:

No

| SC Aeronautics Review:

No

Variance and Special Exception applicants should informally meet with property owners potentially impacted by the request to explain the request and answer any questions. This is not mandatory.

| Code section from which a variance is requested:

38-10.2

| Property Owner:



...

| Property Owner Email:

COVERT MOM 1@FRONTIER.NET

| Property Owners Phone #:

585-737-6141

You must attach a scaled drawing of the property that reflects, at a minimum, the following:

- (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the requested variance; (c) existing buildings and other relevant improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested variance.

| Upload Supporting Documentation Here:

Select File

The applicant and/or property owner affirms that the applicant or someone acting on the applicants behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the Community Development office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or at to have the

terminated or waived, then the Community Development office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.

To that end, the applicant hereby affirms that the tract or parcel of land which is subject of the attached application is (see below) is not (see below) restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity.

| Application is:

[Empty text box]

| Application is not:

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 existing house was built prior to the new ordinance we want to continue building with the existing footprint

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

Purchased House after it was already built and wasn't aware of Set Back Requirements

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

We would not be able to build new structure without variance. we want to add new Bedroom and area is required to Build new structure

| 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.:

The neighbors have been contacted and are in agreement that the new structure will not affect them in any way

| General Contractor:

Self

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:

Every thing is true and accurate in this application

You must read and agree to our electronic signature policy [Electronic Signature Policy \(.../Documents/153/sigpolicy.pdf\)](#)

I have read and agree to the terms of the Electronic Signature Policy

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.

 Tonya Covert

SUBMIT

SAVE FOR LATER

FILED FOR RECORD
OCONEE COUNTY, S.C.
REGISTER OF DEEDS

151 2 9 0 2 5 1

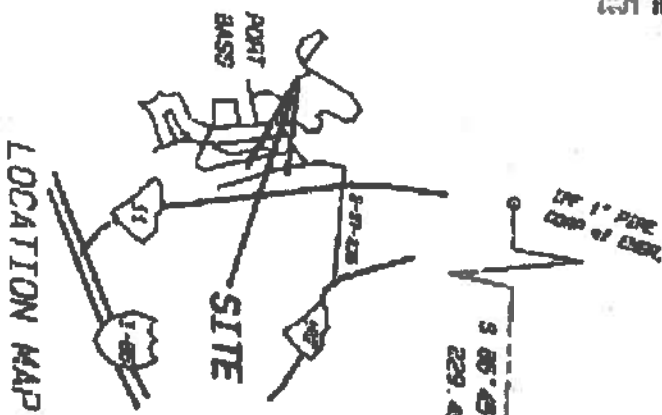
REF. NORTH



P. B. P-29 PG. 92
Doc ID: U73489480001 Type: PLA
Book 6300 Page 10 - 10

RETURN TO:
KENYON, LISK & ANDERSON
ATTORNEYS AT LAW
P. O. BOX 1288
ANDERSON, S. C. 29622

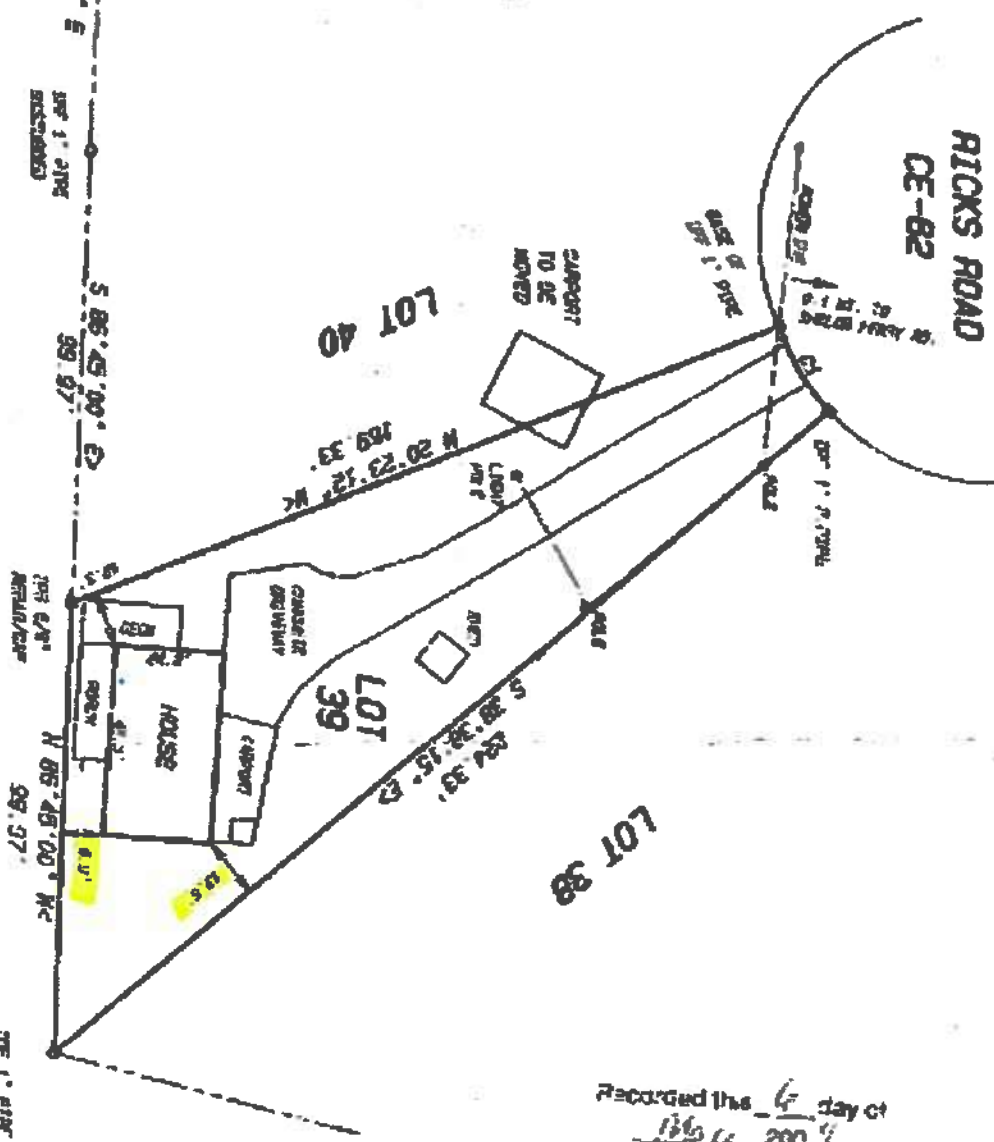
018206



CURVE 1	ARC	DELTA	RADIUS	CHORD LENGTH	CHORD BEARING
C ¹	21.81	24.59° 22'	50.00	21.63	N 59° 55' 48" E

RICKS ROAD
CE-82

U.S. GOVERNMENT
LAKE HARTWELL PROJECT



Recorded this 6 day of
1864 2009
and Certified
Register of Deeds, Oconee County

NOTE: THIS PROPERTY IS SUBJECT TO ALL EASEMENTS & R/W'S OF RECORD.



PLAT PREPARED FOR: Everett D. Tomkinson
DANIEL IYER
TARA ROBIE
11/17/2008

LOT 39 PORT BASS SUBD.
REF. D.B. 1019 PG. 171
REF. J.D. P-29 PG. 92
TRAP# 334-01-05-016
ACREAGE - 0.233

DATE: APRIL 22, 2009

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

TOWNSHIP OF CENTER

SCALE: 1" = 40'



I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOW HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND DOES NOT EXCEED THE REQUIREMENTS FOR A CLASS B SURVEY AS PRESCRIBED THEREIN.

THERE ARE NO VISIBLE ENCUMBRANCES OR RECORD ENCUMBRANCES SHOWN.

Gregory B. Sosebee
© COPYRIGHT BY

GREGORY BLAKE SOSEBEE P.L.S.# 14818
P.O. BOX 275 SENEGA, S.C. 29675-0275
TELEPHONE (854) 982-0024

PROJECT-TOWN JOB#-18447-11

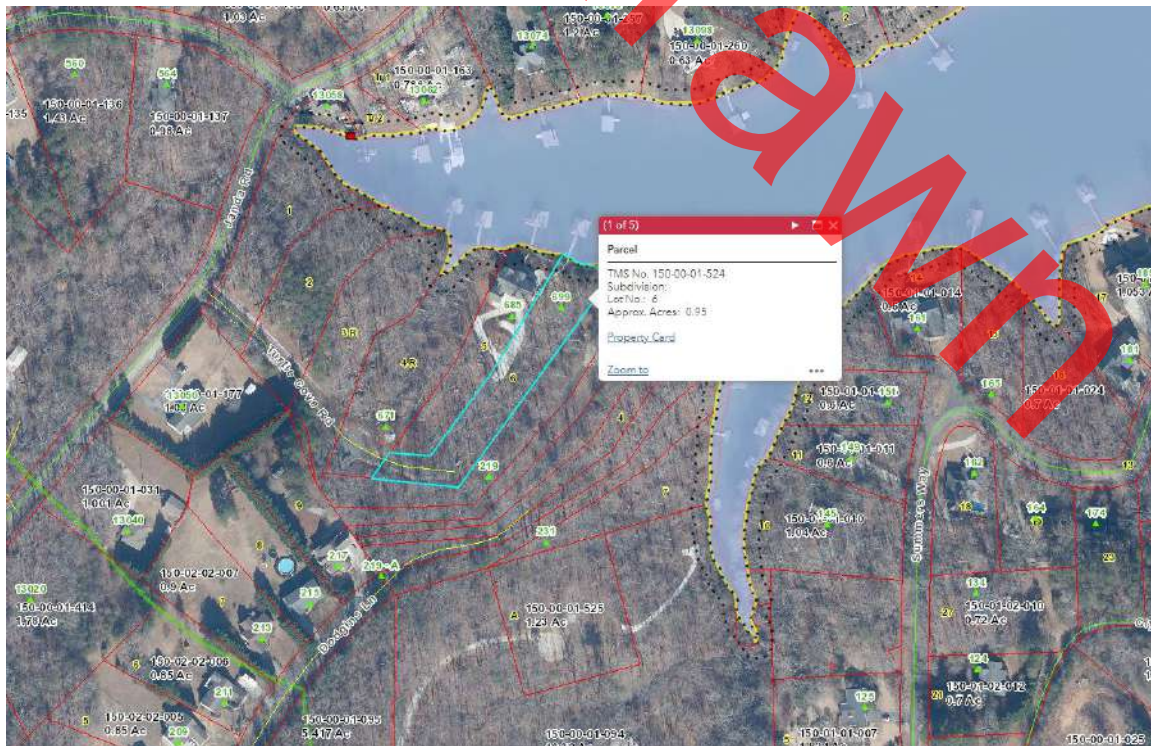
THIS PLAT AND THE DESIGNS HEREON ARE THE PROPERTY OF GREGORY B. SOSEBEE & ASSOCIATES AND MAY NOT BE USED IN WHOLE OR PART WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR AND ANY INFRACTION WILL BE SUBJECT TO LEGAL ACTION.

VA24-000019

Legal Description:

Variance Application: #VA24-000019: Tim Revis with Total Quality Home Builders is requesting a 5-ft variance to the side setback for a retaining wall. TMS 150-00-01-524 with an address of 699 Turtle Cove Rd, Seneca, SC 29672. Ref. Sec. 38-10.2

GIS:

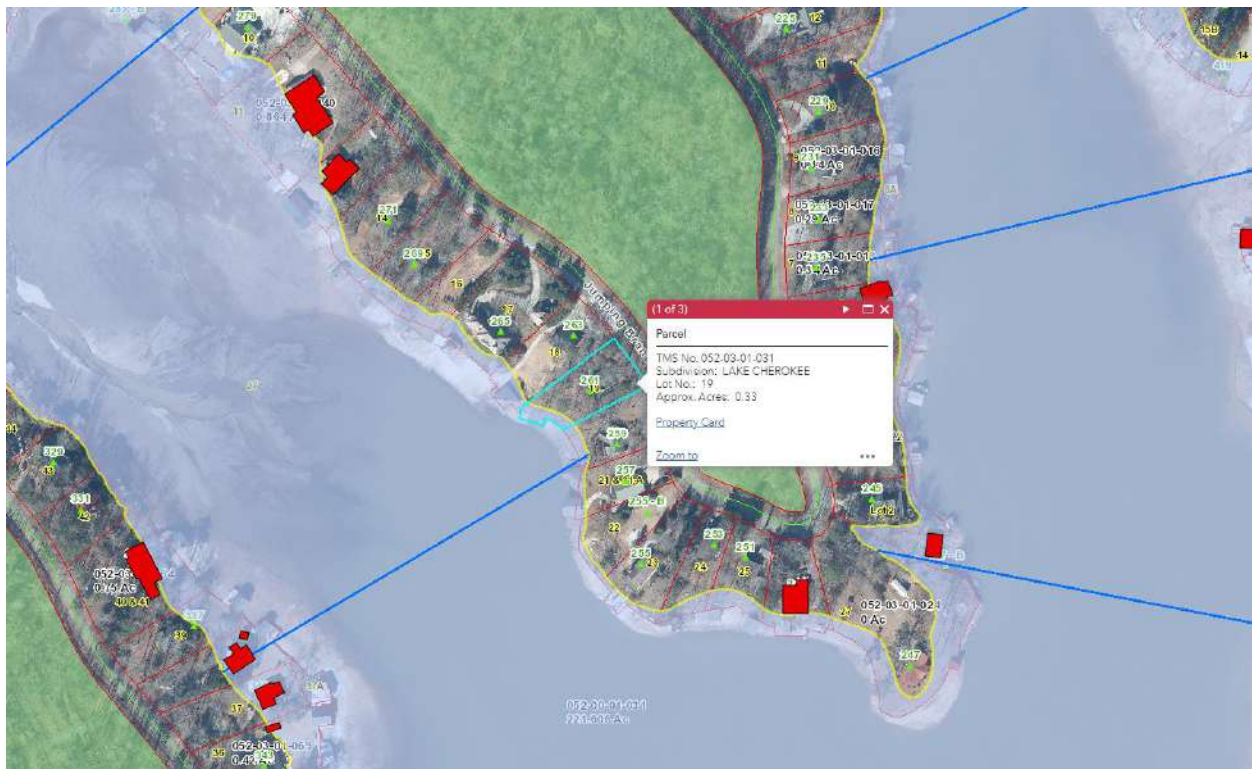


VA24-000020

Legal Description:

Variance Application: #VA24-000020: William Houts is requesting a 6-ft variance to the front setback for a garage. TMS 052-03-01-031 with an address of 261 Jumping Branch Rd, Tamassee, SC 29686. Ref. Sec. 38-10.2.

GIS:



Freedom of Information Act - Variance Application

Permitting Information

Code section from which a variance is requested

Application is

William Houts

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.:

As described in 38-7.1 (1). The Topography of the property with the resident home built lower than the drive/parking area on a hill creates some difficulties when improving the property. The drive/parking at the front of the home is a large area however the depth is difficult for the addition of a small garage/outbuilding with an attached car port improvement. The building area from the existing setback of 15 feet provides a level area of @6 feet followed by a slope of 4 feet over 9 feet concluding with 12 feet to the resident home. The request for the reduction of 6 feet from Setback will provide an additional level building area of 6 feet which increases the overall level building area to @12 feet which provides an ease of restructuring the slope to lessen the impact of the natural typography around the home residence. To reduce the overall changes to the typography is important for the drainage around the home particularly in the Tamasee area with the high level of rainfall annually.

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

No circumstances but would like to retain the natural topographical drainage around home while improving the property.

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 drive/parking at the front of the home is a large area however the depth is difficult for the addition of a small garage/outbuilding with an attached car port improvement. The building area from the existing setback of 15 feet provides a level area of @6 feet followed by a slope of 4 feet over 9 feet concluding with 12 feet to the resident home. The request for the reduction of 6 feet from Setback will provide an additional level building area of 6 feet which increases the overall level building area to @12 feet which provides an ease of restructuring the slope and will lessen the impact of the natural typography around the home residence.

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.:

The width of the front of the Resident Home site boundary is 89.08 feet which provides and ample parking even after the granting of the variance. The neighbors will not be affected by any action with the building of this small garage/out building with attached carport.

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

BOUNDARY SURVEY FOR
WILLIAM & CAROL HOUTS
 TUGALOO TOWNSHIP, OCONEE COUNTY, S.C.
STEPHEN R. EDWARDS & ASSOCIATES, INC.
 330 South Hwy. 11 - West Union, S.C. - 29696
 (854) 718-1120
 DATE: 05/15/2023 JOB NUMBER: 23-201
 SCALE: 1"=40'

LOCATION MAP
 110 scales
 Cherokee Rd. Jumping Branch Rd. Site

PROFESSIONAL LAND SURVEYOR
 No. 19881
 STEPHEN R. EDWARDS

SOUTH CAROLINA
 R. EDWARDS & ASSOC. INC.
 CC2104
 CERTIFICATE OF REQUALIFICATION

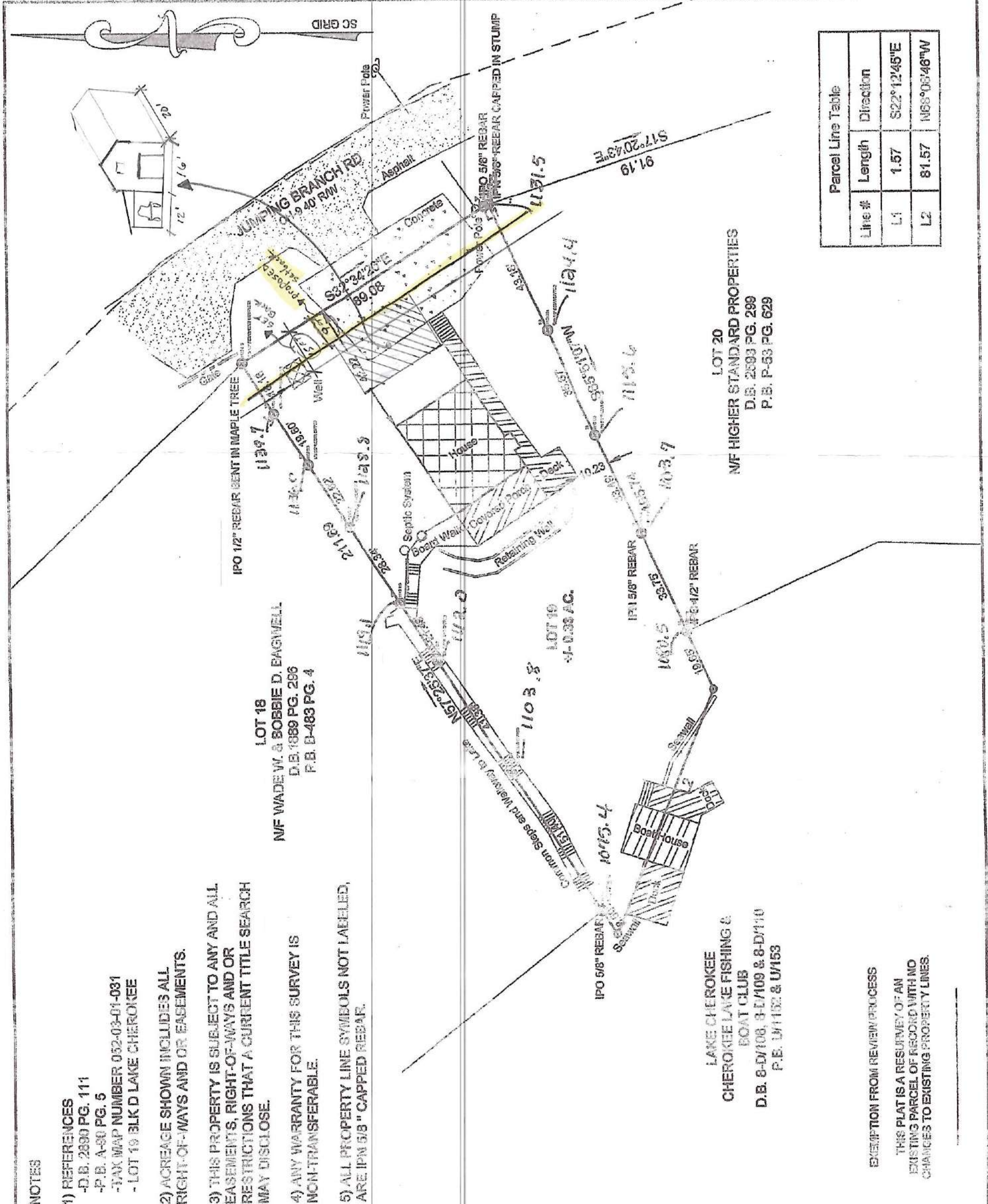
I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO ENCROACHMENTS OR PROJECTIONS, AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN.

- NOTES**
- 1) REFERENCES
 -D.B. 2890 PG. 111
 -P.B. A-80 PG. 5
 -TAX MAP NUMBER 032-03-01-031
 - LOT 19 BLKD LAKE CHEROKEE
 - 2) ACREAGE SHOWN INCLUDES ALL RIGHT-OF-WAYS AND OR EASEMENTS.
 - 3) THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT-OF-WAYS AND OR RESTRICTIONS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
 - 4) ANY WARRANTY FOR THIS SURVEY IS NON-TRANSFERABLE.
 - 5) ALL PROPERTY LINE SYMBOLS NOT LABELLED, ARE IPN 5/8" CAPPED REBAR.

LOT 18
 N/F WADE W. & BOBBIE D. EAGNELL
 D.B. 1889 PG. 296
 P.B. B-483 PG. 4

LOT 19
 1-0.38 AC.

LOT 20
 N/F HIGHER STANDARD PROPERTIES
 D.B. 2893 PG. 299
 P.B. P-53 PG. 629



Parcel Line Table		
Line #	Length	Direction
L1	1.57	S22°12'45"E
L2	81.57	N68°08'46"W







William Houts
261 Jumping Branch Rd.
Tamassee, SC 29686

Date: 10/08/2024

Oconee County
Department of Planning & Zoning

To Whom it may concern,

This letter is presented as evidence of an in-favor support of the variance requested for a small garage/shed with an attached open carport. I have spoken to the below neighbor regarding this request for a 6-foot variance to build this structure for the understanding and support.

The structure will be a 16 ft wide by 20 ft in depth small garage/shed with a 12 ft wide by 20 ft in depth attached open carport. The additional 6 feet requested for the variance will provide the structure a 12-foot level building area prior to a slope which will provide additional space for drainage around the house. The variance will provide this additional space from the house to allow less of an impact to the topography of the hill and slope in front of the house to allow for better drainage around the house foundation.

I have included a sketch of the area for a proper visual and placement. I also want to express that I will not impede on my neighbors for parking as the overall drive area has not changed and I promise to be considerate to all neighbors.

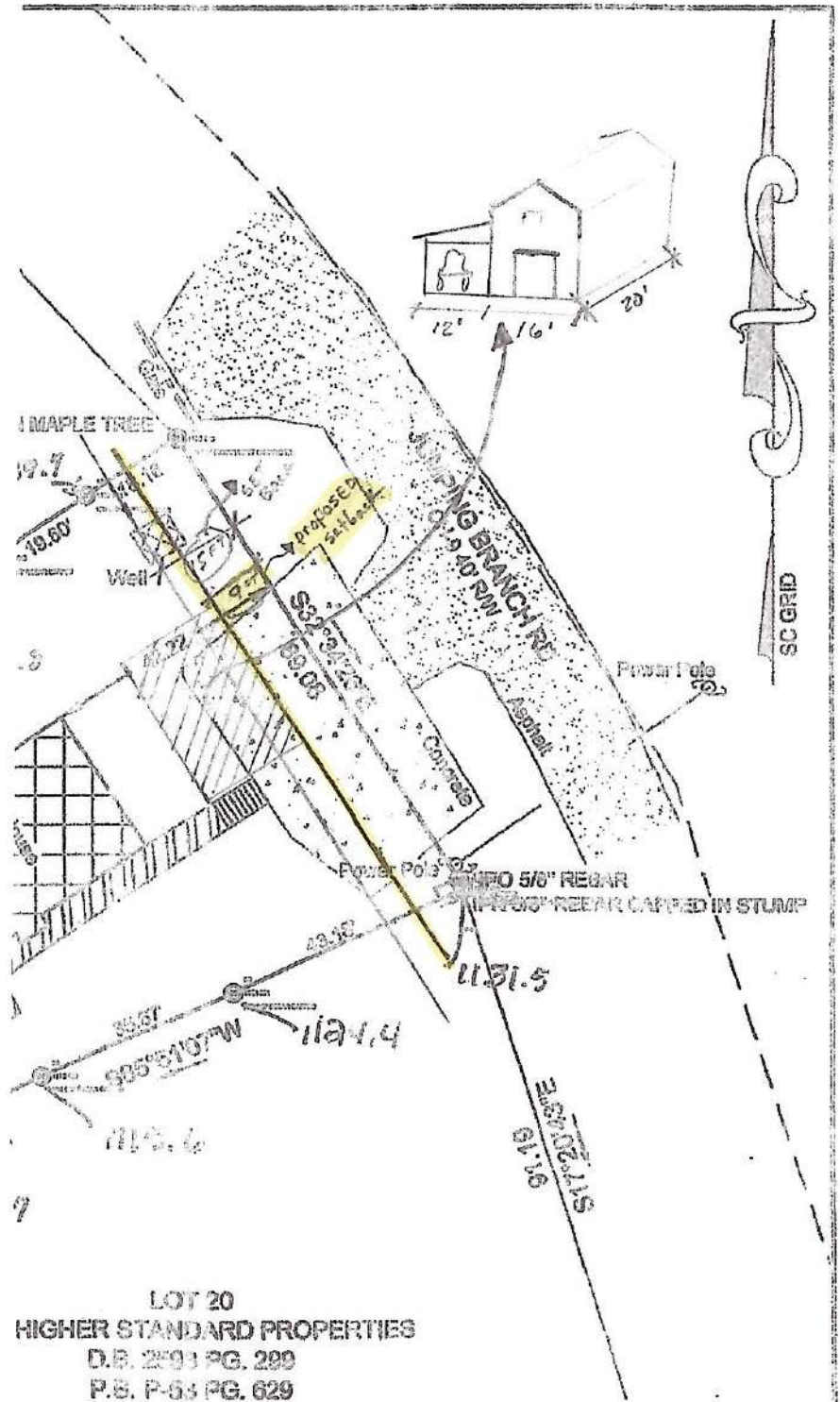
Thank you to my neighbors in advance for the support.

Neighbor: BRENDA & TOM MINYARD

265 Jumping Branch Rd.

Tamassee, SC 29686

Signature of Neighbor: Brenda Minyard



Parcel Line Table		
Line #	Length	Direction
L1	1.57	S22°12'45"E
L2	81.57	N68°08'46"W

William Houts
261 Jumping Branch Rd.
Tamassee, SC 29686

Date: 10/4/2024

Oconee County
Department of Planning & Zoning

To Whom it may concern,

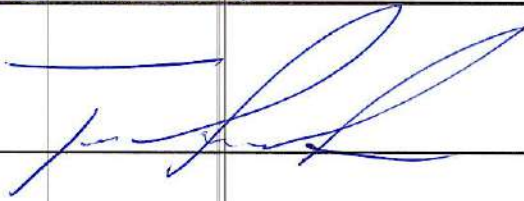
This letter is presented as evidence of an in-favor support of the variance requested for a small garage/shed with an attached open carport. I have spoken to the below neighbor regarding this request for a 6-foot variance to build this structure for the understanding and support.

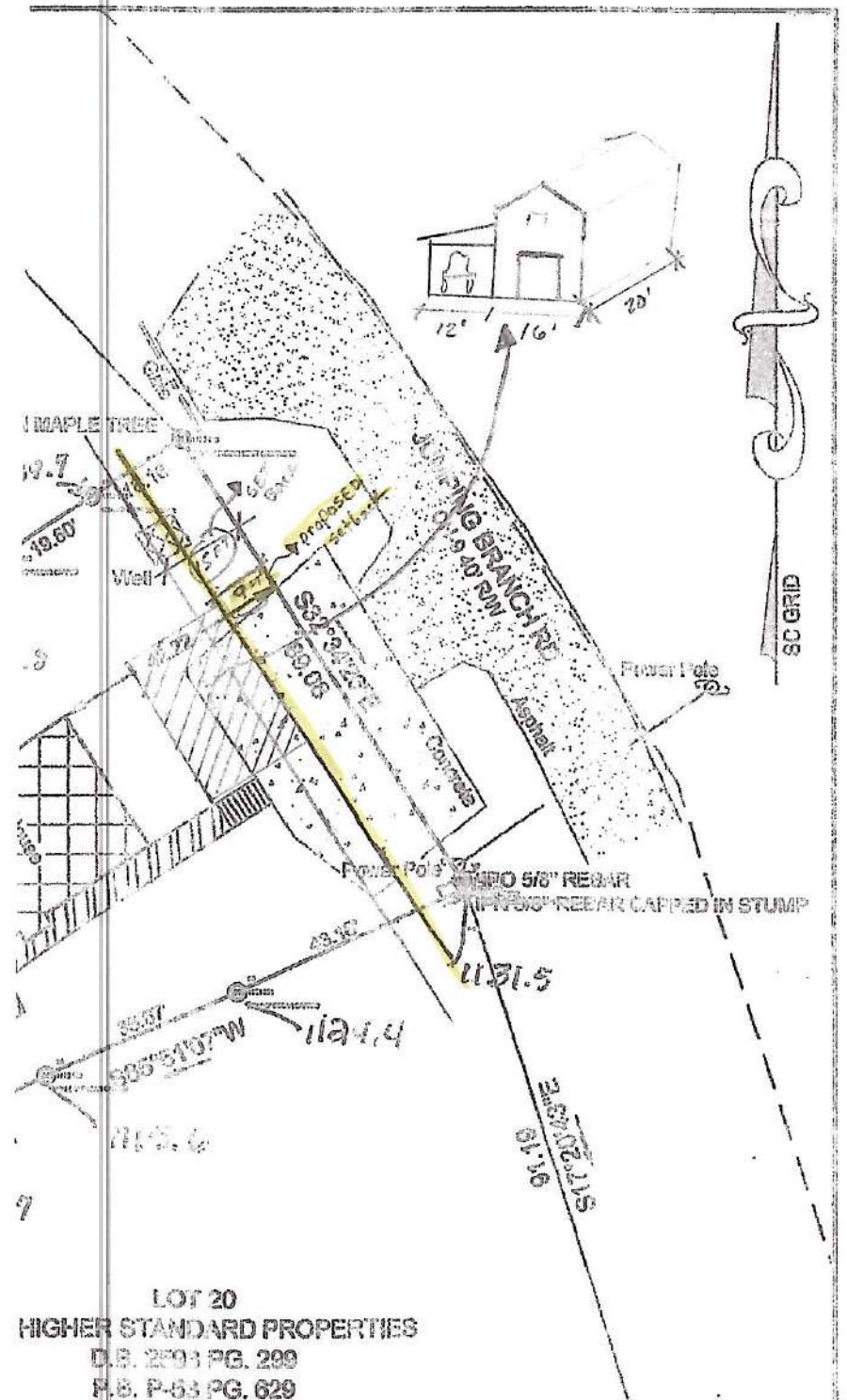
The structure will be a 16 ft wide by 20 ft in depth small garage/shed with a 12 ft wide by 20 ft in depth attached open carport. The additional 6 feet requested for the variance will provide the structure a 12-foot level building area prior to a slope which will provide additional space for drainage around the house. The variance will provide this additional space from the house to allow less of an impact to the topography of the hill and slope in front of the house to allow for better drainage around the house foundation.

I have included a sketch of the area for a proper visual and placement. I also want to express that I will not impede on my neighbors for parking as the overall drive area has not changed and I promise to be considerate to all neighbors.

Thank you to my neighbors in advance for the support.

Neighbor: Tim + Kathy Sisk
263 Jumping Branch Rd.
Tamassee, SC 29686

Signature of Neighbor: 



Parcel Line Table		
Line #	Length	Direction
L1	1.57	S22°12'45"E
L2	81.57	N68°08'46"W

Tim Sisk

BOUNDARY SURVEY FOR

WILLIAM & CAROL HOUTS

TUGALOO TOWNSHIP, OCONEE COUNTY, S.C.

STEPHEN R. EDWARDS & ASSOCIATES, INC.

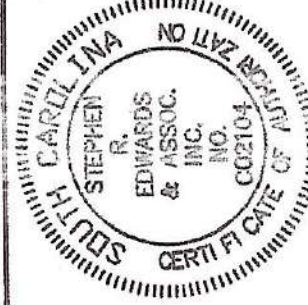
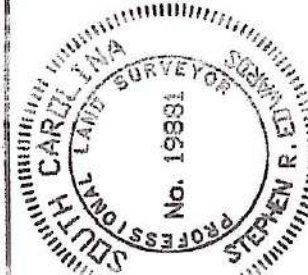
330 South Hwy. 11 - West Union, S.C. - 29696

(854) 718-1120

DATE: 05/15/2023 JOB NUMBER: 23-201



LOCATION MAP
110 scales



I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO ENCROACHMENTS OR PROJECTIONS, AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN.

STEPHEN R. EDWARDS PLS. NO. 19881

NOTES

- 1) REFERENCES
-D.B. 2890 PG. 111
-P.B. A-80 PG. 5
-TAX MAP NUMBER 032-03-01-031
- LOT 19 BLKD LAKE CHEROKEE
- 2) ACREAGE SHOWN INCLUDES ALL RIGHT-OF-WAYS AND OR EASEMENTS.
- 3) THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT-OF-WAYS AND OR RESTRICTIONS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
- 4) ANY WARRANTY FOR THIS SURVEY IS NON-TRANSFERABLE.
- 5) ALL PROPERTY LINE SYMBOLS NOT LABELLED, ARE: IPN 5/8" CAPPED REBAR.

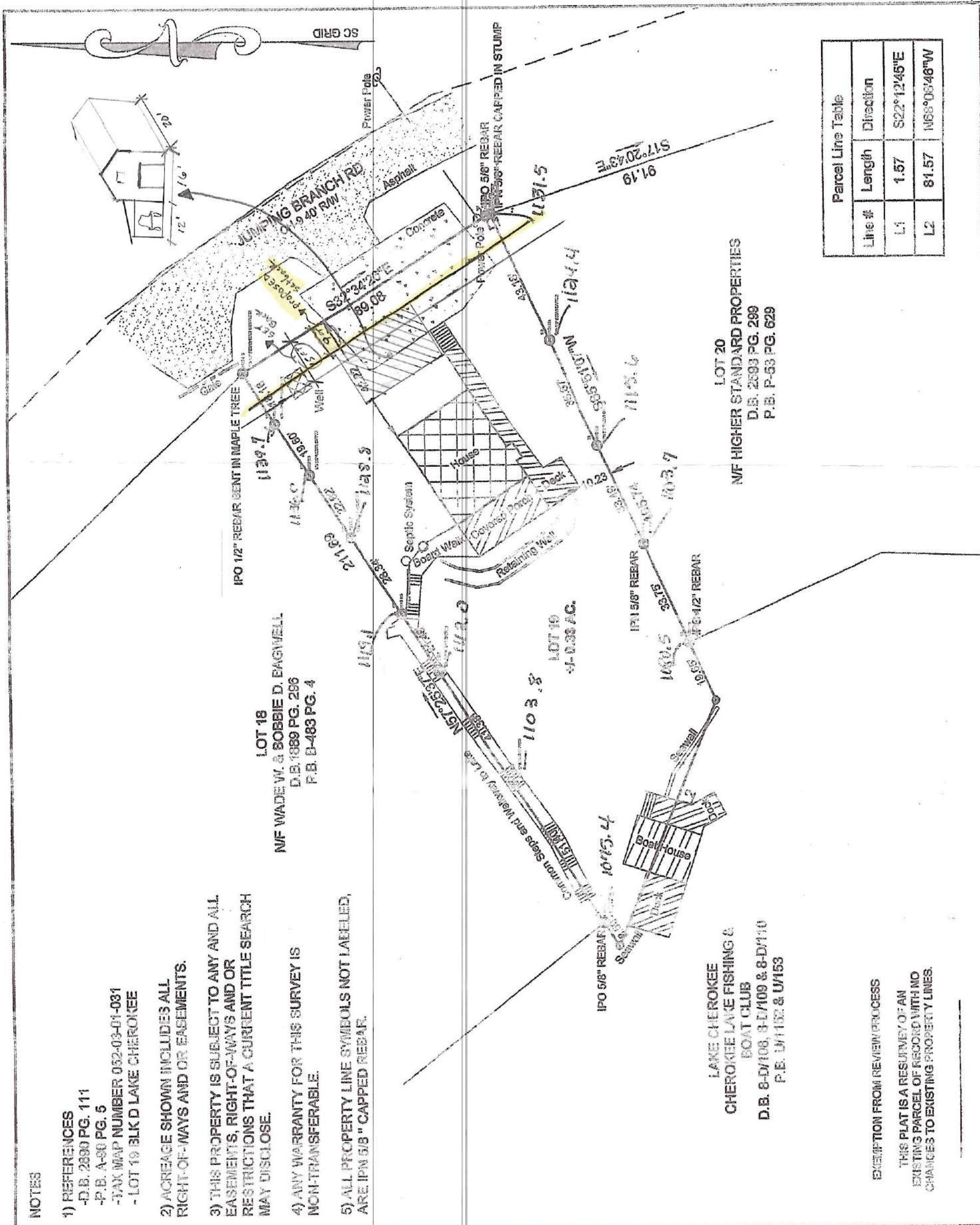
LOT 18
N/F WADE W. & BOBBIE D. EAGNELL
D.B. 1889 PG. 296
P.B. B-483 PG. 4

LOT 19
N/F - 0.38 AC.

LAKE CHEROKEE
CHEROKEE LAKE FISHING & BOAT CLUB
D.B. 8-D/108, 8-D/109 & 8-D/110
P.B. U/152 & U/153

LOT 20
N/F HIGHER STANDARD PROPERTIES
D.B. 2893 PG. 299
P.B. P-53 PG. 629

Parcel Line Table		
Line #	Length	Direction
L1	1.57	S22°12'45"E
L2	81.57	N68°08'46"W



William Houts
261 Jumping Branch Rd.
Tamassee, SC 29686

Date: 10/08/2024

Oconee County
Department of Planning & Zoning

To Whom it may concern,

This letter is presented as evidence of an in-favor support of the variance requested for a small garage/shed with an attached open carport. I have spoken to the below neighbor regarding this request for a 6-foot variance to build this structure for the understanding and support.

The structure will be a 16 ft wide by 20 ft in depth small garage/shed with a 12 ft wide by 20 ft in depth attached open carport. The additional 6 feet requested for the variance will provide the structure a 12-foot level building area prior to a slope which will provide additional space for drainage around the house. The variance will provide this additional space from the house to allow less of an impact to the topography of the hill and slope in front of the house to allow for better drainage around the house foundation.

I have included a sketch of the area for a proper visual and placement. I also want to express that I will not impede on my neighbors for parking as the overall drive area has not changed and I promise to be considerate to all neighbors.

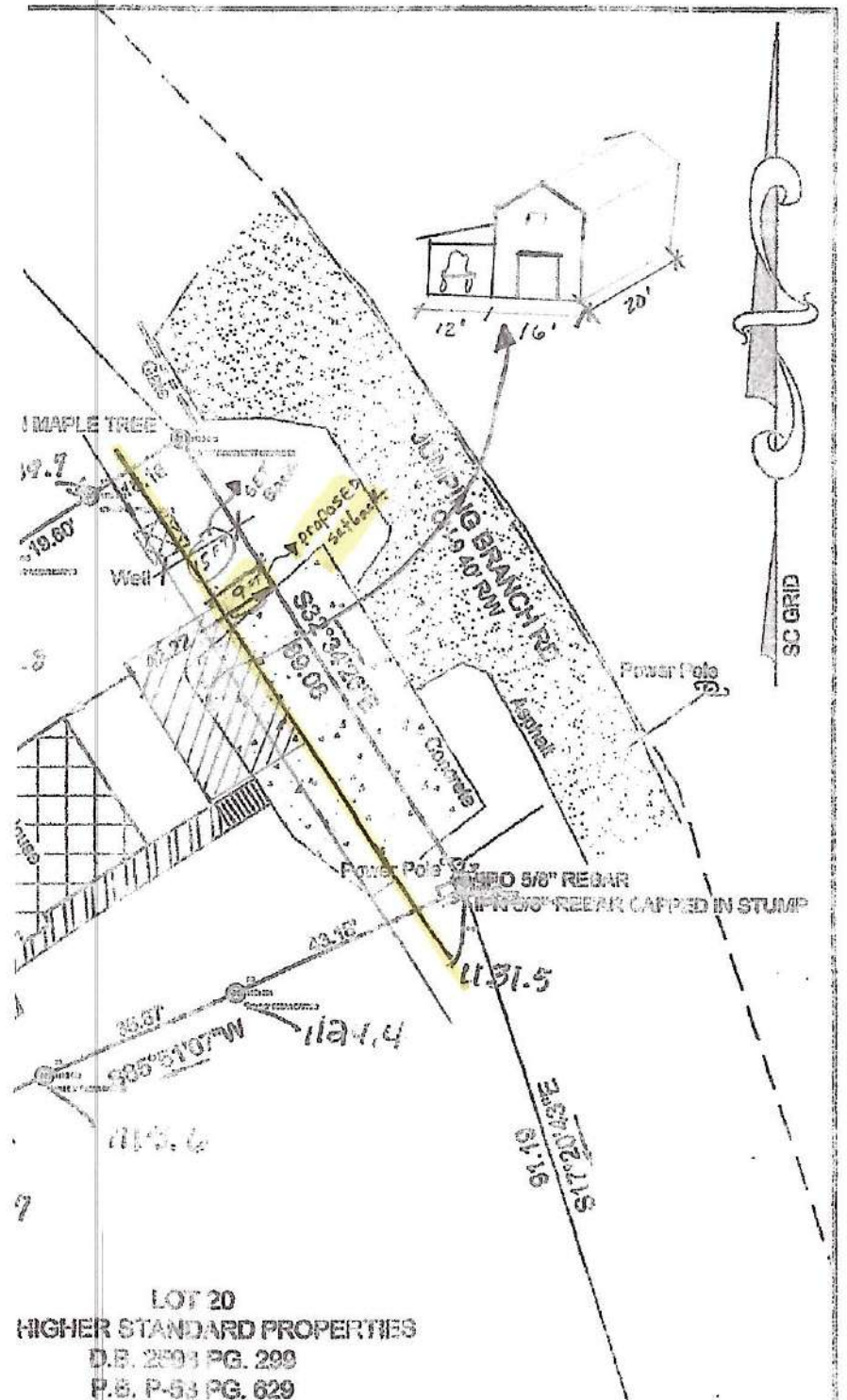
Thank you to my neighbors in advance for the support.

Neighbor: Mark + Lyn Whitmire

451 Jumping Branch Rd.

Tamassee, SC 29686

Signature of Neighbor: 



Parcel Line Table		
Line #	Length	Direction
L1	1.57	S22°12'45"E
L2	81.57	N66°08'46"W

James Coley

From: Wade Bagwell <[REDACTED]>
Sent: Friday, November 8, 2024 12:53 PM
To: Planning Info
Cc: [REDACTED]; Timothy Sisk
Subject: TMS 052-03-01-031 Houts

Oconee County Planning Commission,

By receipt of this email, I approve the front setback variance of 6 feet for a garage to be constructed at 261 Jumping Branch Rd Tamassee, SC 29686 TMS 052-03-01-031. Should you have any questions regarding this matter, you may reach out to my daughter, Kathy Sisk at siskkb@gmail.com or 864-915-7257. She has my full permission to make decisions on the matter listed above.

Sincerely,

Bobbie D. Bagwell

By the receipt of this email

Sent from my iPad

William Houts
261 Jumping Branch Rd.
Tamassee, SC 29686

Date: 10/12/2024

Oconee County
Department of Planning & Zoning

To Whom it may concern,

This letter is presented as evidence of an in-favor support of the variance requested for a small garage/shed with an attached open carport. I have spoken to the below neighbor regarding this request for a 6-foot variance to build this structure for the understanding and support.

The structure will be a 16 ft wide by 20 ft in depth small garage/shed with a 12 ft wide by 20 ft in depth attached open carport. The additional 6 feet requested for the variance will provide the structure a 12-foot level building area prior to a slope which will provide additional space for drainage around the house. The variance will provide this additional space from the house to allow less of an impact to the topography of the hill and slope in front of the house to allow for better drainage around the house foundation.

I have included a sketch of the area for a proper visual and placement. I also want to express that I will not impede on my neighbors for parking as the overall drive area has not changed and I promise to be considerate to all neighbors.

Thank you to my neighbors in advance for the support.

Neighbor: Joe Smith

259 Jumping Branch Rd.

Tamassee, SC 29686

Signature of Neighbor: Joe Smith

William Houts
261 Jumping Branch Rd.
Tamassee, SC 29686

Date: November 11, 2024

Oconee County
Department of Planning & Zoning

To Whom it may concern,

This letter is presented as evidence of an in-favor support of the variance requested for a small garage/shed with an attached open carport. I have spoken to the below neighbor regarding this request for a 6-foot variance to build this structure for the understanding and support.

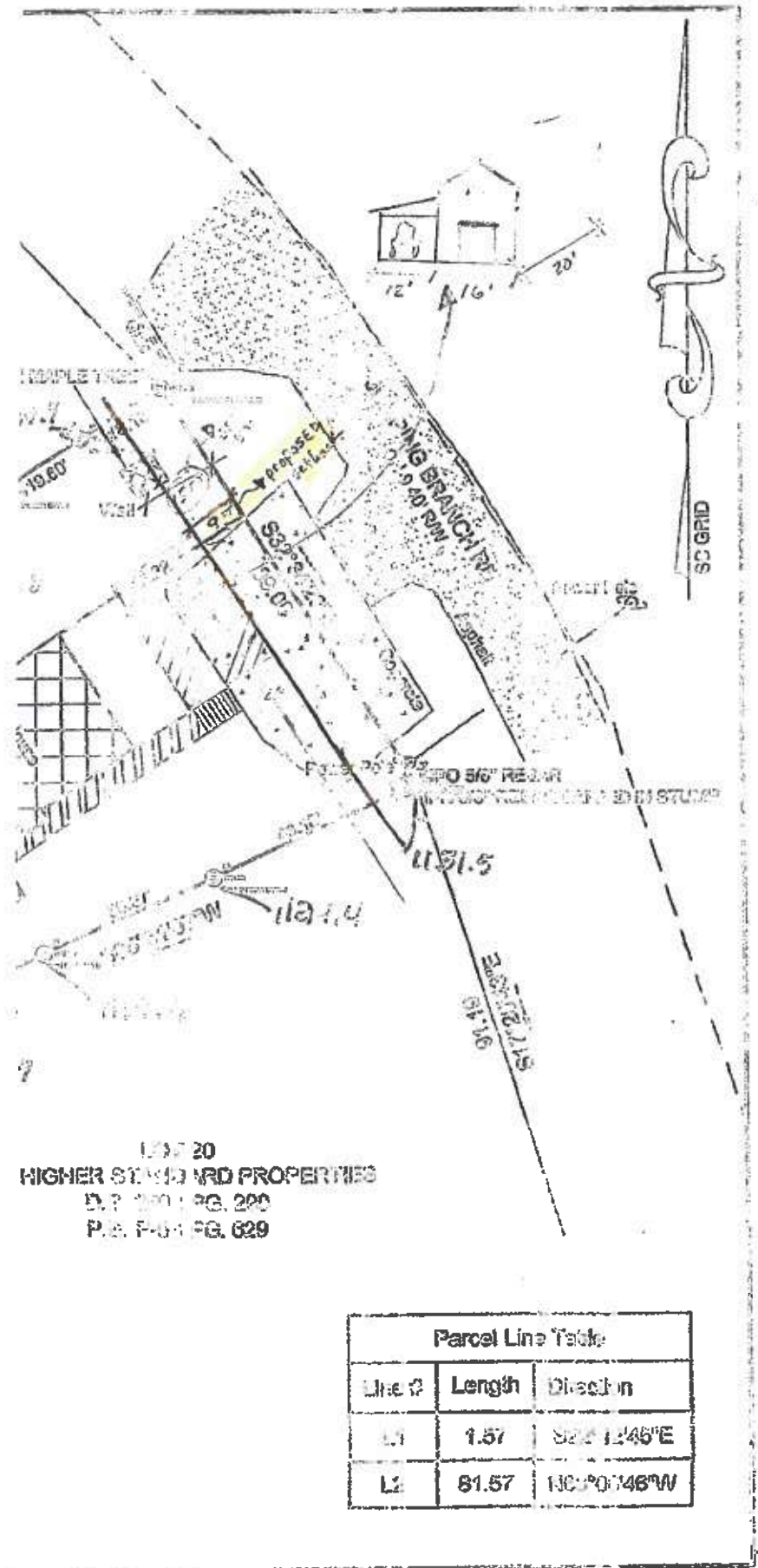
The structure will be a 16 ft wide by 20 ft in depth small garage/shed with a 12 ft wide by 20 ft in depth attached open carport. The additional 6 feet requested for the variance will provide the structure a 12-foot level building area prior to a slope which will provide additional space for drainage around the house. The variance will provide this additional space from the house to allow less of an impact to the topography of the hill and slope in front of the house to allow for better drainage around the house foundation.

I have included a sketch of the area for a proper visual and placement. I also want to express that I will not impede on my neighbors for parking as the overall drive area has not changed and I promise to be considerate to all neighbors.

Thank you to my neighbors in advance for the support.

Neighbor: David Orr, 255-B Jumping Branch Rd

Signature of Neighbor: David E. Orr



1997 20
 HIGHER STANDARD PROPERTIES
 D.P. 200 PG. 200
 P.S. P-64 PG. 629

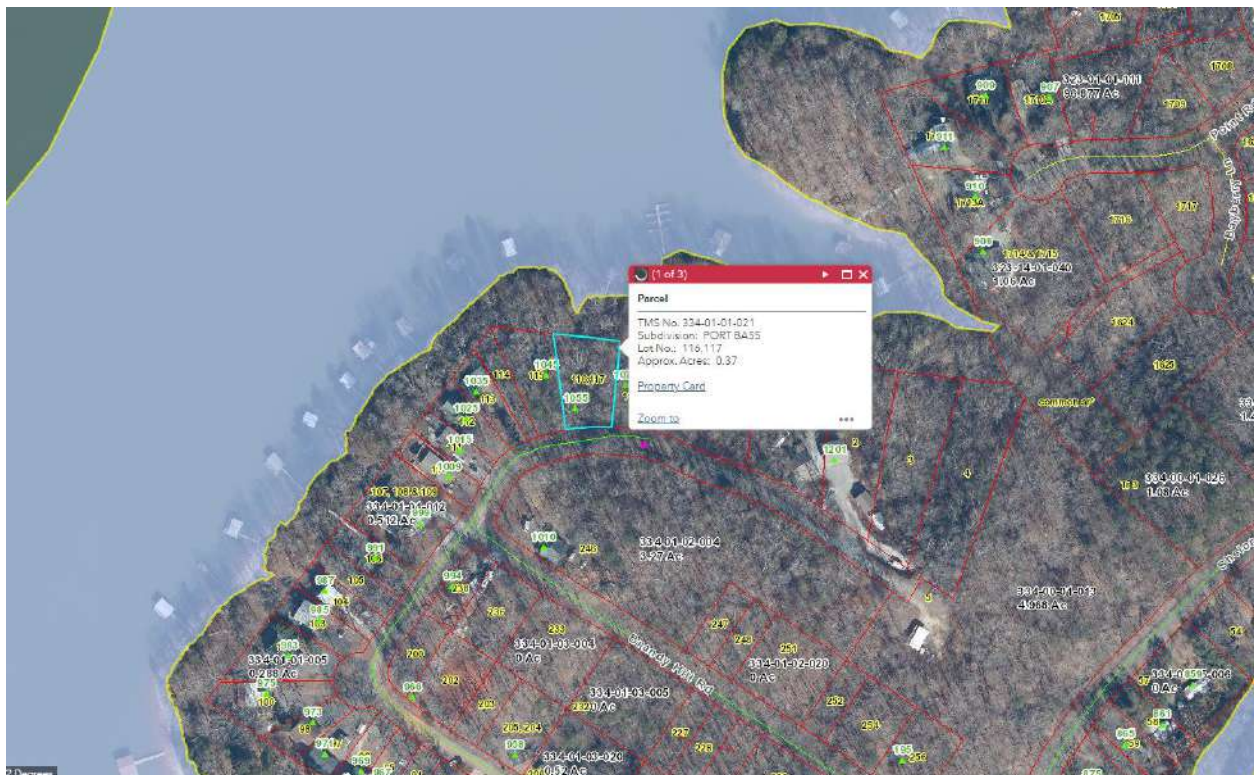
Parcel Line Table		
Line #	Length	Direction
L1	1.57	S82°12'46"E
L2	81.57	N05°00'46"W

VA24-000021

Legal Description:

Variance Application: #VA24-000021 Ellis Gunter is requesting a 5-ft variance to the rear setback for new construction. TMS 334-01-01-021 with an address of 1055 Shelor Ferry Rd, Fair Play, SC 29643. Ref. Sec. 38-10.2

GIS:



Freedom of Information Act - Variance Application

Permitting Information

Code section from which a variance is requested

Upload Supporting Documentation Here

Application is

Application is not

Not Restricted by hoa or property restrictions

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.:

Do to the deep topography and being required to have an authorization for a septic tank before getting an electric permit. The house footprint wouldn't fit with the septic and home blueprints. The structure I had laid out comes within a foot of the core line. Because the ordinance says I need a 5ft setback, that leaves me less than enough room for the structure and a parking spot.

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.:

Inadequate space for the planned house.

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

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	10/09/2024	10/11/2024	10/09/2024	Approved	
Planning and Zoning Review	10/09/2024	11/26/2024	01/01/1900	Under Review	
Review Complete	10/09/2024	11/26/2024	01/01/1900	Pending	

Inspection Information

Activities Information

Documents Information



**OCONEE COUNTY
BOARD OF ZONING APPEALS**

415 S. Pine St. Room 212 | Walhalla, SC 29691
864.638.4218
OconeeSC.com
planninginfo@oconeesc.com

Notice of Public Hearing

This public hearing notice is for the owner/s of property within 250 feet of a parcel located at: TMS 334-01-01-021 with an address of 1055 Shelor Ferry Rd, Fair Play, SC 29643

The Oconee County Board of Zoning Appeals will conduct a Public Hearing Concerning the Following Variance Application:

Who: Ellis Gunter

is requesting a

What: 5-ft variance to the rear setback for new construction.

Where: TMS 334-01-01-021 with an address of
1055 Shelor Ferry Rd, Fair Play, SC 29643

When: Monday, November 25, 2024 at 6:00 PM

Meeting to be held at: Oconee County Council Chambers

415 South Pine Street, Walhalla, SC 29691

Attendance is not required, but encouraged. A sign in sheet is will be made available for public comment regarding the proposed expansion.

There are two methods of providing public input prior to the meeting. Please be advised the deadline for written public input is Wednesday **November 20, 2024** at 4:59pm.

- Email: planninginfo@oconeesc.com
- Mail: Oconee County Administrative Offices-Planning Department, 415 South Pine Street, Walhalla, SC 29691.
- For more information, call 864-638-4218.

The meeting will be broadcasted live on the County's YouTube channel, which can be found on the County's website at www.oconeesc.com.

Ellis J. Gunter Jr

TMS 334-01-01-021

1055 Shelor ferry Road

Fairplay, SC 29643 |

Oconee County Variance appeal,

Page 1-Scaled lot dimensions with house design footprint and septic system layout

Page 2-Lot survey platt

Page 3-Topography platt

Page 4-Nu-South survey verifying Corp line pins

Page 5-Picture showing pins marking house foundation more than 10' from corp line

Page 6,7,8 Southern Basement Inc. concrete quote showing actual foundation and floor slab size with cantilever

Page 9,10-Top Edge (Yoders) Truss quote for floor and roof truss size with cantilever

Page 11,12,13-Shows septic tank location and tank dimensions

Page 14,15,16-Hartwell Lake US Corp of Engineers regulations for property boundary

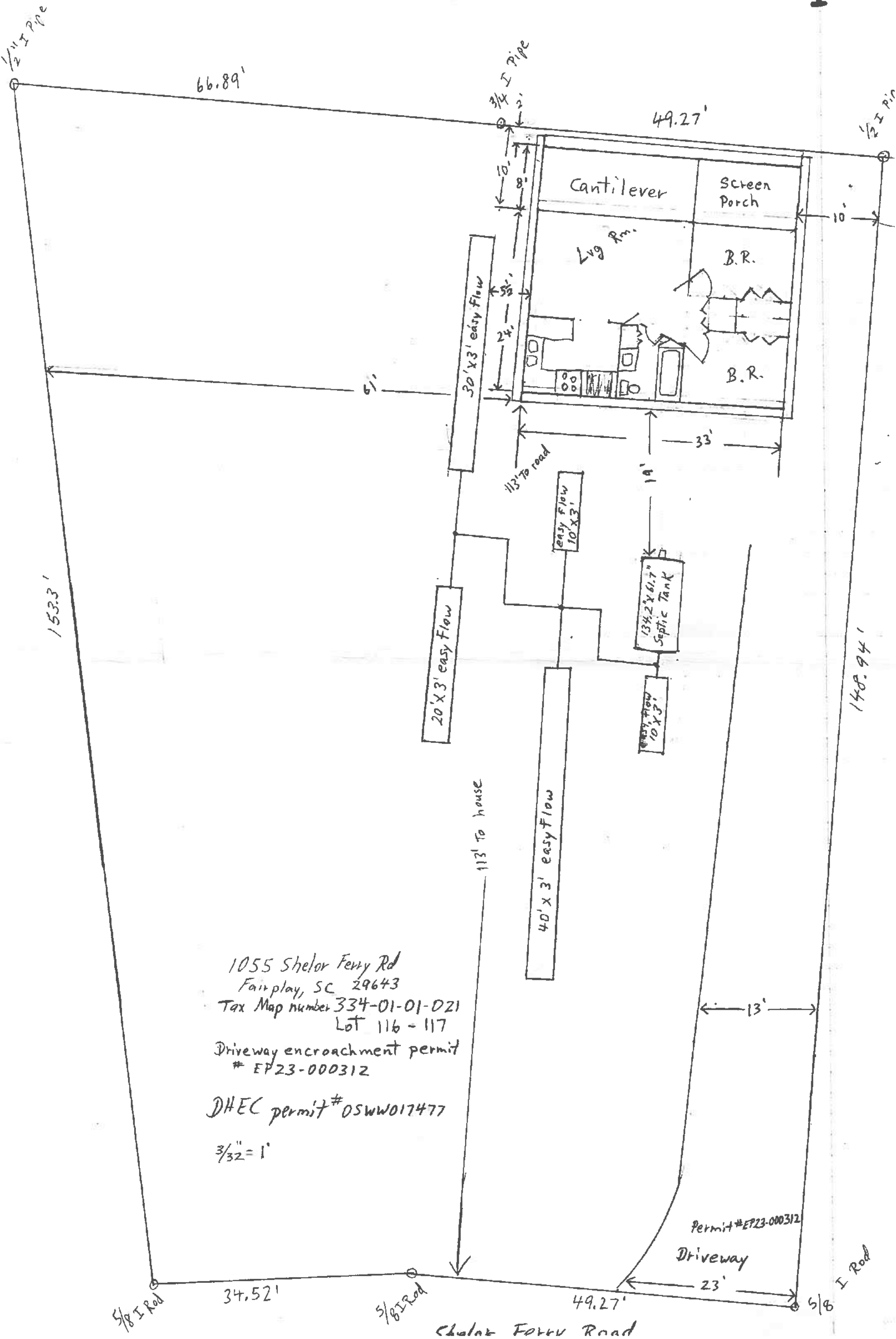
Page 17,18-Emails from neighboring property owners okay with variance

Page 19-Document I perceived as setback that does not disclose US Corp land regulation for Lake Hartwell

Page 20-Document I was informed on Sept. 3rd (the day I called for building permit) that started being enforced in or at the end of August

Core Property

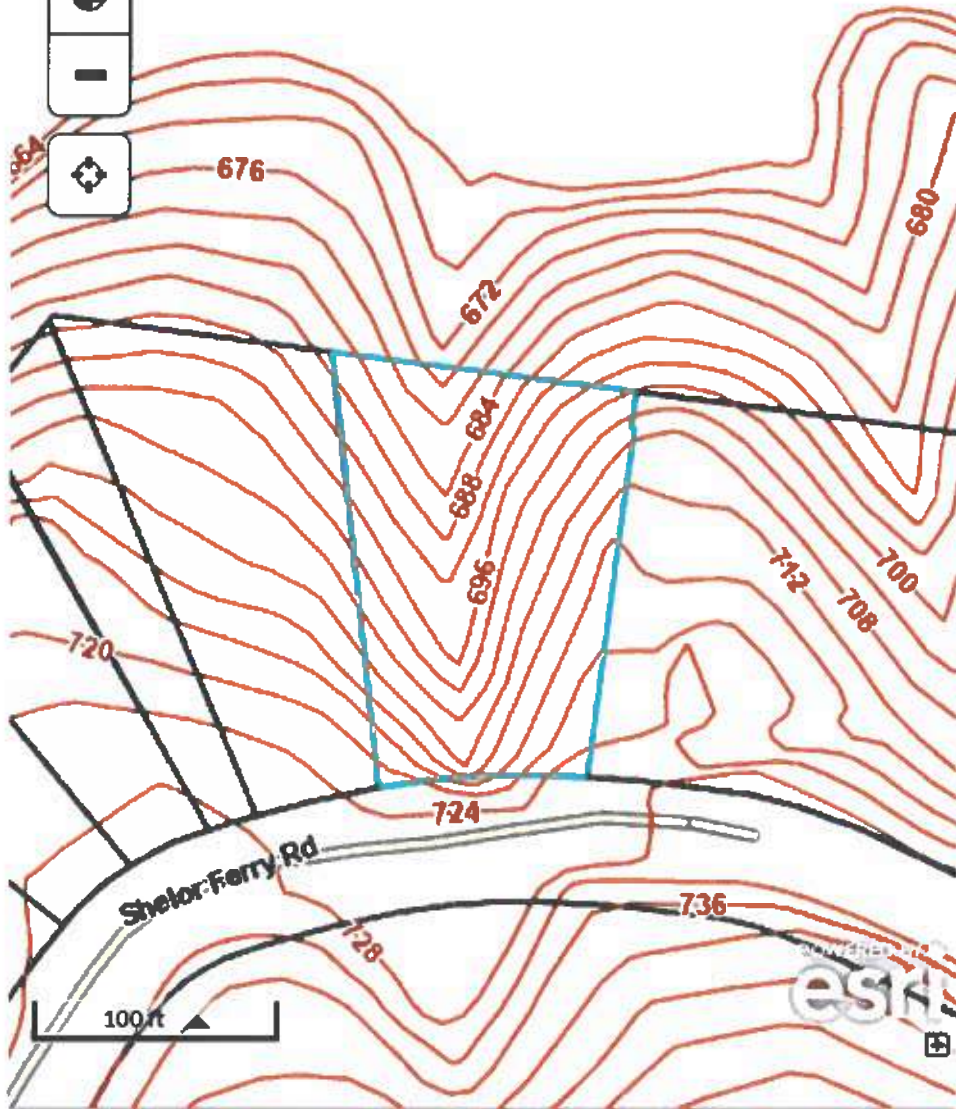
1



1055 Shelor Ferry Rd
 Fairplay, SC 29643
 Tax Map number 334-01-01-D21
 Lot 116 - 117
 Driveway encroachment permit
 # EP23-000312
 DHEC permit # OSWW017477
 3/32" = 1'

Permit # EP23-000312
 Driveway
 23'

Chalok Ferry Road



GUNTER ELLIS JESSE JR & GAREN SUE

Acres: 0.37

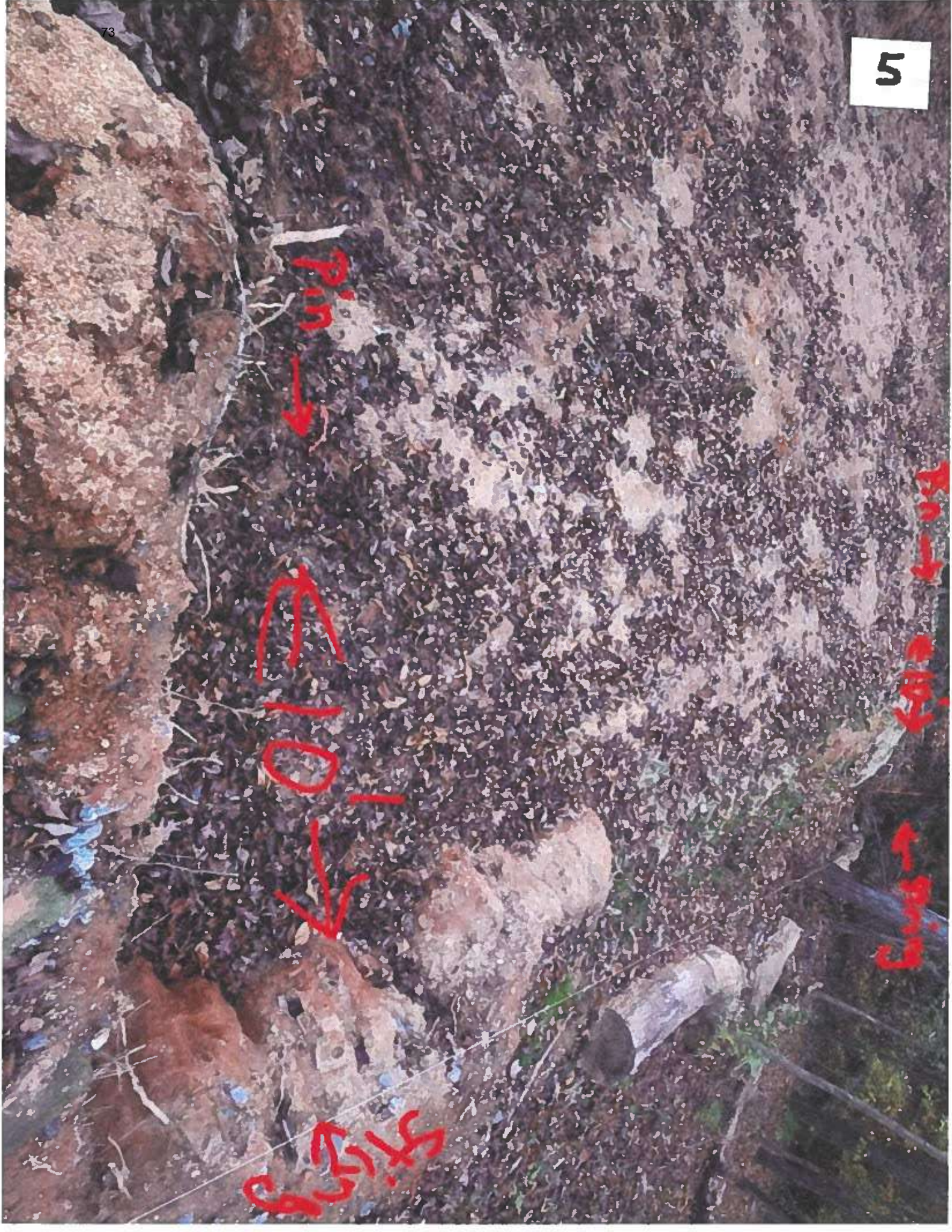
Value: \$52,280

View: [Report](#) | [Google Maps](#)



4





Pis

↑

10-1

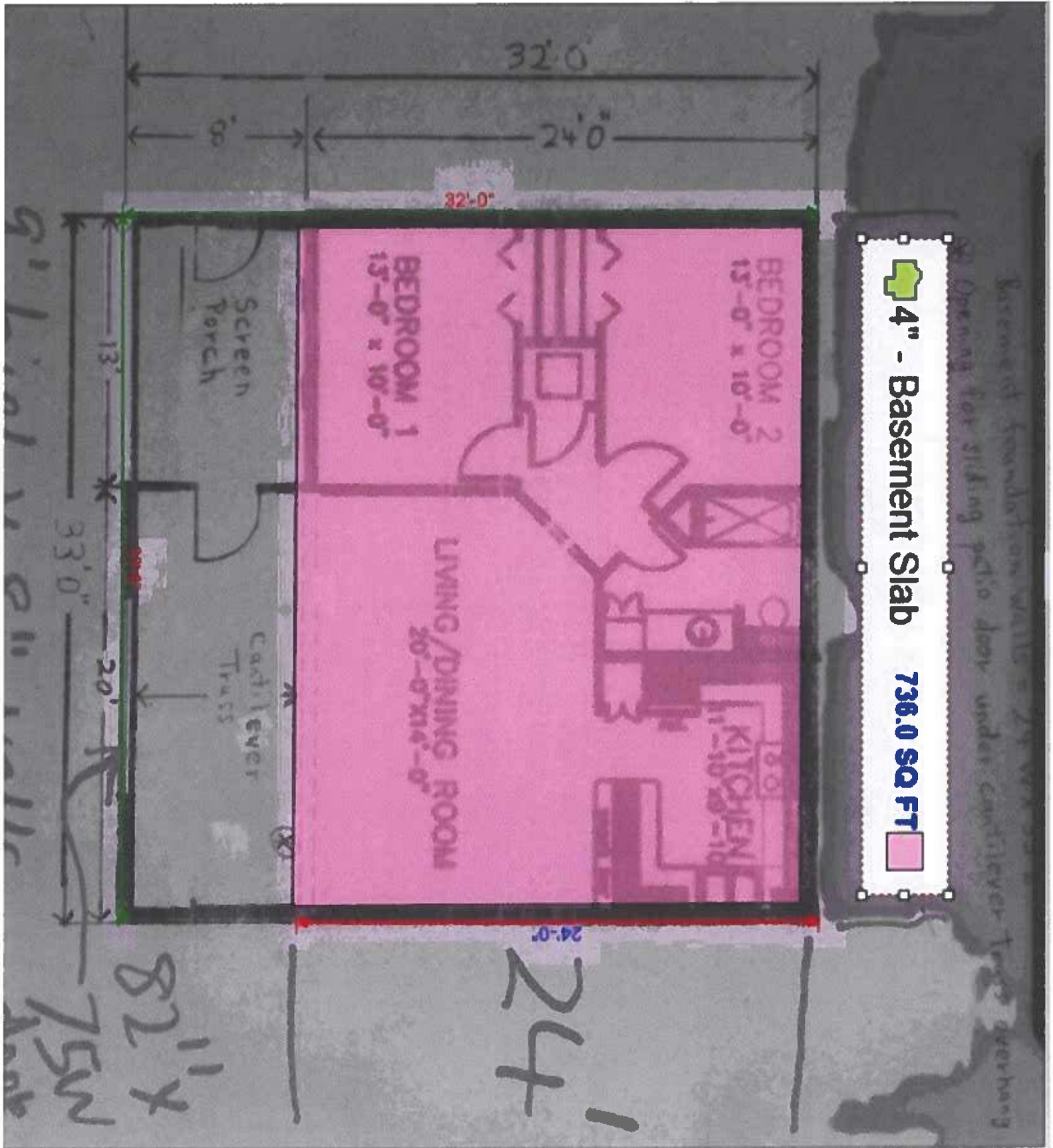
↓

S15

↓

↓

↑



Southern Basements, Inc.

Specializing in Poured Concrete Foundations

PO Box 100
Fair Play, SC. 29643**Proposal**Phone: 864-972-9677
Fax: 864-972-9678

Date: August 21, 2024

To: Ellis Gunter

From: J. Keith Gowder, President

Re: Gunter Residence

We hereby submit specifications and estimates for materials, labor, taxes and insurance needed to install the poured-in-place concrete walls using 3000 PSI concrete. Priced per Tommy Hood Engineering.

130 LF of 10" - 9' - House Wall
 9 LF of 10" - 6' - House Wall
 5 EA of Sleeve
 1 EA of Door Blockout
 1 EA of Window Blockout
 4 HRS of Loader Time

Price: \$23,313.00

2 EA of Pump

Price: \$2,200.00

734 SQ FT of System 250: Tremco Watchdog H3 Waterproofing
 109 LF of Drain Tile/Gravel

Price: \$3,213.00

978 SQ FT of 4" - Basement Slab
 2 HRS of Loader Time
 1 EA of Pump

Price: \$10,015.00

****If any item is not represented as a line item on this proposal it is excluded and will require a new proposal or a change order to include that item.**

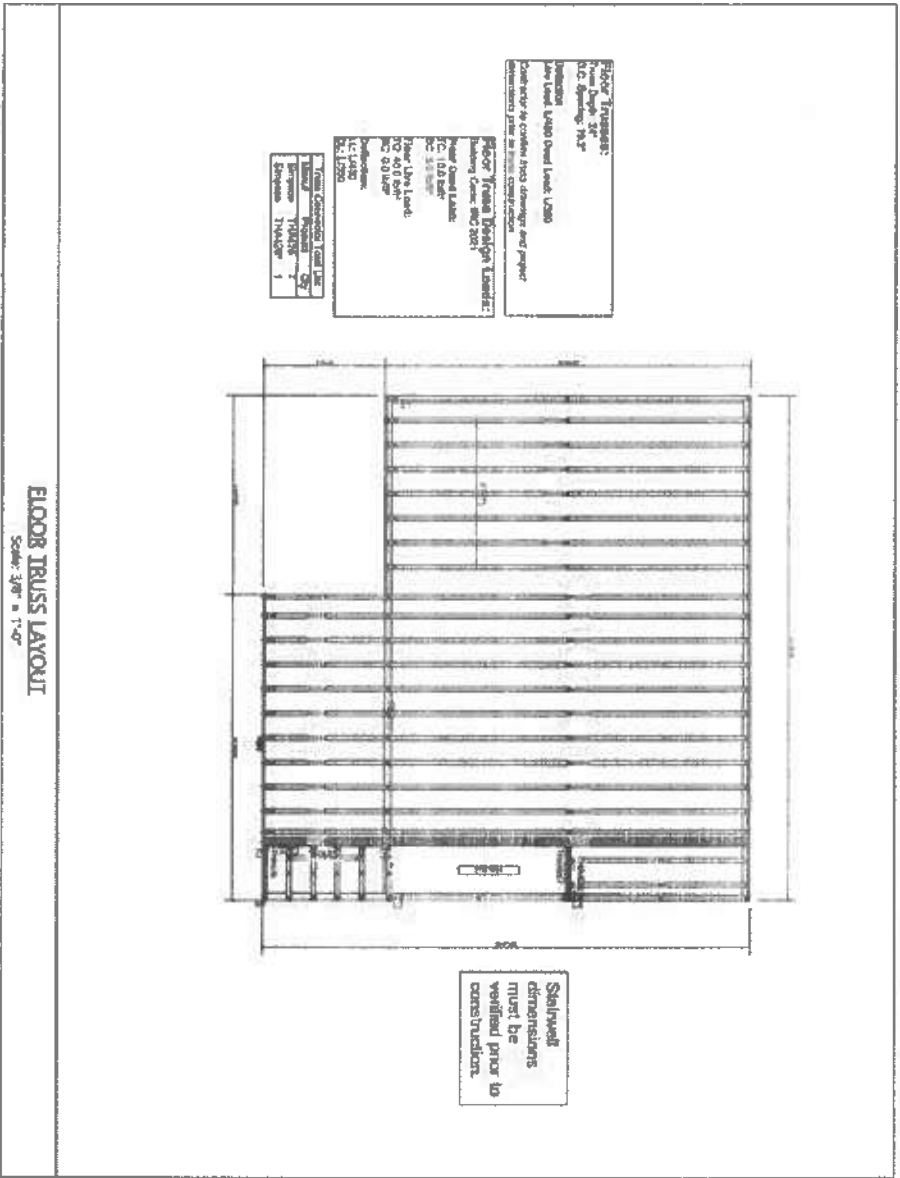
****If a Line Pump is required, add 15%.**

****Alternate #1: J-Drain in lieu of Drain Tile/Gravel**

109 LF of J-Drain

Deduct: \$763.00

****Priced per a phone conversation.**



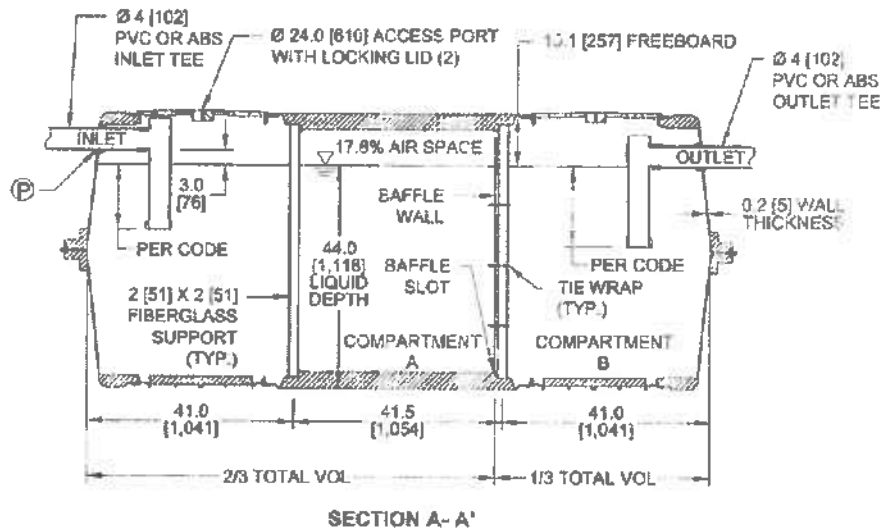
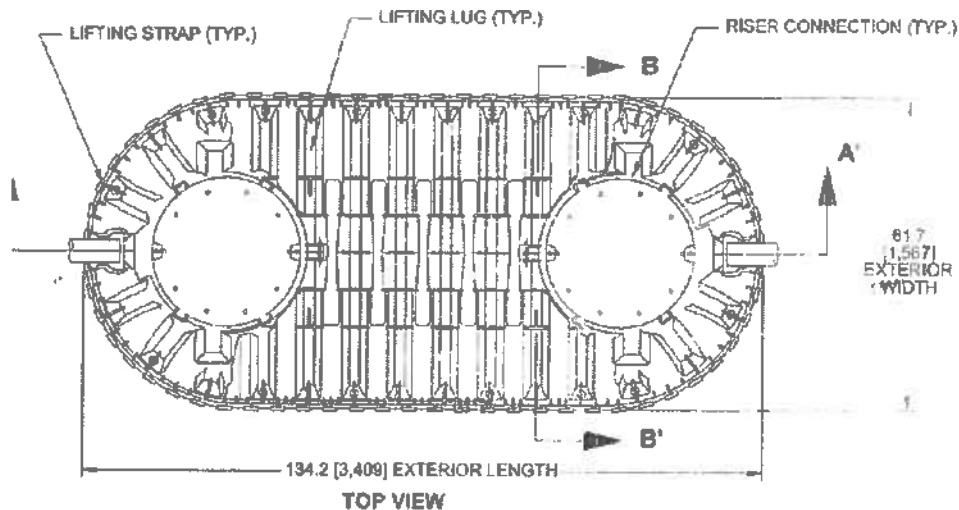
THIS IS A TRUSS PLACEMENT DIAGRAM ONLY		SHOP DRAWING APPROVAL	
<p><small>Please do not use this diagram to construct trusses. It is a placement diagram only. The contractor is responsible for the design and construction of the trusses. The contractor is responsible for the design and construction of the trusses. The contractor is responsible for the design and construction of the trusses.</small></p>		<p><small>Shop drawing approval is required for all trusses. The contractor is responsible for the design and construction of the trusses. The contractor is responsible for the design and construction of the trusses.</small></p>	
Job Name: Homeowner / Elk's Gunter F	Building Code: IRC 2021		DATE: 02/22/24 BY:
Customer: YBS	Loading ASCE718 Code: TP12014		
Site Address:	Site Rep: Tye Yoder		
City, ST, ZIP: . . .	Designer: Josh Stoltz		

Left
TANK
riser



Septic Tank
↓





DRAWING DIMENSIONS IN INCHES [MILLIMETERS] OR AS NOTED.
 ERIOR OF ACCESS OPENING LID INCLUDES THE FOLLOWING WARNING IN
 ILISH, FRENCH & SPANISH: "DANGER DO NOT ENTER: POISON GASES."
 K MARKINGS WILL INCLUDE: MANUFACTURER NAME, MODEL NUMBER, LIQUID
 ACTY, DATE OF MANUFACTURE, MAXIMUM BURIAL DEPTH, INLET, AND OUTLET.
 IMUM BURIAL DEPTH IS 48 in [1,219 mm].
 MUM BURIAL DEPTH IS 6 in [152 mm].
 K IS FOR NON-TRAFFIC APPLICATIONS.
 SPACE IS 17.8%.
 LET TEE IS COMPATIBLE WITH AN EFFLUENT FILTER.
 GTH TO WIDTH RATIO IS 2.3:1 (120.1-INCH LENGTH / 51.8-INCH WIDTH = 2.3).
 E VENT AREA BETWEEN TOP OF BAFFLE WALL AND BOTTOM OF TOP BAFFLE SLOT
 29.7 in².
 FLE WALL THICKNESS IS 0.31 in [8 mm].



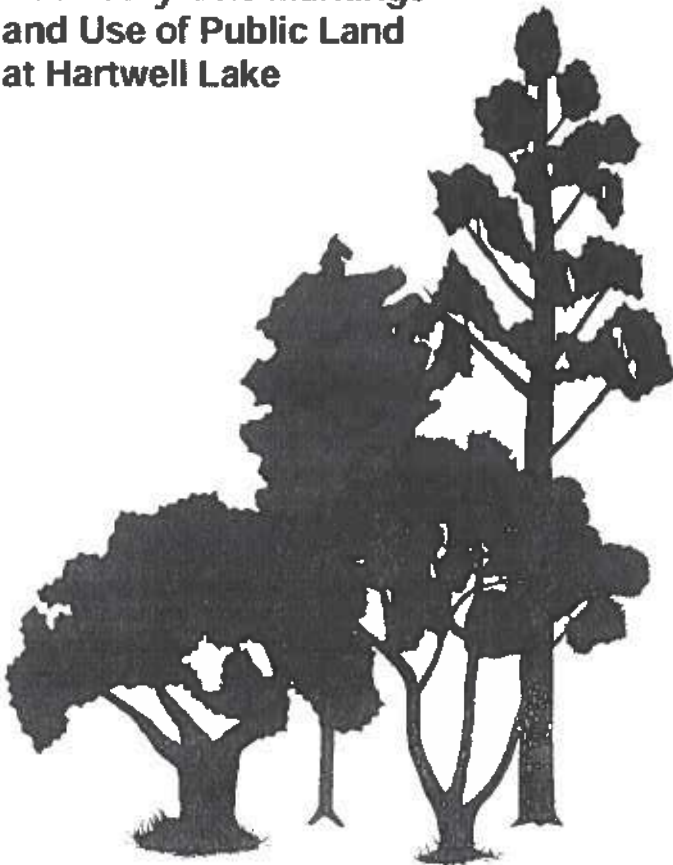
Exhibit XIII



US Army Corps
of Engineers
Savannah District

Hartwell Project Boundary Line Information

Boundary Line Markings and Use of Public Land at Hartwell Lake



Introduction

With 56,000 acres of water, 23,530 acres of land and a shoreline of 962 miles, Hartwell Lake is one of the Southeast's largest and most popular public recreation lakes. Sound management of this resource is necessary to protect and preserve the project for future generations while providing quality recreation opportunities for today's visitors. Management must insure a balance between public recreation use, private lake access, and the conservation of project resources. Management must consider possible use conflicts between the general public and the owners of private property adjacent to the project.

Private Use

The Shoreline Management Plan furnishes guidance for the protection and preservation of desirable environmental characteristics of the Hartwell Project shoreline. Copies of the plans are available from the Project Managers Office.

Public land adjacent to the lake is delineated into different areas of use. This designation of public land allows specific types of private use in certain areas around the lake. Private use is controlled through a permit/license program which may allow individuals with approved access to public land to construct and/or install specific facilities, such as a boat dock, water and electric lines. Although private facilities may be authorized, the ownership of adjacent private land does not convey any exclusive rights to the use of public land. The placement of structures, or special use of public land without prior written authorization or contrary to the terms of the authorization, may constitute an encroachment.

An encroachment is the construction, placement, or continued existence of any structure or item of any kind under, upon, in, or over the project lands or waters and/or the destruction, injury, defacement, removal or any alteration of public property including natural formations, historical and archaeological features, and vegetative growth unless said activity is authorized in writing.

Past experience has proven that lot pins do not always agree with the established boundary line. In order to prevent encroachments, we advise adjacent property buyers/owners to obtain the services of a licensed surveyor to verify the property line prior to purchase and/or construction. Discrepancies between private surveys and the boundary line established by Hartwell Project monuments must be resolved to help prevent encroachments. Please contact the Hartwell Project Office if you have any questions concerning the boundary line. Preventing encroachments with accurate surveys is always more desirable than removal and/or alteration of houses, decks, roof overhangs and other structures.

DP 1130-2-18
NOVEMBER 2020

(2) Shoreline Protection. Minor shoreline protection activities may be locally authorized by the Operations Project Manager. These activities can include retaining walls, riprap, and bioengineering methods. Methods that provide additional aquatic habitat, such as riprap and bioengineering, are preferred. Application forms for riprap and retaining walls may be obtained from the Operations Project Manager's Office. Some unique designs may require certification by a state licensed engineer. Bioengineering proposals must be submitted by the requesting party and include detailed plans. All bank stabilization proposals must be approved by the Operations Project Manager prior to initiating any work.

18. Shoreline Tie-Up. Due to increased development and use of Hartwell Lake and conflicts that have arisen, the continued mooring of a boat to the shoreline for more than 48 hours for any reason (e.g., camping) is prohibited. Permanent mooring devices such as posts, stationary platforms, etc., are prohibited. Boats are to be moored at designated locations only. Permitted floating facilities (individual/community docks, mooring buoys) and commercial marinas are designated for boat moorage on Hartwell Lake.

19. Easements. In addition to lands purchased in fee title, the United States (USACE) purchased easements on some portions of private lands surrounding Hartwell Lake. The most common easements in place give the United States Government a perpetual right to occasionally overflow, flood, and submerge properties which lie within certain mean sea level elevations. Other types of easements exist and landowners and potential landowners around Hartwell Lake are encouraged to investigate easement conditions which encumber private property before purchasing and/or beginning construction. Information on easements is available at the Operations Project Manager's Office.

20. Boundary Line and Encroachments.

a. Boundary Line. The Hartwell Lake boundary line is established and marked by the USACE in accordance with standard survey techniques, including painted hacks and blazes on witness trees as detailed in Exhibit XIII, Hartwell Project Boundary Line Information. In open areas where the distance between corners is such that monuments or pins are not visible, posts with signs may be placed by the USACE to witness the line. The USACE implemented a boundary line maintenance program in which the line is repainted every 3 to 5 years. The painted trees (witness trees) do not represent the exact line, but rather indicate the proximity of the project boundary line. It is the responsibility of the adjacent landowner to identify his/her property line. The USACE will provide information concerning the boundary line, if needed, to assist with any surveys. Any discrepancies identified by a survey should be resolved with the Operations Project Manager.

b. Encroachments. Other than pedestrian access or general public recreational activities, any activity on public property not covered by a SUP license or a

DP 1130-2-18
NOVEMBER 2020

Specified Acts Permit constitutes a trespass, encroachment, or degradation of public property and a violation of 36 C.F.R. § 327.30. Examples of encroachments or degradation include, but are not limited to: motorized vehicle operation, burning, tree cutting, the placement of debris or fill dirt, dog pens, swings, patios, decks, roof overhangs, pools, sheds, houses, and other structures. Violations of this nature are addressed in Section 22, Shoreline Management Violations. Initial SUP/licenses will not be considered until identified encroachments are resolved. The reissuance of existing SUP/licenses to the same and/or new owner will be delayed and/or denied pending an encroachment resolution plan and timeline. If encroachments are not corrected, the SUP/license will not be reissued, and all previously authorized facilities/activities will have to cease or be removed from public land.

21. Special Considerations. The use of motorized equipment on public land is prohibited unless in compliance with a Specified Acts Permit or other site-specific SUP/license such as bank stabilization, walkway construction, and utility installations. Unauthorized use of equipment resulting in damage to public land is addressed in Section 22, Shoreline Management Violations. Permittees and contractors will be held responsible for damage to public land resulting from unauthorized use of equipment.

22. Shoreline Management Violations. Rules and regulations governing the shoreline management program are enforced through 36 C.F.R. § 327.30. Violations may result in the issuance of a Violation Notice requiring the payment of a fine or an appearance before the U.S. Magistrate, restitution, and/or revocation of all or part of the SUP/license, or a combination thereof. As a result of destruction to public lands, no new or reissued SUP/license will be issued until compliance and/or restoration has been achieved to the satisfaction of the Operations Project Manager. Violations may be noted and addressed when facilities/activities are inspected prior to either renewing the SUP/license or reassigning the SUP/license to a new owner. Also, violations may be noted during routine inspections of the shoreline and addressed at any time.

23. Administrative Review and Appeal. Should an applicant desire to appeal a permit decision, they may do so in writing within 30 days through the Operations Project Manager to the District Commander. Written appeals of license decisions must be submitted through the Operations Project Manager to the Real Estate Contracting Officer. The District Commander may revoke a SUP (which would require the revocation of an associated license by the Real Estate Contracting Officer) whenever it is determined that the public interest necessitates such revocation or when determined that the permittee has failed to comply with the conditions of the SUP/license. The permittee will be notified by certified mail. The revocation notice shall specify the reason for such action. If the permittee makes a written request for a hearing within 30 days of delivery of the notice, the District Commander shall grant such a hearing at the earliest opportunity. The hearing date will not exceed 60 days from the date of the hearing request.

24. Natural Resource Management. The goal of the natural resource management program is to provide outdoor recreation opportunities consistent with project purposes

From: Al Schroader <alschroader@msn.com>
Sent: Wednesday, November 6, 2024 7:19 AM
To: planninginfo@oconeesc.com
<planninginfo@oconeesc.com>
Subject: Property at 1055 Shelor Ferry Rd, Fair Play, SC

Ellis Gunter is requesting a variance on his property at 1055 Shelor Ferry Rd, Fair Play. SC.

I'm located at 1045 Shelor Ferry Road and have no objection to his request.

*Al Schroader
1045 Shelor Ferry Road
Fair Play, SC 29643*



gregmcma... 6:35 PM

to me v



I don't have any objection with Mr. Gunter having a variance to the setback from the Corps property.
Thank you
Greg McMahan
1071 Shelor Ferry rd

Sent from my Verizon, Samsung Galaxy smartphone

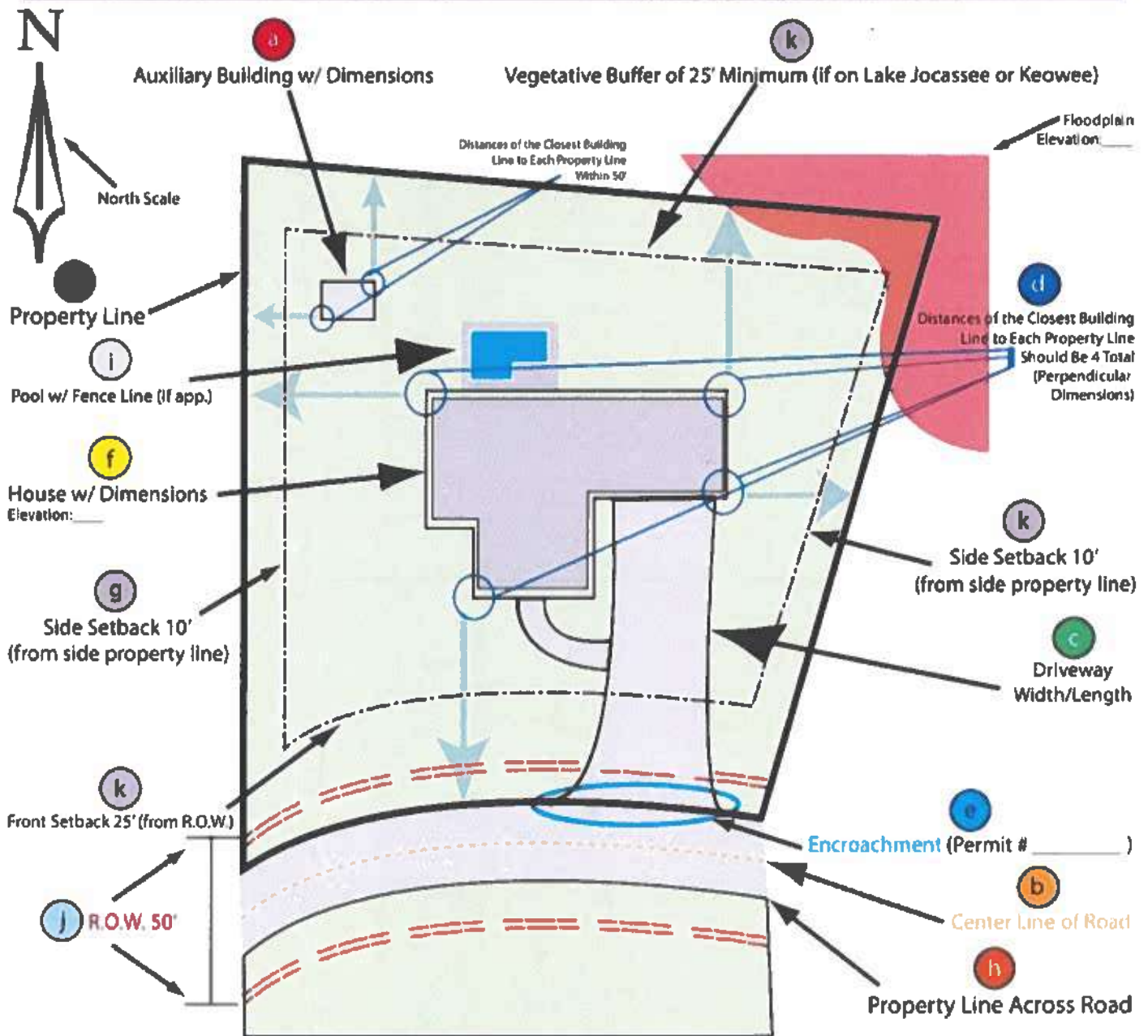
Show quoted text

RESIDENTIAL SITE PLAN ILLUSTRATION

TMS # _____ ADDRESS _____
 CSID # _____

Checklist	a Auxiliary Building(s) w/ Dimensions	c Encroachment (Permit #)	j Right of Way (R.O.W)
	b Center Line of Road	f House w/ Dimensions	k Setback Lines: _____ Front Setback _____ Rear Setback or Vegetative Buffer of 25' Minimum (if on Lake Jocassee) _____ Side Setback
	e Driveway Width/Length	g Property Line	
	d Distances of the Closest Building Line to Each Property Line (Should be 4 Total)	h Property Line Across Road	
_____ Home Elevation:	i Pool w/ Fence Line (if app.)		
_____ Floodplain Elevation (if app.):			
_____ North Arrow			

*Setbacks vary by Zoning District and Covenants, etc. *Check with appropriate entities for appropriate setbacks.
 *All dimensions must be to scale, and perpendicular. *Include necessary Zoning, DHEC, and Encroachment Permits.



Sec. 98-10.2. Control free district (CFD).

The control free district is intended to be the initial zoning district for all parcels within the jurisdiction at the time of initial adoption of zoning in Oconee County, only; any parcel subsequently rezoned to any other district shall not be a part of the control free district at any future date.

Dimensional requirements:

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre - If wastewater treatment not on site	4 dwellings per acre	N/A	15	5	5	65
	½ acre - If wastewater treatment on site	2 dwellings per acre	N/A	25	5	10	65

- A. These setback requirements shall not apply to subdivision plats that were recorded in the Office of the Oconee County Register of Deeds prior to May 7, 2002.
- B. Setback requirements do not apply to lot lines separating dwelling units which are part of a multi-family housing structure (e.g., townhouses).
- C. As to multi-family housing structures located on one lot (e.g., duplexes or apartments), setback requirements apply only to the exterior perimeter wall of the entire structure.
- D. Setback requirements do not apply to lot lines separating commercial units which are part of a multi-unit commercial structure (e.g., a strip mall).
- E. As to multi-unit commercial developments located on one lot (e.g., traditional malls, town centers, or mixed-use developments), setback requirements apply only to the exterior perimeter wall of an entire structure.
- F. The minimum lot size and maximum lot density provisions do not apply to lots that were lawfully created prior to July 18, 2024.
- G. The minimum lot size and maximum lot density provisions do not apply to parcels created by subdivision developments totaling ten or less new parcels. A larger subdivision project may not be broken into smaller subdivision projects for the purposes of circumventing the provisions of this section.
- H. For purposes of this section, "dwellings" may include separate units as accessory uses to be occupied only by employees or relatives of the primary dwelling.

(Ord. No. 2012-14, § 1, 5-15-2012; Ord. No. 2015-15, § 2(Att. B), 6-2-2015; Ord. No. 2016-40, § 1(Att. A), 2-7-2017; Ord. No. 2017-31, § 1(Att. A), 12-19-2017; Ord. No. 2018-04, § 1(Att. A), 2-20-2018; Ord. No. 2024-18, § 1(Exh. A), 7-16-2024)