

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

Minutes

6:00 PM – January 22, 2024

Members in Attendance

Gwen Fowler

James Henderson

Tim Mays

William Decker

Bill Gilster

John Eagar

Thomas James

Staff

James Coley

Elise Dunaway

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

ITEM 2 – Motion to approve the minutes from November 25, 2023 – Mr. Eagar made a **motion** to approve the minutes; seconded by Mr. Mays. Mr. Coley called for a vote. The motion passed 6/0 Mr. Decker abstained.

ITEM 3 – Election of Officers – Mr. Gilster nominated Mr. Eagar for Chair, there were no other nominations, Mr. Eagar was elected 7/0
Mr. James nominated Mr. Henderson for Vice Chair, there were no other nominations, Mr. Henderson was elected 7/0
Mr. Eagar nominated Mr. Coley for secretary, there were no other nominations, Mr. Coley was elected 7/0

ITEM 4 –Approval of Calendar Mr. Henderson made a motion to approve the calendar as submitted, seconded by Mr. Mays. Mr. Eagar called for the vote. The motion passed 7/0

ITEM 5 – 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 6. Variance application #VA23-000021 Chris Berning of Absolute Sign Works is requesting a 95 square foot variance to the maximum sign area. TMS #278-00-03-018, 3581 West Oak Highway, Westminster SC 29693

Rick Tutunjian of Absolute Sign Works presented for the applicant. The owner of the Powertrac would like to make sure the sign can be seen at 55 mph. Mr. Tutunjian confirmed that there will only be one sign on the property, and no other sign will be requested by the liquor store.

Staff comments:

Mr. Coley confirmed the request is for the additional height and square footage and the standards they are requesting against.

Public comment:

Glenn Churchill, spoke against the request. He lives next door and the lights and business intrude in their live constantly.

Applicant rebuttal:

NA.

Board Questions/ Discussion: Mr. Henderson requested clarification regarding the scenic highway designation. Mr. Gilster requested clarification on the size and height determinations. Mr. Henderson asked about the doubling of the size and why it would be necessary. Mr. Henderson stated his opposition to the size and he believes it will be seen from the scenic highway. Discussion followed.

Consideration of VA23-000021:

1. There **are** extraordinary and exceptional conditions pertaining to the particular piece of property:
 - a. Motion – Mr. Mays made a motion in the affirmative, seconded by Mr. Gilster. A brief discussion followed.
 - b. Vote

In-favor	Opposed
6	1

Mr. Eagar noted that the criterion passed.

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

In-favor	Opposed
6	1

Mr. Eagar noted that the criterion passed.

3. Because of these conditions, the application of this chapter to the particular piece of property **would** effectively prohibit or unreasonably restrict the utilization of the property.
- a. Motion – Mr. Gilster made a motion in the affirmative, seconded by Mr. Decker. No discussion.
 - b. Vote

In-favor	Opposed
6	1

Mr. Eagar noted that the criterion passed.

4. The authorization of a variance **will not** be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.
- a. Motion – Mr. Gilster made a motion in the affirmative, seconded by Mr. Decker. A brief discussion.
 - b. Vote

In-favor	Opposed
6	1

Mr. Eagar noted that the criterion passed.

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

In-favor	Opposed
6	1

Mr. Eagar noted that variance request was approved.

ITEM 7- Variance application #VA23-000024 Cole McCurry is requesting relief from the Lake Residential Zoning District minimum lot size requirements. TMS 123-11-01-031 with an address of 413 Long View Ridge Seneca SC 29672

Mr. McCurry presented to the board. He showed visuals showing how the adjacent properties have been developed, and also do not meet the minimum lot width. He intends to comply with all setback requirements, but cannot meet the minimum width of the district.

Staff comments:

Mr. Coley confirmed the request is for the specific to the lot width, and no other requirements. Mr. Coley also discussed the process by which the property was zoned and how the property was restricted.

Public comment:

NA

Applicant rebuttal:

NA.

Board Questions: NA

Board discussion: NA

Consideration of VA23-000024

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

In-favor	Opposed
7	0

Mr. Eagar noted that the criterion passed.

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

In-favor	Opposed
7	0

Mr. Eagar noted that the criterion passed.

3. Because of these conditions, the application of this chapter to the particular piece of property **would** effectively prohibit or unreasonably restrict the utilization of the property.
 - a. Motion – Mr. 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 passed.

4. The authorization of a variance **will not** be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.
 - a. Motion – Mr. James made a motion in the affirmative, seconded by Mr. Henderson. A brief discussion.
 - b. Vote

In-favor	Opposed
7	0

Mr. Eagar noted that the criterion passed.

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

In-favor	Opposed
7	0

Mr. Eagar noted that variance request was approved.

ITEM 8- Variance application VA23-000025 Blue Haven Pools is requesting an 8' variance to the rear setback for installation of a pool. TMS 294-00-02-008 775 Durham Brown Road, Seneca SC 29678

Terry with Blue Haven pools presented for the home owners. The lot has unique topographical features that will affect drainage. The applicant chose the location for the best fit. The home owners stated they were unaware of the setback requirements, and relocated their septic system based on the proposed layout.

Staff comments:

Mr. Coley confirmed the request is to the rear setback which is required to be 10' based on the zoning district and lot size.

Public comment:

Phillip and Kim Matkins both signed up to speak but elected not to.

Applicant rebuttal:

NA.

Board Questions/ Discussion: The Board asked about the sighting, and if the pool could be moved closer to the house, and if the variance included decking, fencing, and other features required with the pool. Mr. Decker questioned how they got so far without checking requirements with the County.

Consideration of VA23-000025:

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

- a. Motion – Mr. James made a motion in the affirmative, seconded by Mr. Mays. A brief discussion followed.
- b. Vote

In-favor	Opposed
7	0

Mr. Eagar noted that the criterion passed.

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

- a. Motion – Mr. Henderson made a motion in the affirmative, seconded by Mr. Decker. A brief discussion followed.
- b. Vote

In-favor	Opposed
7	0

Mr. Eagar noted that the criterion passed.

- 3. Because of these conditions, the application of this chapter to the particular piece of property **would** effectively prohibit or unreasonably restrict the utilization of the property.

- a. Motion – Mr. James 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 passed.

4. The authorization of a variance **will not** be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.
 - a. Motion – Mr. Gilster made a motion in the affirmative, seconded by Mr. Henderson. A brief discussion.
 - b. Vote

In-favor	Opposed
7	0

Mr. Eagar noted that the criterion passed.

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

In-favor	Opposed
7	0

Mr. Eagar noted that variance requests were approved.

ITEM 9- Variance application VA23-000026 William Pursley is requesting a 20' variance to the front setback. TMS 052-01-01-053, 331 Evergreen Ridge Rd, Tamassee SC 29686

Mr. Pursley presented to the board. Mr. Pursley shown topography and examples of the development adjected to his parcel. The steepness of the lot has made the development difficult. Mr. Pursely will be required to install a retaining wall and well house within 5' of the property line due to the topography. The next-door neighbor received a variance for the same request.

Staff comments:

Mr. Coley confirmed the request is for front setback and the request was consistent with the previous variance approved for the neighbor.

Public comment:

There were 3 emails in support

Applicant rebuttal:

NA.

Board Questions/ Discussion: The Board asked the well house, and the proposed well drilling.

Consideration of VA23-000026:

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

In-favor	Opposed
7	0

Mr. Eagar noted that the criterion passed.

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

- a. Motion – Mr. Decker made a motion in the affirmative, seconded by Mr. Henderson. A brief discussion followed.
- b. Vote

In-favor	Opposed
7	0

Mr. Eagar noted that the criterion passed.

3. Because of these conditions, the application of this chapter to the particular piece of property **would** effectively prohibit or unreasonably restrict the utilization of the property.

- a. Motion – Mr. James 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 passed.

4. The authorization of a variance **will not** be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.

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

In-favor	Opposed
7	0

Mr. Eagar noted that the criterion passed.

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

In-favor	Opposed
7	0

Mr. Eagar noted that variance requests were approved.

ITEM 10- Variance application VA23-000027 Len and Jackie Talley are requesting a 5' variance to the side setback. TMS 150-00-01-118 298 Charlies Way Road, Seneca SC 29672

Mr. Talley presented the survey of the parcel and shown the encroachments over the property line, and the substantial powerline easement going through the parcel.

Staff comments:

Mr. Coley confirmed the request is for the variance on the side setback, and the uniqueness of the power easement

Public comment:

NA

Applicant rebuttal:

NA.

Board Questions: NA

Board discussion: NA

Consideration of VA23-000027:

1. There **are** extraordinary and exceptional conditions pertaining to the particular piece of property:
 - a. Motion – Mr. Decker made a motion in the affirmative, seconded by Mr. Henderson. A brief discussion followed.
 - b. Vote

In-favor	Opposed
7	0

Mr. Eagar noted that the criterion passed.

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

In-favor	Opposed
7	0

Mr. Eagar noted that the criterion passed.

3. Because of these conditions, the application of this chapter to the particular piece of property **would** effectively prohibit or unreasonably restrict the utilization of the property.
 - a. Motion – Mr. 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 passed.

4. The authorization of a variance **will not** be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.
 - a. Motion – Mr. Henderson made a motion in the affirmative, seconded by Mr. Decker. A brief discussion.
 - b. Vote

In-favor	Opposed
7	0

Mr. Eagar noted that the criterion passed.

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

In-favor	Opposed
7	0

Mr. Eagar noted that variance requests were approved.

ITEM 11 Adjourn – Mr. James made a motion to adjourn, seconded by Mr. Decker. Mr. Eagar called for a vote. Motion passed unanimously 7/0.