

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

Minutes

6:00 PM – February 26, 2024

Members in Attendance

Gwen Fowler

Thomas James

James Henderson

John Eagar

William Decker

Staff

James Coley

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

ITEM 2 – Motion to approve the minutes from January 22, 2024 – 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 – Brief statement about rules and procedures – Mr. Eagar outlined the proceedings of the meeting going forward:

- Applicant will provide a presentation to state their request (5 minutes).
- Staff will be asked to make any comments regarding the request.
- The public is allowed to voice their approval or opposition to the proposed. Please do not repeat opinions that have already been stated into the record (3-5 minutes).
- Applicant rebuttal
- Board members will discuss in detail.
- Voting

ITEM 4. Variance application #VA23-000028 Sam DuVall of DB&G Inc is requesting relief from the Lake Residential Zoning District minimum lot size requirements. TMS 111-05-01-068 with an address of 53 Mainsail Dr Salem SC 29676

Mr. DuVall (builder) and Ms. Belcher (CARE) presented the home plans for the parcel, and that the owner did not understand the lot size requirements as they relate to the setback. CARE has approved the plans. The builder plans to not include a retaining wall in the right-of-way, and instead will use a natural planted wall.

Staff comments:

Mr. Coley confirmed the request is for the relief from the minimum lot size, and the setbacks would be met when measured from the edge of right-of-way. Mr. Coley did confirm that there are multiple examples of other parcels that do not meet the minimum lot size. Mr. Coley also addressed questions regarding non-conforming structures

Public comment:

NA

Applicant rebuttal:

NA.

Board Questions/ Discussion: NA

Consideration of VA23-000028:

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
5	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
5	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
5	0

Mr. Eagar noted that the criterion passed.

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

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

In-favor	Opposed
5	0

Mr. Eagar noted that variance request was approved.

ITEM 5- Variance application # VA24-000001 Ronald and Doretta Martin are requesting a variance to the minimum lot size requirement of the Agricultural Zoning District and a variance of 3' to the rear setback requirement. TMS 326-00-01-005 with an address of 440 Dairy Farm Road Westminster SC 29693

Mr. Martin explained his request to make a parcel to give to the family that had been renting and working for him. He showed the unique shape of the parcel and explained the history of the last survey over 100 years ago.

Staff comments:

Mr. Coley detailed the requirements of the agricultural zoning district and what limited the parcel and the setback for the existing mobile home.

Public comment:

NA

Applicant rebuttal:

NA.

Board Questions: NA

Board discussion: NA

Consideration of VA24-000001

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
5	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
5	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
5	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
5	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
5	0

Mr. Eagar noted that variance request was approved.

ITEM 6- Variance application VA24-000002 Zachary Paul Newkirk is requesting a 6' variance to the front setback requirement. TMS 162-05-01-003, with an address of 912 Watercrest Rd West Union SC 29696

Mr. Bass presented on behalf of the Newkirk's. Mr. Bass purchased the property for his family to build on. Mr. Bass noted the topography and increased cost of trying to conform with the setback. He stated they did not understand the setback requirements and how setback was measured with right-of-way.

Staff comments:

Public comment:

NA

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 VA24-000002:

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

In-favor	Opposed
5	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
5	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
5	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
5	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. Decker. No Discussion.
- b. Vote

In-favor	Opposed
5	0

Mr. Eagar noted that variance requests were approved.

ITEM 7- Variance application VA24-000003 Bryan and Toni Sanders are requesting relief from the vegetative mitigation requirements of the Lake Overlay District. TMS 066-03-01-033 with an address of 711 Barberry Ct, Salem SC 29676

Ms. Sanders explained that they wanted to install 2.5” trees instead of 4” trees. They are unable to move the larger trees without a barge and believe the smaller diameter trees will thrive better. Ms. Sanders worked with a landscaper to come up with the design, and it is the landscaper who recommended the reduction in size. Ms. Sanders confirmed Duke and HOA have approved the change.

Staff comments:

Mr. Coley discussed the mitigation requirements of the lake overlay and the ability of the board to modify the requirements, including making the requirements more or less restrictive.

Public comment:

Applicant rebuttal:

NA.

Board Questions/ Discussion:

Board discussed the purpose of the overlay and if additional trees should be required to make up for the request to reduce the size

Consideration of VA24-000003:

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

In-favor	Opposed
5	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
5	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. Decker made a motion in the affirmative, seconded by Mr. Henderson. No discussion.
 - b. Vote

In-favor	Opposed
5	0

Mr. Eagar noted that the criterion passed.

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

In-favor	Opposed
5	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 with the following stipulation- Sanders shall provide written approval from both Duke Energy and The Cliffs accepting the substituting 2.5” trees for the originally planned 4” trees.**
 - a. Motion – Mr. Decker made a motion; seconded by Mr. Henderson. No Discussion.
 - b. Vote

In-favor	Opposed
5	0

Mr. Eagar noted that variance requests were approved.

ITEM 8- Adjourn – Mr. James made a motion to adjourn, seconded by Mr. Henderson. Mr. Eagar called for a vote. Motion passed unanimously 5/0.