

# OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

## Minutes

6:00 PM – August 26, 2024

### Members in Attendance

John Eagar – At Large  
Jim Henderson – District 1

Tim Mays – District 5  
Gwen Fowler -District 2

### Members Absent

Thomas James – District 4  
Bill Gilster – District 3

Will Decker – At Large

### Staff

James Coley  
Logan Gibbons

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

**ITEM 2 – Motion to approve the minutes from June 24, 2024** – Mr. Mays made a **motion** to approve the minutes; seconded by Mr. Henderson. Mr. Eagar called for a vote. The motion passed 4/0.

**ITEM 3 – Brief statement about rules and procedures** – Mr. Eagar outlined the proceedings of the meeting going forward:

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

**ITEM 4. Variance application #VA24-000014 John Heidelberg is requesting a 13ft variance to the front setback. TMS 045-00-02-171 with an address of 288 Jocassee Ridge Way, Salem SC 29676. Ref. Sec. 38 – 10.2**

### Applicant Comments:

Stated Name: John Heidelberg

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

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

**Staff comments:**

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

**Public comment:**

**Applicant rebuttal:**

NA.

**Board Questions/ Discussion:**

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

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

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

**Consideration of VA24-000014:**

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

In-favor	Opposed
4	0

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

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

In-favor	Opposed
4	0

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

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

In-favor	Opposed
4	0

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

4. The authorization of a variance **will not** be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.
  - a. Motion – Mr. Gilster made a motion in the affirmative, seconded by Mr. Henderson. No Discussion
  - b. Vote

In-favor	Opposed
4	0

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

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

In-favor	Opposed
4	0

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

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