

# OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

## Minutes

6:00 PM – November 25, 2024

### Members in Attendance

John Eagar  
Jim Henderson  
Thomas James

Tim Mays  
Will Decker  
Bill Gilster

### Staff

James Coley

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

**ITEM 2 – Motion to approve the minutes from September 23, 2024** – Mr. Mays made a **motion** to approve the minutes; seconded by Mr. Henderson. Mr. Eagar called for a vote. The motion passed 6-0.

**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 #VA24-000015 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 stated he and Ms. Nowell had come to a tentative agreement. Mr. Ramey of Ramey Home Builders went through the construction history of the project on the parcel. Mr. Ramey provided some background on erosion issues during construction.

Mr. Ramey showed a conceptual image of landscaping to be installed in front of the wall.

**Staff comments:**

Mr. Coley deferred until after public comment

**Public comment:**

Stated Name: Elizabeth Nowell

Ms. Nowell reviewed the erosion and drainage issues including before and after the wall was installed. She is Mr. McCowan have come to an agreement but she has concerns about making sure Mr. McCowan follows through with his commitment.

**Applicant rebuttal:** NA

**Board Questions/ Discussion:**

Mr. Eagar asked Mr. Coley to confirm conditions could be placed on the variance approval.

Mr. Coley confirmed conditions could be placed on the approval, including holding CO until both parties signed off on the additional work.

**Consideration of VA24-000015:**

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. No discussion

b. Vote

In-favor	Opposed
6	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. Henderson made a motion in the affirmative, seconded by Mr. Decker. No Discussion

b. Vote

In-favor	Opposed
6	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. James. No discussion.
- b. Vote

In-favor	Opposed
6	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. Decker made a motion in the affirmative, seconded by Mr. Henderson.
- b. Vote

In-favor	Opposed
6	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. Decker.
- b. Discussion regarding conditions attached to the approval: **All agreed-upon improvements, including French drain at the top of the wall, drainage tie-in to the existing rock swale, and landscaping in front of the wall shall be installed and signed off by both the applicant and neighbor prior to scheduling a CO inspection for 194 Palmetto Point Dr.**
- c. Vote

In-favor	Opposed
6	0

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

**ITEM 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**

Stated Name: Art Covert

Mr. Covert would like to build an addition matching the current configuration of the house, built prior to the adoption of setback requirements. Mr. Covert stated his neighbors were all OK with the addition

**Staff comments:**

Mr. Coley confirmed that the applicant was seeking to build within the setback

**Public comment:** NA

**Applicant rebuttal:** NA

**Board Questions/**

**Consideration of VA24-000018:**

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. No discussion
  - b. Vote

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

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

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

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

In-favor	Opposed
6	0

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

~~ITEM 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~~

**This item was withdrawn and not discussed.**

Item 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, Tamassee, SC 29686. Ref. Sec. 38-10.2.

Stated Name: William Houts

Mr. Houts has a parcel with a large driveway and no garage or outbuildings. He would like to add a 1 car garage and lean-to for a second car/ additional storage. Mr. Houts believes the requested placement will allow for good drainage and stop any erosion issues before they begin.

**Staff comments:**

Mr. Coley confirmed that the applicant was seeking a front setback variance

**Public comment:** NA

**Applicant rebuttal:** NA

**Board Questions/**

**Consideration of VA24-000020:**

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. No discussion
- b. Vote

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

In-favor	Opposed
6	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. James. No discussion.
- b. Vote

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

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

In-favor	Opposed
6	0

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

**Item 8- #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**

Stated Name: Ellis Gunter Jr.

Mr. Gunter discussed his parcel and the challenging topography. He shared his frustration with the building process. He spoke with the USACE regarding setbacks. He installed a septic system per DHES. He finally spoke with zoning at the recommendation of Building Codes and discovered the County also had required setbacks. Mr. Gunter requested permission to continue with his plan as shown in the exhibits.

**Staff comments:**

Mr. Coley discussed setbacks and the implementation timeline from the County Ordinances.

**Public comment:** NA

**Applicant rebuttal: NA**

**Board Questions/**

**Consideration of VA24-000021:**

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. Henderson. No discussion
- b. Vote

In-favor	Opposed
6	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. James made a motion in the affirmative, seconded by Mr. Mays. No Discussion
- b. Vote

In-favor	Opposed
6	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. Mays made a motion in the affirmative, seconded by Mr. James. No discussion.
- b. Vote

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

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

In-favor	Opposed
6	0

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

**Item 9- Adjourn- Motion by Mr. May approved 6-0**