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## Meeting agenda January 27, 2025 6:00 pm

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1. Call to order
2. Approval of minutes: 11/25/24
3. Election of officers
4. Approval of Calendar
5. Brief statement about rules and procedures
6. Variance application #VA24-000022 Kenneth Routh is requesting relief from the rear setback requirement within the Lake Overlay to replace a retaining wall damaged beyond 50%. TMS #193-05-01-008, 435 Cane Creek Landing Rd, Seneca SC 29672
7. Variance application #VA24-000023 Riley LeClair of Owner-Built+Design is requesting relief from the front setback requirement for a poured concrete retaining wall. TMS 056-02-02-024 with an address of 242 Bay View Dr, Salem SC 29676
8. Variance application VA24-000024 Wyatt Fullbright of Richland Creek is requesting a front setback variance of 22' to allow for a new property line between the existing storage building and the existing shop building. TMS 252-00-01-005 2036 Sandifer Blvd, Seneca SC 29678
9. Variance application VA24-000025 Robert Burley of The Burley Lake House LLC is requesting a 9.5' variance to the rear setback for an addition after sustaining hurricane damage TMS 270-00-03-012 870 Cartee Rd Seneca SC 29678
10. Adjourn

### Oconee County Board of Zoning Appeals

Council Chambers  
415 South Pine Street  
Walhalla, S.C. 29691

[www.oconeesc.com](http://www.oconeesc.com)

YouTube: "YourOconee"

#### Staff contact

846-638-4218  
[planninginfo@oconeesc.com](mailto:planninginfo@oconeesc.com)

#### BOARD MEMBERS

James Henderson, District I  
Gwen Fowler, District II  
John Eagar, At-Large

Jason Cox, District IV  
Bill Gilster, District III  
Tim Mays, District V

Wayne McCall, At-Large

# 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  
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**

# Freedom of Information Act - Variance Application

## Permitting Information

Code section from which a variance is requested

**Upload Supporting Documentation Here**

Application is

restricted by an hoa. (check for letter of approval)

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.:

I am replacing a retaining wall that used to be railroad ties. The old retaining wall was not restricted by setback requirements, but by replacing it I have lost grandfather status.

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

No, the retaining wall was there prior to my owning of the property. However, the retaining wall was put in by the contractor without pulling permits which is why I am here.

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

I wouldnt be able to put the retaining wall where it used to be. Which would cause significant damage and runoff.

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, the retaining wall is wholly on my property and would not affect my neighbors in any way.

### 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	10/16/2024	10/17/2024	10/16/2024	Approved	
Planning and Zoning Review	10/16/2024	01/28/2025	01/01/1900	Under Review	
Review Complete	10/16/2024	01/01/1900	01/01/1900	Pending	

## Inspection Information

## Activities Information

## Documents Information

Routh 5/3/22



DUKE ENERGY INTERNAL USE ONLY

Date Received 5/6/22 App Fee Amt \$250/6158

Site ID 77325 HEP Fee \$500/6159

Lake Permit Application version 2.1a

Duke Energy Lake Services Mail Code EC12Q 526 S. Church St. Charlotte, NC 28202

I. APPLICANT / PROPERTY OWNER INFORMATION (property owner mailing address and contact information)

Name\* Kenneth Routh Primary Phone\* 909-499-8866
Address\* 435 Cane Creek Landing Rd Secondary Phone 909-874-1290
City\* Seneca State\* SC Zip Code 29672
Email n/p mail hand copy

II. LAKE PROPERTY INFORMATION (location of permit)

Is there an existing dock or other facilities along the shoreline property or over the Lake? [X] Yes If yes, include Dock Tag #. If tag cannot be located, note that here. \* Can not locate (2986)
Address\* 435 Cane Creek Landing Rd County\* Oconee
City\* Seneca State\* SC Zip Code\* 29672 Lake\* Keowee
Subdivision North Harbour Lot(s)

Latitude and longitude of the property. Please use a service/software to acquire the location information. Values should be provided in Decimal Degrees format (35.1245).

Latitude (e.g. 35.12345)\* 34.731132
Longitude (e.g. -80.12345)\* -82.986679

Example service: http://getlatlong.net/

III. PROPOSED ACTIVITY (check all that apply)

[X] New/Modification of Existing Structure [X] Maintenance of Existing Structure
[X] New/Modification of Existing Shoreline Stabilization [X] Maintenance of Existing Shoreline Stabilization
[ ] Transfer of Ownership (check box if you want a copy of permitting history [ ]) [ ] Other (Describe below. If the activity involves an irrigation withdrawal, include the pump capacity.)

Structure size (square feet) Is dock covered? [ ] Yes [X] No Number of slips
Is structure a common use dock? [ ] Yes\* [X] No Number of jetports
\*If yes, see special note in Section VII

Shoreline Stabilization Length of stabilization (feet) See Attached Distance from shoreline (feet) See Attached
Materials See Attached

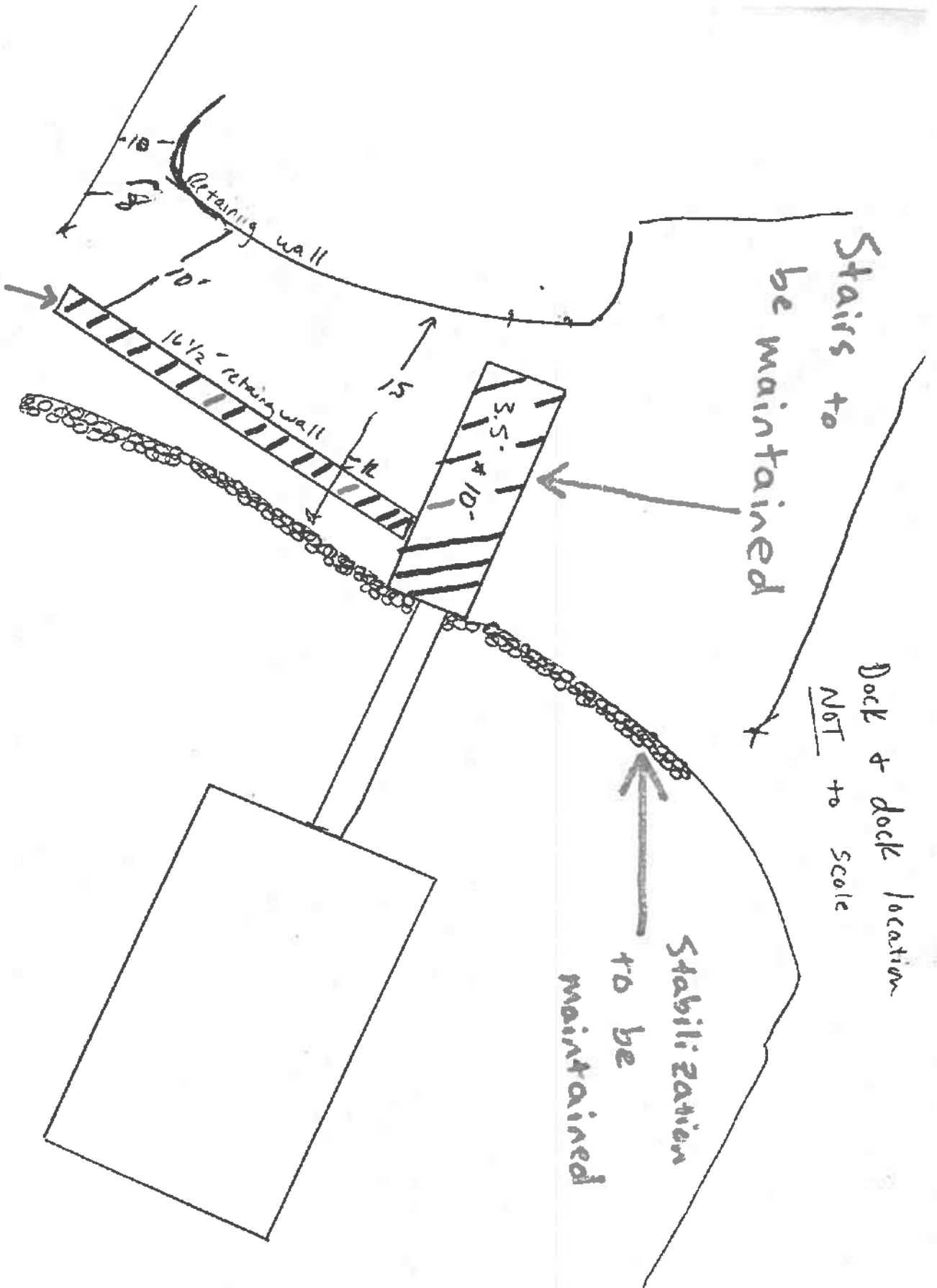
Brief Description of the Activity See Attached

Describe briefly the existing structures over land and water (include sq ft) Existing floating dock with walk-on ramp





Retaining wall to be maintained



Tommy Hood Engineering  
500 Jameson Dr  
Piedmont, SC 29673

July 29, 2024

Re: 435 Cane Creek Landing Rd, Seneca, SC 29672

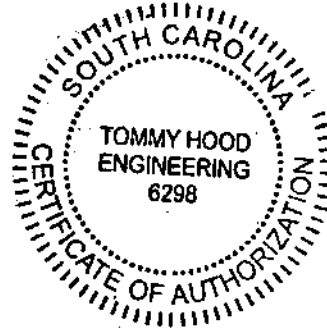
I, Thomas Hood, a registered professional engineer in the state of South Carolina, have examined the segmented block walls at 435 Cane Creek Landing Rd in Seneca, SC. The segmented block walls have been constructed at the address. The segmented block walls have been constructed, placing 57 stone, drainage and geogrid based on the height. The walls are stable and able to support the soil and loads that are behind it with appropriate factors of safety.

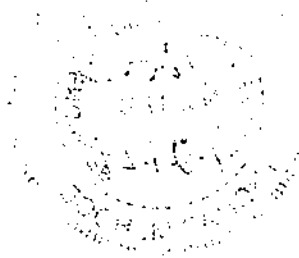
The segmented block walls at 435 Cane Creek Landing Rd are able to resist the lateral pressure of the soil with appropriate factors of safety for overturning, slicing and global stability with the prescribed loads from ASCE 7-16.

Sincerely,



Thomas Hood, PE





Handwritten initials or mark.

# Freedom of Information Act - Variance Application

## Permitting Information

Code section from which a variance is requested

Application is

Ross LeClair

**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.:

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

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

#### 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.

The curved retaining wall made of poured concrete tied into house corner as the as built design shows. The retaining wall is not visible from the street as it sits a few feet below the road grade. The wall is approximately 10' tall to match the house poured concrete walls.

Owner requested the wall once basement cut was done and the lack of yard and risk of falling down the large hill at the rear of the home presented itself. The wall is meant to provide a flat space to serve as a back yard for the home as the back terrain off the rear facing of the home is very steep so this was added to carve out some of the hill for a yard and safe space for their son to play.

The current 25' setback means the wall is within that setback by about 5' in spots where it makes the curve. Making the curve follow the 25' setback would limit the surface area down below between the home and that wall to where the space would have been much smaller.

The wall does not put the district in harms way nor affect adjacent homeowners/ lot owners. This retaining wall was discussed with two owners and the HOA president prior to construction and none of them had issue with it as well.

Owner-Built+Design

## Workflow Reviews Information

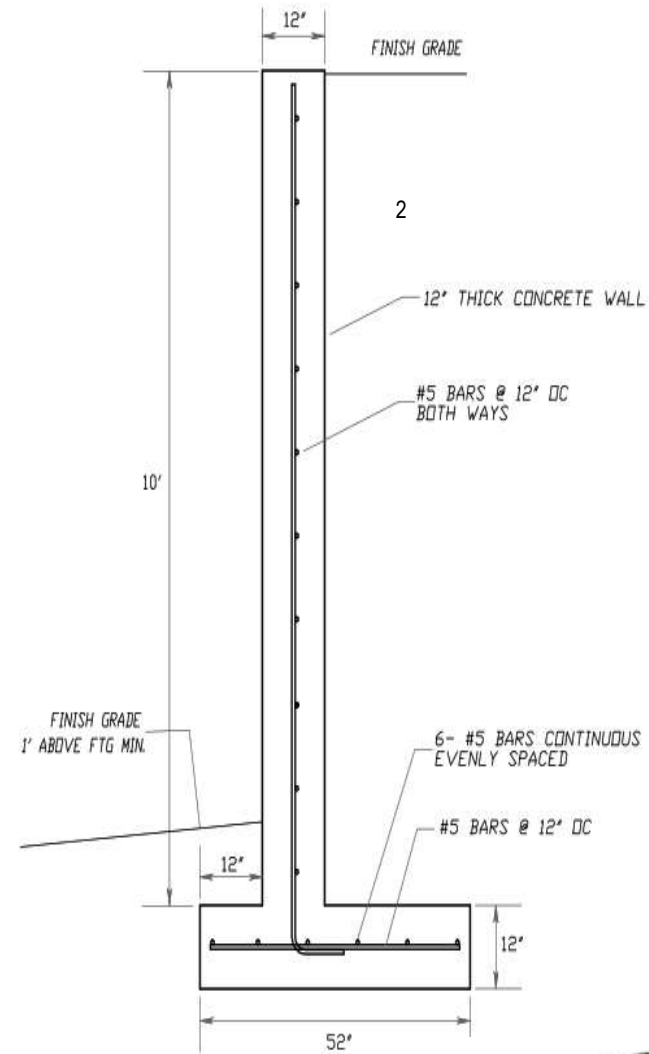
Type	Creation Date	Due Date	Completion Date	Status	Description
Application Check	11/19/2024	11/20/2024	12/10/2024	Approved	
Planning and Zoning Review	11/19/2024	01/28/2025	01/01/1900	Pending	
Review Complete	11/19/2024	01/01/1900	01/01/1900	Pending	

## Inspection Information

## Activities Information

## CONSTRUCTION NOTES

1. Foundations are designed for 2000 psf bearing capacity. All footings shall bear on original, undisturbed soil if possible. All structural fill should be tested by a geotechnical engineer and must reach 95% compaction.
2. All concrete to be 3,000 psi NW.
3. Do not operate any heavy equipment near foundation or retaining walls.
4. All reinforcement should be grade 60 for #4 rebar or higher and grade 40 for #3 rebar.
5. Install a vapor barrier and 4" stone base for all slab on grades.
6. When backfilling the foundation, verify that the walls are braced until the permanent lateral force resisting members (i.e. slab, floor system) are in place.
7. Provide positive drainage away from all foundation and retaining walls during construction and permanently.
8. Framer to provide blocking when floor system runs parallel to main foundation wall.
9. Work to be in compliance with ACI 318-05.
10. Anchorage size and spacing per local building code.
11. All foundation and retaining walls to be waterproofed in accordance with all local building codes.
12. All splices to be 48 bar diameters (UNO).
13. All hooks for dowels to be 16 bar diameters (UNO).



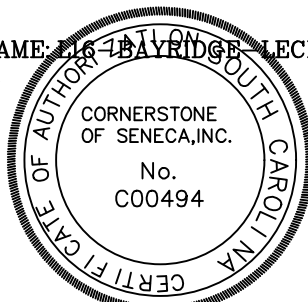
NOT TO SCALE

RETAINING WALL DETAIL



PLAT # B- 13865  
 DISK # C:\DWG\_1\_2024 NAME: 16-1-BAYRIDGE-LECLAIR-ROSS-ABFD2024  
 FB # FNA PG 05132024

SPC SC GRID NORTH



AS BUILT FOUNDATION

DATED: MAY 13, 2024

LOT 15  
 PAUL ALBAUGH  
 NOW OR FORMERLY  
 DB 3004 PAGE 95  
 PB B174 PAGE 3  
 TMP 056-02-02-025

LOT 37  
 JOSHUA MORRISON  
 NOW OR FORMERLY  
 DB 2443 PAGE 54  
 PB P-82 PAGE 517  
 TMP 056-02-02-015

**EXEMPTION FROM REVIEW PROCESS**  
 The survey shown hereon is a RESURVEY of an existing lot of record as recorded in Plat Book A46 page 3 .

TAX MAP PARCEL #: 056-02-02-024  
 DESCRIPTION : THIS IS THE PROPERTY DESCRIBED IN DEED BOOK 2643 PAGE 327 AND KNOWN AS LOT 16 OF BAY RIDGE SUBDIVISION (SHEET 2)

REFERENCE PLAT BOOK A46 PAGE 3 . RECORDED IN THE COUNTY RECORDS OF OCONEE.

STATE OF SOUTH CAROLINA  
 COUNTY OF OCONEE.  
 TOWNSHIP OF KEOWEE  
 CITY OF

AREA OF PARCEL : 1.49 ACRES +-

DATE : MAY 13, 2024  
 REVISED ON :

PLAT PREPARED FOR:

Ross LeClair

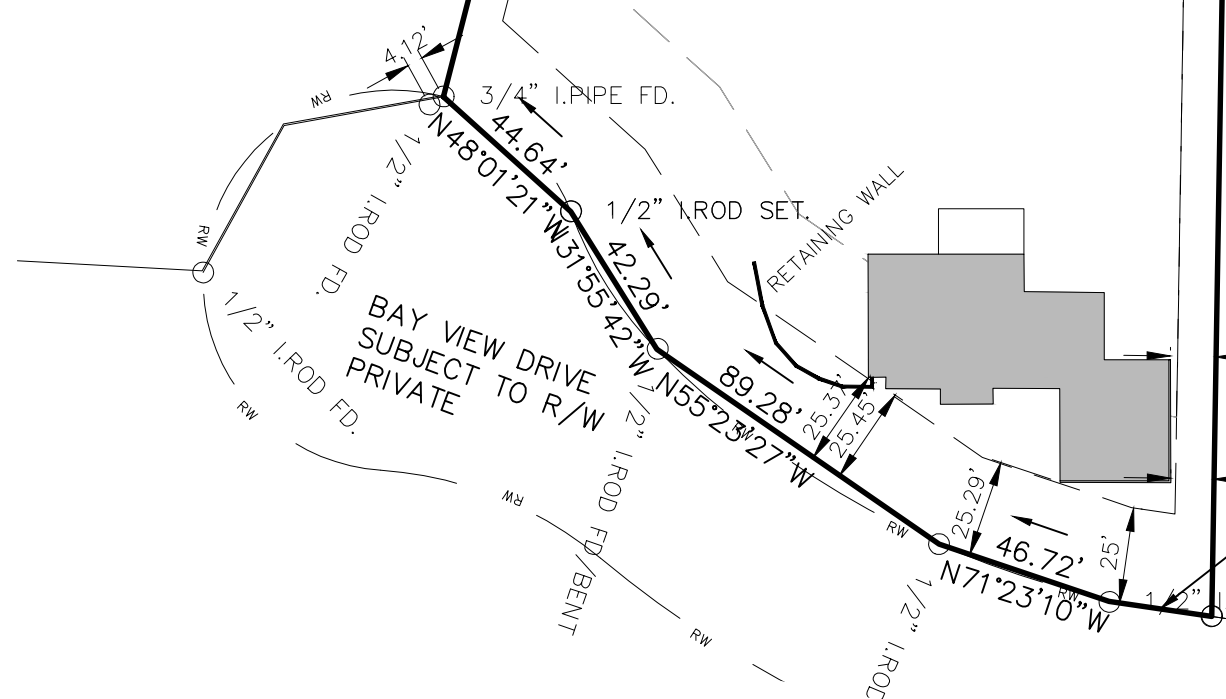
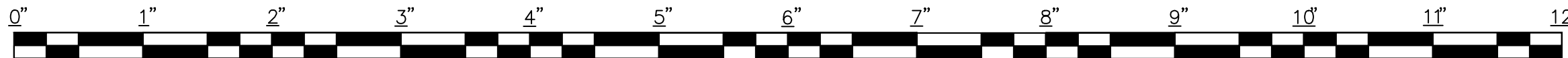
CORNERSTONE OF SENECA, INC.  
 800 WHITWORTH CIRCLE  
 SENECA, SC 29672  
 PAYMENTS MAILED TO  
 PO BOX 1071  
 CLEMSON, SC 29633  
 PHONE: 864/882-6476  
 EMAIL: cs11977mlh@gmail.com

*Michael L Henderson*

© Copyright 2024 Cornerstone of Seneca, Inc. All rights RESERVED.  
 MICHAEL L. HENDERSON, PS 6946

SCALE: 1"=50'

Recorded this \_\_\_\_ day of \_\_\_\_\_ 2024  
 Vol \_\_\_\_\_ page \_\_\_\_\_ and Certified  
 Register of Deeds, OCONEE County.



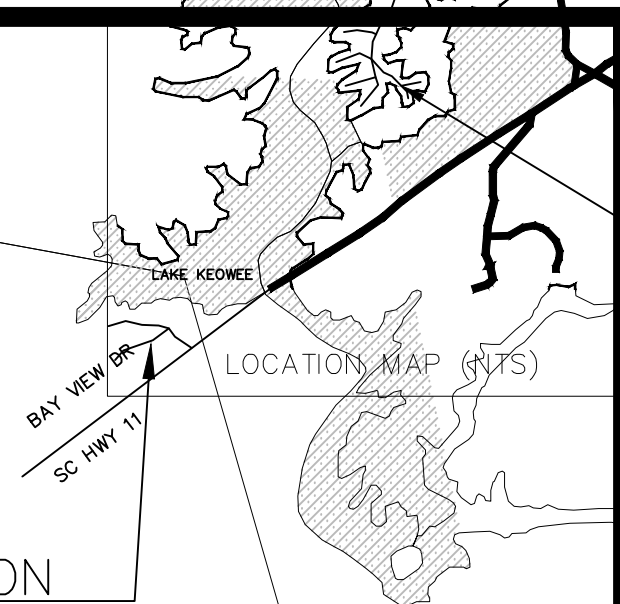
I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN. PROPERTY SUBJECT TO ANY AND ALL EASEMENTS ON RECORD. THIS DOCUMENT DOES NOT TRANSFER TITLE, NOR NECESSARILY FOLLOWS TITLE LINES.

This survey was prepared with documents and data gathered from various (private, public, & government) sources, but no title examination was furnished by an attorney. This survey is made subject to a current and complete title examination and is subject to any and all records either recorded or unrecorded that may affect this property. These may include: easements, right-of-ways, above and below ground utilities, covenants and restrictions, and any other right or agreement that may be attached to this property. Any reproduction of this document that does not have a "raised" impression SEAL and red ink signature should be considered altered or fraudulent and not to be used for any purpose. This document was prepared for legal transactions on or near the date hereon and for the above list person, persons, or identity only. No other use implied.

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LOT 17  
 CHRISTOPHER HAVILAND  
 NOW OR FORMERLY  
 DB 2791 PAGE 27  
 PB A46 PAGE 2-3  
 TMP 056-02-02-023

LOCATION





# FOOTING EVALUATION

2660 White Sulphur Road ♦ Gainesville, Georgia 30501 ♦ 770.536.5220 phone ♦ office@southerngeotech.com  
14476 Duval Place West ♦ Suite 803 ♦ Jacksonville, Florida 32218 ♦ 904.374.2252

<b>PROJECT NAME:</b>	<u>242 Bay View Drive Permit No. BR24-000265</u>	<b>DATE OF EVALUATION:</b>	<u>April 5, 2024</u>
<b>CLIENT:</b>	<u>Tovar Concrete</u>	<b>PROJECT NO.:</b>	<u>13915G</u>
<b>EVALUATED BY:</b>	<u>Rodney Clark</u>	<b>REPORT NO.:</b>	<u>108314</u>

## FOOTING EXCAVATION EVALUATED:

Site retaining wall footing

**SATISFACTORY FOR SUPPORT OF THE DESIGN BEARING PRESSURE OF 2,500 PSF**

**NOT SATISFACTORY FOR SUPPORT**

## COMMENTS/ADDITIONAL ACTION REQUIRED:

Also, the reinforcing steel for the aforementioned footings was visually evaluated for correct size, number and spacing of the reinforcing bars. The footing measured 52-inches in width and had 6 runs of No. 5 reinforcing with cross bars every 12-inches and No. 5 dowels located on 12-inch centers. As observed, all items were in compliance with the project plans and specifications.



**NOTE:** Our evaluation is limited to the near surface soils that were penetrated by our shallow hand auger borings with associated penetrometer testing and the shallow probings made by our representative with a small diameter steel rod. We note that deeper soil conditions outside the limits of our evaluation can impact foundation performance. Also, we note that our evaluation cannot assess if, or to what extent, deeper soils may experience post construction settlement.

This report has been prepared for the exclusive use of our client and their designees for specific application to this project. Furthermore, we note that the results presented relate only to the items evaluated and/or tested, and variations can be present outside areas that were tested and/or evaluated. As such, no other warranty is expressed or implied. Last, this report shall not be reproduced, except in full, without the written approval of SGC, LLC.

Rodney Clark

Note that by electronic signature above, the SGC personnel confirms that the findings of this report are free from any commercial, financial, or other pressures including trade organizations rules that might adversely affect the independence, judgment, and/or integrity of the results provided.





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14476 Duval Place West ♦ Suite 803 ♦ Jacksonville, Florida 32218 ♦ 904.374.2252

<b>PROJECT NAME:</b>	<u>242 Bay View Drive Permit No. BR24-000265</u>	<b>DATE OF EVALUATION:</b>	<u>April 16, 2024</u>
<b>EVALUATED BY:</b>	<u>Rodney Clark</u>	<b>PROJECT NO:</b>	<u>13915G</u>
<b>WEATHER CONDITIONS:</b>	<u>Sunny</u>	<b>REPORT NO:</b>	<u>108330</u>
<b>CLIENT:</b>	<u>Tovar Concrete</u>		

**WE NOTE THE FOLLOWING:**

As requested, a representative of our firm visited the site to assess the reinforcing steel for the site retaining wall. We visually assessed the reinforcing steel to be in general compliance with the submitted project specifications with regards to size, number and spacing. The wall reinforcing was No. 5 bars placed at 12-inches on center each way and the wall thickness measured 12-inches. The wall also had placed two equally spaced tie walls (dead man) to reinforce the wall during the backfilling process.



This report has been prepared for the exclusive use of our client and their designees for specific application to this project. Furthermore, we note that the results presented relate only to the items evaluated and/or tested, and variations can be present outside areas that were tested and/or evaluated. As such, no other warranty is expressed or implied. Last, this report shall not be reproduced, except in full, without the written approval of SGC, LLC.

Rodney Clark

Note that by electronic signature above, the SGC personnel confirms that the findings of this report are free from any commercial, financial, or other pressures including trade organizations rules that might adversely affect the independence, judgment, and/or integrity of the results provided.

December 9<sup>th</sup>, 20025

To Whom it may concern,

My name is Jeff Gilstrap, and I wanted to write this letter on behalf of Ross and Lexi LeClair. I am currently the HOA President of Bay Ridge Subdivision, member of the ARB, and I live here full-time. I understand there is a concern about the retaining wall. I jog past their new house almost every day and I have never noticed the retaining wall. But after review, the wall is necessary for their construction due to topography of the neighborhood and lot. I do not believe it is an eyesore to the community since it cannot be seen from the road. The only visible thing that can see is the safety railing which is quiet attractive. In conclusion, the retaining wall is necessary and is not an issue for the neighborhood or the ARB in any way.

Sincerely,

Jeff Gilstrap  
1009 West Pinnacle Drive  
Salem SC 29676  
864-304-1156  
Jeffgilstrap60@gmail.com

December 6, 2024

RE: 242 Bay View Drive

Salem, SC 29676

To Whom it may concern,

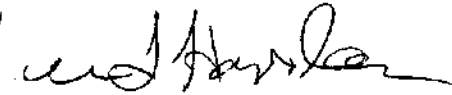
My family and I have been community members of Bay Ridge for over a decade. We have been living here full-time for over 2 years at 238 Bay View Drive and are excited to welcome our new neighbors Ross, Lexi, and their son Reagan. We want to write a letter on behalf of the LeClair family in favor of their retaining wall at 242 Bay View Drive. We walk and drive past their house frequently and we have never noticed the wall. They have a safety fence in place now which matches their house and is not an eye sore. Also, the fence/retaining wall is right next to their house and feels at least 30 to 40 feet away from the road. Based on the layout of the lot, the retaining wall placement seems very necessary and not intrusive to the road or other houses.

In summary, we live adjacent to the LeClair's and their retaining wall does not affect us at all.

Thanks,



Christopher Haviland



Terri Haviland

238 Bay View Drive

Salem, SC 29676

864-616-2521







Enter, start of hill  
and grade change





Hill side and  
propose property  
line





8' tall











e Ridge Archery  
& Outdoors

Hill side

B & B Mercantile  
Antique store

Outback S

# Freedom of Information Act - Variance Application

## Permitting Information

Code section from which a variance is requested	N/A	<b>Upload Supporting Documentation Here</b>
Application is	Poplar Cove Development Restrictions Book 1248, page 287	Application is not

### APPLICANT RESPONSES TO SECTION 38-7.1

<p>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 structure in the vicinity</p> <p>Are the circumstances affecting the subject property the result of actions by the applicant/owner? Explain.</p> <p>Describe the ways in which application of the requirement(s) of the ordinance effectively prohibit or unreasonably restrict the utilization of the subject property.:</p> <p>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.:</p>	<p>House existed prior to adoption of current setback requirements by Oconee County. The US Army Corps of Engineers (USACOE) allows construction up to their property line with no setback requirement</p> <p>Yes. Owner desires to build back slightly larger room than existing prior to Hurricane Helene.</p> <p>The USACOE allows construction up to their property line with no setback requirement The previous structure was already in variance to the Oconee County setback rules.</p> <p>Activity will not be a substantial detriment to adjacent uses or the public good. Adjacent property owners do not object to the proposed reconstruction</p>
--	--

### General Contractor

CC 113.2 Limitation on authority: An application for appeal shall be based on a claim that the true intent of this code or 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: None

OCONEE COUNTY'S 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 ENTITIES, BUILDING AND LAND USE REQUIREMENTS OR RESTRICTIONS, BY SIGNING BELOW YOU ACKNOWLEDGE THAT COMPLIANCE WITH ANY SUCH STANDARDS IS YOUR RESPONSIBILITY.

## Workflow Reviews Information

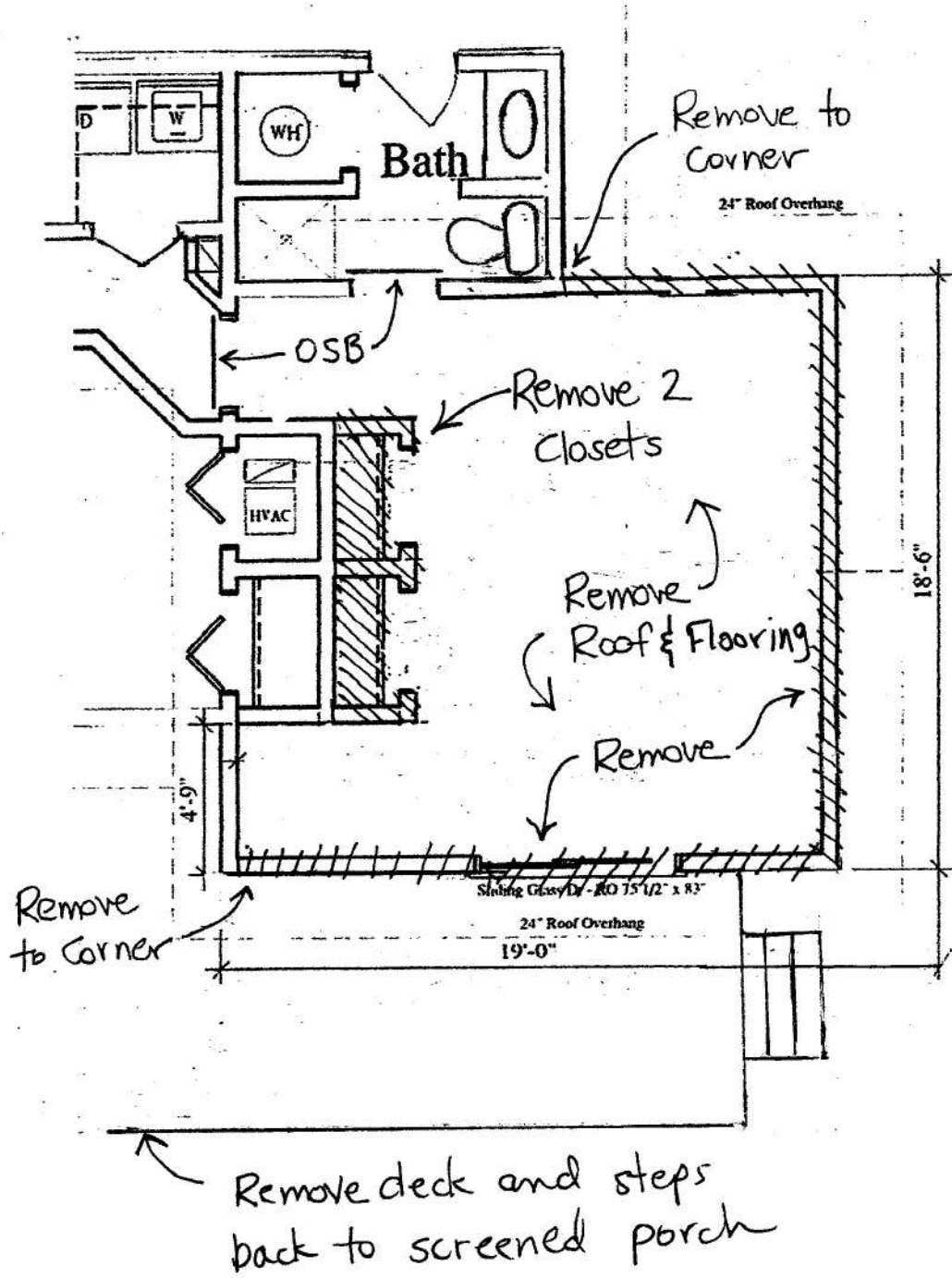
Type	Creation Date	Due Date	Completion Date	Status	Description
Application Check	12/12/2024	12/13/2024	12/14/2024	Approved	
Planning and Zoning Review	12/12/2024	01/28/2025	01/01/1900	Pending	
Review Complete	12/12/2024	01/01/1900	01/01/1900	Pending	

## Inspection Information

### Activities Information

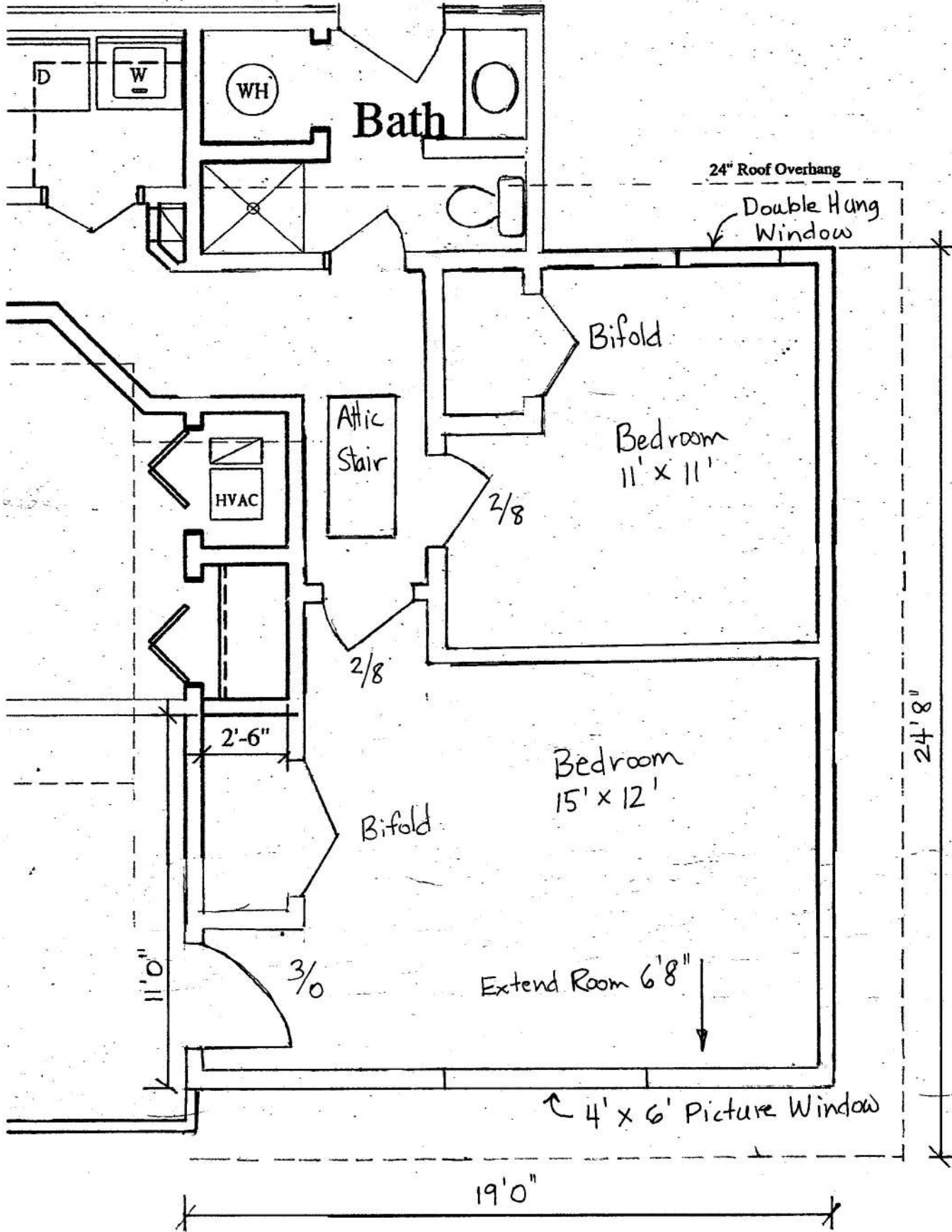
Type	Creation Date	Due Date	Completion Date	Status	Description
Online Document	12/13/2024	12/20/2024	01/13/2025	Complete	Existing Plat VA24 000025 Existing Plat.pdf Plat with Addition: VA24-

# Demolition



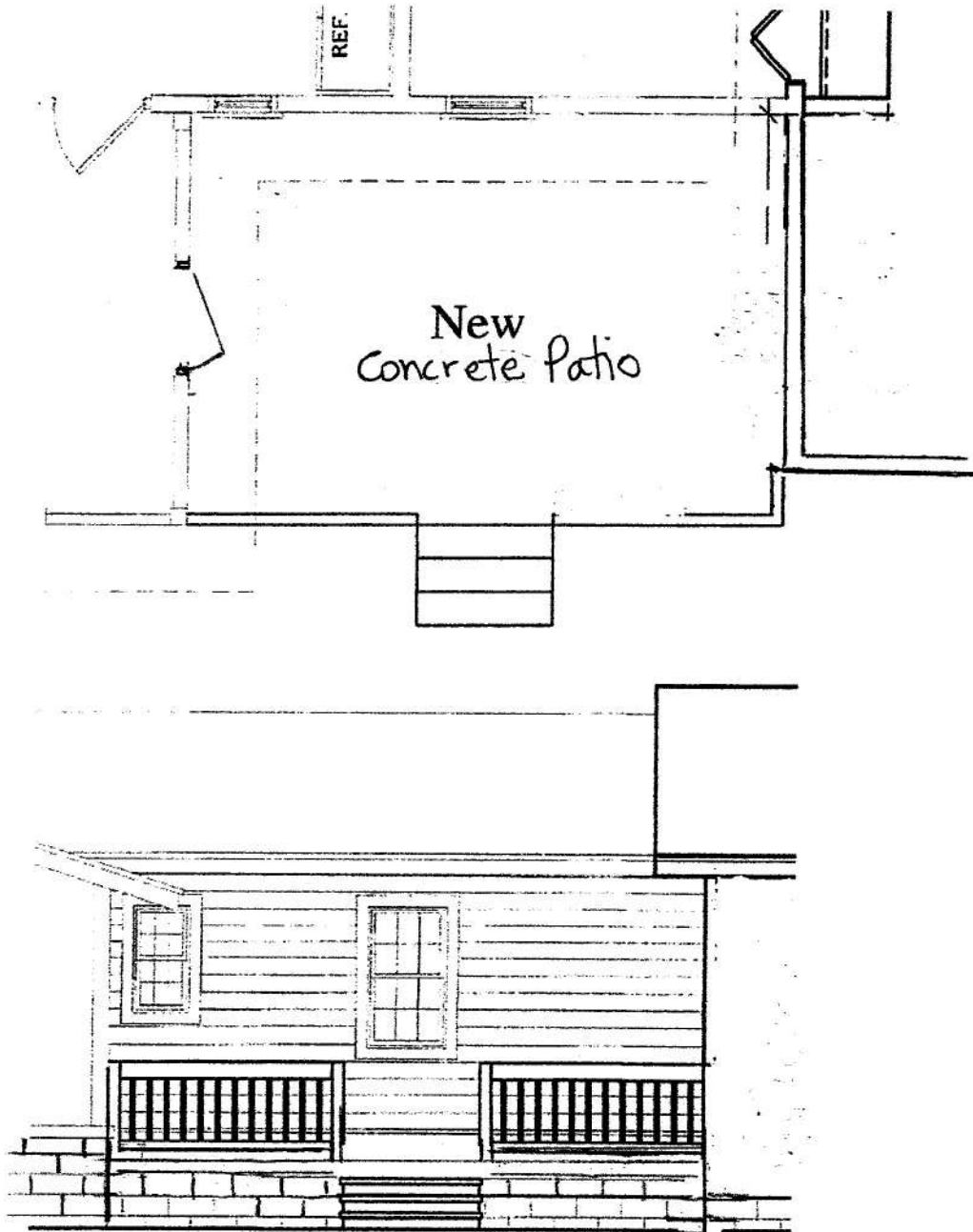


# Rebuild - Option 2



11-2-24

## New Patio – Plan and Elevation



### Notes:

1. Concrete patio slab to be 8 in. below existing porch slab.
2. Provide embedded 1/2 in. anchor bolts in slab to anchor post bases.

11-2-24

FILED OCOONEE COUNTY, GA

ANNA K. DAVISON  
REGISTER OF DEEDS

2018 AUG 20 P 12:39

LAKE HARTWELL  
USA CORP OF ENGINEERS

N79° 46' 48"E  
88.04  
1" IPF  
USA CO

Corps of Engineers  
Line

BOUNDARY LINE	---
BUILDING	▒
BACK OF CURB	---
CENTER LINE	---
CONCRETE	---
DASH	---
ELECTRIC	---
EDGE OF PAVEMENT	---
FENCE	---
GRAVEL	---
R-O-W	---
SETBACK	---
SEWER	---
STREAM	---
TS	---
UTILITY	---
TREES - EVERGREEN	⊗
TREES - HARDWOOD	⊙

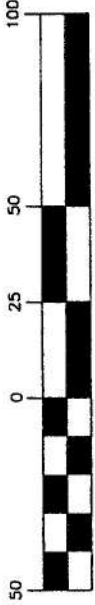
LEGEND:

WM	WATER VALVE, METER
X	FENCE
UP	POWER POLE
MH	SANITARY SEWER MANHOLE
RBS	REBAR SET (1/2")
○	REBAR/IRON PIN FOUND
OE	OVERHEAD ELECTRIC LINE
LP	LIGHT POLE

LOT 6 TRACT 1  
SPEED MOUNTAIN SUBDV  
FREDERICK R & NANCY D MARCUS  
TMS 270-00-03-011  
DB 1068-157, PB A348-3

LOTS 7 & 8 REV TRACT 1  
SPEED MOUNTAIN SUBDV  
GEORGE C BURLEY  
TMS 270-00-03-012  
DB 1703-132, PB W-95  
33159 SQ FT  
0.76 AC  
(Gross incl all R/W's)

GRAPHIC SCALE

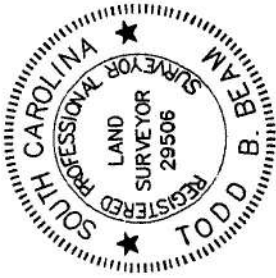
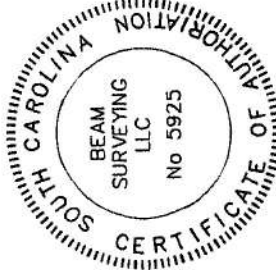


( IN FEET )  
1 inch = 50 ft.

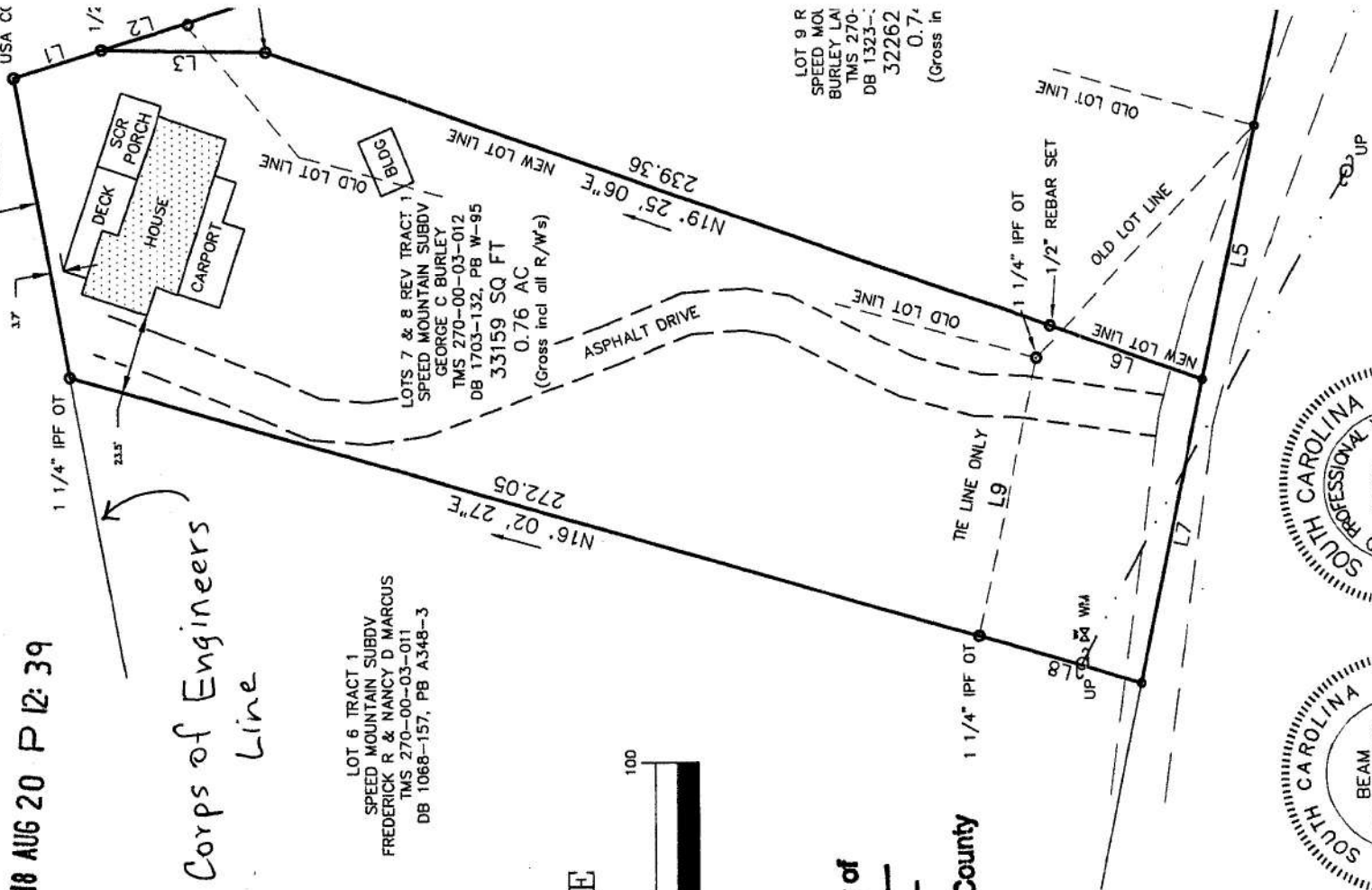
Recorded this 20 day of  
June 2018  
Vol. B448 Pg. 1  
and Certified

Register of Deeds, Oconee County

Line Table		
Line #	Length	Direction
L1	26.19	S17° 49' 27"E
L2	25.00	S17° 49' 27"E
L3	47.38	N0° 47' 50"E
L4	109.59	N78° 14' 56"W
L5	74.84	N78° 14' 56"W
L6	47.79	N19° 25' 06"E
L7	89.34	N78° 14' 56"W
L8	49.80	N16° 02' 27"E
L9	81.93	N78° 06' 30"W



LOT 9 R  
SPEED MOUNTAIN  
BURLEY LAI  
TMS 270-  
DB 1323-  
32262  
0.7  
(Gross in





FILED OCONEE COUNTY, SC  
 ANNA R. DAVISON  
 REGISTER OF DEEDS

2018 AUG 20 P 12:39

LAKE HARTWELL  
 USA CORP OF ENGINEERS

NOTES:  
 REFERENCE PLAT BY D F CHALKER FOR  
 POPLAR COVE DEVELOPMENT COMPANY  
 TRACT No. 1 SPEED MOUNTAIN SUBDIVISION  
 DATED MARCH 27, 1964  
 RECORDED IN PLAT BOOK W PAGE 95

REFERENCE GPS OBSERVATION BY THIS FIRM  
 SCGS-VRS (NAD83(2007)-HORIZ) (NAVD88-VER)

- BOUNDARY LINE
- BUILDING
- BACK OF CURB
- CENTER LINE
- CONCRETE
- DASH
- ELECTRIC
- EDGE OF PAVEMENT
- FENCE
- GRAVEL
- R-O-W
- SETBACK
- SEWER
- STREAM
- TS
- UTILITY
- TREES - EVERGREEN
- TREES - HARDWOOD

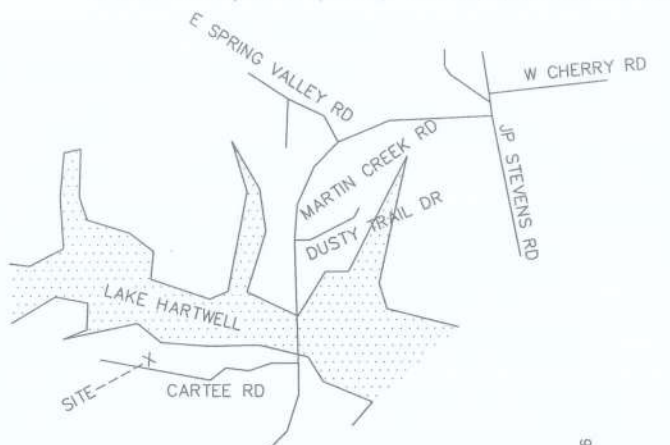
- LEGEND:
- WM WATER VALVE, METER
  - X FENCE
  - UP POWER POLE
  - MH SANITARY SEWER MANHOLE
  - RBS REBAR SET (1/2")
  - RBF/IPF REBAR/IRON PIN FOUND
  - OE OVERHEAD ELECTRIC LINE
  - LP LIGHT POLE

LOT 6 TRACT 1  
 SPEED MOUNTAIN SUBDV  
 FREDERICK R & NANCY D MARCUS  
 TMS 270-00-03-011  
 DB 1068-157, PB A348-3

LOTS 7 & 8 REV TRACT 1  
 SPEED MOUNTAIN SUBDV  
 GEORGE C BURLEY  
 TMS 270-00-03-012  
 DB 1703-132, PB W-95  
 33159 SQ FT  
 0.76 AC  
 (Gross incl all R/W's)

LOT 9 REV TRACT 1  
 SPEED MOUNTAIN SUBDV  
 BURLEY LAKE HOUSE LLC  
 TMS 270-00-03-013  
 DB 1323-318, PB W-95  
 32262 SQ FT  
 0.74 AC  
 (Gross incl all R/W's)

LOT 10 & 11 TRACT 1  
 SPEED MOUNTAIN SUBDV  
 THOMAS G MELL  
 TMS 270-00-03-014  
 DB 969-256, PB W-95



*Whiggin*  
 8/20/18

GRAPHIC SCALE



( IN FEET )  
 1 inch = 50 ft.

Recorded this 20 day of  
Aug 2018  
 Vol. B648 Pg. 1  
 and Certified  
 Register of Deeds, Oconee County

Line #	Length	Direction
L1	26.19	S17° 49' 27"E
L2	25.00	S17° 49' 27"E
L3	47.38	N0° 47' 50"E
L4	109.59	N78° 14' 56"W
L5	74.84	N78° 14' 56"W
L6	47.79	N19° 25' 06"E
L7	89.34	N78° 14' 56"W
L8	49.80	N16° 02' 27"E
L9	81.93	N78° 06' 30"W



I hereby certify that 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. This house is not located in a current designated flood hazard area. This property is subject to any easements & restrictions on record.

*Todd B. Beam*

Todd B Beam SC PLS 29506

SUBDIVISION SURVEY  
 LOTS 7-9 REV TRACT 1  
 SPEED MOUNTAIN SUBDV  
 TMS 270-00-03-012 &  
 TMS 270-00-03-013  
 plat for

LOTS 7-8 REV TRACT 1 <b>BURLEY LAKE HOUSE</b>	
LOT 9 REV TRACT 1 <b>JODY WARREN AMY WARREN</b>	
OCONEE COUNTY	SOUTH CAROLINA
SENECA TOWNSHIP	AUGUST 18, 2018
SCALE 1" = 50'	JOB # 15-BURLEY
BEAM SURVEYING LLC Registered Land Surveyors PO Box 81 29633 Clemson, SC Phone 864-490-4610	
SURVEYING - GPS CONTROL - PLANNING	









eWrap

Tyvek





DUPONT

neWrap













---

**Variance request**

---

From Jody Warren <[REDACTED]>

Date Sun 1/5/2025 8:11 PM

To [REDACTED]

Sorry Robert just now got around to this. The Warrens at 866 Carter have no objection to your variance request. Let me know any questions, thanks Jody Warren.

Sent from my iPad



---

**Variance request**

---

From [REDACTED] >

Date Mon 1/13/2025 2:39 PM

To [REDACTED]

Cc [REDACTED] >

Dear Mr. Burley:

My father-in-law, Jere Dubois, has spoken to me about your requested Zoning Variance Application (#VA24-00025), requesting a 9.5 foot variance to the rear setback after sustaining hurricane damage.

My wife, Nancy, own the adjacent property and do approve this variance.

Sincerely,  
Frederick R. Marcus  
1094 Stillwood Drive NE  
Atlanta, GA 30306





---

## Variance

---

From Jere duBois <[REDACTED]>

Date Tue 1/14/2025 10:04 AM

To [REDACTED]

My wife and I live at 880 Cartee Rd, Seneca, SC 29678. We do not object to Oconee County granting the requested 9.5 foot rear setback for Robert and Deborah Burley. When the restrictions for Cartee Road were created, the rear setback was not established since the US Corp of Engineers does not require one.

**RU RELOCATE UPSTATE**

**Jere duBois**  
Buyer Specialist  
(864) 247-0624  
BuyWithJere@gmail.com

**kw WESTERN UPSTATE**  
KELLER WILLIAMS

[www.RelocateUpstate.com](http://www.RelocateUpstate.com)

**-Some people want to change the way they look, not me.  
I have come a long way, and most of the roads weren't paved!**

[BuyWithJere@gmail.com](mailto:BuyWithJere@gmail.com)  
<http://www.RelocateUpstate.com>

"This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited."