



OCONEE COUNTY  
BOARD OF ZONING APPEALS  
415 S. Pine St. Walhalla, SC 29691  
864.638.4218  
www.OconeeSC.com

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## Meeting agenda August 25, 2025 6:00 pm

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1. Call to order
2. Approval of minutes: 7/28/25
3. Brief statement about rules and procedures
4. Variance application VA25-000011 Arthur Covert requests a variance to Sec. 38-10.2 (side setback) of 4 ft. for a bedroom and bathroom addition.  
TMS 334-01-05-030 with an address of 165 Ricks Rd, Fair Play, SC 29643
5. Notice of ACOG Continuing Education in Ethics for Planning Officials on Sept. 30 at 6 P.M. at O.C. Chambers
6. Adjourn

### BOARD MEMBERS

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

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



# OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

## Minutes

6:00 PM – July 28, 2025

### Members in Attendance

John Eagar  
Jim Henderson  
Wayne McCall  
Bill Gilster

Gwen Fowler  
Jason Cox  
Tim Mays

### Staff

Ed Halbig, Elise Dunaway

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

**ITEM 2 - Appoint Board Secretary** - Mr. Eagar asked for motion to appoint Mr. Halbig as Board Secretary. Mr. Gilster made a **motion** to approve the minutes; seconded by Mr. Henderson. Mr. Eagar called for a vote. The motion passed 6-0.

**ITEM 3– Motion to approve the minutes from May 29, 2025** – Mr. McCall made a **motion** to approve the minutes; seconded by Mr. Cox. Mr. Eagar called for a vote. Mr. Gilster and Mr. Henderson abstained from the vote. The motion passed 4-0.

**ITEM 4 – Brief statement about rules and procedures** – Mr. Eagar outlined the proceedings of the meeting going forward.

**ITEM 5. Variance application VA25-000007 Arthur Covert requests side setback variance of 4' to install elevated walkway in setback. TMS 334-02-01-060, with an address of 164 N Port Bass Dr. Fairplay SC 29643.**

### Applicant Comments:

Stated Name: Arthur Covert

Mr. Covert outlined the request and the need for inclusion of the walkway for access.

**Staff comments:** Mr. Halbig referenced the renderings and the letter in the packet.

**Public comment:** NA

**Applicant rebuttal:** NA



**Board Questions/ Discussion: There being none.**

**Consideration of VA25-000007:**

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. McCall. 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. McCall 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. McCall. 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. Cox made a motion in the affirmative, seconded by Mr. McCall. No Discussion
- b. Vote

In-favor	Opposed
6	0



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

5. Mr. Eagar called for a motion that the proposed variance be **Approved**.
  - a. Motion – Mr. McCall made a motion; seconded by Mr. Henderson.
  - b. Vote

In-favor	Opposed
6	0

**Item 6- Variance application #VA25-000008 Laura Sutton is requesting maximum front setback variance of 20' for a residence. TMS #162-05-01-038, with an address of 305 Shareview Dr. West Union, SC 29696.**

**Applicant Comments:**

Stated Name: Michael Sutton

Mr. Sutton outlined the request and the conditions of variance.

Mr. McCall asked about the road's design, location and ownership.

Mr. Eagar asked for staff comment.

**Staff comments:** Mr. Halbig read an email regarding opposition to changes to Shareview Drive. He stated that the road was not in part of the application.

**Public comment:** Joey Lemmons, treasurer for HOA spoke on behalf of application. Chad Bloodworth spoke and stated he had no issue with the proposal.

**Applicant rebuttal:** NA

**Board Questions/ Discussion:**

NA

**Consideration of VA25-000008:**

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. Cox. 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. Gilster made a motion in the affirmative, seconded by Mr. Cox. 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. Cox. 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. McCall 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 called for a motion that the proposed variance be **Approved**.
- a. Motion – Mr. Henderson made a motion; seconded by Mr. Cox.
  - b. Vote

In-favor	Opposed
6	0

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

**Item 7- Variance application #VA25-000009 MCM Investments LLC is requesting front setback variance of 7' for a residence. TMS #268-00-06-066, with an address of 314 Forest Creek Dr. Seneca SC 29678.**



**Applicant Comments:**

Stated Name: David Smith

Mr. Smith outlined the request and explained the need for the variance. Mr. Gilster asked about the property.

**Staff comments:** NA

**Public comment:** Matthew Crooks addressed issue of preventing cars from being on the road ROW. Mitch Graham spoke on parking on the road and safety.

**Applicant rebuttal:** NA

**Board Questions/ Discussion:** Mr. Gilster stated that the concerns of safety are not part of the variance.

**Consideration of VA25-000009:**

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. Cox. 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. Gilster made a motion in the affirmative, seconded by Mr. Cox. 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. Cox. No discussion.
  - b. Vote

In-favor	Opposed
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6	0
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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. McCall 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 called for a motion that the proposed variance be **Approved**.
  - a. Motion – Mr. Henderson made a motion; seconded by Mr. Cox.
  - b. Vote

In-favor	Opposed
6	0

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

**Item 8- Variance application #VA25-000010 Cindy Barloga is requesting front setback variance of 20' for a detached garage. TMS #104-00-02-037, with an address of 405 Paradise Cove Dr. Mountain Rest SC 29664.**

#### **Applicant Comments:**

Stated Name: Cindy Barloga

Ms. Barloga and Steven Payne outlined the request and explained the need for the variance to avoid existing water and the need to avoid the topography at the back of the property.

Mr. Cox asked about the progress of the development of the property. She discussed Ms. Barloga state that the slab was in place.

**Staff comments:** Mr. Halbig stated a need for front yard setbacks on a corner lot from both the right-of-way of Crystal Lake Road and the drive surface of Paradise Cove Drive. Mr. Eagar sought to clarify the amount of variance needed as being variance of 6 ft from Crystal Lake and of 18 ft from property line at center of Paradise Cove.

**Public comment:** There being none.



**Applicant rebuttal:** NA

**Board Questions/ Discussion:** There being none.

**Consideration of VA25-000010:**

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

- a. Motion – Mr. McCall 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. Henderson made a motion in the affirmative, seconded by Mr. Gilster. 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. Cox 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. Cox made a motion in the affirmative, seconded by Mr. McCall. No Discussion

- b. Vote



In-favor	Opposed
6	0

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

5. Mr. Eagar called for a motion that the proposed variance of 6 ft from Crystal Lake and of 18 ft from property line at center of Paradise Cove be **Approved**.
  - c. Motion – Mr. Henderson made a motion; seconded by Mr. Cox.
  - d. Discussion regarding conditions attached to the approval: NA
  - e. Vote

In-favor	Opposed
6	0

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

Mr. Eagar asked staff for printed packets to be available at the next meeting.

**Item 6- Adjourn- Motion by Mr. Henderson approved 6-0**



Navigate to...



## APPLY FOR A DEVELOPMENT

Home / Services / Development Project / Apply for a Development

| indicates a required field

| Project Type:

Variance Application



| Sub Type:

Planning Commission



| Project Description:

Add on a Bed Room + Bathroom

| Is this application for a new or existing project?:

A new project



| Address:

165 RICKS RD



FAIR PLAY

SC



29643

Parcel #:

334-01-05-030

Property Owner:

COVERT ARTHUR & TONYA

ENTER A DIFFERENT ADDRESS →

#### Property Information

Gate Code (if applicable):

Subdivision:

PORT BASS

Lot:

39

Base Zoning District:

Overlay:



Fire District:



Flood:



SC Aeronautics Review:





Variance and Special Exception applicants should informally meet with property owners potentially impacted by the request to explain the request and answer any questions. This is not mandatory.

Code section from which a variance is requested:

38-10.2

Property Owner:

Covert Arthur + Tonya

Property Owner Email:

Covert mom1@Frontier.net.net

Property Owners Phone #:

585-739-6141

You must attach a scaled drawing of the property that reflects, at a minimum, the following:

(a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the requested variance; (c) existing buildings and other relevant improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested variance.

Upload Supporting Documentation Here:

Select File

The applicant and/or property owner affirms that the applicant or someone acting on the applicants behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the Community Development office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or at to have the restriction terminated or waived, then the Community Development office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.



To that end, the applicant hereby affirms that the tract or parcel of land which is subject of the attached application is (see below) is not (see below) restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity.

Application is:

Application is not:

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.:

The Existing House was built Prior to new ordinance and we want to continue building with the existing Foot print

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

Purchased House after it was already Built and was not aware of Set Back Requirements at that time. Neighbors have no problem with the variance for Set Back

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



We want to add a new Bedroom + Bathroom  
and the area is Required to Build new Structures

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.:

The Neighbors have been contacted and are in  
agreement that the new STRUCTURE will not affect  
Them in any way

General Contractor:

Self

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:



Every thing is true and accurate in this application

You must read and agree to our electronic signature policy [Electronic Signature Policy \(../Documents/153/sigpolicy.pdf\)](#)

☐

I have read and agree to the terms of the [Electronic Signature Policy](#)

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



SUBMIT

SAVE FOR LATER

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August 12, 2025

Louie & Gail Veal

155 Ricks Rd

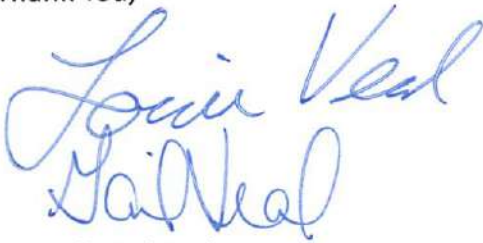
Fair Play, SC 29643

To the Board of Zoning Appeals:

We are writing this letter to notify the Board that we give our consent to Art & Tonya Covert's variance request at 165 Ricks Rd, Fair Play, SC for a 4' encroachment on the 5' setback between our properties. This encroachment will not obstruct our view or walking distance between our properties in any way. We welcome any enhancements to the property next to us.

If there are any further questions, please feel free to contact us at the address above.

Thank You,

A handwritten signature in blue ink, appearing to read "Louie Veal". The signature is written in a cursive, flowing style. Below it, the name "Gail Veal" is also written in a similar cursive style, though it is partially obscured by the main signature.

Louie & Gail Veal

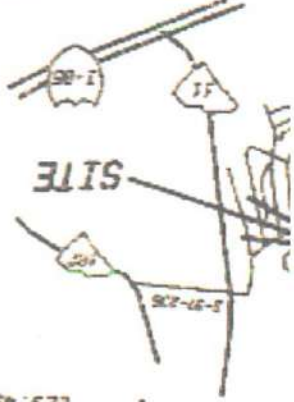




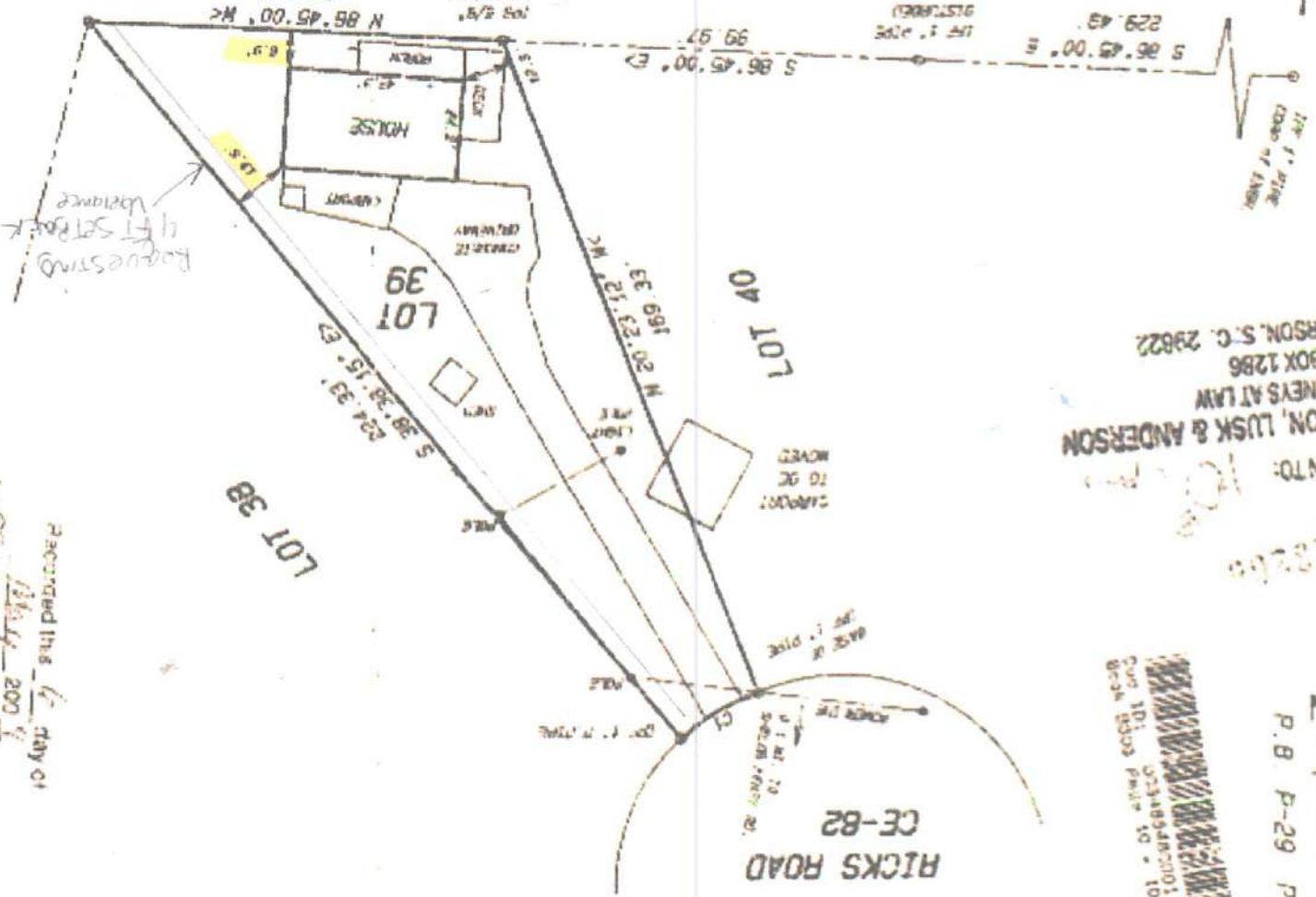
NOTE: THIS PROPERTY IS SUBJECT TO ALL EASEMENTS & R/W'S OF RECORD.

# U.S. GOVERNMENT LAKE HARTWELL PROJECT

LOCATION MAP



THE 1" PIPE  
CORP OF ENGR  
NO. 222 X



TURN TO:  
ENYON, LUK & ANDERSON  
ATTORNEYS AT LAW  
P.O. BOX 1286  
ANDERSON, S.C. 29622

Due to the  
03-05-2001 11:17 AM  
Back 8000 Page 10 to 10

P.B P-29 PG. 92

CURVE	ARC	DEL TA	RADIUS	CHORD LENGTH	CHORD BEARING
CE-82	21.81	24.59.22	50.00	21.63	N 59.56.48

Recorded this 4 day of  
May 2001  
at the County and Certified  
Register of Deeds, Georgia County



Correct  
7/25/25

Requesting  
4 ft Set Back  
Variance

