

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

Minutes

6:00 PM – January 27, 2025

Members in Attendance

John Eagar
Jim Henderson
Wayne McCall

Gwen Fowler
Jason Cox
Bill Gilster

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 November 25, 2024 – Mr. Eagar made a **motion** to approve the minutes; seconded by Mr. Henderson. Mr. Eagar called for a vote. The motion passed 4-0-2 (Mr. Cox and Mr. McCall abstained).

ITEM 3- Election of Officers- Mr. Coley took nominations for Chair, Mr. Eagar and Mr. McCall were nominated. Mr. Coley called for a vote which resulted in a 3-3 deadlock. All subsequent votes resulted in the same 3-3 deadlock.

Mr. Coley opened nominations for Vice-Chair, Mr. Eagar nominated Mr. Henderson. Mr. Coley Called for a vote, Mr. Henderson was appointed 6-0

Mr. Coley opened nominations for Secretary, Mr. Eagar nominated Mr. Coley, Mr. Coley called for a vote, Mr. Coley was appointed 6-0

ITEM 4- Mr. Coley asked for a motion to remove the approval of the calendar from the agenda, Motion by Mr. Eagar, second Mr. Cox, Motion passed 6-0

ITEM 5 – Brief statement about rules and procedures – Mr. Coley 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 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

Applicant Comments:

Stated Name: Kenneth Routh

Mr. Routh presented his request giving history of the wall, the request to replace in the same location, with the switch of materials, and the approval from Duke Energy.

Staff comments:

Mr. Coley explained the requirements when a grandfathered structure has been damaged beyond 50%.

Public comment: NA

Applicant rebuttal: NA

Board Questions/ Discussion:

Mr. Gilster asked about what the applicant would do without the variance.

Consideration of VA24-000022:

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

In-favor	Opposed
6	0

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

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

In-favor	Opposed
6	0

Mr. Coley 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. Eagar made a motion in the affirmative, seconded by Mr. Henderson. No discussion.
 - b. Vote

In-favor	Opposed
6	0

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

In-favor	Opposed
6	0

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

5. Mr. Coley asked – Based on the evidence presented to the Board, do I hear a motion that the proposed variance be **Approved**.
 - a. Motion – Mr. Eagar made a motion; seconded by Mr. McCall.
 - b. Discussion regarding conditions attached to the approval: NA
 - c. Vote

In-favor	Opposed
6	0

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

ITEM 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

Stated Name: Riley LeClair

Mr. LeClair explained the request, and how the wall was built. He showed the engineer's report on the construction and letters of support from neighbors.

Staff comments:

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

Public comment: NA

Applicant rebuttal: NA

Board Questions/

Consideration of VA24-000023:

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

In-favor	Opposed
6	0

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

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

In-favor	Opposed
6	0

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

In-favor	Opposed
6	0

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

In-favor	Opposed
6	0

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

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

In-favor	Opposed
6	0

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

Item 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

Mr. Coley noted the applicant was not in attendance
Mr. Eagar made a motion to table the item, second Mr. Cox, approved 6-0

Item 9- #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

Stated Name: Robert Burley

Mr. Burley discussed the request to build in the setback as part of repairs from Hurricane Helene.

Staff comments:

Mr. Coley discussed setbacks and the request.

Public comment: Mr. Jerry Dubois from the HOA spoke in favor

Applicant rebuttal: NA

Board Questions:

Consideration of VA24-000025:

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

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

In-favor	Opposed
6	0

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

2. These conditions **do not** generally apply to other property in the vicinity:

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

In-favor	Opposed
6	0

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

In-favor	Opposed
6	0

Mr. Coley 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. Eagar made a motion in the affirmative, seconded by Mr. Henderson. No Discussion
- b. Vote

In-favor	Opposed
6	0

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

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

In-favor	Opposed
6	0

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

Item 10- Adjourn- Motion by Mr. Eagar approved 6-0