



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

BOARD MEMBERS

John Eagar, Chairman, At-Large
Gwen Fowler, District 2
Jason Cox, District 4
Wayne McCall, At-Large
Jim Henderson, District 1
Bill Gilster, District 3
Tim Mays, District 5

AGENDA

Monday, June 8th – 6:00 PM
Oconee County Council Chambers

1. Call to Order
2. Appointment of Board Secretary
3. Approval of Minutes: February 23, 2026 meeting
4. Brief statement about rules and procedures
5. Variance application VA26-000003. TMS 316-00-01-164, with an address of 111 & 113 Shannandoah Dr., Westminster, SC; Mountain Lake Real Property Holding LLC/EB Investments PA seeks relief from Sec. 38-10.2 regarding the minimum side setback to split an existing duplex along the firewall.
6. Variance application VA26-000005 TMS 324-00-02-019; with an address of 354 Mill Creek Rd, Westminster, SC; Cathy D Martin seeks relief from Sec. 38-10.2 regarding the required side setback for existing building located across property line.
7. Adjourn

The meeting will be broadcasted live on the County's YouTube channel, which can be found on the County's website at www.oconeesc.com.

Rev. 07/2025



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Bill Gilster, District 3
Chad Overholt, District 5

STAFF

Elise Dunaway

MINUTES

Monday, February 23, 2026 – 6:00 PM
Oconee County Council Chambers

1. **Call to Order** – Elise Dunaway Called the meeting to order at 6:00 PM.
2. **Election of Officers** –
 - a. Chairman – Motion to nominate John Eagar; seconded. Approved.
 - b. Vice Chairman – John Eager made a motion to nominate Jim Henderson; seconded. Approved.
 - c. Secretary – John Eager made a motion to nominate Elise Dunaway; seconded. Approved.
3. **Motion to approve the minutes from December 17, 2025** – Motion made; seconded. The motion passed.
4. **2026 Meeting Calendar Revision** – Mr. Mays made a motion to accept the revision to the 2026 Meeting Calendar. Seconded by Mr. Gilster. Approved Unanimously.
5. **Brief statement about rules and procedures** – Mr. Eagar outlined the proceedings of the meeting going forward:
 - The applicant will provide a presentation regarding the needs for the variance for 5-minutes with the Board having the ability to grant more time if needed.
 - The Board will ask questions after each presenter
 - The staff will address any additional issues
 - Citizen comments will be allowed for period of 3-minutes each with the Board's request that the speakers not repeat what others are saying, but rather concur or state other facts not previously presented
 - There will be an applicant rebuttal period if necessary
 - The Board will ask any further questions before deliberations

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- Once the Board begins its deliberations, there will be no further input from the floor. and the Board will begin it's voting on four questions, and a negative vote on any one of the four questions will require a denial of the variance or special exception.

1. **Special Exception Application SE25-000003 –**

Unmair Ali requests relief from the Fair Play Village Overlay District for a service station.

TMS 337-00-03-009; Address: 503 East Fair Play Boulevard, Fair Play, SC 29643.

Applicant Comments:

- Unmair Ali presented request to construct a gas station with canopy and three fueling islands at the subject property.

Staff comments:

- Ms Dunaway clarified that approval of the special exception is required prior to consideration of any variance.

Public comment:

- Alicia Walker – Representing Fair Play Development Corporation; stated concerns regarding alignment with the Fair Play Strategic Master Plan and requested application of Appendix A standards.
- Russell Gray – Adjacent property owner representative; expressed concerns regarding driveway access, safety, traffic, and proximity to residence.
- William Kessler – Raised concerns regarding sewer availability and dumpster placement.
- Brenda Gray – Expressed concerns regarding traffic, safety, and proximity of improvements to residence.
- Mike Guy – Raised concerns regarding dumpster placement and site layout.

Applicant Rebuttal: Unmair Ali Provided responses regarding site layout, operations, utilities, and intended uses of structures.

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Consideration of SE25-000003:

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

1. Motion – Motion made a in the affirmative, seconded. No discussion
2. Vote

In-favor	Opposed
6	0

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

1. Motion – Motion made in the affirmative, seconded. No Discussion
2. Vote

In-favor	Opposed
6	0

- III. 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.

1. Motion – Motion made in the affirmative, seconded. No discussion.
2. Vote

In-favor	Opposed
6	0

- IV. 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.

1. Motion – Motion made in the affirmative, seconded. No Discussion.
Opposed
2. Vote

In-favor	Opposed
4	2



V. Mr. Eagar asked – Based on the evidence presented to the Board, do I hear a motion that the special exception be **Approved subject to the following conditions:**

- Fencing along the easement driveway to prevent access from the service station.
- Fencing along the rear property line with a vegetation buffer to protect adjacent property.

1. Motion – Motion made in the affirmative; Gwen Fowler seconded.
2. Vote

In-favor	Opposed
4	2

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

2. Variance Application VA 25-000017

Unmair Ali requests relief from setback requirements in Appendix A for a service station.

TMS 337-00-03-009; Address: 503 East Fair Play Boulevard, Fair Play, SC 29643.

Applicant Comments:

- Unmair Ali Requested reduction of setbacks to allow improved vehicle maneuverability within the site.

Staff comments:

- None



Public comment:

- Alicia Walker – Representing Fair Play Development Corporation; stated concerns regarding alignment with the Fair Play Strategic Master Plan and requested application of Appendix A standards.

Consideration of VA 25-000017:

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

1. Motion – Motion made in the affirmative, seconded. No discussion
2. Vote

In-favor	Opposed
6	0

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

1. Motion – Motion made in the affirmative, seconded. No Discussion
2. Vote

In-favor	Opposed
6	0

VIII. 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.

1. Motion – Motion made in the affirmative, seconded. No discussion.
2. Vote

In-favor	Opposed
6	0

IX. 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.

1. Motion – Motion made in the affirmative, seconded. No Discussion.
Opposed
2. Vote

In-favor	Opposed
6	0



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X. Mr. Eagar asked – Based on the evidence presented to the Board, do I hear a motion that the special exception be **Approved subject to the following conditions:**

- Fencing along the easement driveway to prevent access from the service station.
- Fencing along the rear property line with a vegetation buffer to protect adjacent property.

1. Motion –Motion made in the affirmative; seconded.
2. Vote

In-favor	Opposed
5	1

6. Adjourn- Motion made. Seconded. Approved 6-0

Freedom of Information Act - Variance Application

Permitting Information

Code section from which a variance is requested

Sec. 38-10.2. - Control free district (CFD) setbacks

Upload Supporting Documentation Here



Application is

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 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.

This is the only residential home on this portion of the road. It is a duplex that is located at the beginning of the road and just behind a commercial property (c-store). The land is average for the area with uneven areas. There is a large drop behind the duplex (at least one story of a home).

The duplex was built on an existing play and the owner would like to separate the two halves of the duplex for financial reasons.

. The setbacks will not allow the duplex to be separated as shown on proposed survey.

The proposed changes will not affect any of the neighbors as the duplex is already in place and this is a division down the middle of the duplex.

Workflow Reviews Information

Type	Creation Date	Due Date	Completion Date	Status	Description
Planning and Zoning Review	03/20/2026	04/28/2026	01/01/1900	Resubmittal Required	?DATE SCHEDULED?

Application Check	03/20/2026	03/21/2026	03/20/2026	Approved
Review Complete	03/20/2026	01/01/1900	01/01/1900	Pending

Inspection Information

Activities Information

Type	Creation Date	Due Date	Completion Date	Status	Description
Online Payment Received	03/20/2026	03/27/2026	03/20/2026	Complete	
Online Payment Received	03/20/2026	03/27/2026	03/20/2026	Complete	

Documents Information

Creation Date	File Name	Source
03/20/2026	image.jpg	Upload Supporting Documentation Here
03/20/2026	Your application has been received.htm	System Email
03/20/2026	Permit Review.htm	Email
03/20/2026	Your citizenserve payment has been received.htm	System Email
03/20/2026	Receipt.pdf	Merge document
03/20/2026	Permit Email.htm	Email
03/20/2026	Your citizenserve application status has changed.htm	System Email
05/08/2026	Permit Review.htm	Email
05/18/2026	Permit Review.htm	Email

History

Creation Date	Note Type	Note
03/19/2026	Contact Added	Sherri E Howard was added to the case by - Sherri E Howard.
03/19/2026	Property Owner Added	Contact "MOUNTAIN LAKE REAL PROP HOLDING LLC" was attached to the case.
03/19/2026	Portal Saved For Later	Online application for Separate lot with the new common property line separating a duplex in half thru the firewall This portion is on Shannandoah Dr on 1437 BLACKJACK RD Saved for Later by - Sherri E Howard and 03/19/2026 10:57 AM
03/20/2026	Document Attached	Document "image.jpg" was attached to the case.
03/20/2026	Planning and Zoning Review - Activity	A Planning and Zoning Review activity has been assigned to Elise Dunaway in the Community Development department.

03/20/2026	Application Check - Activity	A Application Check activity has been assigned to Elise Dunaway in the Community Development department.
03/20/2026	Review Complete - Activity	A Review Complete activity has been assigned to Elise Dunaway in the Community Development department.
03/20/2026	Portal Submitted	Online application for Separate lot with the new common property line separating a duplex in half thru the firewall This portion is on Shannandoah Dr on 1437 BLACKJACK RD Submitted by - Sherri E Howard and 03/20/2026 07:01 AM
03/20/2026	Document Attached	Document "Your application has been received.htm" was attached to the case.
03/20/2026	Activity Update	Application Check assigned to Elise Dunaway was completed by Elise Dunaway on 03/20/2026
03/20/2026	Activity Update	Application Check assigned to Elise Dunaway status changed from Pending to Approved by Elise Dunaway on 03/20/2026
03/20/2026	Activity Update	Planning and Zoning Review assigned to Elise Dunaway status changed from Pending to Under Review by Elise Dunaway on 03/20/2026
03/20/2026	Permit Status Updated	Permit# VA26-000003 status was changed from Online Application Received to Payment Required by Elise Dunaway
03/20/2026	Document Attached	Document "Permit Review.htm" was attached to the case.
03/20/2026	Payment Added	Payment of \$300.00 added to VA26-000003 receipt #766
03/20/2026	Online Payment Received - Activity	A Online Payment Received activity has been assigned to Cynthia Adams in the Community Development department.
03/20/2026	Document Attached	Document "Your citizenserve payment has been received.htm" was attached to the case.
03/20/2026	Document Attached	Document "Receipt.pdf" was attached to the case.
03/20/2026	Document Attached	Document "Permit Email.htm" was attached to the case.
03/20/2026	Activity Update	Online Payment Received assigned to Cynthia Adams was completed by Cynthia Adams on 03/20/2026
03/20/2026	Activity Update	Online Payment Received assigned to Cynthia Adams status changed from to Complete by Cynthia Adams on 03/20/2026
03/20/2026	Permit Status Updated	Permit# VA26-000003 status was changed from Payment Required to Under Review by Cynthia Adams
03/20/2026	Document Attached	Document "Your citizenserve application status has changed.htm" was attached to the case.
04/01/2026	Activity Update	Planning and Zoning Review Due Date Changed from 03/27/2026 to 04/28/2026 by Elise Dunaway.
04/03/2026	Planning and Zoning Review - Activity	Activity Planning and Zoning Review has been reassigned from Elise Dunaway to Casey Neal.
04/03/2026	Review Complete - Activity	Activity Review Complete has been reassigned from Elise Dunaway to Casey Neal.
04/03/2026	Activity Update	Planning and Zoning Review assigned to Casey Neal status changed from Under Review to Resubmittal Required by Casey Neal on 04/03/2026
04/14/2026	Planning and Zoning Review -	Activity Planning and Zoning Review has been reassigned from Casey Neal to DeAnn Hester.

Activity	
04/14/2026	Activity Update Planning and Zoning Review assigned to Casey Neal status changed from Resubmittal Required to Pending by Cynthia Adams on 04/14/2026
05/08/2026	Activity Update Planning and Zoning Review assigned to DeAnn Hester status changed from Pending to Resubmittal Required by DeAnn Hester on 05/08/2026
05/08/2026	Document Attached Document "Permit Review.htm" was attached to the case.
05/18/2026	Document Attached Document "Permit Review.htm" was attached to the case.
05/18/2026	Permit Updated Permit # VA26-000003 Work Description was changed from Separate lot with the new common property line separating a duplex in half thru the firewall This portion is on Shannandoah Dr to Separate lot with the new common property line separating a duplex in half thru the firewall This portion is on 111 & 113 Shannandoah Dr by DeAnn Hester

Freedom of Information Act - Variance Application

Permitting Information

Code section from which a variance is requested

Section 38-10.2

Upload Supporting Documentation Here

Application is

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.

The building was placed over/too close to the existing lot lines in error.

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

the required setbacks are violated by the proposed property lines.

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.:

Proposed property lines have been agreed to by the adjoining land owners.

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

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Workflow Reviews Information

Type	Creation Date	Due Date	Completion Date	Status	Description
Application Check	05/06/2026	05/07/2026	05/07/2026	Approved	
Planning and Zoning Review	05/06/2026	05/14/2026	01/01/1900	Under Review	
Review Complete	05/06/2026	01/01/1900	01/01/1900	Pending	

Inspection Information

Activities Information

Documents Information

Creation Date	File Name	Source
05/06/2026	DOC001.pdf	Document

05/06/2026 Receipt.pdf Merge document

History

Creation Date	Note Type	Note
05/06/2026	Contact Added	GLENN HART was added to the case by Casey Neal.
05/06/2026	Application Check - Activity	A Application Check activity has been assigned to Casey Neal in the Community Development department.
05/06/2026	Planning and Zoning Review - Activity	A Planning and Zoning Review activity has been assigned to DeAnn Hester in the Community Development department.
05/06/2026	Review Complete - Activity	A Review Complete activity has been assigned to Casey Neal in the Community Development department.
05/06/2026	File Created	File created by Casey Neal.
05/06/2026	Document Attached	Document "DOC001.pdf" was attached to the case.
05/06/2026	Payment Added	Payment of \$300.00 added to VA26-000005 receipt #1224
05/06/2026	Document Attached	Document "Receipt.pdf" was attached to the case.
05/06/2026	Activity Update	Application Check assigned to Casey Neal status changed from Pending to Resubmittal Required by Casey Neal on 05/06/2026
05/07/2026	Activity Update	Application Check assigned to Casey Neal was completed by Casey Neal on 05/07/2026
05/07/2026	Activity Update	Application Check assigned to Casey Neal status changed from Resubmittal Required to Approved by Casey Neal on 05/07/2026
05/12/2026	Activity Update	Planning and Zoning Review assigned to DeAnn Hester status changed from Pending to Under Review by DeAnn Hester on 05/12/2026

