



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	Jim Henderson, District 1
Gwen Fowler, District 2	Bill Gilster, District 3
Jason Cox, District 4	Chad Overholt, District 5
Wayne McCall, At-Large	

AGENDA

Monday, September 28th – 6:00 PM
Oconee County Council Chambers

1. Call to Order
2. Approval of Minutes: July 27th, 2026 meeting
3. Brief statement about rules and procedures
4. **Appeal APA26-000004** – Appeal by Paul Bitterman of the Planning Director's zoning verification letter for TMS #**219-00-01-019** and #**219-00-01-071**, with an address of 140 Speedway Dr, determining that a motocross, racetrack, speedway, or similar motorized racing facility is not a permitted use in the **TRD (Traditional Rural District)** zoning district.
5. **Variance VA26-000008** - TMS #**302-00-01-130**, with an address of **175 Kids Ln, Seneca, SC 29678**; Dawson S Hendricks seeks relief from Sec. 38-10.2 regarding the required front and side setback for a shop.
6. **Variance VA26-000009** – TMS #**121-00-02-092**, with an address of **2253 Pickens Hwy, West Union, SC 29696**, Cliff Powell of Powell Real Estate on behalf of Robert Litzenberger seeks relief from Sec. 38-10.2 regarding the required front setback to build a shop.
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.



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Wayne McCall, At-Large	

STAFF

DeAnn Hester

MEMBERS ABSENT

Wayne McCall

MINUTES

Monday, July 27, 2026 - 6:00 PM

Oconee County Council Chambers

1. **Call to Order** - Mr. Eagar called the meeting to order at 6:00 PM.
2. **Election of Secretary** – A motion was made to appoint DeAnn Hester as Secretary; seconded. The motion was approved unanimously.
3. **Motion to approve the minutes from February 23, 2026** - Motion made to approve; seconded. The motion was approved.
4. **Brief statement about rules and procedures** - Mr. Eagar outlined the proceedings of the meeting going forward:
 - The applicant will provide a presentation regarding the need 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.
 - Staff will address any additional issues.
 - Citizen comments will be allowed for a period of 3 minutes each, with the Board requesting that speakers not repeat what others have said but instead 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.
 - Once the Board begins deliberations, there will be no further input from the floor. The Board will vote on four findings, and a negative vote on any one finding requires denial of the variance or special exception.

5. Variance Application VA26-000003 –

Multi Lake Real Property Holding LLC / EB Investments requests relief from the setback requirement to split an existing duplex along the firewall pursuant to Section 38-10.2. TMS 316-00-01-164; Address: 111 and 113 Shenandoah Drive, Westminster, SC.

Applicant Comments:

- Sherry Howard appeared on behalf of the owner and explained that the existing duplex was constructed with a separation wall and is proposed to be divided into



two separately owned or separately conveyable dwelling units. She stated the units were intended to remain rental properties.

- Ms. Howard stated that an inspection identified the need to separate the water service and that arrangements had been made to complete that work.

Staff comments:

- Ms. Hester explained that the structure was permitted as a duplex, but the submitted building plans and subsequent inspection indicated that it had been constructed with a two-hour separation wall consistent with the proposed division.
- Staff noted that electric and sewer service were separate, but the water service was not yet separately metered. Staff recommended that any approval be conditioned on completion and verification of separate water service before the division is finalized.

Public comment: None

Applicant rebuttal: None

Board Questions/ Discussion:

- The Board discussed the difference between duplex and townhouse construction, the purpose of the two-hour fire separation, the timing of the variance request, and the setback relief necessary to divide the existing structure along the common wall.

Consideration of VA26-000003:

- 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
5	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
5	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
5	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



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granting of the variance.

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

In-favor	Opposed
5	0

V. Mr. Eagar asked - Based on the evidence presented to the Board, do I hear a motion that the proposed variance be approved subject to separation of the water service and confirmation that separate water service has been completed.

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

In-favor	Opposed
5	0

Mr. Eagar noted that the variance request was approved subject to the stated condition.

6. Variance Application VA26-000005 –

Kathy D. Martin requests relief from the side setback requirement for an existing building pursuant to Section 38-10.2. TMS 324-00-01-019; Address: 354 Mill Creek Road, Westminster, SC.

Applicant Comments:

- Kathy Martin explained that a recent survey revealed that an existing structure extends onto adjoining property. She and the adjoining property owner propose an exchange of land to correct the property-line condition, but the structure will remain within the required setback after the boundary adjustment.
- Ms. Martin stated that the condition dates back many decades and was discovered after the property was surveyed following probate.

Staff comments:

- Staff stated that the request was intended to correct a longstanding existing condition and that there was no practical boundary adjustment that would both straighten the property line and fully provide the current setback without creating irregular property lines.

Public comment:

- Mr. Griffith, representing the adjoining property interest, confirmed the proposed land swap and stated that he had no objection provided the land exchange proceeds as described.

Applicant rebuttal: NA

Board Questions/ Discussion:

- The Board discussed the age of the existing improvements, the survey that revealed the encroachment, the proposed equal land exchange, and the fact that the variance would remain necessary after the property line is adjusted.



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Consideration of VA26-000005:

- V. 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
5	0

- VI. 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
5	0

- VII. 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
5	0

- VIII. 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
5	0

- V. Mr. Eagar asked - Based on the evidence presented to the Board, do I hear a motion that the proposed variance be approved.

3. Motion –Motion made in the affirmative; seconded.
4. Vote

In-favor	Opposed
5	0

Mr. Eagar noted that the variance request was approved.

7. Variance Application VA26-000006 –



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LB Commercial Property Services, on behalf of EM Hartwell LLC, requests relief from the side and rear setback requirements for an addition to an existing home pursuant to Section 38-10.2. TMS 334-03-01-085; Address: 105 Sherry Lane, Fair Play, SC 29643.

Applicant Comments:

- Jeff Burnett, applicant and general contractor, explained that the owner proposes to replace or improve an existing deck area with a covered porch/addition. The existing house and deck predate the current setback requirements.
- Mr. Burnett stated that the owner also owns the adjoining lot and that the proposed work would not affect neighboring lake views. He stated the project would remain outside the U.S. Army Corps of Engineers property line.

Staff comments:

- Ms. Hester noted that the side setback issue could potentially be addressed by combining the commonly owned lots, but recommended that any variance approval require an as-built survey when the foundation is set so the approved location is documented before construction proceeds further.
- Staff also noted that the house predates the current zoning setbacks and is therefore an existing nonconforming structure; the variance is required because of the proposed addition.

Public comment: NA

Applicant rebuttal: NA

Board Questions/ Discussion:

- The Board discussed the extent of the encroachment into current side and rear setbacks, the location of the U.S. Army Corps of Engineers line, common ownership of the adjoining lot, possible future separation of the lots, and the timing of the as-built survey.

Consideration of VA26-000006:

IX. 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
5	0

X. 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
5	0

XI. 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



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property.

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

In-favor	Opposed
5	0

- XII. 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
5	0

- V. Mr. Eagar asked - Based on the evidence presented to the Board, do I hear a motion that the proposed variance be approved.

5. Motion – Motion made in the affirmative; seconded.
6. Vote

In-favor	Opposed
5	0

Mr. Eagar noted that the variance request was approved subject to the stated condition.

8. Adjourn - Motion made; seconded. Approved by all members voting.

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upload an image.

**PERMIT PROJECT****FILE #: 26-002244****140 SPEEDWAY DR WESTMINSTER SC 29693****APPEAL ZONING DECISION****PERMIT #: APA26-000004**

Permit Type

Appeal Application

Subtype

BZA



Work Description:

appeal zoning decision

Applicant

PAUL BITTERMAN



Status

Under Review



Valuation

0.00

**FEES & PAYMENTS**

Plan Check Fees

0.00

Permit Fees

300.00

Total Amount

300.00

Amount Paid

300.00

Balance Due

0.00



Non-Billable

**PERMIT DATES**

Application Date

07/29/2026

Approval Date

Issue Date:

Expiration Date:

Close Date

Last Inspection

i APPLICANT INFORMATION

Applicant Name

Paul Bitterman

Applicant Phone Number

(864) 209-5827

Applicant Email

paulbitterman6@gmail.com

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.

FEES

FEE	▼	DESC ▼	QUANTITY	AMOUNT	TOTAL
Application Fee					300.00
Plan Check Fees					0.00
Permit Fees					300.00
Total Fees					300.00

PAYMENTS

DATE	TYPE	REFERENCE	NOTE	RECEIPT #	RECEIVED FROM	AMOUNT
07/29/2026	Cash			2054	- PAUL BI	300.00
Amount Paid						300.00
Balance Due						0.00

Freedom of Information Act - Appeal Application

Permit Information

Code Section from
which a special [PermitAA::5952::151820]
exception is requested

Application is [PermitAA::5952::151813] Application is not [PermitAA::5952::151814]

Uploading
Supporting
Documentation [PermitAA::5952::41341_WIDTH=0PX_HEIGHT=0PX]
Here

APPLICANT RESPONSES TO SECTION 38-7.2

The request is in accordance
with the comprehensive plan
and is consistent with the
spirit, purposes, and the
intent and specific
requirements of this chapter, [PermitAA::5952::151823]
to include the definition and
intent of the district in which
the special exception is being
requested:

The request is in the best
interests of the county, the
convenience of the [PermitAA::5952::151824]
community and the public
welfare:

The request is suitable for the
property in question, and
designed, constructed,
operated, and maintained so
as to be in harmony with and [PermitAA::5952::151825]
appropriate in appearance to
the existing or intended
character of the general
vicinity:

The request is suitable in
terms of effects on highway
traffic, parking and safety with
adequate access [PermitAA::5952::151826]
arrangements to protect
streets from undue
congestion and hazards:

OCONEE COUNTYS APPROVAL, PERMITTING, AND/OR INSPECTION(S) OF THIS PROJECT DOES NOT MEAN
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RESPONSIBILITY.

Workflow Reviews Information

Type	Creation Date	Due Date	Completion Date	Status	Description
Application Check	07/29/2026	07/30/2026	07/29/2026	Approved	
Zoning and Flood	07/29/2026	07/30/2026	01/01/1900	Pending	

Review

Review

Complete

07/29/2026

01/01/1900

01/01/1900

Inspection Information**Activities Information****Documents Information**

Creation Date	File Name	Source
07/29/2026	4e773f1f-57e6-4fe3-90ed-0a92c2bc2322.pdf	Online Document Upload
07/29/2026	Receipt.pdf	Merge document
07/29/2026	DOCUMENT OF APPEAL.pdf	Online Document Upload
07/31/2026	Bitterman Letter.docx	Document

History

Creation Date	Note Type	Note
07/29/2026	Contact Added	PAUL BITTERMAN was added to the case by Cynthia Adams.
07/29/2026	Application Check - Activity	A Application Check activity has been assigned to Cynthia Adams in the Community Development department.
07/29/2026	Zoning and Flood Review - Activity	A Zoning and Flood Review activity has been assigned to DeAnn Hester in the Community Development department.
07/29/2026	Review Complete - Activity	A Review Complete activity has been assigned to Cynthia Adams in the Community Development department.
07/29/2026	File Created	File created by Cynthia Adams.
07/29/2026	Property Owner Updated	Property Owner City changed from to PELZER , Property Owner State changed from to SC , Property Owner Zip changed from to 29668
07/29/2026	Property Address Updated	Property Street Number changed from to 140 , Property Street Name changed from to SPEEDWAY , Property Street Type changed from to Dr , Property City changed from to WESTMINSTER , Property State changed from to SC , Property Zip changed from to 29693
07/29/2026	Parcel Number Updated	Parcel Number changed from to 219-00-01-019
07/29/2026	Document Attached	Document "4e773f1f-57e6-4fe3-90ed-0a92c2bc2322.pdf" was attached to the case.
07/29/2026	Activity Update	Application Check assigned to Cynthia Adams was completed by Cynthia Adams on 07/29/2026
07/29/2026	Activity Update	Application Check assigned to Cynthia Adams status changed from to Approved by Cynthia Adams on 07/29/2026
07/29/2026	Payment Added	Payment of \$300.00 added to APA26-000004 receipt #2054
07/29/2026	Document Attached	Document "Receipt.pdf" was attached to the case.
07/29/2026	Document Attached	Document "DOCUMENT OF APPEAL.pdf" was attached to the case.

07/31/2026	Document Attached	Document "Bitterman Letter.docx" was attached to the case.
09/01/2026	Activity Update	Zoning and Flood Review assigned to DeAnn Hester status changed from to Pending by DeAnn Hester on 09/01/2026

Rec: TITLE EXAM
BY DRWM

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

Grantee Address:

*530 Woodcock Rd.
Pelzer, SC
29668*

TITLE TO REAL ESTATE
(DEED)

KNOW ALL MEN BY THESE PRESENTS that We, **JANICE N. HOLBROOKS, SPEEDWAY RENTALS, LLC, AND RENEE HOLBROOKS ANDERSON AND JAMES DAVID HOLBROOKS**, in the state aforesaid, for and in consideration of the sum of one hundred forty thousand and 00/100 (\$140,000.00) dollars, to us in hand paid by **KYLE WILLIAM BITTERMAN**, receipt of which is hereby acknowledged, have granted, bargained, sold and released and by these presents do grant, bargain, sell and release, subject to the easements, restrictions, reservations and conditions ("Exceptions") set forth below unto the said **KYLE WILLIAM BITTERMAN**, subject to the below stated **Exceptions**, his heirs and assigns forever, the following described real property, to wit:

All that certain piece, parcel or tract of land with the buildings and improvements thereon situate, lying and being in the State of South Carolina, County of Oconee, Tugaloo Township, containing **6.885 ACRES**, more or less, as shown and more fully described on a Plat thereof by James G. Hart, RLS #6674, dated February 18, 2002, and recorded in Plat Book A864, page 2, records of Oconee County, South Carolina.

TMS #219-00-01-019

This being the identical property conveyed unto Renee Holbrooks Anderson, James David Holbrooks and Janice N. Holbrooks a life estate only, by deed of Speedway Rentals, LLC, recorded on the 16th day of December, 2014 in Deed Book 2072 at page 238 in the records of Oconee County, South Carolina.

AND ALSO: All that certain piece, parcel or tract of land, with improvements thereon, situate, lying and being in the State of South Carolina, County of Oconee, Westminster School District, lying northeast of the Coffee Road, and located about 2 ¼ miles northwest of Westminster, South Carolina, containing **22 ¾ acres**, more or less, bounded on the north by lands now or formerly of L. H. Ridley, on the southwest by the Coffee

Road, and on the west by lands now or formerly of Floyd Smith, and being more particularly described by plat of Harry U. Earle, Surveyor, dated March 19, 1953, and recorded in Plat Book L, page 230, records of Oconee County, South Carolina. **LESS HOWEVER**, all that certain tract of land containing 6.885 acres, more or less, as shown on a plat prepared by James G. Hart, RLS #6674, dated February 18, 2002, and recorded in Plat Book A864, page 2, records of Oconee County South Carolina. **LESS HOWEVER**, .91 of an acre conveyed in Deed Book 1164, page 255; 1.295 acres conveyed in Deed Book 1261, page 127; .71 of an acre conveyed in Deed Book 2052, page 161 and .72 of an acre conveyed in Deed Book 2738, page 270, records of Oconee County, South Carolina.

TMS #219-00-01-071

AND ALSO: All that certain piece, parcel of lot of land, containing approximately two-thirds (2/3) of an acre, more or less, situate, lying and being in Oconee County, South Carolina:

BEGINNING at an iron pin corner common with lands now or formerly of Beulah Holbrooks and Clifton Holbrooks and running along the property line now or formerly of Clifton Holbrooks in a northern direction one hundred eighty-eight (188') feet; thence in an easterly direction one hundred ninety-seven (197') feet to an iron pin corner; thence in a western direction two hundred ten (210') feet to a cement slab corner; thence in a northern direction fifty-seven (57') feet to the beginning corner

TMS #219-00-01-020

The aforementioned tracts 219-00-01-071 and 219-00-01-020 are the remainder of the property conveyed unto Renee Holbrooks Anderson, James David Holbrooks with a life estate reserved unto Janice N. Holbrooks in Deed Book 1815, page 46, recorded January 21, 2011. The said Roy Holbrooks having passed from this life on the 25th day of November, 2012 as evidenced by Death Certificate recorded in Deed Book 1994, page 342, records of Oconee County, South Carolina.

THIS CONVEYANCE IS MADE SUBJECT TO THE FOLLOWING EXCEPTIONS: Any protective covenants and restrictions as to use of this property set out and enumerated in instrument of record, all of which are to run with the land, and is further subject to any and all easements or rights of way heretofore conveyed by the Grantor herein or any predecessor in title as may appear of public record or upon the premises.

The said Janice N. Holbrooks and Speedway Rentals, LLC execute this deed in order to release any right, title and interest which THEY may have in the aforementioned tracts.

TOGETHER with, subject to the above stated Exceptions, all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, subject to the above stated Exceptions, all and singular, the premises before mentioned unto the said **KYLE WILLIAM BITTERMAN**, his heirs and assigns forever.

AND, we do hereby bind ourselves and our heirs, executors, and administrators, to warrant and forever defend all and singular the premises before mentioned, subject to the above stated Exceptions, unto the said **KYLE WILLIAM BITTERMAN**, his heirs and assigns, from and against ourselves and our heirs, successors and assigns, and against every person whosoever lawfully claiming or to claim the same or any part thereof.

WITNESS our hands and seals this 9th day of July, in the two thousand twenty-sixth year of our Lord and in the two hundred forty-ninth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered
in the Presence of:

Alison Poore

Janice N. Holbrooks [SEAL]
Janice N. Holbrooks, Individually and
as Life Tenant

Kimberly C. Clausen

Speedway Rentals, LLC

By: Janice N. Holbrooks [SEAL]
Janice N. Holbrooks, Member

Renee Holbrooks Anderson [SEAL]
Renee Holbrooks Anderson

James David Holbrooks [SEAL]
James David Holbrooks

STATE OF SOUTH CAROLINA

)

ACKNOWLEDGMENT

)

COUNTY OF OCONEE

)

BEFORE ME, a Notary Public for the State of South Carolina, personally appeared Grantor(s) who, being personally known to me or having produced proper identification, and upon being duly sworn, stated that they executed the within written Title to Real Estate for the purposes therein written.

Sworn to before me this

17th

day of

July

, 2026

Kimberly C. Clewlands

Notary Public of South Carolina

My Commission Expires: 2-19-35

FOR OFFICE USE ONLY
THIS PROPERTY DESIGNATED AS
Map SMap Block Parcel
219 00 01 019
ON OCONEE TAX MAPS
Th. B. R.
OCONEE COUNTY ASSESSOR

FOR OFFICE USE ONLY
THIS PROPERTY DESIGNATED AS
Map SMap Block Parcel
219 00 01 071
ON OCONEE TAX MAPS
Th. B. R.
OCONEE COUNTY ASSESSOR

FOR OFFICE USE ONLY
THIS PROPERTY DESIGNATED AS
Map SMap Block Parcel
219 00 01 020
ON OCONEE TAX MAPS
Th. B. R.
OCONEE COUNTY ASSESSOR

BEFORE THE OCONEE COUNTY BOARD OF ZONING APPEALS

STATE OF SOUTH CAROLINA

IN RE: Administrative Appeal of Zoning Determination (Dated July 8, 2027 [Received July 2026])

PROPERTY: 140 Speedway Drive, Westminster, SC 29693 PARCELS: TMS

#219-00-01-019 & #219-00-01-071

APPELLANT: Kyle Bitterman Property Owner & Paul Bitterman Business Owner

NOTICE OF ADMINISTRATIVE APPEAL AND WRITTEN ARGUMENT

TO THE MEMBERS OF THE BOARD OF ZONING APPEALS:

The Appellant, Kyle Bitterman Property Owner and Paul Bitterman Business Owner, hereby appeals the administrative zoning determination issued by DeAnn Hester, Director of Planning & Zoning. This determination was issued and received in July 2026, though it is face-dated with an administrative typographical error reading July 8th, 2027.

The determination incorrectly asserts that the legal use status of the historic racetrack facility at 140 Speedway Drive has been extinguished under Article 4, Section 38-4.1 of the Oconee County Zoning Ordinance.

The Appellant requests that this Board overturn the Planning Director's determination based on the following grounds:

I. Correction of Administrative Error and Preservation of Jurisdictional Standing

As an initial matter, the official determination letter contains a significant clerical error, dating the notice a full year into the future (July 8, 2027). The Appellant notes this error for the record to ensure absolute clarity regarding the 15-day jurisdictional filing window. The Appellant is filing this appeal timely in July 2026 within 15 days of actual receipt, thereby fully preserving his standing before this Board. This clear chronological error in the department's notice underscores a broader lack of administrative precision in reviewing the actual operational timeline and historical file of the subject property.

II. The Legal Standard for Abandonment Requires Overt Acts and Intent

Under well-established South Carolina zoning law, the mere passage of time or a temporary cessation of a business operation does not automatically constitute the "discontinuance" or "abandonment" of a protected land use. Legal abandonment requires two concurrent elements:

1. An intention to abandon the use.
2. An overt act, or failure to act, which carries the implication that the owner neither claims nor retains any interest in the use.

The Appellant has never exhibited an intent to abandon the property's historic use as a motorized racing facility, nor has the property been physically abandoned.

III. Property Has Undergone Continuous Maintenance and Capital Reinvestment

The Planning Director's determination fails to account for the substantial capital improvements and overt physical work conducted on the subject parcels. As outlined in the attached Operational and Site Maintenance Timeline (Exhibit A), the property has undergone consistent upkeep, asset preservation, and active site development. Furthermore, as documented in Exhibit A, the Appellant consulted with the Planning and Zoning Board in April 2025 to ensure regulatory compliance. During this inquiry, the Appellant was directed to Amanda Brock in the Permit Department, who confirmed that no special permits were required for the use of food trucks and portable restroom facilities. Additionally, the Director of Planning & Zoning confirmed that the facility was compliant and ready for operation, provided the Appellant adhered to the existing noise ordinance. The Director further clarified that if event timing necessitated an exception, the Appellant would simply need to apply for a noise variance permit prior to each event.

Notably, in 2016 through current, extensive site preparation, grading, and tree-clearing operations commenced on the property as documented in the attached (Exhibit B), over 1,000 mature pine trees were cleared from the grandstands, track lanes, and announcing tower to physically restore and maintain the structural configuration of the 4/10-mile dirt oval track. Also during these past years the Appellant repaired drainage, built a motocross track and go kart track, repairs on the buildings, repairs on the grand stands, hauled in 100 + loads of dirt to repair the

dirt oval track, preparing the structural integrity of the parking lot, worked on the trackside parking, cleaned up some drainage for a bordering neighbor, disassembled old fence and guard rails for replacement and the Appellant has organized multiple open test and tunes, at no charge, for feedback from the motocross community on the motocross track. These extensive, highly visible earth-moving activities directly refute any claim that the use was "discontinued or abandoned" for a continuous 12 month period.

IV. Equitable Estoppel and Vested Rights Based on Explicit County Affirmation

The Appellant acted in good faith based on the explicit, written assurances of the Oconee County Community Development Department. As proven by the attached Zoning Verification Letter dated April 4, 2017 (Exhibit C), Senior Planner Gregory Gordos officially determined that the racetrack and motocross facility "is permitted by right within the TRD zoning district" under the classification of Public, Private, and Commercial Parks and Recreation, Camping or Social Facilities.

Under South Carolina law, the doctrine of equitable estoppel prevents a government entity from reversing a zoning position when a property owner has made substantial expenditures in good faith reliance on an official government action. The Appellant spent significant resources clearing, grading, and maintaining this facility based entirely on the county's formal confirmation that the land use was permitted by right. The county cannot now, years later, retroactively change its interpretation to the financial detriment of the property owner.

CONCLUSION & RELIEF SOUGHT

Because the Appellant has continuously maintained the track's physical infrastructure, relied directly on the county's written verification of a permitted-by-right use, and invested significant capital into site restoration without ever demonstrating an intent to abandon the facility, the land use remains fully lawful and protected.

The Appellant respectfully requests that the Board of Zoning Appeals OVERTURN the Planning Director's determination and find that the operation of a motocross racetrack, go-kart track, or speedway remains a legally protected, authorized land use at 140 Speedway Drive.

Dated: July 13, 2026

Respectfully submitted,

Kyle Bitterman, Appellant

Paul Bitterman, Appellant

57 Main St

Pelzer, SC 29669

Paulbitterman6@gmail.com

EXHIBIT A:

Chronological Operational and Site Maintenance Timeline

Property Address: 140 Speedway Drive, Westminster, SC 29693

Tax Map Parcel IDs: TMS #219-00-01-019 & #219-00-01-071

Property Owner/Appellant: Kyle Bitterman, Owner and Paul Bitterman Business Owner

- **1959 – April 2012:** The facility operates continuously as a 4/10-mile dirt oval racing venue (originally known as Westminster Speedway / Golden Corner Speedway). A lawful, active racing use is established decades prior to local zoning restrictions.
- **April 2012:** Oconee County rezones the parcel to Traditional Rural District (TRD). The track's active status is legally protected as a Lawful Nonconforming Use.
- **April 4, 2017:** Oconee County issues an official Zoning Verification Letter confirming that a motorized racing facility fits under authorized property classifications.
- **2017 – 2024 (Continuous Property Care):** Property owner Kyle Bitterman and Business Owner, Paul Bitterman maintains continuous, ongoing site supervision. Physical site assets, structures, track configuration, boundary footings, and structural towers are preserved while awaiting an ideal economic climate to scale operations.
- **March 2025 (Active Land Clearing & Grading):** Major site preparation explicitly intended for commercial track operations commences. Over 1,000 pine trees are actively logged and cleared from the grandstands, track lanes, and announcing tower to visually restore the active dirt oval configuration.
- **April 2025 (Planning & Zoning Board):** Property owner Paul Bitterman consulted with the Planning and Zoning Board in April 2025 to ensure regulatory compliance. During this inquiry,

the Appellant was directed to Amanda Brock in the Permit Department, who confirmed that no special permits were required for the use of food trucks and portable restroom facilities. Additionally, the Director of Planning & Zoning confirmed that the facility was compliant and ready for operation, provided the Appellant adhered to the existing noise ordinance. The Director further clarified that if event timing necessitated an exception, the Appellant would simply need to apply for a noise variance permit prior to each event.

- **September 2025 (On-Site Labor & Groundwork):** Active on-site carpentry, structure painting, dirt moving, and bulldozing work are executed across the facility grounds to finish structural restoration for upcoming public race events.
- **July 8, 2027 (Date of Notice):** The Planning & Zoning Director issues a zoning determination asserting the facility's nonconforming status has been extinguished.
- **July 2026 (Filing of Administrative Appeal):** Appellant timely files this appeal to the BZA within the 15-day jurisdictional window, demonstrating that property utility was never legally abandoned or intently relinquished.

EXHIBIT B

BEFORE THE OCONEE COUNTY BOARD OF ZONING APPEALS

STATE OF SOUTH CAROLINA

IN RE: Administrative Appeal of Kyle Bitterman, Owner and Paul Bitterman, Business Owner
(140 Speedway Drive) **PARCELS:** TMS #219-00-01-019 & #219-00-01-071

AFFIDAVIT OF COMMERCIAL SITE DEVELOPMENT AND MAINTENANCE

I, _____, appearing after being duly sworn, depose and state as follows under penalties of perjury:

1. **Identity:** I am over eighteen (18) years of age, suffer from no legal disabilities, and have personal knowledge of the facts set forth in this Affidavit.
2. **Professional Capacity:** I am the owner, operator, or an authorized representative of _____ located at _____.
3. **Engagement:** My company was formally engaged by Property Owner Kyle Bitterman and Paul Bitterman to perform professional land clearing, commercial logging, structural reclamation, and heavy machinery grading operations at the property located at 140 Speedway Drive, Westminster, SC 29693.
4. **Scope of Work:** The specific scope of work executed by my company on the subject property included, but was not limited to, the active logging, clearing, and removal of over 5,000 mature pine trees from the historic 4/10-mile dirt oval track layout, including grandstand clearings, track lanes, safety zones, and the announcing tower perimeter.
5. **Timeline of Active Operations:** Our heavy machinery, crews, and operations actively occupied and altered the physical site during the months of _____ through _____.
6. **Observation of Site Intent:** During our duration of performance on-site, the property was actively managed and curated. At no point did the infrastructure, configurations, or operational track features display signs of abandonment or permanent discontinuance. Our grading and clearing efforts were explicitly ordered and designed to restore the facility's physical capacity to host live motorized racing events.

FURTHER AFFIANT SAYETH NOT.

Dated this ____ day of _____, 2026.

Signature of Affiant: _____

Printed Name of Affiant: _____

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

Subscribed and sworn to (or affirmed) before me on this ____ day of _____,
2026, by _____ proved to me on the basis of satisfactory
evidence to be the person who appeared before me.

Notary Public for South Carolina

My Commission Expires: _____

EXHIBIT C:



OCONEE COUNTY COMMUNITY DEVELOPMENT
Addressing | Codes | Permitting | Planning & Zoning

Zoning Verification Letter

April 4, 2017

RE: TMS # 219-00-01-019, 219-00-01-071

To Whom it May Concern,

The properties identified as tax parcel 219-00-01-019 and 219-00-01-071, located at 140 Speedway Drive, is zoned in the Traditional Rural District (TRD). Based on the description provided regarding a potential motocross facility and the previous land use of an automobile race track - the project can be labeled, under Oconee's provisions, as "Public, Private, and Commercial parks and recreation, camping or social facilities".

This land use is permitted by right within the TRD zoning district.

Please feel free to contact us with any questions that you may have.

Sincerely,

Gregory Gordos
Community Development
Oconee County
Senior Planner
ggordos@oconeesc.com
(864) 364-5115

SWORN STATEMENT OF SITE ACTIVITY

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

I, _____, being of legal age and a resident of neighboring racetrack intersecting Speedway Drive and Coffee Drive in Westminster South Carolina], do hereby swear and affirm the following:

1. I have personal knowledge of real Property located at 140 Speedway Drive Westminster South Carolina, hereafter referred to as Property. I reside in the immediate vicinity of the Property and have had consistent, ongoing visual access to the site since 2016.

2. I have personally observed, on a regular and continuing basis from 2016 through the present date, that Property has been subject to continuous upkeep, physical improvements, and active site development.

3. The activities I have witnessed include, but not limited to:

Routine property maintenance, groundskeeping, and clearing of the premises. Ongoing removal of trees, painting of structures, and physical improvements to the grounds.

Continuous efforts to preserve and enhance the site's infrastructure for its intended use as a motorsports facility.

4. At no point during this timeframe have I observed the site to be abandoned or left without active, ongoing maintenance and development.

I declare under penalty of perjury under the laws of the State of South Carolina that the foregoing is true and correct to the best of my knowledge, information, and belief.

FURTHER AFFIANT SAYETH NAUGHT.

Dated: _____, 2026

Signature of Affiant

Printed Name of Affiant

Subscribed and sworn to before me this _____ day of _____, 2026.

NOTARY PUBLIC

My Commission Expires: _____



**OCONEE COUNTY
PLANNING & ZONING**

415 S. Pine St. Walhalla, SC 29691
864.638.4218
OconeeSC.com
planninginfo@oconeesc.com

July 8th, 2027

Paul Bitterman
57 Main St
Pelzer, SC 29669
Paulbitterman6@gmail.com

Re: TMS #219-00-01-019 & #219-00-01-071

Mr. Bitterman,

It has come to my attention that you intend to establish or resume operation of a motocross, racetrack, speedway, or similar motorized racing facility on property formerly known as Westminster Speedway, located at 140 Speedway Drive and identified as Tax Map Nos. 219-00-01-019 and 219-00-01-071.

This letter serves as the Planning Director's current zoning determination regarding the proposed use of the above-referenced property.

The subject property is presently zoned Traditional Rural District (TRD), having been rezoned to that district in April 2012. The stated purpose of the TRD district is to provide for the continuation of traditional rural lifestyles in sparsely populated areas with low-intensity commercial, industrial, and other development while preserving the character of remote rural areas.

The County previously issued a zoning verification letter dated April 4, 2017, which concluded that a proposed motocross facility could be classified as "Public, Private and Commercial Parks and Recreation, Camping or Social Facilities." Upon review, the County has determined that this interpretation is inconsistent with the Oconee County Zoning Ordinance and therefore is superseded by this determination.

Section 38-9.1 of the Zoning Ordinance provides that each zoning district identifies uses permitted by right, conditional uses, and special exception uses, and further provides that uses not expressly permitted are prohibited. The TRD district does not identify motocross facilities, racetracks, speedways, or other motorized racing or competition facilities as permitted, conditional, or special exception uses. Accordingly, such uses are not permitted within the Traditional Rural District.

Prior to the April 2012 rezoning, the property operated as a racetrack. Following the rezoning, that use became a lawful nonconforming use. However, Article 4, Section 38-4.1 of the Zoning Ordinance provides that any nonconforming use that is discontinued or abandoned for a period of twelve (12) months or more loses its nonconforming status and thereafter must conform to all applicable provisions of the ordinance. Based upon information available to the County, operation of the



**OCONEE COUNTY
PLANNING & ZONING**

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racetrack ceased for a period substantially exceeding twelve (12) months. Accordingly, any legal nonconforming status associated with that use has been extinguished and cannot be reestablished.

Based upon the foregoing, the proposed operation of a motocross, racetrack, speedway, or similar motorized racing facility on the subject property is not permitted under the Oconee County Zoning Ordinance. Any establishment or operation of such a use would constitute a violation of the County's zoning regulations and would be subject to the applicable enforcement provisions of the ordinance.

This determination addresses only the zoning status of the proposed use and does not constitute a determination regarding compliance with any other applicable federal, state, or local laws or ordinances.

Should you have any questions regarding this determination, please feel free to contact my office.

Sincerely,

DeAnn Hester
Director of Planning & Zoning
Oconee County, South Carolina



Image from 2011



Image from 2015



Image from 2020



Image from 2023

Oconee County, SC

Parcel Information

Parcel ID 219-00-01-019
 Neighborhood 6600100 - Tugaloo Township Westminster FD
 Property Address 140 SPEEDWAY DR
 Legal Description (6.89 AC)
 (Note: Not to be used on legal documents.)
 Acres 6.89
 Class
 Tax District WESTMINSTER (District 06)
 Exemptions Agricultural Use
 Exempt

[View Map](#)

Owner

[HOLBROOKS JANICE H](#)
 721 DAVENIX RD
 SENECA, SC 29678

Land

Land Use	Acres	Square Footage	Frontage	Depth
F - Farm Market	1	43,560	0	0
F - Farm Market	5.89	256,568	0	0

Commercial Improvement Information

Description	xFDBOOTH	Square Feet	360
Value	\$4,340	Wall Height	12
Actual Year Built	1990	Number of Buildings	0
Effective Year Built	1990		

Description	xUTLSTOR	Square Feet	4,400
Value	\$40,700	Wall Height	12
Actual Year Built	1998	Number of Buildings	0
Effective Year Built	1998		

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units
xC-RESTRM	2000	0x0 / 360	0

Valuation

Assessed Year	2025
Land Value	\$27,390
Improvement Value	\$45,040
Accessory Value	\$1,690
Total Value (Market)	\$74,120
Land Value	\$0
Improvement Value	\$45,040
Accessory Value	\$1,690
Total Value (Capped)	\$46,730

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
12/19/2014	2072 238		\$0	NULL	SPEEDWAY RENTALS LLC	HOLBROOKS JANICE H L/E
7/3/2007	1597 311		\$1	NULL	HOLBROOKS ROY	SPEEDWAY RENTALS LLC
1/23/2004	1325 316		\$0	NULL	HOLBROOKS BEULAH	HOLBROOKS ROY
10/6/2000	1111 93		\$0	0: Valid Arms-length	HOLBROOKS CLIFTON	HOLBROOKS BEULAH
8/13/1999	1045 297		\$0	0: Valid Arms-length	HOLBROOKS BEULAH J	HOLBROOKS CLIFTON

Sketches

Oconee County, SC

Parcel Information

Parcel ID 219-00-01-071
Neighborhood 6600100 - Tugaloo Township Westminster FD
Property Address 125 SPEEDWAY DR
Legal Description (14.44 Ac.)
(Note: Not to be used on legal documents.)
Acres 14.44
Class
Tax District WESTMINSTER (District 06)
Exemptions Agricultural Use

[View Map](#)

Owner

HOLBROOKS JANICE N
 721 DAVIS NIX RD
 SENECA, SC 29678

Land

Land Use	Acres	Square Footage	Frontage	Depth
F - Farm Market	13.44	604,177	0	0
O - Other	1	43,560	0	0

Residential Improvement Information

Style 1 Family (Detached)
Heated Square Feet 672
Interior Walls Finished
Exterior Walls Other
Foundation Crawlspace
Attic Square Feet 0
Basement Square Feet 0
Year Built 1957
Roof Type Metal
Heating Type No Heat/Sp Htr
Number Of Bedrooms 2
Number Of Full Bathrooms 1
Number Of Half Bathrooms 0
Value \$17,076
Condition Poor

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units
Equipment Shed:Steel/no Slab	2000	10x16 / 0	0
Equipment Shed:Steel/no Slab	2000	12x12 / 0	0
Equipment Shed:Steel/no Slab	2000	14x24 / 0	0
Equipment Shed:Steel/no Slab	2000	8x14 / 0	0
Equipment Shed:Steel/no Slab	1990	12x24 / 0	0
Pole Shed: no Slab	1985	20x24 / 0	0
Equipment Shed:Steel/no Slab	1980	10x12 / 0	0
Equipment Shed:Steel/no Slab	1980	10x12 / 0	0
Equipment Shed:Steel/no Slab	1960	26x34 / 0	0

Valuation

Assessed Year	2025
Land Value	\$54,180
Improvement Value	\$17,076
Accessory Value	\$8,800
Total Value (Market)	\$80,056
Land Value	\$0
Improvement Value	\$17,076
Accessory Value	\$8,800
Total Value (Capped)	\$25,876

Basis for the Planning Director's Zoning Determination

The Planning Director's determination was based on the requirements of Oconee County Code Chapter 38 and, specifically, on the manner in which the ordinance identifies permitted land uses.

Section 38-9.1 establishes the County's basic rule for interpreting uses within a zoning district: the ordinance lists uses that are permitted by right, conditionally permitted, or permitted by special exception, and expressly provides that **"Uses not expressly permitted are prohibited."** Section 38-10.1 further provides that all permitted, conditional, and special-exception uses are identified in the zoning use matrix.

The subject property is located in the Traditional Rural District (TRD). The zoning use matrix contains a listed use for "Public, Private, and Commercial parks and recreation, camping or social facilities," but Chapter 38 does not identify a racetrack, motocross facility, speedway, go-kart track, motorsports facility, or similar motorized racing facility as a permitted use in the TRD. The appeal itself describes the proposed activity as a historic racetrack, motorized racing facility, motocross racetrack, go-kart track, or speedway.

The determination therefore turned on the **principal character of the proposed land use**. A facility whose principal activity is operating a track for motorized racing is a motorized racing facility. The fact that participants or spectators may engage in that activity for recreation does not, by itself, convert the principal land use into the ordinance's general "parks and recreation" category. Treating every activity undertaken for recreation as a "parks and recreation" use would effectively allow that general category to authorize uses that County Council did not expressly place in the zoning use matrix, contrary to the express-permission requirement of Section 38-9.1.

Accordingly, the Planning Director determined that the proposed racetrack/motocross/motorized racing use could not be administratively approved as a permitted principal use in the TRD because **that use is not expressly identified as permitted by Chapter 38**. The determination was an application of the zoning ordinance as written; it was not a determination that racing is not a recreational activity in the ordinary sense of that word. The distinction is between an activity that may be recreational and a land-use classification that County Council has expressly authorized within a particular zoning district.

Sec. 38-9.1. - Use interpretation.

(a) Each zoning district has uses permitted by right, conditional uses, and special exception uses. Lists are shown for each district placing uses under one of the three categories. **Uses not expressly permitted are prohibited.** The following describes the processes of each of the three categories that the uses are subject to:

(1) *Uses permitted by right:* Administrative review and approval subject to district provisions and other applicable requirements only.

(2) *Conditional uses:* Administrative review and approval subject to district provisions, other applicable requirements, and conditions outlined in this chapter.

(3) *Special exceptions:* The board of zoning appeals review and approval is subject to any and all district provisions, other applicable requirements, and conditions of approval. Some special exceptions may also be subject to conditions in this chapter. Those uses currently governed by the Unified Performance Standards Sections of the Oconee County Code of Ordinances as special exceptions shall be governed by those standards unless otherwise noted in this chapter.

(b) A mix of two or more uses on the same lot of record is permitted as long as both uses are listed as permitted within the zoning district. The requirements for the most restricted use shall apply. For example, if "Use A" is permitted by right and "Use B" is permitted with a special exception, then the property requires a special exception for both uses.

Sec. 38-10.1. - Establishment of base zoning districts.

Base zoning districts are created to provide comprehensive land use regulations throughout Oconee County. There are 14 base zoning districts that provide for a variety of uses that are appropriate to the character of the areas in which they are located in accordance with the Oconee County Comprehensive Plan. **All permitted, conditional, and special exceptions are identified in the zoning use matrix.** All conditional uses shall meet the guidelines established in [Article 5](#) of this chapter. Likewise, all special exceptions shall meet the guidelines established in [Article 6](#) of this chapter. For the purpose of this chapter, Oconee County is hereby divided into the following base zoning districts. These districts shall comply with all of the general and specific requirements of this chapter.

Sec. 38-10.3. - Traditional rural district (TRD).

Title: Traditional rural district.

Definition: Parcels located in areas with little or no commercial, industrial, or other significant development; residential development is primarily limited to single-family dwellings. Public infrastructure is limited.

Intent: This district is meant to provide for a continuation of traditional lifestyles in sparsely populated areas with low intensity commercial, industrial, or other development; and to preserve the character of

more remote rural areas. Additionally, residents of traditional rural areas typically have access to fewer public conveniences than more urban areas, but retain greater freedom in the manner in which they use their land.

South Carolina Case Law Supporting Information

Administrative Appeal APA26-000004

140 Speedway Drive, Westminster, South Carolina

Subject	Case law relevant to the Planning Director's July 8, 2026 zoning determination
Property	TMS 219-00-01-019 and 219-00-01-071
Scope	Use classification and nonconforming-use discontinuance
Excluded	Vested rights, equitable estoppel, reliance, and legal effect of the 2017 zoning verification letter

Purpose and Scope

This document summarizes South Carolina appellate decisions that bear directly on the zoning determination under appeal. **It is informational supporting material only.** It does not address vested rights, equitable estoppel, reliance on the 2017 zoning verification letter, or the legal effect of prior County representations.

1. Burton v. County of Abbeville

312 S.C. 359, 440 S.E.2d 396 (S.C. Ct. App. 1994)

Facts and issue

The property owner operated a commercial motocross racetrack in a forest and agricultural zoning district. She argued that the racetrack qualified as a recreational use permitted by the ordinance. The zoning administrator and zoning board concluded that the commercial motocross racetrack was not a permitted use, and the circuit court affirmed.

Court holding

The South Carolina Court of Appeals affirmed. The court recognized that the ordinance listed permitted uses and did not expressly list a racetrack or similar commercial enterprise. It also considered the stated purpose of the zoning district and evidence that the racetrack produced noise, litter, and traffic impacts inconsistent with the agricultural and open character of the district.

Relevance to the Oconee County determination

Burton is directly relevant to the argument that motocross must be treated as a generic recreational use merely because the activity is recreational to participants or spectators. The case demonstrates that South Carolina zoning authorities may classify a commercial motocross racetrack according to the principal character of the land use and the structure and intent of the applicable zoning ordinance, rather than treating the ordinary-language concept of "recreation" as controlling.

Oconee County Chapter 38 is more explicit on the threshold classification question because Section 38-9.1 states that uses not expressly permitted are prohibited, and Section 38-10.1 states that permitted, conditional, and special-exception uses are identified in the zoning use matrix. The TRD matrix includes a general parks and recreation category but does not identify a racetrack, motocross facility, speedway, go-kart track, or motorized racing facility as a listed use.

Important limitation

Burton should not be read as holding that omission from a use list, standing alone, resolved that case. The Court of Appeals expressly noted that the Abbeville board and circuit court also relied on the purpose of the district and evidence of adverse effects on its agricultural and open character. Its significance here is therefore strongest as authority rejecting the proposition that a commercial motocross racetrack necessarily falls within a generic recreational-use category.

2. Gurganious v. City of Beaufort

317 S.C. 481, 454 S.E.2d 912 (S.C. Ct. App. 1995)

Facts and issue

The case involved a claimed grandfathered nonconforming structure. The applicable Beaufort ordinance imposed an objective one-year period after discontinuance during which a nonconforming use or structure could be resumed or reconstructed. The property owner argued that common-law abandonment required proof of an intent to relinquish the nonconforming right.

Court holding

The Court of Appeals rejected the argument that subjective intent to abandon controlled where the zoning ordinance itself established a specific time period. The court distinguished common-law abandonment cases that did not involve an ordinance containing an objective discontinuance period. It concluded that Beaufort's time-based provision could be applied without regard to the owner's actual intent.

Relevance to the Oconee County determination

Oconee County Code Section 38-4.1 likewise uses an objective time period: a lawful nonconforming use that is discontinued or abandoned for twelve months or more loses the exemption, subject to the exceptions and extension provisions stated in the ordinance. Gurganious supports treating the ordinance-defined discontinuance period as legally distinct from the common-law concept of abandonment based solely on subjective intent.

Accordingly, evidence of an owner's continuing intention to preserve or eventually resume a use is not, by itself, the same question as whether the land use was actually continued within the ordinance's specified period. The factual question remains whether the qualifying nonconforming use occurred during the relevant period and whether an ordinance-based exception or extension applies.

Important limitation

Gurganious involved a fence and a City of Beaufort ordinance, not a racetrack or Oconee County Chapter 38. Its relevance is the legal principle concerning an objective ordinance-based discontinuance period, not factual identity between the two cases.

3. Combined Significance

The two cases address separate components of the determination:

- Burton addresses use classification and supports distinguishing a commercial motocross or racetrack facility from a generic recreational-use category.
- Gurganious addresses nonconforming-use status and supports application of an express ordinance-based discontinuance period without making subjective intent to abandon the controlling inquiry.

Together, the decisions support treating (1) the present classification of a motorized racing facility under the zoning use matrix and (2) any claimed continuation of a lawful nonconforming use as distinct questions governed by the text of the applicable zoning ordinance.

Authorities

- Burton v. County of Abbeville, 312 S.C. 359, 440 S.E.2d 396 (S.C. Ct. App. 1994).

- *Gurganious v. City of Beaufort*, 317 S.C. 481, 454 S.E.2d 912 (S.C. Ct. App. 1995).
- Oconee County Code of Ordinances, Chapter 38, especially Sections 38-4.1, 38-9.1, 38-10.1, 38-10.3, and 38-10.16.

Source note: Case descriptions were checked against the published South Carolina appellate opinions and the September 15, 2026 staff memorandum for Administrative Appeal APA26-000004.



OCONEE COUNTY COMMUNITY DEVELOPMENT

Addressing | Codes | Permitting | Planning & Zoning

Zoning Verification Letter

April 4, 2017

RE: TMS # 219-00-01-019, 219-00-01-071

To Whom It May Concern,

The properties identified as tax parcel 219-00-01-019 and 219-00-01-071, located at 140 Speedway Drive, is zoned in the Traditional Rural District (TRD). Based on the description provided regarding a potential motocross facility and the previous land use of an automobile race track – the project can be labeled, under Oconee's provisions, as "Public, Private, and Commercial parks and recreation, camping or social facilities".

This land use is permitted by right within the TRD zoning district.

Please feel free to contact us with any questions that you may have.

Sincerely,

Gregory Gordos
Community Development
Oconee County
Senior Planner
ggordos@oconeesc.com
(864) 364-5115

Bagwell & Corley Law Firm, PC

Tjay M. Bagwell, Esquire

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Seneca, SC 29678

(864) 718.0777 Fax (864) 718.0776 | Office@bagwellcorley.com

September 14, 2026

Dear Members of Oconee County Board of Appeals :

I have been asked by 66 property owners that live around the former Westminster Speedway at 140 Speedway Drive, who are concerned about the Appellate's proposed reopening of the former Speedway, to compose this letter to sum up these concerns from a legal perspective. This letter is not a threat, or the opening salvo of litigation, rather it is an opportunity to remove some of the personal congestion, and talk about this situation dispassionately. Please consider this the summation of their collective voices, rather than a statement from me. I am an attorney in Walhalla, and have concentrated on real estate and probate matters for the length of my nineteen-year career, all spent in Oconee County. I was also on Walhalla City Council for eight years, and, while not a County position, that time gave me some insight into zoning and the appeals process.

The proposed reopening has been promoted as a potential benefit to the local economy and community. And why not? Racing is entertaining. No one, least of all me, would argue that the former Speedway reopening wouldn't get people out of their houses to spend some money and have a good time. However, each of those potential spectators, and the Appellate, gets to go to a home that is miles away at the end of the night, leaving the neighborhood around the former Speedway to deal with the fallout. The property was rezoned almost fifteen years ago for a reason. I've heard stories from neighbors of fumes, dust, noise, breathing problems, traffic, and contaminated ground water, but I'll let them tell their own story in accompanying letters. I'd like to review the legal process that led us here.

Neighbors of the former Speedway tried to get it closed down in the 2000s, but were unsuccessful, and I say rightly so. It would be unfair and unjust for a group of neighbors to shut down a legitimate business, that was running legally and had been grandfathered in. But when the former Speedway shut down in 2011, these neighbors came together to make a lasting change to their community. The same laws and system that denied them appropriately later granted their request, also appropriately. Sixty-four property owners, including the Holbrooks family who owned the former Speedway until recently, came together to petition the council for lasting change. After appropriate notice, hearings, and a vote by elected officials, that change was cemented into law in our County. I would note that I fully support the Appellate's right to appeal, it is just to allow him the opportunity, but I believe that appeal should be denied for the following fair and common sense reasons.

Many across our County have decided to live in communities with Home Owner's Associations and Covenants and Restrictions on their land. Why would anyone voluntarily move into a neighborhood where their rights are restricted? Because they know the same restrictions apply to their neighbors. They can count on their neighbors cutting their grass, keeping trash out of their

yard, and keeping junk cars locked away in the garage. Likewise, the community surrounding the former Speedway have bought, sold, invested, landscaped and raised their families for the last fourteen years counting on a consistent, stable protection from the noise, pollution, and nuisance of all intense commercial activity, including the reopening of the former Speedway. To allow them to invest for near a full generation, only to pull the rug from under them is unfair and unjust.

The Appellate has argued in his petition that he should be granted an exemption based on a nine-year-old letter from a worker in the office of the Planning Director. It is unfortunate that this salaried employee gave poor advice, but the difference between the actions of the neighbors and those of the Appellate are striking. The neighbors went through the entire rezoning process publicly, through the elected officials. The Appellate relied solely on this private letter. The neighbors made investments based on what had been enfranchised into County Ordinance. The Appellate undoubtedly has made investments, but declined the opportunity to work within the law to seek this appeal in 2016 before contracting to buy the former Speedway, or in 2017 when he engaged in a contract with the Holbrooks family, or at any point before he spent time and money grading or hiring a general contractor. It is not the neighbors that want special treatment, but the Appellate. I know the appeals process allows room for exceptions, but please ask yourself how is it just to deny the stability of the coded law to the community while granting a backdoor to the special interest.

The Appellates plea for Estoppel is the only part of the appeal that I feel should be blatantly ignored. At no point were the mechanisms of this Board denied to the Appellate before now. To make the business decision to invest before certainty was a voluntary choice the Appellate made, and to state that it would be unfair now to rule in a way that waste that investment is entitlement far outside what the appeals process allows. In fact, it appears the Appellate wants to buy the land at a lower value with the restrictions in place, but then use or sell the land after the commercial activity has been reignited.

Finally, Appellate's argument that "maintenance" and "use" should be used interchangeably defies logic. Cutting the grass, painting a wall, or even restoring a foundation is quite different than hosting a race. Without the speed there is no Speedway. Couple that with the fact that Appellate's claim that "the Appellate has never exhibited intent to abandon the property's historic use as a motorized racing facility," conveniently ignores that the Holbrooks family joined with 63 of their neighbors to petition the County to put the current restrictions in place, and a five year period where the Appellate did not own, or have contract to own, the former Speedway. Appellate cannot speak to those years, and to say the former owner wanted to keep the former Speedway operating is completely countered by the evidence.

Again, I respect the Appellate's right to appeal, just as I respect the neighbor's right fifteen years ago to bind together to secure the long-term predictability and stability of their community. The Appellate knew the zoning conditions when contracting to buy the property, and took the slimmest, most hidden route possible to claim justification for this appeal, years late.

Sincerely,



Tjay M. Bagwell, Esquire
Bagwell & Corley Law Firm, P.C.

Audra Baldwin
1562 Coffee Road
Westminster, SC 29693
September 14, 2026

Members of The Board
Oconee County Board of Appeals

Dear Members of The Board,

My name is Audra Baldwin and I live on the Coffee Road. I have lived in Oconee County my entire life and have been in my present location for 38 years. I well remember the negative impact that the Westminster Speedway had on all of us who lived anywhere close to that location when it was in operation. The noise was way beyond what is acceptable within our Oconee County noise ordinance even back then, and the exhaust fumes and dust traveled for miles. There were many in the community that went to County Council to voice concerns and explain just how much this impacted our everyday lives. The County Council said that we were in a Control Free District and that rezoning to a Traditional Rural District (TRD) would be more appropriate for our area. County Council went on to explain that after the rezoning to TRD, if the race track ever closed down for a period of 12 months or more, that it would not be able to reopen due to it being a nonconforming use in the TRD zone. **The Oconee County, SC Code of Ordinances states under Discontinuation of use that: Any nonconforming use discontinued or abandoned for a period of 12 months or more shall void any exemption as a nonconformity, and thereafter the use shall conform to all provisions of these regulations.**

The Westminster Speedway closed down in 2011. The TRD zone was voted in by County Council on April 3rd, 2012. Notably, the former owner of the Speedway property, Roy Holbrooks, joined with our community and had the Speedway property zoned to TRD also. His intent was clear with the actions that he took. Mr. Holbrooks had an intention to abandon the use of the racetrack and made an overt act which carried the implication that he did not retain any interest in the use. That property lost its nonconforming use status as a racetrack many years prior to 2016, which is when Mr. Bitterman stated that he purchased it. It should also be mentioned that back in 2011, there were many environmental issues caused by that racetrack with neighboring property owners. DHEC was involved. Those issues were never addressed because the racetrack closed down with the intention of it being permanent.

Our district is Zoned Traditional Rural District (TRD) which is defined as; Parcels located in areas with little or no commercial, industrial, or other significant development; residential development is primarily limited to single family dwellings. Public infrastructure is limited.

The intent for the TRD district is as stated: This district is meant to provide for a continuation of traditional lifestyles in sparsely populated areas with low intensity commercial, industrial, or other development; and to preserve the character of more remote areas.

The wording here is very important because it specifically says low intensity commercial development. That would immediately rule out a high intensity commercial racetrack. It is unfortunate that in 2017, Mr. Bitterman was issued a letter in error by Gregory Gordos, who was acting in interim at the time. It is obvious that Mr. Gordos did not understand that if something, like a race track, is not specifically mentioned in what is approved for a zoned area, such as TRD, that he needed to see if the proposed race track would be compatible with the intent of that area. If Mr. Gordos had done that, he would have seen that a race track is most certainly not compatible or appropriate in a residential and agricultural area.

Mr. Bitterman seems to be asking for special treatment due to the letter that was written in error by Mr. Gordos. **Under South Carolina law, a property owner cannot claim “vested rights” (the right to proceed with a project despite zoning changes or rules) if the underlying statement was issued unlawfully or in error. A mistake does not grant a permanent property right.** It is my understanding that Mr. Bitterman was told by multiple people that he would not be able to open a racetrack on that property, but he chose to buy the land anyway. Joel Thrift, who was Chairman of the County Council back in 2011 and 2012, related a conversation to a neighbor in our community that he had had with Mr. Bitterman concerning the racetrack no longer being permitted in our zone. Mr. Thrift certainly knew of the problems that the racetrack caused our community and knew the intent behind why we had our properties rezoned. It appears that Mr. Bitterman wanted to buy the land at a reduced cost with the restriction in place, and then proceed as if the racetrack had never closed down. Mr. Bitterman does not get to rewrite history simply because it does not suit him. He’s hoping that a multitude of racing fans showing support for the opening of a racetrack will sway your decision. **In reading through the Oconee County Code of Ordinances, the duty of the Board of Appeals is to uphold the intent and character of each zoned district. The intent of the TRD zone does not allow high intensity commercial activity** and that is the reason this community followed the advice by County Council back in 2011/2012 and went through the process of rezoning our properties. We effected this change due to all of the problems caused by having one property owner that so negatively impacted the surrounding properties and people for miles around. Believing that this problem had been eliminated, we have invested in our properties and built lives in this area for the last 14 years. Without that racetrack as a deterrent, many others have

purchased land and built homes and invested in our community and in Oconee County. It would be unfair and unjust to allow the very problem that we were addressing back then, to start up again. The investments that we have put into our properties and in Oconee County far outweigh any bit of money that Mr. Bitterman may or may not have put into that property that he purchased. Mr. Bitterman does not live in our community or even in Oconee County.

It seems that Mr. Bitterman is essentially asking for a variance or special exception that will enable him to open a racetrack in an area that does not permit such high intensity commercial recreation. He even acknowledges that it is a nonconforming use when he mentions in his appeal about "the legal standard for abandonment of a protected land use requires overt acts and intent". Considering that the overt act of having the property rezoned by Mr. Holbrooks and the subsequent abandonment of the racetrack happened many years before Mr. Bitterman bought the property, his argument doesn't make any logical sense. It does, however, show that he knows it is a nonconforming use.

Mr. Bitterman will no doubt argue that a racetrack would be good for Westminster and give the kids something to do. When the racetrack was in operation many years ago, it wasn't this utopia of family fun that some are trying to present at this time. People would say that "they went there for the fights and hoped a race would break out." Now, I want to be clear that I am not against racing. It can be a lot of fun as long as it is done in an appropriate area. However, it quickly loses its appeal when it is the middle of a community with houses all around it. The large majority of the people who are advocating for the racetrack, do not live close to it and do not have to deal with the many issues that come with a racetrack being nearby. Mr. Bitterman included. They get to go home and enjoy the peace of their properties whenever they get ready. We do not get that option when the racetrack is in the middle of our community. I understand that many people would like the entertainment, but I find it unsettling that they want it at the expense of an entire community of people, as well as, the surrounding livestock and wildlife. May they never encounter such callous and uncaring attitudes in their lives. We believe that our health, well-being and peace is equally as important as it is for others. Our peace and the quality of our lives shouldn't be sacrificed just so others can have entertainment.

According to Oconee County, SC Code of Ordinances Section 38-7.1 - Variances:
The Board of zoning appeals cannot authorize a variance if it will be of substantial detriment to adjacent uses or to the public good, and the character of the district will be harmed by the granting of the variance.

The board of zoning appeals may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted. The fact that the property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

Section 38-7.2 – Special Exceptions

In order for a special exception to be granted: The Board of zoning appeals shall among other things require that any proposed use and location be:

In accordance with the comprehensive plan and is consistent with the spirit, purposes, and the intent and specific requirements of this chapter, to include the definition and intent of the district in which the special exception is being requested;

In the best interests of the county, the convenience of the community and the public welfare;

Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;

Suitable in terms of effects on highway traffic, parking and safety with adequate access arrangements to protect streets from undue congestion and hazards.

A commercial racetrack in our traditional rural district fails all of the requirements needed for a variance or a special exception. The noise alone makes it incompatible. A racetrack generates high decibel noise that is disruptive to family activities and disruptive to sleep. Excessive and recurring noise which includes engine noise, racing activity, and the loudspeaker that is used to announce the races significantly lowers the quality of life for people who live within several miles of the track. Racing directly contradicts the quiet, rural nature of agricultural zones.

It also decreases our property values. We aren't able to enjoy and use our own property as it was intended in a TRD zone, both by us, the residents, and as stated in the Oconee County Code of Ordinances. It severely impacts the peace, quiet, privacy and residential character of the surrounding community. Not only does it disturb the people who live in this area, it also disturbs livestock, wildlife and domestic animals. The increased air pollution, wildlife disruption, and potential toxic runoff threaten our entire local ecosystem. Exhaust fumes and tire dust degrade local air quality and, the fuel, oil and chemical spills can easily contaminate nearby water wells, streams and ponds. Beekeepers are especially concerned with the impact of a racetrack nearby.

There is also a concern over traffic and safety. Our local roads are not built to handle the surge of spectator vehicles, trailers and the potential emergency response strains. Heavy event traffic destroys light duty country roads quickly. These are two lane country roads that serve very well for a residential and agricultural area, but not for heavy traffic situations.

A race track in the middle of a residential and agricultural area is not compatible with the intent of that area. We, who live in the community, believe that the same noise ordinance

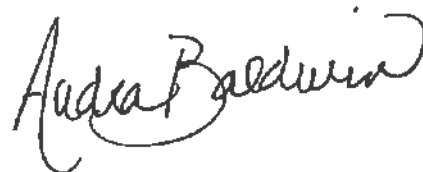
that protects you, should also protect us. We also believe that we have the right to breathe clean air. Our health, and the health of our families, is just as important to us as yours is to you. The exhaust fumes and dust become airborne and travel for miles. It coats our properties, our vegetable gardens, our livestock, and the ponds and streams that are prevalent in the area. Due to the noise, dust and exhaust fumes, we cannot be outside, enjoying our own properties, while a race is going on. After a race, we have to clean up the mess left behind on our property. The dust coats everything, even the bottom of swimming pools. Not many people are anxious to use their pools after they've been contaminated with the dust stirred up from that racetrack. Think about that for a minute. Think about how much all of these things mentioned above severely diminish the quality of our lives. I think it is clear why we sought advice from County Council and followed through with the TRD rezoning effort back in 2011/2012.

The purpose, as stated by Oconee County, SC Code of Ordinances, for zoning regulations is; These regulations are designed to lessen traffic congestion, to protect public safety, to promote the health and general welfare of the citizens of Oconee County. These regulations have been made with reasonable consideration of the character of each community and reflect concern for protecting the property and lifestyles of all Oconee citizens.

This is simply what we are asking you to do.... Protect the property and lifestyle of those of us who live in the TRD area. Uphold what the ordinance already states as to the intent of our area: **Only LOW INTENSITY commercial, industrial or other development; and to preserve the character of more remote areas.**

We respectfully request that you carefully evaluate the proposed racetrack and its compatibility with applicable zoning requirements, land use regulations, noise regulations, traffic and safety requirements, environmental protections, and the interests and health of surrounding residents and property owners.

Sincerely,

A handwritten signature in cursive script, reading "Audra Baldwin". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Don & Debbie Massey
1644 Coffee Rd.
Westminster, SC 29693

September 10, 2026

Oconee County Board of Zoning & Appeals

Re: 140 Speedway Drive, Westminster, SC

Dear Members of the Board:

We are Don and Debbie Massey, residents of 1644 Coffee Road in Westminster, located in close proximity to 140 Speedway Drive. I, Don Massey, have lived at this address since 1947. Our family is the fourth generation to live on this farm, and we have personally witnessed the history of the property at 140 Speedway Drive and the impact the racetrack has had on our community.

We are writing to respectfully ask the Board to uphold the decision of the Oconee County Department of Planning & Zoning, Oconee County Council, and the County's legal counsel regarding the zoning and use of the property at 140 Speedway Drive.

History of the Racetrack and the Property

The Holbrooks family, who originally established the racetrack, moved into the area around 1957. In 1959, Clifton Holbrooks opened a small go-kart track on a portion of the property, in an area that later became the parking area.

At that time, Oconee County did not have the zoning regulations that exist today, and there was considerably less awareness of the environmental, traffic, noise, and other impacts associated with intensive land uses.

Clifton Holbrooks owned and operated the track from 1959 until his death in 2009. During the 1980s and later years, operation of the track became increasingly intermittent, with periods when racing ceased altogether.

At that time, the property was located in the Control-Free District (CFD), as were many properties in our area. We were informed by members of the Holbrooks family and by County representatives that the property had a grandfathered status but that the racing use would not continue indefinitely if the use was discontinued or the property was no longer operating as a racetrack for a period of 12 months. This was before the adoption of the Traditional Rural District (TRD) zoning in 2012.

After Clifton Holbrooks' death in 2009, the property at 140 Speedway Drive was inherited by his son, Roy Holbrooks. By that time, the track had already been closed for several years. In 2009–2010, Roy Holbrooks leased the property to Jimmy Franklin.

In 2011, Roy again leased the property, this time to Johnny Raines. My grandson participated in the last racing events held at this location. Since those events in 2011, there have been no motorized racing events at this property. Had there been such events, my grandson would have participated and we would have been aware of them.

This is important because these events occurred before the property was rezoned to the Traditional Rural District in 2012.

The 2012 Rezoning

On November 25, 2012, Roy Holbrooks passed away unexpectedly. Roy and I, Don, were longtime friends, having grown up together.

Prior to his death, Roy called me and told me he was going to the County office to have his two parcels at 140 Speedway Drive included in the **“Watson Rezoning Request.”** He understood the negative impact that motorsports was having on our community and intended for his property to be included in the rezoning.

The Watson Rezoning Request included numerous parcels in our area, including Roy Holbrooks' two parcels at 140 Speedway Drive. The purpose of the rezoning was to change the properties from the **Control-Free District (CFD) to the Traditional Rural District (TRD)** and to prevent future High Intensity Commercial uses that were inconsistent with the character of our rural community.

The properties were rezoned to TRD on **April 3, 2012.**

Prior to that rezoning, our community had made numerous visits and calls to County officials and County Council in an effort to address the negative impacts caused by the racetrack.

During one conversation, we asked then-Councilman Joel Thrift how the track could be declared a nuisance. We were told that the track had already been considered a nuisance because of the applicable noise ordinance and the numerous complaints that had been received. We were further told that the track would not be permitted to reopen after it had ceased operating.

During our discussions with County officials and County Council, we were repeatedly told that rezoning the property to the Traditional Rural District would prevent this type of High Intensity Commercial use because motorsports was inconsistent with the low-intensity character of the TRD district.

The Traditional Rural District

The intent of the Traditional Rural District is particularly important to this matter. The zoning regulations state that the district is intended:

“To provide for a continuation of traditional lifestyles in sparsely populated areas with low intensity commercial, industrial, and other development while preserving the character of remote rural areas.”

The regulations also describe the purpose of the zoning provisions as including reducing traffic congestion, protecting safety, promoting the health and general welfare of Oconee County citizens, reducing development sprawl, and providing adequate light and air.

In our view, a high-intensity motorsports facility is fundamentally inconsistent with these purposes.

A racetrack does not reduce traffic congestion—it creates it. During racing events, spectators have historically parked along the shoulder of Coffee Road when the property's parking capacity was insufficient. This can reduce the rural roadway to essentially one lane, create visibility problems, and at times make it difficult for residents to leave their homes or safely enter Coffee Road.

The noise generated by modern racing vehicles is also substantially greater than it was in the early years of the track. Modern racing vehicles have considerably more horsepower and produce significant noise that affects surrounding properties.

The dust, fumes and emissions associated with high-intensity motorsports have also been a serious concern for our community. Dust from the property can settle on neighboring properties and enter our homes. It can affect outdoor activities, vegetation, waterways, and ponds. Racing fuels and vehicle emissions create additional concerns regarding air quality and the environment.

There are also practical impacts that are easy to overlook. During racing events, residents cannot reasonably plan outdoor activities because of the noise, dust, traffic, and fumes. Neighbors have also had to deal with litter, including beverage containers and other debris left along our yards and rights-of-way. When races are taking place, there are times when we can't sit in our own living room and watch television because we couldn't hear over the racing. We couldn't even have a normal conversation with each other inside our own home without raising our voices. When races are taking place, the noise doesn't simply stay at the racetrack. It comes into our home and becomes part of our entire evening. One of the things you don't think about until you have lived beside something like this is how much you value an ordinary, quiet evening. We should be able to sit on our porch or be able to have dinner outside. We should be able to enjoy the evening air or have a conversation with our neighbors. But during racing activity, the dust and noise can take those simple things away from us. And this is just the surface.

These are not simply inconveniences. They are precisely the types of impacts that the Traditional Rural District regulations are intended to prevent when they emphasize low-intensity development and preservation of the rural character of the area.

Discontinuation of the Nonconforming Use

The zoning regulations also provide:

“Sec. 38-4.0 (Use) Discontinuation of Use – Any nonconforming use discontinued or abandoned for a period of 12 months or more shall void any exemption as a nonconformity, and thereafter the use shall conform to all provisions of these regulations.”

The last racing events at this property occurred in 2011. My grandson participated in those final events. Since then, there have been no motorized racing events at 140 Speedway Drive.

The property was subsequently sold in 2017 to Mr. Bitterman, after the property had already been zoned Traditional Rural District and after the racing use had ceased.

We understand that there may be statements or signed documents suggesting that the racetrack has remained an ongoing use over the years. We respectfully disagree with that characterization based on our direct knowledge of the property.

We live in close proximity to 140 Speedway Drive. We drive past the property multiple times each day and have a clear view of it. Given our family's history with this property and our longstanding involvement in the efforts to address the racetrack's impacts, we are confident that we would have known if motorized racing events had resumed between 2011 and the present.

If actual high-intensity racing events had occurred during that period, we and our neighboring residents would have immediately recognized the activity and brought it to the attention of the County, just as we had done in the past.

Our Community's Investment in the 2012 Rezoning

Our family and our neighbors have invested substantial time, effort, and resources into our homes and properties. In 2012, we participated in the effort to protect the rural character and quality of life of our community by supporting the **Bill Watson Rezoning Request** and the change from Control-Free District to Traditional Rural District.

Roy Holbrooks, the owner of the property at 140 Speedway Drive, also sought to have his property included in that rezoning.

The decision to rezone these properties was significant. It represented an effort by property owners and County officials to establish a zoning framework consistent with the agricultural and residential character of our community and to prevent incompatible High Intensity Commercial uses.

We believe that decision should be respected.

We are also aware that, before purchasing the property in 2017, Mr. Bitterman had discussed the possibility of operating a racetrack with prior-Councilman Joel Thrift. We understand that Mr. Thrift advised him that such a commercial use was not permitted under the TRD zoning and that he should consider that issue before purchasing the property.

We Respectfully Ask the Board to Uphold the Existing Zoning

We want to make one point very clear: **our family is not opposed to the sport of racing.** My own grandson raced at this track. Our concern is not with racing itself; our concern is whether a high-intensity motorsports facility is compatible with the zoning that has governed this property since 2012.

The Traditional Rural District is intended for areas with little or no significant commercial, industrial, or other development and is intended to preserve the character of rural areas through **low-intensity** commercial and other development.

A racetrack, by its very nature, involves concentrated traffic, significant noise, large numbers of spectators, dust, vehicle emissions, and other impacts that are inconsistent with the low-intensity character of the TRD district.

Furthermore, the zoning regulations specifically address discontinuation of a nonconforming use and provide that a nonconforming use discontinued or abandoned for 12 months or more loses its exemption as a nonconforming use.

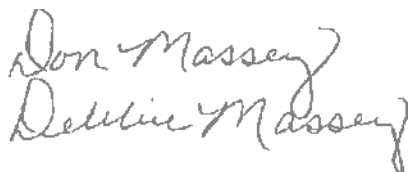
Based on our direct knowledge of the property, the last racing events occurred in 2011, and there have been no motorized racing events since that time.

For these reasons, we respectfully ask the Board of Zoning & Appeals to uphold the decision of the Director of the Department of Planning & Zoning, Oconee County Council, and the County's legal counsel, and to recognize the limitations imposed by the Traditional Rural District zoning.

We believe doing so will honor the zoning decision made in 2012, respect the investment made by the surrounding property owners, and protect the rural character, safety, health, and quality of life of our community.

Thank you for your time, your consideration, and for allowing us to speak on behalf of our community.

Sincerely,

Handwritten signatures of Don Massey and Debbie Massey in cursive script.

Don Massey
Debbie Massey
1644 Coffee Road
Westminster, SC 29693

Herchel Ridley
1815 Coffee Road
Westminster, SC 29693
September 14, 2026

Members of The Board
Oconee County Board of Appeals

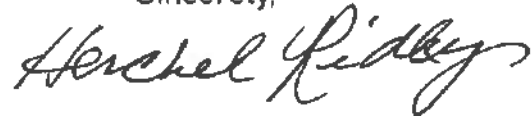
Dear Members of the Board,

My name is Herchel Ridley and I have lived at my current address for 45 years. I was involved in the process of getting our properties rezoned to TRD back in 2011/2012. Several of us in our community questioned the Oconee County Council and the zoning department as to what we needed to do in order to ensure that once the racetrack closed down, it would never be able to be reopened. We were repeatedly told that rezoning to the Traditional Rural District would not allow a racetrack because it goes against the intent and character of that District. It was explained to us that after the rezoning to TRD, if the racetrack ever closed down for a period of 12 months, it would lose its nonconforming use status. At that point, it would not be allowed in our TRD zone. The owner of the racetrack property, Roy Holbrooks, even joined with our community and had his property rezoned to TRD. There has not been another race since then.

I can tell you from personal experience of some of the difficulties that we all endured while that racetrack was in operation. The traffic congestion was unbelievable and race fans would park on the sides of the road effectively making it a one lane road, block our driveways and even park on our actual property. We were essentially trapped in our homes once the racing started, and there was no way an ambulance or emergency vehicle could get through in a timely manner if someone had an emergency. Many residents of this area couldn't get back into their own driveways if they left their house before a race started, because either the driveway would be blocked or some of the racing fans would just use their driveways as a parking lot. There were a lot of incidents with drinking and driving, including a fatal hit and run. There were lots of fights at the racetrack where law officers had to intervene. After every race, we would have to go out and pick up all the trash that littered our properties and the sides of the road and clean the dust and debris off of our homes, vehicles, etc. I personally even had an incident where someone shot a gun and the bullet hit the side of my house. Basically, it was not the wholesome family fun that some are trying to portray it as now.

I respectfully ask that you uphold the intent and character of the Traditional Rural District, as it only allows low intensity commercial, industrial or other development. Certainly, a racetrack does not fit within that description of intent. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, reading "Herschel Ridgely". The signature is written in black ink and is positioned below the word "Sincerely,".

Roger Smith
1751 Coffee Road
Westminster, SC 29693
September 8, 2026

Members of the Board
Oconee County Board of Zoning Appeals

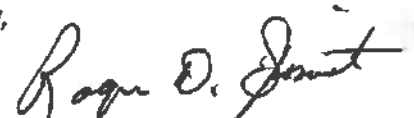
Dear Members of the Board,

My name is Roger Smith and my property borders the Westminster Speedway property. In 2009, EMS was called to my parent's home, which is the home that I now occupy. During one of the Speedway races, my father, Herman Smith, started having breathing problems. It was quickly determined by the paramedics that the house was not safe to stay in because it was filled with exhaust and gas fumes. After that incident, every time there was a race, I had to relocate my parents. They could not safely stay in that house due to the toxic fumes from the race cars. I do not believe that a race track should be allowed to open in a residential area. It is not compatible with the health and wellbeing of those who live within several miles of it. My family experienced this first hand.

I would also like to add that Paul Bitterman, who has bought the speedway property, came over onto my land without my permission, took down several large trees on my property, and graded over the survey pins that showed where my property lines are located. Mr. Bitterman did not offer any compensation for removing the trees, grading my land and disturbing my property lines. The land where Mr. Bitterman graded is a mess and he has created areas that will erode and wash when it rains. Mr. Bitterman was told by a retired surveyor that it would be wise to pay \$1400 to get the property surveyed and the pins replaced. As of this date, he has paid me \$100 dollars. I had to pay to get the land surveyed and property pins replaced. Mr. Bitterman does not appear to be concerned about following property lines or about how his actions impact others in this community.

It is my hope that this information will highlight the health concerns of most of us in this community. It is not just the prolonged, loud noises that are bothersome. We are also concerned about breathing in the dust, exhaust and fuel fumes. I respectfully ask that you uphold the decision made by the Planning Director, the Oconee County Council and their legal advisors. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Roger D. Smith". The signature is written in a cursive style with a large, stylized 'R' and a long, sweeping underline.

John Clorer
1811 Coffee Rd.
Westminster, SC 29693

Dear Members of the Board of Zoning and Appeals,

I am writing to you regarding the health concerns that I have about the racetrack. I live with my wife, Nellie at 1811 Coffee Rd in very close proximity to the racetrack. I currently suffer from severe breathing issues. During the years that I have lived at this address the racing track has been closed. However, with the request to restart racing I have a lot of concerns regarding the level of noise, dust and fumes that create poor air quality and the ability to get proper rest. I worry how all of this will make current health issues worse and create new ones. I worry about the very real possibility of having to relocate due to these potential health issues. This is all very stressful because housing is very limited and not very affordable on a fixed income.

I ask the board to carefully consider and uphold the decision made by the Planning & Zoning Director, Oconee County Council and their legal counsel.

Thank you for your consideration.

Sincerely

John Clorer
Nellie Clorer

Deborah Massey 4/2/2036

Notary

Exp. 4/2/2036

**PERMIT PROJECT**

FILE #: 26-002142

175 KIDS LN SENECA SC 29678

VARIANCE APPLICATION TO BUILD A SHOP CLOSER TO MY
PROPERTY LINE**PERMIT #: VA26-000008**

Permit Type

Variance Application

Subtype

Planning Commission

Work Description:

Variance application to build a shop closer to my property line

Applicant

Dawson Hendricks

Status

Under Review

Valuation

0.00

**FEES & PAYMENTS**

Plan Check Fees

300.00

Permit Fees

0.00

Total Amount

300.00

Amount Paid

300.00

Balance Due

0.00

☐ Non-Billable**PERMIT DATES**

Application Date

07/20/2026

Approval Date

Issue Date:

Expiration Date:

Close Date

Last Inspection

Code section from which a variance is requested
38-10.2

Property Owner
HENDRICKS DAWSON S

Property Owner Email
dawsonslade99@gmail.com

Property Owners Phone #
8647842845

Permit Fees

Upload Supporting Documentation Here

IMG_3337.jpeg
IMG_3338.jpeg
IMG_3339.jpeg



Application is

Application is not
None

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 property has limited buildable area due to the layout and topography of the land, as well as the location of the existing septic drain field.

These conditions prevent the proposed shop and concrete pad from being moved farther from the front

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

Yes. The request results from the applicant's proposed construction of a shop. However, the requested

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

Strict application of the setback requirements would unreasonably restrict the use of the property by preventing the proposed shop from being placed in the most practical and usable location. Due to the existing

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 proposed shop will not create a substantial detriment to neighboring properties or the public. It will be used for private residential storage/workshop purposes only and will not create excessive noise, traffic,

General Contractor
- HENDRICKS DAWSON S

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

 FEES

FEE	▼	DESC	▼	QUANTITY	AMOUNT	TOTAL	
Variance Fee						300.00	
Plan Check Fees						300.00	
Permit Fees						0.00	
Total Fees						300.00	

 PAYMENTS

DATE	TYPE	REFERENCE	NOTE	RECEIPT #	RECEIVED FROM	AMOUNT	
08/16/2026	Credit	d64a8ac3-5	VA26	2234	- Dawson	300.00	
Amount Paid						300.00	
Balance Due						0.00	

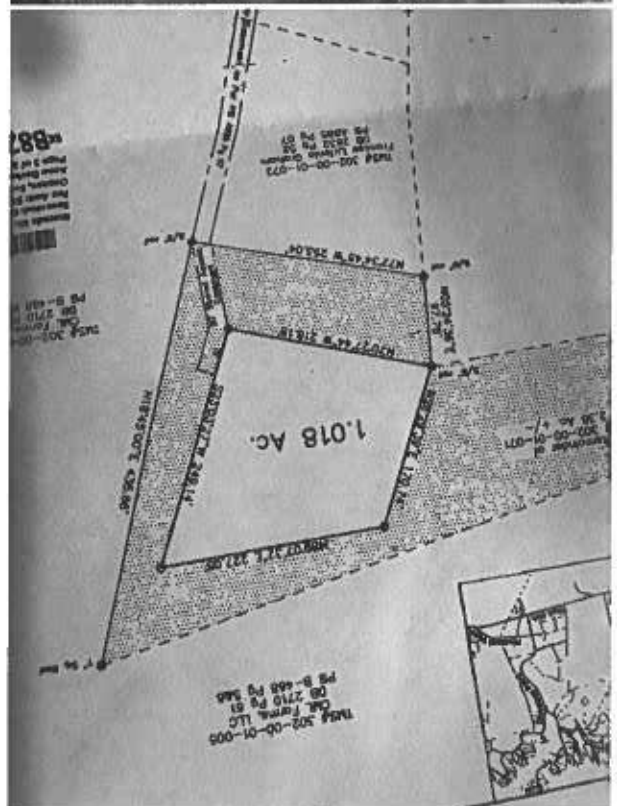
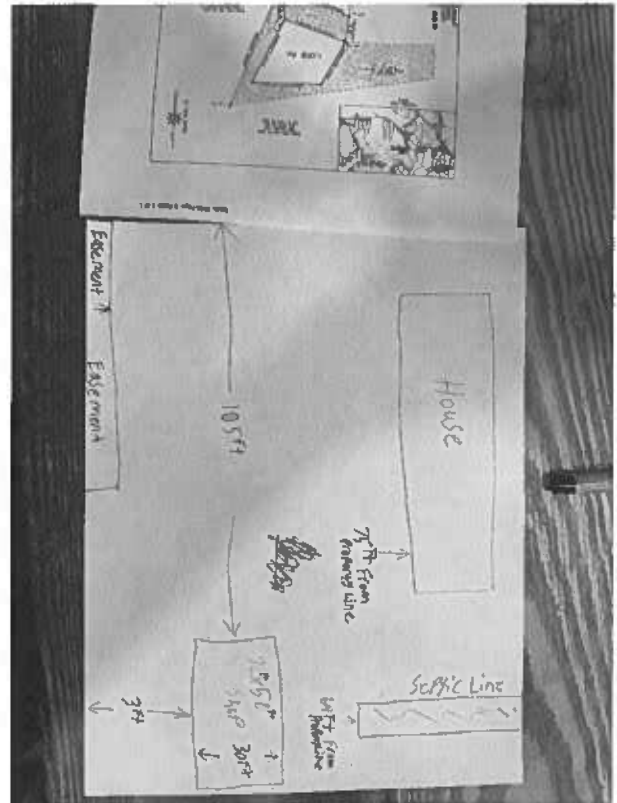
Freedom of Information Act - Variance Application

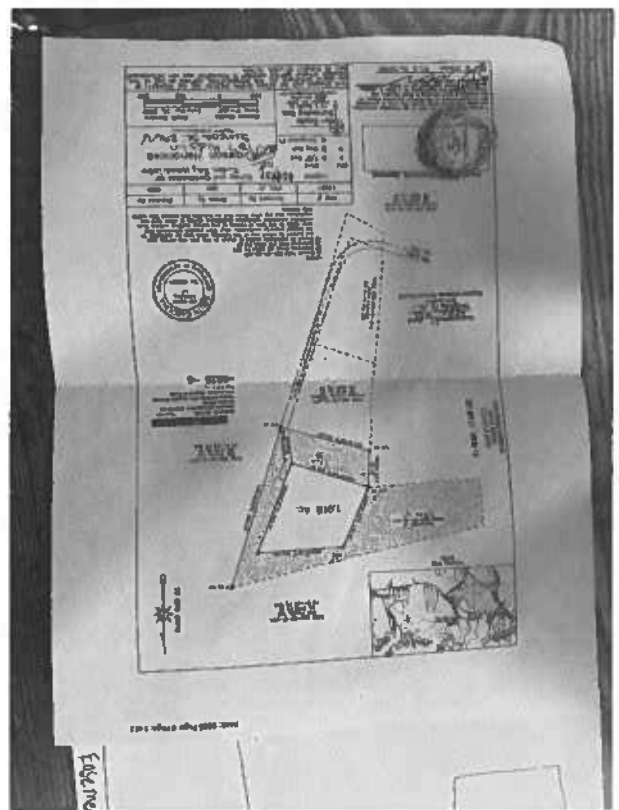
Permitting Information

Code section from
which a variance is
requested

38-10.2

Upload Supporting
Documentation Here





Application is

Application is not

None

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.:

The property has limited buildable area due to the layout and topography of the land, as well as the location of the existing septic drain field.

These conditions prevent the proposed shop and concrete pad from being moved farther from the front property line or placed elsewhere on the property. Therefore, I am requesting a variance to allow the structure to be built up to 3 feet from the front property line. The shop will be used for storage of household belongings and one or two personal vehicles.

Yes. The request results from the applicant's proposed construction of a shop. However, the requested location is the most practical option due to the existing layout of the property and the location of current structures, utilities, access areas, and property boundaries.

Strict application of the setback requirements would unreasonably restrict the use of the property by preventing the proposed shop from being placed in the most practical and usable location. Due to the existing layout of the property, current structures, access areas, utilities, and property boundaries, there is limited suitable space available. The requested variance would allow the shop to be constructed safely while still maintaining reasonable separation from neighboring properties.

The proposed shop will not create a substantial detriment to neighboring properties or the public. It will be used for private residential storage/workshop purposes only and will not create excessive noise, traffic, lighting, dust, drainage issues, or other disturbances. The building will be constructed safely, maintained in good condition, and designed to be consistent with the character of the surrounding area. Granting the variance will allow the shop to fit on the property while minimizing any impact on adjoining properties.

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 ENTITSY, 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	07/20/2026	07/21/2026	07/21/2026	Approved	
Planning and Zoning Review	07/20/2026	07/28/2026	01/01/1900	Pending	
Review Complete	07/20/2026	01/01/1900	01/01/1900	Pending	

Inspection Information**Activities Information**

Type	Creation Date	Due Date	Completion Date	Status	Description
Online Payment Received	08/16/2026	08/23/2026	08/17/2026	Complete	
Online Payment Received	08/16/2026	08/23/2026	08/17/2026	Complete	

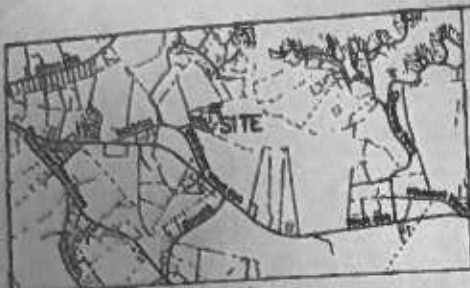
Documents Information

Creation Date	File Name	Source
07/15/2026	IMG_3337.jpeg	Upload Supporting Documentation Here
07/15/2026	IMG_3338.jpeg	Upload Supporting Documentation Here
07/15/2026	IMG_3339.jpeg	Upload Supporting Documentation Here
07/20/2026	Your application has been received.htm	System Email
07/21/2026	Your citzenserve application status has changed.htm	System Email
08/16/2026	Your citzenserve payment has been received.htm	System Email
08/17/2026	Receipt.pdf	Merge document
08/17/2026	Permit Email.htm	Email
08/17/2026	Your citzenserve application status has changed.htm	System Email

History

Creation Date	Note Type	Note
07/15/2026	Contact Added	Dawson Hendricks was added to the case by - Dawson Hendricks.
07/15/2026	Contact Added	HENDRICKS DAWSON S was added to the case by - Dawson Hendricks.
07/15/2026	Document Attached	Document "IMG_3337.jpeg" was attached to the case.
07/15/2026	Document Attached	Document "IMG_3338.jpeg" was attached to the case.
07/15/2026	Document Attached	Document "IMG_3339.jpeg" was attached to the case.
07/15/2026	Portal Saved For Later	Online application for Variance application to build a shop closer to my property line on 175 KIDS LN Saved for Later by - Dawson Hendricks and 07/15/2026 08:23 AM
07/20/2026	Application Check - Activity	A Application Check activity has been assigned to Casey Neal in the Community Development department.
07/20/2026	Planning and Zoning Review - Activity	A Planning and Zoning Review activity has been assigned to DeAnn Hester in the Community Development department.
07/20/2026	Review Complete - Activity	A Review Complete activity has been assigned to Casey Neal in the Community Development department.
07/20/2026	Portal Submitted	Online application for Variance application to build a shop closer to my property line on 175 KIDS LN Submitted by - Dawson Hendricks and 07/20/2026 07:11 PM
07/20/2026	Document Attached	Document "Your application has been received.htm" was attached to the case.
07/21/2026	Permit Status Updated	Permit# VA26-000008 status was changed from Online Application Received to Under Review by Casey Neal
07/21/2026	Document Attached	Document "Your citizenserve application status has changed.htm" was attached to the case.
07/21/2026	Activity Update	Application Check assigned to Casey Neal was completed by Casey Neal on 07/21/2026
07/21/2026	Activity Update	Application Check assigned to Casey Neal status changed from Pending to Approved by Casey Neal on 07/21/2026
08/14/2026	Permit Status Updated	Permit# VA26-000008 status was changed from Under Review to Payment Required by DeAnn Hester
08/16/2026	Payment Added	Payment of \$300.00 added to VA26-000008 receipt #2234
08/16/2026	Online Payment Received - Activity	A Online Payment Received activity has been assigned to Cynthia Adams in the Community Development department.
08/16/2026	Document Attached	Document "Your citizenserve payment has been received.htm" was attached to the case.
08/17/2026	Document Attached	Document "Receipt.pdf" was attached to the case.
08/17/2026	Document Attached	Document "Permit Email.htm" was attached to the case.
08/17/2026	Permit Status Updated	Permit# VA26-000008 status was changed from Payment Required to Under Review by Cynthia Adams

08/17/2026	Document Attached	Document "Your citizenserve application status has changed.htm" was attached to the case.
08/17/2026	Activity Update	Online Payment Received assigned to Cynthia Adams was completed by Cynthia Adams on 08/17/2026
08/17/2026	Activity Update	Online Payment Received assigned to Cynthia Adams status changed from to Complete by Cynthia Adams on 08/17/2026



Vicinity Map
(Orts)

TMS# 302-00-01-005
CML Farms, LLC
DB 2710 Pg 81
PB B-468 Pg 548



FILED OCEAN COUNTY, SC
ALMA K. DIVISION
REGISTER OF DEEDS

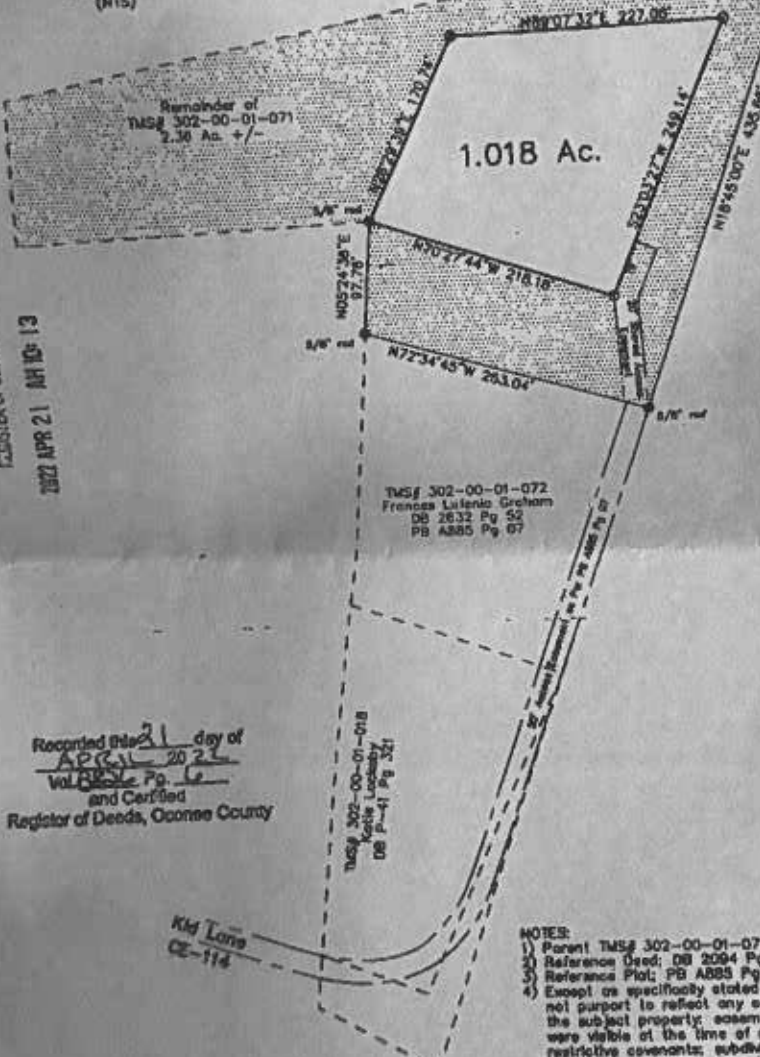
2022 APR 21 AM 10:13

Recorded this 21 day of
April 2022
Vol. 885 Pg. 16
and Certified
Register of Deeds, Ocean County



I hereby certify 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 A survey. No easements, other than those shown, are visible on the ground.

B. O'Brien R.L.S. No. 10765



TMS# 302-00-01-005
CML Farms, LLC
DB 2710 Pg 81
PB B-468 Pg 548

Barcode ID: 2213488 Type: PLA
Recorded: 04/21/2022 at 10:12:09 AM
Fee Amt: \$25.00
Ocean, South Carolina, Register of Deeds
Anna Goffman - Register of Deeds
Page 1 of 1

B826 06



NOTES:
1) Parent TMS# 302-00-01-071
2) Reference Deed: DB 2094 Pg 279
3) Reference Plot: PB A885 Pg 07
4) Except as specifically stated or shown on this plot, this survey does not purport to reflect any of the following which may be applicable to the subject property: easements, other than those shown; easements that were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations, and any other facts that an accurate and current title search may disclose.

Map #	Surveyed By	Drawn By	Checked By
12697	EBD, JC	EBD	EBD

Legend 016737 Survey and Certification for Index: Ray Handrick

(Old) (New)
 ● ○ 1/2" Rod
 ■ □ Mag Nail
 ▲ Computed Pt

Nu-South Surveying Inc.
 117 E. Main St.
 Anderson S.C. 29621
 (864) 824-8784
 email: nuss@nu-south.com

016737
 Ray Handrick
 0259 Dawson Hendricks
 137 Kids Ln
 Seneca SC 29678
 NUN - IRONBRIAR

Ocean County South Carolina
 Scale 1" = 100' Date: Mar. 25, 2022

100 0 100 200

THIS DRAWING AND THE DESIGN SHOWN THEREON ARE THE PROPERTY OF NU-SOUTH SURVEYING, INC. THE REPRODUCTION, COPYING OR USE OF THIS DRAWING WITHOUT WRITTEN CONSENT IS PROHIBITED AND ANY INFRINGEMENT WILL BE SUBJECT TO LEGAL ACTION.

House

75 Ft From
Property line

Septic Line

64 Ft From
Property line

105 Ft

30x50 Ft

Shop

30 Ft

3 Ft

Easement

Easement

Oconee County, SC

Parcel Information

Parcel ID 302-00-01-130
 Neighborhood 1101800 - Center Twp Crossroads FD
 Property Address 175 KIDS LN
 Legal Description (1.018 AC)
 (Note: Not to be used on legal documents.)
 Acres 1.02
 Class 120 M Home with land
 Tax District CROSSROADS (District 13)
 Exemptions Legal Residence

[View Map](#)

Owner

HENDRICKS DAWSON S
 175 KIDS LN
 SENECA, SC 29678

Land

Land Use	Acres	Square Footage	Frontage	Depth
R - Residential	1.02	44,431	0	0

Valuation

Assessed Year	2025
Land Value	\$12,240
Improvement Value	\$227,296
Accessory Value	\$0
Total Value (Market)	\$239,536
Land Value	\$0
Improvement Value	\$0
Accessory Value	\$0
Total Value (Capped)	\$0

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
9/30/2022	2867 283	B826 6	\$10	1: Does not match parcel record (multiple parcels)	HENDRICKS SAMMY RAY JR	HENDRICKS DAWSON S
4/21/2022		B826 6	\$0	PLAT REFERENCE ONLY	PLAT REFERENCE ONLY	

Recent Sales In Area

Sale date range:

From:

09/02/21

To:

09/02/21

Search Sales by Neighborhood

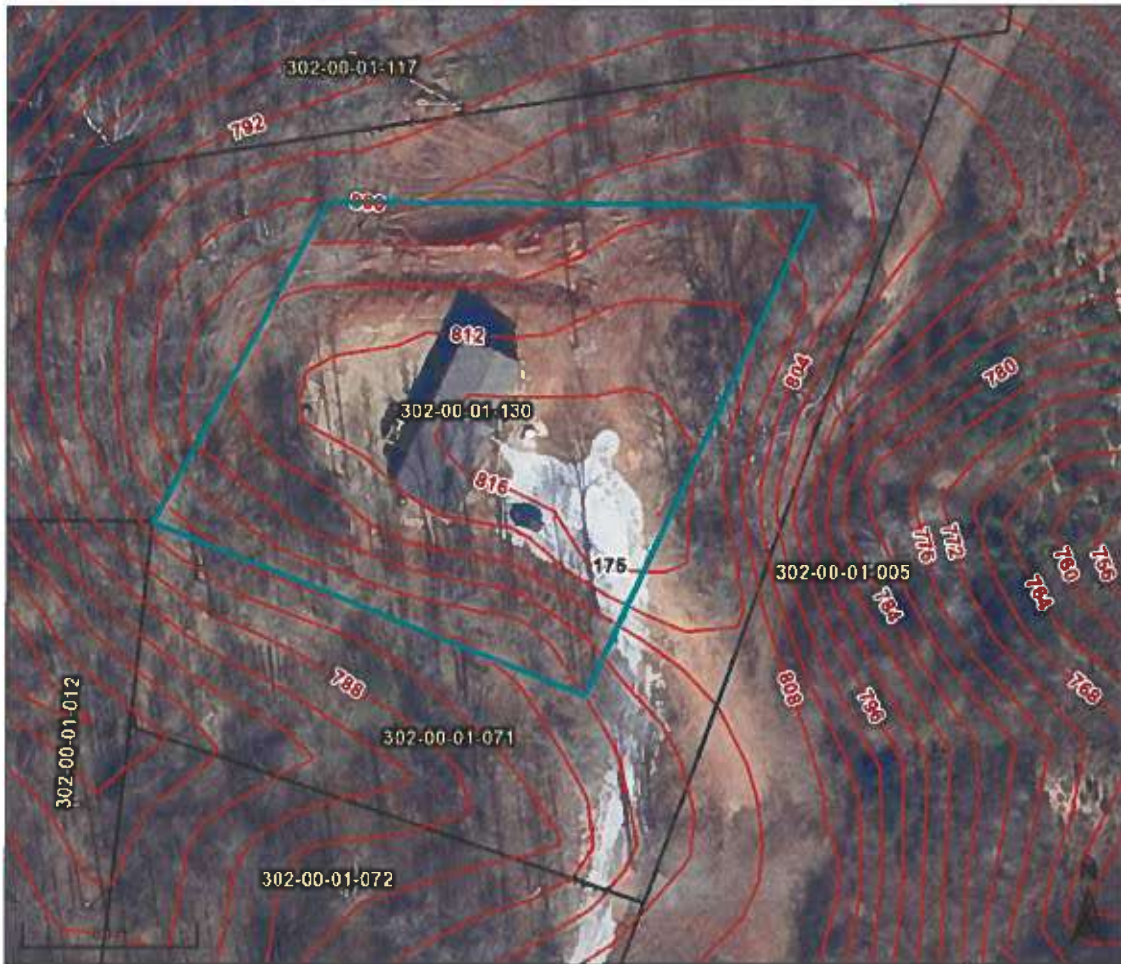
Distance:

1500

Units:

Feet

Search Sales by Distance



Overview



Legend

- Parcels
- Parcel Numbers
- Address Numbers
- Landhook
- Roads
- Topography

Parcel ID	302-00-01-130	Alternate ID	1078773	Owner Address	HENDRICKS DAWSON S 175 KIDS LN SENECA, SC 29678	Last 2 Sales			
Sec/Twp/Rng	n/a	Class	120 MHome with land			Date	Price	Reason	Qual
Property Address	175 KIDS LN	Acreage	1.02			9/30/2022	\$10	1	U
District	13					4/21/2022	0	PR	U
Brief Tax Description	(1.018 AC)								
	(Note: Not to be used on legal documents)								

Date created: 9/16/2026
Last Data Uploaded: 9/15/2026 5:15:00 PM

Developed by  **SCHNEIDER**
GEOSPATIAL

**PERMIT PROJECT**

FILE #: 26-002296

2253 PICKENS HWY WEST UNION SC 29696

RETAINING WALL REINFORCEMENT WITH LOCATION OF BUILDING WITHIN 4 FT OF FRONT SETBACK

**PERMIT #: VA26-000009**

Permit Type

Variance Application

| Subtype

BZA

| Work Description:

Retaining Wall Reinforcement with location of building within 4 ft of front setback

| Applicant

Powell Real Estate - Cliff Powell

| Status

Under Review

| Valuation

0.00

**FEES & PAYMENTS**

Plan Check Fees

300.00

Permit Fees

0.00

Total Amount

300.00

Amount Paid

300.00

Balance Due

0.00

☐ Non-Billable**PERMIT DATES**

| Application Date

08/04/2026

Approval Date

Issue Date:

Expiration Date:

Close Date

Last Inspection

Code section from which a variance is requested

Property Owner

- Robert Litzenberger

Property Owner Email

| Property Owners Phone #

561-900-5174

Permit Fees

Upload Supporting Documentation Here

KC-Litzenberger-S1-Rev-07.21.26.pdf

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.

Property is located on a slope with a source of Cane Creek located in the middle part of the property.

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

They are not - actions caused by the builder previously permitted on the property

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

In 2024, a building permit was issued for the construction of a building on the property located at 2253 Pickens Highway, West Union, South Carolina 29696. Construction commenced, and a substantial exterior retaining wall was constructed. The wall was inspected and approved by the appropriate authorities during the course of construction.

Shortly thereafter, the original builder ceased operations, and ownership of the property reverted to the previous owners. The property has since been sold to its current owner, who now intends to construct a shop on the existing building site.

During a recent survey conducted in preparation for the proposed construction, it was discovered that the existing wall is located approximately four (4) feet within the required front setback. Because the wall was previously constructed and approved, relocating or removing it would create a significant financial hardship and could compromise the stability of the site.

After consultation with multiple licensed contractors, it has been determined that the most practical and structurally sound method of reinforcing the existing wall is to construct the proposed shop so that it extends approximately four (4) feet into the front setback and is integrated with the existing wall. This method will allow the wall to be properly cross-braced and permanently reinforced as part of the new

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.

It shall benefit the public good by providing reenforcement of an existing wall - preventing erosion which may affect power lines and the road,

General Contractor

- Robert Litzenberger

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 authoirty to waive requirements of this code.

Comments

In 2024, a building permit was issued for the construction of a building on the property located at 2253 Pickens Highway, West Union, South Carolina 29696. Construction commenced, and a substantial exterior retaining wall was constructed. The wall was inspected and approved by the appropriate authorities during the course of construction.

Shortly thereafter, the original builder ceased operations, and ownership of the property reverted to the previous owners. The property has since been sold to its current owner, who now intends to construct a shop on the existing building site.

During a recent survey conducted in preparation for the proposed construction, it was discovered that the existing wall is located approximately four (4) feet within the required front setback. Because the wall was previously constructed and approved, relocating or removing it would create a significant financial hardship and could compromise the stability of the site.

After consultation with multiple licensed contractors, it has been determined that the most practical and structurally sound method of reinforcing the existing wall is to construct the proposed shop so that it extends approximately four (4) feet into the front setback and is integrated with the existing wall. This method will allow the wall to be properly cross-braced and permanently reinforced as part of the new

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.

FEES

FEE	DESCRIPTION	QUANTITY	AMOUNT	TOTAL
Variance Fee				300.00
			Plan Check Fees	300.00
			Permit Fees	0.00

Total Fees

300.00

 PAYMENTS

DATE	TYPE	REFERENCE	NOTE	RECEIPT #	RECEIVED FROM	AMOUNT	
08/18/2026	Credit			2260	Powell Real	300.00	
Amount Paid						300.00	
Balance Due						0.00	

Freedom of Information Act - Variance Application

Permitting Information

Code section from which a
variance is requested
Application is

**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.

Property is located on a slope with a source of Cane Creek located in the middle part of the property.

They are not - actions caused by the builder previously permitted on the property

In 2024, a building permit was issued for the construction of a building on the property located at 2253 Pickens Highway, West Union, South Carolina 29696. Construction commenced, and a substantial exterior retaining wall was constructed. The wall was inspected and approved by the appropriate authorities during the course of construction.

Shortly thereafter, the original builder ceased operations, and ownership of the property reverted to the previous owners. The property has since been sold to its current owner, who now intends to construct a shop on the existing building site.

During a recent survey conducted in preparation for the proposed construction, it was discovered that the existing wall is located approximately four (4) feet within the required front setback. Because the wall was previously constructed and approved, relocating or removing it would create a significant financial hardship and could compromise the stability of the site.

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

After consultation with multiple licensed contractors, it has been determined that the most practical and structurally sound method of reinforcing the existing wall is to construct the proposed shop so that it extends approximately four (4) feet into the front setback and is integrated with the existing wall. This method will allow the wall to be properly cross-braced and permanently reinforced as part of the new construction.

Approving the requested variance will not only allow for the completion of the proposed shop but will also strengthen and stabilize the existing wall, reducing the potential for future structural failure. Reinforcing the wall will help protect the adjacent utility infrastructure, including the nearby power line, and will improve the overall stability of the embankment along Pickens Highway, which fronts the property.

The requested variance is the minimum necessary to accommodate the existing conditions created by prior approved construction and will permit the safe completion of the project while improving the structural integrity of the site.

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.:

It shall benefit the public good by providing reenforcement of an existing wall - preventing erosion which may affect power lines and the road, as well as place the building further away from Cane Creek headwaters.

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.

In 2024, a building permit was issued for the construction of a building on the property located at 2253 Pickens Highway, West Union, South Carolina 29696. Construction commenced, and a substantial exterior retaining wall was constructed. The wall was inspected and approved by the appropriate authorities during the course of construction.

Shortly thereafter, the original builder ceased operations, and ownership of the property reverted to the previous owners. The property has since been sold to its current owner, who now intends to construct a shop on the existing building site.

During a recent survey conducted in preparation for the proposed construction, it was discovered that the existing wall is located approximately four (4) feet within the required front setback. Because the wall was previously constructed and approved, relocating or removing it would create a significant financial hardship and could compromise the stability of the site.

Comments

After consultation with multiple licensed contractors, it has been determined that the most practical and structurally sound method of reinforcing the existing wall is to construct the proposed shop so that it extends approximately four (4) feet into the front setback and is integrated with the existing wall. This method will allow the wall to be properly cross-braced and permanently reinforced as part of the new construction.

Approving the requested variance will not only allow for the completion of the proposed shop but will also strengthen and stabilize the existing wall, reducing the potential for future structural failure. Reinforcing the wall will help protect the adjacent utility infrastructure, including the nearby power line, and will improve the overall stability of the embankment along Pickens Highway, which fronts the property.

The requested variance is the minimum necessary to accommodate the existing conditions created by prior approved construction and will permit the safe completion of the project while improving the structural integrity of the site.

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Workflow Reviews Information

Type	Creation Date	Due Date	Completion Date	Status	Description
Application Check	08/04/2026	08/05/2026	08/04/2026	Approved	
Planning and Zoning Review	08/04/2026	08/11/2026	01/01/1900	Under Review	

Review
Complete

08/04/2026

01/01/1900 01/01/1900

Pending

Inspection Information**Activities Information****Documents Information**

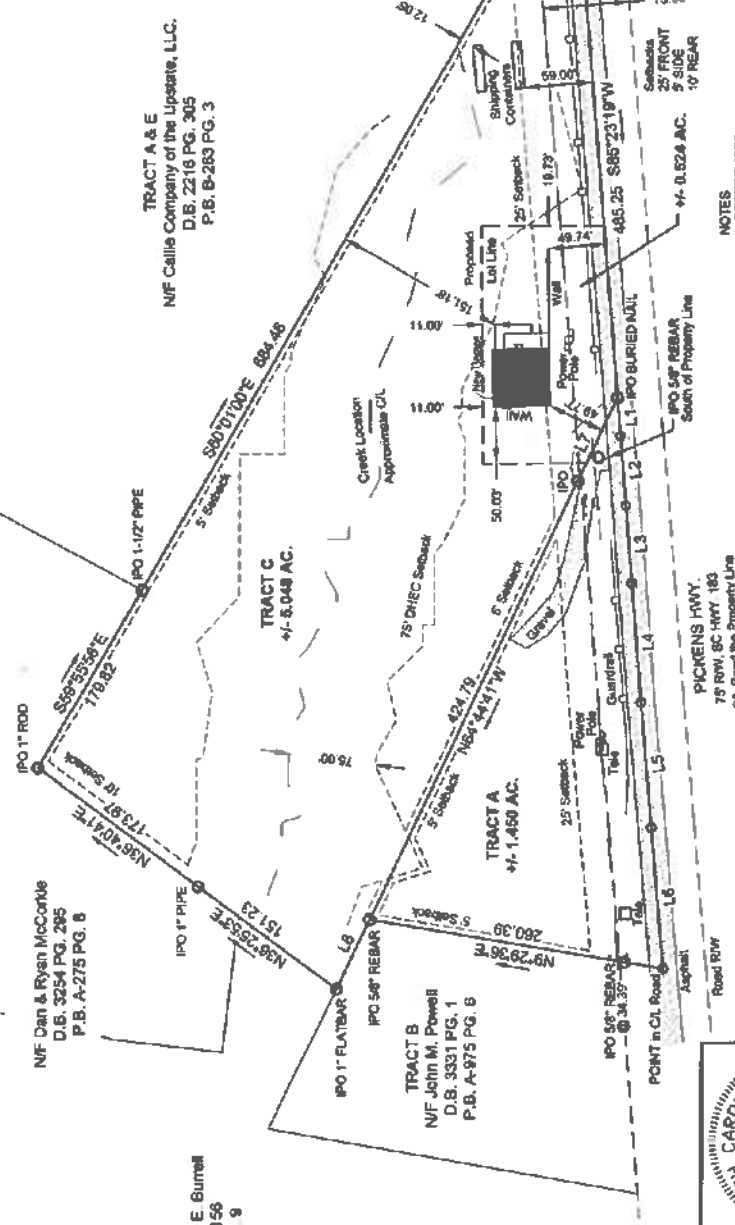
Creation Date	File Name	Source
08/04/2026	KC-Litzenberger-S1-Rev-07.21.26.pdf	Upload Supporting Documentation Here
08/04/2026	Your application has been received.htm	System Email
08/04/2026	Your citizenserve application status has changed.htm	System Email
08/18/2026	Your citizenserve application status has changed.htm	System Email
08/18/2026	Receipt.pdf	Merge document
08/18/2026	cc.pdf	Document

History

Creation Date	Note Type	Note
08/04/2026	Contact Added	Cliff Powell was added to the case by Powell Real Estate - Cliff Powell.
08/04/2026	Contact Added	Robert Litzenberger was added to the case by Powell Real Estate - Cliff Powell.
08/04/2026	Document Attached	Document "KC-Litzenberger-S1-Rev-07.21.26.pdf" was attached to the case.
08/04/2026	Application Check - Activity	A Application Check activity has been assigned to Casey Neal in the Community Development department.
08/04/2026	Planning and Zoning Review - Activity	A Planning and Zoning Review activity has been assigned to DeAnn Hester in the Community Development department.
08/04/2026	Review Complete - Activity	A Review Complete activity has been assigned to Casey Neal in the Community Development department.
08/04/2026	Portal Submitted	Online application for Retaining Wall Reinforcement with location of building within 4 ft of front setback on 2253 PICKENS HWY Submitted by Powell Real Estate - Cliff Powell and 08/04/2026 08:48 AM
08/04/2026	Document Attached	Document "Your application has been received.htm" was attached to the case.
08/04/2026	Permit Status Updated	Permit# VA26-000009 status was changed from Online Application Received to Under Review by Casey Neal
08/04/2026	Document Attached	Document "Your citizenserve application status has changed.htm" was attached to the case.
08/04/2026	Permit Updated	Permit # VA26-000009 subtype changed from Planning Commission to BZA by Casey Neal
08/04/2026	Activity Update	Application Check assigned to Casey Neal was completed by Casey Neal on 08/04/2026

08/04/2026	Activity Update	Application Check assigned to Casey Neal status changed from Pending to Approved by Casey Neal on 08/04/2026
08/14/2026	Permit Status Updated	Permit# VA26-000009 status was changed from Under Review to Payment Required by DeAnn Hester
08/18/2026	Permit Status Updated	Permit# VA26-000009 status was changed from Payment Required to Under Review by Casey Neal
08/18/2026	Document Attached	Document "Your citizenserve application status has changed.htm" was attached to the case.
08/18/2026	Payment Added	Payment of \$300.00 added to VA26-000009 receipt #2260
08/18/2026	Document Attached	Document "Receipt.pdf" was attached to the case.
08/18/2026	Document Attached	Document "cc.pdf" was attached to the case.
08/19/2026	Activity Update	Planning and Zoning Review assigned to DeAnn Hester status changed from Pending to Under Review by DeAnn Hester on 08/19/2026
09/15/2026	Document Attached	Document "FOIA - Variance Application.htm" was attached to the case.
09/15/2026	Document deleted	A Document (FOIA - Variance Application.htm) was deleted from this file on 09/15/2026 by DeAnn Hester.

Parcel Line Table		
Line #	Length	Direction
L1	33.78	S85°15'59"W
L2	61.17	S85°15'47"W
L3	68.02	S85°34'13"W
L4	104.92	S85°30'06"W
L5	125.71	S85°00'35"W
L6	124.00	S85°08'47"W
L7	90.41	N64°48'01"W
L8	67.16	N64°37'45"W
L9	63.34	S89°52'58"E



NOTES

- 1) REFERENCES
 -D.B. 4807 PG. 182
 -P.B. 8-45 PG. 5
 -TAX MAP NUMBER 121-00-02-092
 TRACT C
 -D.B. 4807 PG. 182
 -P.B. A-875 PG. 6
 -TAX MAP NUMBER 121-00-02-088
 TRACT A

- 2) ACREAGE SHOWN INCLUDES ALL RIGHT-OF-WAYS AND OR EASEMENTS.
- 3) THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT-OF-WAYS AND OR RESTRICTIONS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
- 4) ANY WARRANTY FOR THIS SURVEY IS NON-TRANSFERABLE.
- 5) SETBACKS SHOWN ARE BASED ON AVAILABLE INFORMATION AND SHOULD BE VERIFIED BEFORE ANY CONSTRUCTION.
- 6) ALL PROPERTY CORNERS LABELED: IPO ARE IPO 3/4" PIPE.
- 7) ALL INFORMATION LABELED "PROPOSED" ON SURVEY HAS BEEN PROVIDED BY OTHERS AND IS NOT CERTIFIED OR VERIFIED IN ANY WAY BY THE SURVEYOR. THIS INFORMATION IS BEING PROVIDED FOR PLANNING.

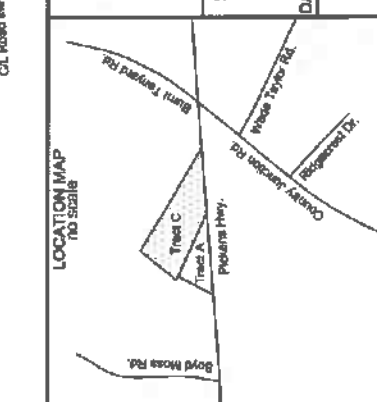
PROPOSED
BOUNDARY SURVEY FOR
ROBERT LITZENBERGER

WAGENER TOWNSHIP, OCONEE COUNTY, S.C.

STEPHEN R. EDWARDS & ASSOCIATES, INC.
 330 South Hwy. 11 - West Union, S.C. 29686
 (864) 718-1120

DATE: 04/15/2028

JOB NUMBER: 26-202



FIELD WORK: JS

DRAWING: CM

REVISION:

SOUTH CAROLINA
 PROFESSIONAL LAND SURVEYOR
 No. 19881
 STEPHEN R. EDWARDS

SOUTH CAROLINA
 STATE OF SOUTH CAROLINA
 STEPHEN R. EDWARDS & ASSOCIATES, INC.
 INC. NO. 002104
 CERTIFICATE OF AUTHORITY

I HEREBY STATE 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, ALSO THERE ARE NO ENCUMBRANCES OR PROJECTIONS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN.

STEPHEN R. EDWARDS PLS. NO. 19881

Oconee County, SC

Parcel Information

Parcel ID 121-00-02-092
 Neighborhood 7704900 - Wagener Twp Pickett Post-Camp Oak FD
 Property Address 2253 PICKENS HWY
 Legal Description TRACT C (5.05 AC)
 (Note: Not to be used on legal documents.)
 Acres 5.05
 Class
 Tax District PICKETT POST/CAMP OAK (District 14)
 Exemptions Agricultural Use

[View Map](#)

Owner

[POWELL JOHN M](#)
 2164 PICKENS HWY
 WEST UNION, SC 29696

Land

Land Use	Acres	Square Footage	Frontage	Depth
F - Farm Market	4.05	176,418	0	0
F - Farm Market	1	43,560	0	0

Valuation

Assessed Year	2025
Land Value	\$27,380
Improvement Value	\$0
Accessory Value	\$0
Total Value (Market)	\$27,380
Land Value	\$0
Improvement Value	\$0
Accessory Value	\$0
Total Value (Capped)	\$0

Recent Sales In Area

Sale date range:

From:

09/02/21

To:

09/02/21

[Search Sales by Neighborhood](#)

Distance:

1500

Units:

Feet

[Search Sales by Distance](#)

Generate Owner List by Radius

Distance:

100

Feet

Use Address From:

☒ Owner
 ☐ Property

Select export file format:

Address labels (5160)

☒ Show All Owners

☐ Show Parcel ID on Label

Skip Labels

0

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

[Download](#)

No data available for the following modules: Residential Improvement Information, Commercial Improvement Information, Mobile Homes, Accessory Information, Sales, Sketches.

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Overview



Legend

- Parcels
- Parcel Numbers
- Address Numbers
- Landhook
- Roads
- Topography

Parcel ID	121-00-02-092	Alternate ID	10023	Owner Address	POWELL JOHN M	Last 2 Sales											
Sec/Twp/Rng	n/a	Class	n/a		2164 PICKENS HWY	Date	Price	Reason	Qual								
Property Address	2253 PICKENS HWY	Acres	5.05		WEST UNION, SC 29696	n/a	0	n/a	n/a								
						n/a	0	n/a	n/a								
District	14																
Brief Tax Description	TRACT C (5.05 AC)																
	(Note: Not to be used on legal documents)																

Date created: 9/2/2026

Last Data Uploaded: 9/1/2026 5:14:13 PM

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