



**Oconee County Board of Zoning Appeals**

**415 S. Pine Street, Walhalla, SC 29691**

Telephone: 864-638-4218

Fax: 864-638-4168

**Minutes**

**6:00 P.M., Thursday, May 30, 2013**

**Oconee County Council Chambers**

**Members Present:**

Mr. Lee, Chairman

Mr. Nichols

Mr. Medford

Mr. Hughes

Mr. McKee

Mr. Littlefield

Mr. Josh Stephens, Zoning Administrator

Media present: Norman Cananada

**Item 1. Call to Order**

Mr. Lee called the meeting to order.

**Item 2. Approval of Minutes (March 28, 2013)**

Mr. Littlefield made a motion to approve the minutes. Mr. Medford seconded the motion. The minutes were approved 6-0.

**Item 3. Public Comment**

None

**Item 4. Approval of Board Order – March 28, 2013**

Mr. Hughes made a motion to approval the board order. Mr. Nichols seconded the motion. The board order was approved 6-0.

**Item 5. Special Exception Hearing Regarding the Height of a Proposed Office Building 138-00-01-001**

Mr. Lee stated the he would recuse himself from the meeting and turn the meeting over to the Vice-Chairman, Mr. Littlefield. (See Attached)

Mr. Stephens stated the matter before the Board. Specifically, that the matter arose from the standards contained within Ch. 32 Article 9 of Oconee's Code of Ordinances.

Mr. Steve Owings spoke on behalf of Duke Energy. Mr. Owings stated the location of the proposed building, and heights of surrounding buildings and grading related to the building. He asked the Board consider Duke's request.

Mr. Stephens verified the information that Mr. Owings presented.

No member of audience spoke regarding this matter.

Mr. Littlefield asked if temporary buildings would be removed when the building was constructed. Mr. Owings replied that the temporary structures would be replaced by the proposed office building.

Mr. Medford made a motion that: based on the evidence presented to the Board, the proposed Special Exception does meet the standards put forth in the Oconee County Unified Performance Standards Ordinance. Mr. Hughes seconded the motion. The motion passed 5-0.

Mr. McKee made a motion that: based on the evidence presented to the Board, the proposed Special Exception is compatible with current and known planned land uses in the district and will not substantially diminish the value of adjacent property in the district. Mr. Nichols seconded the motion. The motion passed 5-0.

Mr. Hughes made a motion that: based on the evidence presented to the Board, the proposed Special Exception will have a positive impact upon the general health, safety, and welfare of the residents of Oconee. Mr. Medford seconded the motion. The motion passed 5-0.

Mr. Medford made a motion to approve the Special Exception. Mr. Nichols seconded. The motion passed 5-0.

Mr. Littlefield proposed a 5 minute recess which Mr. Hughes seconded and the motion passed 5-0.

Mr. Medford made a motion to reaffirm the Board approval of the Special Exception. Mr. Hughes seconded. The motion passed 5-0.

Mr. Lee was called back in the meeting and the gavel was returned to him as Chairman.

**Item 6. Variance Request 123-00-02-024**

Mr. Stephens stated that the applicant had requested that the hearing be moved to the next meeting.

Mr. Littlefield made a motion to move the hearing to June 27<sup>th</sup>. Mr. Mckee seconded the motion. The motion passed 6-0.

**Item 7. Special Exception Hearing/Variance Request Regarding Proposed Cell Tower 113-00-02-014**

Mr. Stephens stated that the applicant had requested that the hearing be moved to the next meeting.

Mr. Medford made a motion to move the hearing to June 27<sup>th</sup>. Mr. Littlefield seconded the motion. The motion passed 5-1, with Mr. Nichols dissenting.

**Item 8. Old Business**

None

**Item 9. New Business**

Mr. Stephens stated that the Planner I position had been filled.

**Item 10. Adjourn**

Mr. McKee made a motion to adjourn and Mr. Nichols seconded the motion. The motion passed 6-0.

DRAFT



# Oconee County Planning Commission

415 S. Pine St. • Walhalla, South Carolina 29691

Phone (864) 638-4218 • Fax (864) 638-4168

## NOTICE OF APPEAL

Date May 21, 2013

I, Frank Lamson-Scribner, Site Director, BASF Corporation (owner) (agent of owner)

hereby request an appeal to the following action (be specific):

Special Exception to 65 foot building height restriction. Chapter 32 Section 32-605.

Reason for appeal: See attached letter.

Applicant's Name Frank Lamson-Scribner

Address 554 Engelhard Drive, Seneca, SC 29681

Mailing Address (if different) \_\_\_\_\_

Phone Number 864-885-1201

Fax Number

864-885-1374

Signature: *Frank Lamson-Scribner*

Please be advised that an Appeals Application Fee of \$50 must be paid in full at the time the application is received by the Planning Department. Applicants shall be notified at the specified mailing address once a public hearing date is set.



The Chemical Company

May 17, 2013

Board of Zoning Appeals  
Oconee County  
415 South Pine Street  
Walhalla, SC 29691

Re: Request for Exception to 65 Foot Structure Height Limitation

Members of the Board,

BASF Corporation operates a manufacturing facility in Seneca, SC, off of Strawberry Farm Road, across from the Oconee County Landfill. The site employs nearly 400 associates and contractors to manufacture catalysts for the chemical and petrochemical industries and also performs recycling services for precious-metal-containing materials. Seneca's operation – through its excellent environmental health and safety performance, productive workforce and process expertise – has been identified as a growth site for the businesses it supports. Due to that status the corporation is investing over \$70 million into the Seneca plant to expand operations, creating additional revenue and local job growth. To support the expansion, one phase of the investment will require the construction of a process unit in excess of the 65 foot height limitation. The proposed processing unit, which will take material from an existing operation for further processing, will be 95 feet in elevation from grade. To minimize handling and transport of material, the new process will be located close to its feed source. Space limitations and the advantage of gravity flow dictate the building height. Based on the success of this new process there is a potential to invest in a second phase of expansion at the Seneca site.

BASF prides itself on being a responsible citizen and business partner. Our new processing unit would be consistent with other units on the site and suitable for the property. While the employee population to support this new unit is expected to increase by 12-15 associates across a 24 hour operating schedule, no significant increase in traffic is expected on the adjacent county roads.

The Seneca site maintains a highly trained and skilled emergency response team that works and trains regularly with local emergency responders. Along with the site team, it is understood that the Seneca Fire Department, local volunteer departments, and the County Emergency Response Teams have the appropriate skills and equipment to provide support in the unlikely event of an emergency in the proposed facility. This activity could be the focus of our annual safety response drill in 2013 or 2014 – depending on construction status.

BASF has internal standards in regard to noise from its equipment and processes to protect our employees. In addition, we have fence line and property line noise standards to prevent any negative impact to our neighbors. The new processing unit will meet or exceed all of our internal standards.

BASF does not expect any adverse impact to the surrounding properties in terms of light, fumes, interruption of airflow, shadows, changing scenic views, historic sites, significant landmarks or other sensitive areas. BASF believes that this structure is appropriate to its site and operations and is an important extension to the work that is already being conducted at the current location.

We respectfully request that an exception be granted to the 65 foot structural height restriction to allow us to continue to grow and expand our operations and employee base in Seneca.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Lamson-Scribner". The signature is fluid and cursive, with a large, stylized initial "F" and "L".

Frank Lamson-Scribner  
Site Director  
BASF Corporation



Tree Buffering

Tree Buffering

Tree Buffering

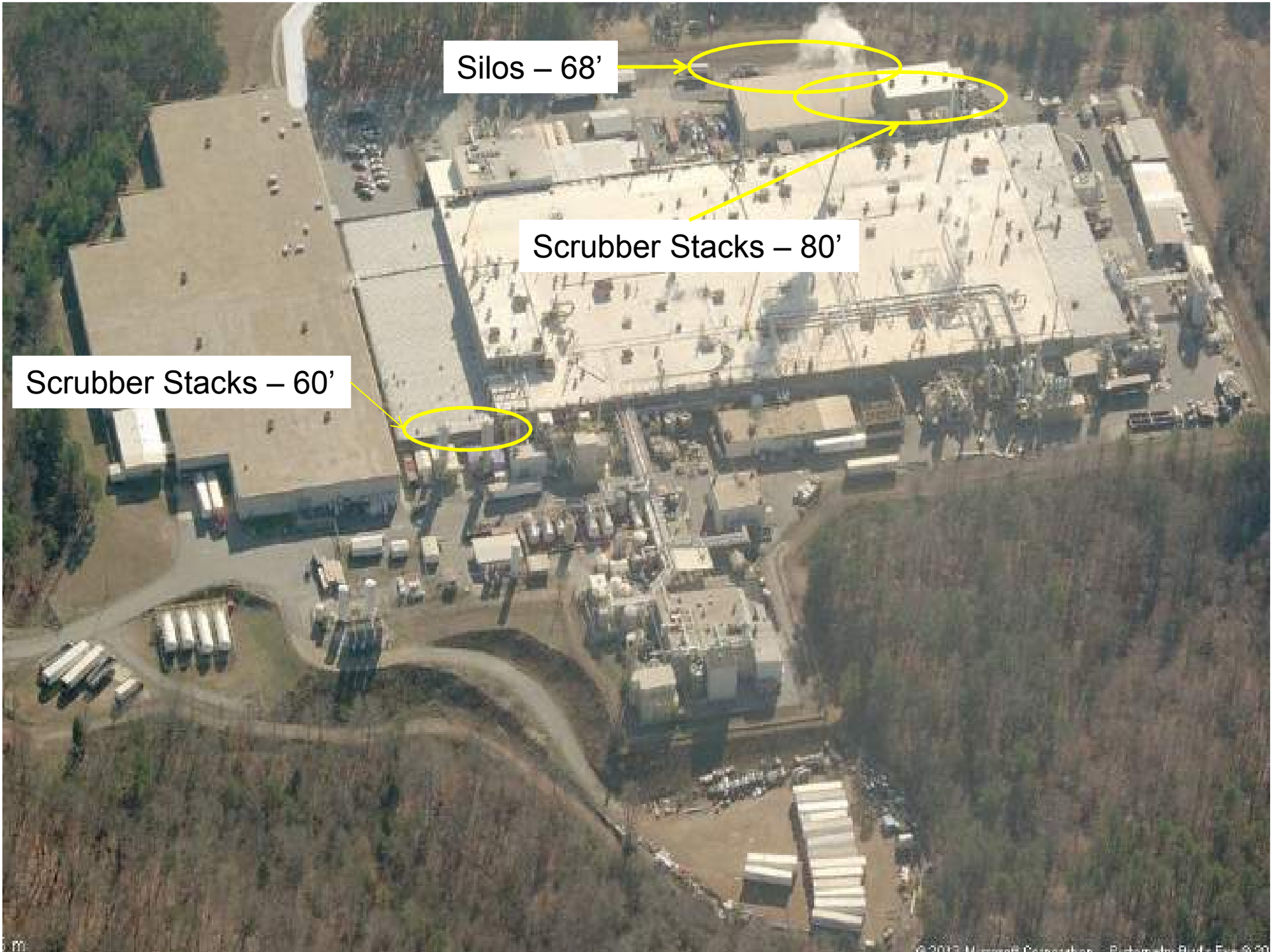
New Unit - 95 ft.

Tree Buffering

Tree Buffering

Water Tower - 184 ft.

Tree Buffering



Silos - 68'

Scrubber Stacks - 80'

Scrubber Stacks - 60'



Tip of crane which is well above top of structure.



Exit of landfill looking toward BASF plant entrance



Strawberry Farm Rd and Tee Land Dr.



Strawberry Farm Road in front of Shingle Recycling Center



Wells Hwy in front of Seneca High School



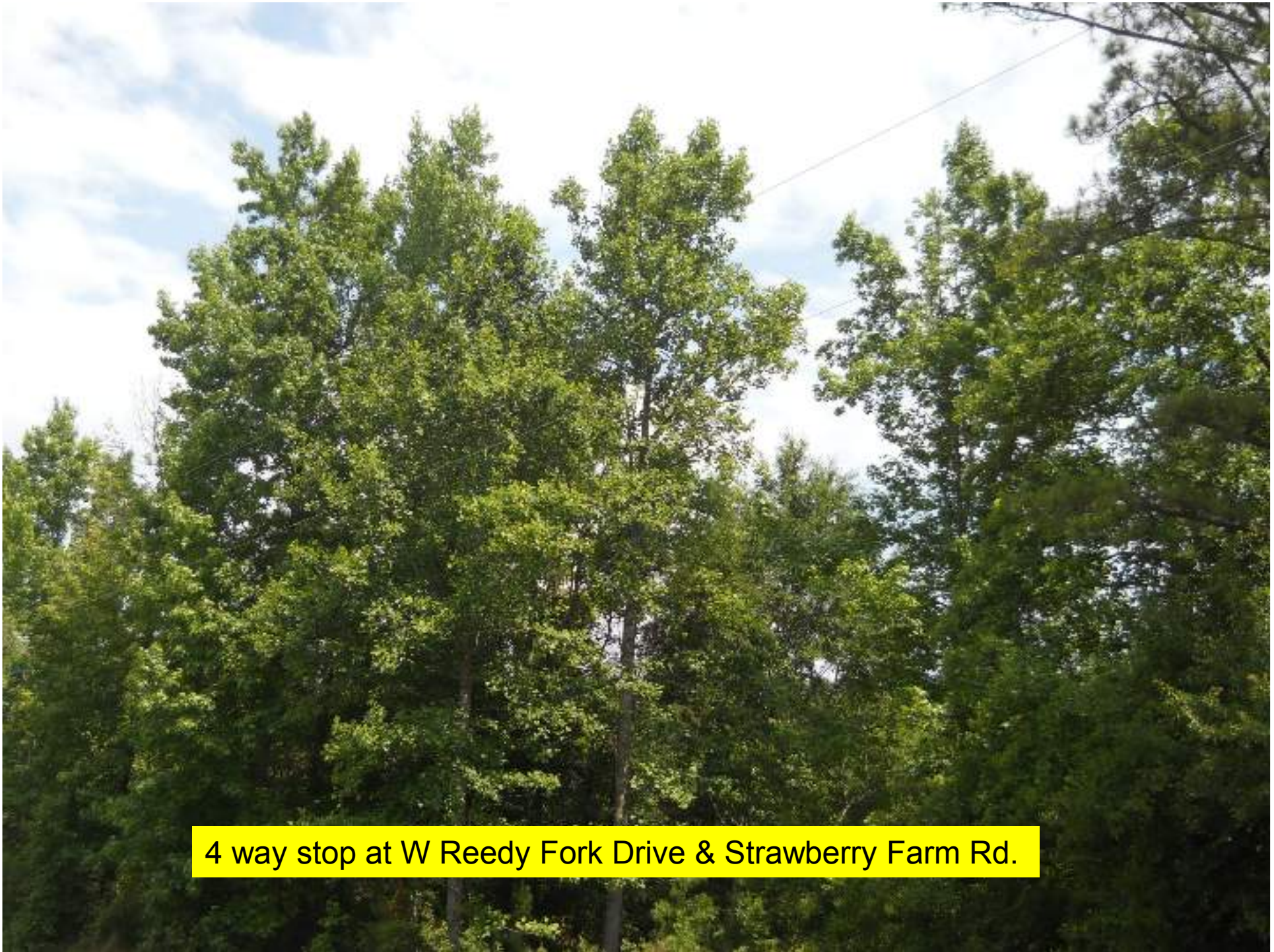
Wells Hwy at Clydesdale Rd.

Tip of crane which is well above top of structure.



W Reedy Fork Drive toward Strawberry Farm before apartments.





Tip of crane which is well above top of structure.



Parking Lot of Reedy Fork Baptist Church







After turning onto Strawberry Farm Rd from Wells Hwy



Hwy 59 Near Nursing Home



Cross Creek Top of Course



June 20, 2013

Mr. Sam Lee  
Chairman  
Oconee County Board of Zoning Appeals  
415 S. Pine St.  
Walhalla, SC 29691

**RE: BASF Height Variance on June BZA Docket**

Chairman Lee,

On behalf of the Oconee County Economic Development Commission, I respectfully ask the Oconee County Board of Zoning Appeals to approve the height variance that BASF is seeking.

The project that BASF Catalyst of Seneca is working to complete is part of the \$62 million dollar expansion project that was announced in late 2011. Not only was this a substantial investment into our community but it also yielded the creation of 25 new jobs. This height variance you are asked to approve will allow them to further complete this project on-site and put forth a new method within their industrial process that will make them more efficient in the recovery of precious metals.

BASF has been a wonderful corporate citizen in Oconee for a number of years. They employ over 350 people. Let's continue to support them as this action could have bearings on future economic development activity with this company and in other dealings.

Mr. Chairman, I ask that you and all members of the Board demonstrate continued support for economic growth in Oconee County and continue to put forth a pro-business climate in our community. I simply ask for the Board of Zoning Appeals to grant BASF a height variance and let's all continue to do our part in creating the premier business community in the State of South Carolina.

Respectfully,

A handwritten signature in black ink, appearing to read "H. Field, Jr.", written over a white background.

Henry J. Field, Jr.  
Chairman

CC: Richard Blackwell, Executive Director

# Oconee County Board of Zoning Appeals



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Walhalla, SC 29691  
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.....LEGAL AD.....

**PLEASE ADVERTISE IN THE NEXT ISSUE  
OF YOUR NEWSPAPER**

TO: DAILY JOURNAL [classadmgr@dailyjm.com]

The Oconee County Board of Zoning Appeals will conduct a public hearing on Thursday, June 27, 2013 at 6:00 p.m. in the Council Chambers of the County Administrative Complex, 415 S. Pine Street, Walhalla, SC 29691. The applicant, BASF (268-00-02-008), is requesting a special exception hearing, regarding the height of an industrial structure, per Ch. 32 Article 9 of Oconee County Code of Ordinances. If you would like additional information concerning these requests, please contact the Planning Department at 864-638-4218.



# Oconee County Planning Commission

415 S. Pine St. • Walhalla, South Carolina 29691  
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## NOTICE OF APPEAL

Date April 26, 2013

I, Paul Hughes (Architect) (owner) (agent of owner) ✓

hereby request an appeal to the following action (be specific):

We request a variance to the 25 foot front yard building setback requirement to allow us to build a gazebo and entrance walkway to the existing building.

The property is in the Carolina Cove Subdivision. The tax map number is 123-00-02-024.

Reason for appeal:

The existing 50 foot right of way was part of the original subdivision plan, but was not used for the actual entrance drive to Carolina Cove Subdivision.  
The actual entrance drive is approximately 20 feet offset away from the original plan and is partially outside of the right of way which was never corrected. If the right of way were located in its proper position, there would be no encroachment.  
Our requested variance would not be as much of an encroachment as the existing building.

Applicant's Name Richard O. & Sherry J. Barrett

Address 222 Hidden Hills Dr., Greenville, SC 29605

Mailing Address (if different)

Phone Number (864) 299-9757 Fax Number

Signature: Paul Hughes

Paul Hughes – Architect, P.O. Box 1032, Greenville, SC 29602, (864) 242-9821

Please be advised that an Appeals Application Fee of \$50 must be paid in full at the time the application is received by the Planning Department. Applicants shall be notified at the specified mailing address once a public hearing date is set.

# HELLMAN YATES & TISDALE

ATTORNEYS AND COUNSELORS AT LAW

JONATHAN L. YATES  
DIRECT VOICE 843 414-9754  
JLY@HELLMANYATES.COM

HELLMAN YATES & TISDALE, PA  
145 KING STREET, SUITE 102  
CHARLESTON, SOUTH CAROLINA 29401  
V 843 266-9099  
F 843 266-9188

June 20, 2013

**VIA FEDERAL EXPRESS**

Josh Stephens, Zoning Administrator  
Oconee County Planning Dept.  
415 S. Pine Street  
Walhalla, SC 29691  
(864) 638-4218

RE: Special Exception Hearing/Variance Request regarding proposed cell tower  
113-00-02-014 - on the Board of Zoning Appeals Agenda for June 27, 2013

Dear Mr. Stephens:

On behalf of SCI Towers, LLC, we would respectfully withdraw our application on the above-referenced matter. SCI Towers, LLC will explore the possibilities of an alternate location for the proposed wireless facility. We will keep you and your staff apprised of our progress in this regard.

We thank you and the Board of Zoning Appeals very much for your time and consideration of the application, which is being withdrawn. It has been a great pleasure to be able to work with such professional and experienced planners. If you have any questions or issues with this request, please contact me at any time. Thank you so much for all of your help on this.

With warmest regards, I am

Yours very truly,



Jonathan L. Yates

JLY:edh  
Cc: David M. Herring

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OF YOUR NEWSPAPER**

TO: DAILY JOURNAL [classadmgr@dailyjm.com]

The Oconee County Board of Zoning Appeals will conduct a public hearing on Thursday, June 27, 2013 at 6:00 p.m. in the Council Chambers of the County Administrative Complex, 415 S. Pine Street, Walhalla, SC 29691 for the following items that were previously advertised:

1. Variance Request 123-00-02-025
2. Special Exception/Variance Re: Proposed Cell Tower 113-00-02-014