

# OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

## MINUTES

6:00 PM, ~~ES~~ DAY MAY 27, 2014

COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

The Oconee County Board of Zoning Appeals held a meeting on May 27, 2014 at 6:00 PM in Council Chambers at the Oconee County Administrative Building, 415 S. Pine St., Walhalla, SC 29691.

**Members Present:** Mr. Hughes  
Mr. Lee  
Mr. Littlefield  
Mr. Nichols  
Mr. McKee  
Mr. Medford  
Mr. Reckert

**Staff Present:** Mr. Josh Stephens, Deputy Director of Community Development  
Mr. Matthew Anspach, Planner I  
Tom Martin, Esq., County Attorney

**Media present:** None

### Item 1. Call to Order

Mr. McKee called the meeting to order. 6:02 PM

### Item 2. Approval of Minutes – March 25, 2013

Mr. Hughes pointed out a redundancy in the minutes, to be amended.

Mr. Stephens notated the error.

Mr. Hughes made the motion to approve the minutes as amended from March 25.

Mr. Medford seconded the motion. The motion passed unanimously.

### Item 3. Public Comment – Non-Agenda Item

None.

**Item 4. Special Exception Hearing Regarding a Communication Tower 134-00-01-008**

Mr. Stephens presented the matter before the Board.

Mr. Scott Loggins presented to the Board on his plans for the tower going before the Board for a special Exception. He explained that the tower would be for wifi and not for cellular phones. He added that his company One Tone Telecom, has been working with Fiber Optics Creating Unified Solutions (FOCUS) leaders on how to best provide “last mile” broadband service to the county.

Mr. Stephens presented the required criteria for Special Exception before the Board for a vote on each individually:

1. 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. Medford motioned to approve the first criterion for a Special Exception.

Mr. Hughes seconded the motion. The motion passed unanimously.

2. 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 of property in the district.

Mr. Hughes motioned to approve the second criterion for a Special Exception.

Mr. Reckert seconded the motion. The motion passed unanimously.

3. 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 County.

Mr. Medford motioned to approve the third criterion for a Special Exception.

Mr. Nichols seconded the motion. The motion passed unanimously.

4. Approval of the Special Exception.

Mr. Medford motioned to approve the Special Exception.

Mr. Reckert seconded the motion. The motion passed unanimously.

5. Approval of Board Order.

Mr. Lee motioned to approve the Board Order for a Special Exception.

Mr. Hughes seconded the motion. The motion passed unanimously.

**Item 5. Variance Hearing Regarding Road Development 227-00-01-002**

Mr. McKee recused himself from the Variance proceeding.

Mr. Medford, as Vice Chair, took over Chair duties for Mr. McKee.

Mr. Stephens presented the matter before the Board.

Mr. Jamie McCutchen presented the proposed project and specifically the area for the requested road right-of-way variance.

Mr. Stephens presented staff's recommendation for denial of the variance as requested, which was based on the County Engineers recommendation for denial.

Mr. Larry Faulkenberry, board member for Tory Pointe HOA, spoke on his opposition to the variance due to the lack of information about the overall development, and concerns over potential negative traffic impact.

Mr. McCutchen asked that the Board address only the right-of-way issue and not the overall project. He went on to respond to the letter used by staff recommending denial.

Mr. Stephens presented the required criteria for a variance from the a sixty six foot right-of-way before the Board to be voted on as a consent item vote:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property; and
2. These conditions do not generally apply to other property in the vicinity; and
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

4. The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance.

Mr. Lee motioned to deny the request for variance from the required road right of way for the below reasons:

- An overall development plan has not been finalized.
- The variance is being requested on property not owned by the developer.
- The sketch is more of a concept rather than the basis for a waiver (no bearings and distances and no tie to the property lines).
- The existing SCDOT road right-of-way is 75’.
- The end of SCDOT maintenance appears to end prior to the area of concern shown on CV-1 (proposed public roads must connect to another public road).
- SCDOT has not been contacted to obtain an encroachment permit to connect to their road, Jacobs Road (S-37-320).
- Engineer indicates property owners may be willing to donate additional right-of-way.

Mr. Nichols seconded the motion. The motioned passed unanimously.

Mr. Littlefield motioned to approve a variance of 1.4 feet from the necessary fifty feet for a lesser use local right of way. The motion failed to receive a second. The motion died.

**Item 5. Old Business**

None.

**Item 6. New Business**

Mr. McKee noted that the next meeting date would be Tuesday, June 24.

**Item 7. Adjourn**

Mr. Hughes made the motion to adjourn.

Mr. Lee seconded the motion. The motion passed unanimously. 8:20 PM