

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

MINUTES

6:00 PM, THURSDAY, MAY 28, 2015

COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

The Oconee County Board of Zoning Appeals held a meeting on May 28, 2015 at 6:00 PM in Council Chambers at the Oconee County Administrative Building, 415 S. Pine St., Walhalla, SC 29691.

Members Present: Mr. Gilster
Mr. Hughes
Mr. Lee
Mr. McKee
Mr. Medford
Mr. Nichols
Mr. Reckert

Staff Present: Mr. Matthew Anspach, Planner I
Mr. William Brewer, Planning Intern

Media present: Mr. Ray Chandler, Anderson Independent

Item 1. Call to Order

Mr. McKee called the meeting to order. 6:00 PM

Item 2. Approval of Minutes – January 27, 2015

Mr. Hughes motioned to approve the minutes.

Mr. Nichols seconded the motion. The motion was approved unanimously except Mr. Reckert who was not present (arrived at 6:04 PM).

Item 3. Public Comment – Non-Agenda Item

None.

~~Item 4. Hearing for Variance Regarding Ch. 26.1, Sec. 26.3. (a) & (c.) (VA15-000002)
[to include Vote and/or Action on matters brought up for discussion, if required]
a. Discussion & Consideration by Board~~

Item 5. Hearing for Special Exception Regarding Ch. 32-4, Sec. 32-133 (b) (SE15-000001)

a. Statement of Matter before the Board

Mr. Anspach presented the matter before the Board concerning the applicant's request for a Special Exception Regarding Ch. 32.4, Sec. 32-133 (b) (SE15-000001).

b. Applicant Comments

Mr. Ivan Mousaw for Faulk and Foster Real Estate, Inc. representing Verizon Wireless presented his application for a Special Exception for the development of a Telecommunications Tower in Oconee County to the Board. Mr. Mousaw stated the location of the Tower, the specifications of its construction, and the visual impact it would have on the area.

c. Staff Comments

Mr. Anspach recommended that the Board conditionally approve the Special Exception based on the fact that the application and tower itself met all County regulations found in Chapter 32 Article 4. Mr. Anspach recommended that the applicant be granted conditional approval pending evidence of (a.) a Certificate of Insurance and (b.) an Indemnity Letter.

d. Opposition Comments

None.

e. Rebuttal by Applicant

None.

f. Unsworn public comment

Mr. Douglas Lynch inquired about the location of the tower, and stated that he lives across the street. Mr. Lynch requested a copy of the site plan of the tower for his reference, which was distributed to him.

g. Questions from the Board

Mr. Nichols inquired about a time line of construction and completion of the communication tower, referencing the inactivity of a recently constructed tower located in Mountain Rest. Mr. Anspach responded that the ordinance does not require completion by any certain date.

Mr. Anspach presented the 4 criteria to be met for a Special Exception, to be voted on as a consent item vote:

(1) 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;

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

(3) 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;

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

Mr. Gilster motioned to approve the special exception based on the 4 criteria being met.

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

Mr. Anspach presented 3 additional criteria to be met per Board rules, to be voted on 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. Lee motioned to approve the first set of criteria.

Mr. Hughes seconded the motion. The motion was approved 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 in the district.

Mr. Hughes motioned to approve the second set of criteria.

Mr. Nichols seconded the motion. The motion was approved 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 set of criteria.

Mr. Gilster seconded the motion. The motion was approved unanimously.

4. Approval of the Special Exception.

Mr. Hughes motioned to approve the Special Exception with the condition that Mr. Mousaw will submit the required documents that include a Certificate of Insurance, and an Indemnity Letter.

Mr. Lee seconded the motion. The motion was passed unanimously.

5. Approval of Board Order.

Mr. Hughes motioned to approve the Board Order.

Mr. Nichols seconded the motion. The motion was approved unanimously.

Mr. McKee announced a 5 minute recess to sign the Board Order.

Item 6. Old Business

None.

Item 7. New Business

Mr. McKee recognized the new Planning Intern: William Brewer, Candidate, Master of City and Regional Planning, Clemson University.

Mr. Brewer introduced himself and explained his background.

Mr. Anspach added that Mr. Brewer's internship is part of Oconee County's Internship Program with Clemson University.

Mr. Anspach informed the Board that there will not be a meeting in June.

Item 8. Adjourn

Mr. Medford motioned to adjourn.

Mr. Gilster seconded the motion. The motion passed unanimously. 6:32 PM