

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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MINUTES

6:00 PM, THURSDAY, AUGUST 25, 2015

COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

The Oconee County Board of Zoning Appeals held a meeting on August 25, 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. Lee
Mr. McKee
Mr. Medford
Mr. Nichols

Staff Present: Mr. Matthew Anspach, Planner I

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 – July 28, 2015

Mr. Nichols motioned to approve the minutes.

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

Item 3. Public Comment – Non-Agenda Item

No public comment was made.

Item 4. Hearing for Variance Regarding Ch. 38.10.2 (VA15-000003)

a. Statement of Matter before the Board Applicant comments

Mr. Anspach presented the matter before the Board concerning the applicant's request for a variance regarding Chapter 38, Sec. 38-10.2(d)(1)a.4. (VA15-000003)

b. Applicant comments

Mr. Michael Mefferd presented his application for a variance before the Board.

c. Opposition comments

None.

d. Rebuttal by applicant

None.

e. Unsworn public comment

None.

f. Questions from the Board

The Board asked general questions about the property and the structure under review.

Mr. Mefferd responded to their questions.

Mr. Anspach presented to the Board the four criteria to be met for a variance, which could be voted on as a consent item vote:

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;**
- 2. These conditions do not generally apply to other property in the vicinity;**
- 3. 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; and**
- 4. 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.**

Mr. Hughes motioned to approve the variance based on the four criteria being met.

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

Item 5. Hearing for Special Exception Regarding Ch. 38.11, Sec. 38-11.1.(d)(1)a.4. (SE15-000003)

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 Article 4. (SE15-000003)

b. Applicant Comments

Mr. Jim Lapann presented his application for the Special Exception and described how they met the requirements in the ordinance for communication towers.

c. Staff Comments

Mr. Anspach commented that staff recommended the Board approve the Special Exception.

d. Opposition/Item Specific from Public Comments

Mr. Jim Codner spoke on his support for the tower and that he believed the balloon test that was done as part of the visual impact analysis was very helpful.

e. Rebuttal by Applicant

None.

f. Unsworn public comment

None.

g. Questions from the Board

Mr. Anspach presented the four criteria to be met for a Special Exception, which could 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. Hughes motioned that the applicant met the four criteria required for a special exception.

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

Mr. Anspach presented four additional criteria to be met per Board rules, to be voted on as a consent item vote.

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

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.

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. Lee motioned to approve the special exception based on all of the criteria and the additional criteria from the Board rules being met.

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

4. Approval of Board Orders.

Mr. Reckert motioned to approve the Board Orders.

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

Item 6. Old Business

No old business was discussed.

Item 7. New Business

Mr. Anspach informed the Board that there would not be a September meeting for lack of an application.

Mr. Hughes disclosed to the Board that he would tender his resignation immediately after the meeting for personal reasons.

Item 8. Adjourn

Mr. Hughes motioned to adjourn.

Mr. Reckert seconded the motion. The motion passed unanimously. 6:55 PM

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