

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, OCTOBER 29, 2015

COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

The Oconee County Board of Zoning Appeals held a meeting on October 29, 2015 at 6:00 PM in Council Chambers at the Oconee County Administrative Building, 415 S. Pine St., Walhalla, SC 29691.

Members Present: Mr. Nichols
Mr. Lee
Mr. McKee
Mr. Reckert
Mr. Menzies

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 – August 25, 2015

Mr. Lee motioned to approve the minutes.

Mr. Reckert seconded the motion. The motion was approved 4-0 with Mr. Menzies abstaining.

Mr. Stephens addressed the public to explain the reason for the change on the agenda: Previously, Item 4 on the agenda was slated to be for a retail establishment (SE15-000004). It was removed, and rescheduled for the special meeting on Thursday, November 12, 2015. The reason for the change was due to confusion caused by typos in the letter notice, and a mix-up in the phone line message. To be clear and give the community appropriate time to respond, the meeting was rescheduled for special exception hearing SE15-000004 on November 12, 2015.

Item 3. Public Comment – Non-Agenda Item

Item 4. Hearing for Special Exception Regarding Ch. 32.4 (SE15-000005)

a. Statement of Matter before the Board Applicant comments

Mr. Anspach presented the matter before the Board concerning the applicant's request for a special exception regarding Chapter 32 Article 4 (SE15-000005)

b. Applicant comments

Mr. Scott Loggins gave the details of his proposed project.

a. Staff Comments

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

b. Opposition/Item Specific from Public Comments

None.

d. Rebuttal by applicant

None.

e. Unsworn public comment

None.

f. Questions from the Board

Mr. Lee asked Mr. Scott Loggins about the range of the towers he deploys.

Mr. Scott Loggins responded that they vary due to topography.

Mr. Menzies asked the applicant about opportunities to place his apparatus on other structures such as water towers, as well as about radiation testing.

Mr. Scott Loggins responded that he has attempted to use tall structures already in place in the County, mostly to no avail.

Mr. Nichols asked Mr. Scott Loggins about the range of the tower at that location.

The applicant responded that this location would have a strong reach of about one mile.

Special Exceptions Sec. 32-5.(f)(2)

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

- 1. is In accordance with the comprehensive plan and 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. is In the best interests of the county, the convenience of the community and the public welfare;**
- 3. is 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. is Suitable in terms of effects on highway traffic, parking and safety with adequate access arrangements to protect streets from undue congestion and hazards. (all in favor, any nays)**

Mr. Lee motioned that the applicant met the criteria for a special exception.

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

Bylaws – Special Exception Guidelines

Mr. Anspach presented to the Board the three criteria to be met for a special exception within the BZA guidelines, which would need to be voted on individually:

- 1. Based on the evidence presented to the Board, the proposed Variance does meet the standards put forth in the Oconee County Unified Performance Standards Ordinance**

Mr. Lee motioned to approve the first criteria as being met.

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

- 2. Based on the evidence presented to the Board, the proposed Variance 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. Reckert motioned to approve the second criteria as being met.

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

3. Based on the evidence presented to the Board, the proposed Variance will have a positive impact upon the general health, safety, and welfare of the residents of Oconee County.

Mr. Nichols motioned to approve the third criteria as being met.

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

Mr. Mckee asked the following: Based on the evidence presented to the Board, do I hear a motion that the proposed special exception be approved?

Mr. Nichols motioned to approve the special exception based on all of the criteria being met.

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

Item 5. Hearing for Special Exception Regarding Ch. 32.4 (SE15-000006)

c. 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. (SE15-000006)

d. Applicant Comments

Mr. Scott Loggins gave the details of his proposed project.

e. Staff Comments

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

f. Opposition/Item Specific from Public Comments

None.

g. Rebuttal by Applicant

None.

h. Unsworn public comment

None.

i. Questions from the Board

None.

Special Exceptions Sec. 32-5.(f)(2)

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. Reckert motioned that the applicant met the four criteria required for a special exception.

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

Bylaws – Special Exception Guidelines

Mr. Anspach presented three 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 criteria as being met.

Mr. Menzies 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 in the district.**

Mr. Nichols motioned to approve the second criteria as being met.

Mr. Lee 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. Reckert motioned to approve the third criteria as being met.

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

Mr. Mckee asked the following: Based on the evidence presented to the Board, do I hear a motion that the proposed special exception be approved?

Mr. Lee motioned to approve the special exception based on all of the criteria being met.

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

4. Approval of Board Orders.

Mr. Lee motioned to approve the Board Orders.

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

Mr. McKee called for a ten minute recess to prepare and sign the Board Orders for SE15-000005 and SE15-000006. 6:40 PM

Item 6. Old Business

No old business was discussed.

Item 7. New Business

Mr. Anspach informed the Board that the next meeting would be Thursday, November 12. He also mentioned that he would present the BZA with potential edits to their bylaws at the next meeting to be voted on at a later date.

Item 8. Adjourn

Mr. Reckert motioned to adjourn.

Mr. Nichols seconded the motion. The motion passed unanimously. 6:58 PM