

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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MINUTES

6:00 PM, MONDAY, APRIL 25, 2016

COUNTY COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

The Oconee County Board of Zoning Appeals held a meeting on April 25, 2016 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. McKee
Mr. Medford
Mr. Menzies

Staff Present: Mr. Josh Stephens, Deputy Director
Mr. Matthew Anspach, Planner
Mr. William Brewer, Planning Intern

Media present: Mr. Dick Mangrum, WGOG

ITEM 1- Call to Order

Mr. Medford called the meeting to order. 6:00 p.m.

ITEM 2- Approval of Minutes from March 28, 2016

Mr. Menzies motioned to approve the minutes.

Mr. Nichols seconded the motion.

The motion passed unanimously, 3-0. Mr. McKee abstained from the vote as he was absent from the March 28 meeting.

ITEM 3- Public Comment (Non-Agenda)

There was not any non-agenda public comment.

ITEM 4- Variance Hearing for Application VA16-000004 (Vickery Rd., Road Standards)

Mr. Medford presented the request for a continuance for the applicant, Matt Wilson, for Invest, LLC, who could not make the meeting. He suggested that the Board vote on whether or not to allow a continuance, additionally to waive the requirement that the applicant request in person.

Mr. McKee motioned

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

ITEM 5- Special Exception Hearing for Application SE16-000002 (SE 1-Dollar General, Special Exception, Commercial Development Lake Overlay & SE 2-Retail Establishment over 5,000 sq. ft. in Traditional Rural District)

Mr. Dan Catalfumo stated his opposition to the development.

Ms. Sue Drago stated her opposition to the development.

Mr. David Tidwell stated his opposition to the development.

Ms. Nancey Smolen stated her opposition to the development.

Ms. Jean Jennings stated her support for the development.

Mr. Tom Smolen stated his opposition to the development.

Mr. Mike Smith presented some options he would like the developer to add should the development be approved, including agreeing that the developer would go with a smaller sign at 6' feet or less in height and proportionate in width; that the developer would only use two signs: the monument sign at the entrance, and the other, the wall sign at the front of the store; a sign color other than yellow; additionally, expand corral size for additional storage area for display racks and loading frames typically left outside.

Mr. Bob Graves, president of the Hidden Harbor HOA, recommended that the developer be held to the design plan presented at the 4/25 meeting, and that the developer pick option two of the signs (built with stone). He also suggested they would screen the dumpster area in a better fashion than presented in the plan if the development were to be approved.

Mr. Fred Isley stated his concern on whether the developer would be held to the standards presented in the site plan and rendering. He also had concerns about the dumpster pad being enclosed, side walk sales at the entrance.

Mr. John Hess presented his opposition to the development.

Ms. Sandy Prather presented her opposition to the development.

Ms. Melissa Higgs presented her opposition to the development and that she didn't believe it met the Comprehensive Plan.

Ms. Lisa McNaly presented her opposition to the development.

Mr. Lewis McMahan, owner of property in question, stated his support for the development.

Mr. Mike Moran stated his opposition to the development, and requested that if the development were to be approved that the developer be required to plant a tree buffer on the rear to block his view of the development from his back yard which abuts his property.

Mr. Ben Turetzky, executive director of FOLKS, presented his thoughts on the potential water runoff impacts, and encouraged using pervious surfaces if approved.

Mr. and Mrs. Barry and Shirley MacMartin spoke on their opposition to the development.

Ms. Mary Distl spoke on her opposition to the development.

Mr. Kent Distl spoke on his opposition to the development.

Mr. Bob Blinston spoke on his opposition to the development.

Ms. Melissa Wagar spoke on her opposition to the development.

Ms. Karen Blinston spoke on her opposition to the development Dollar General.

Mr. Craig Rogers spoke on his opposition to the development.

Ms. Pam Rogers spoke on her opposition to the development.

Mr. Keith Denny spoke on his support for the development.

Mr. Ben Teretzky clarified that DHEC will not have oversight on the development concerning runoff due to the size of the clearing being less than two acres.

SE1-Lake Overlay, Special Exceptions Sec. 32-5.32-174; Traditional Rural District (size), Special Exceptions Sec. 32-5.32-174

Mr. Googer responded to many of the requests and concerns from the community. He followed up by stating that the developer would fully comply with any agreed upon details for the development presented at the meeting on April 25. He also spoke on some of the concerns about potential crime, ingress and egress safety.

Mr. Googer confirmed that there would not be a sign off of the property at the intersection. He added that there would only be two signs: the option two sign from the presentation, and the sign on the building. He confirmed that there will be no pole sign.

Mr. Googer also mentioned that he would get work with County staff on the sign height when he could confirm alternate sign sizes. Mr. Googer addressed concerns about runoff by assuring everyone they would comply with DHEC standards. He also committed to creating an additional dumpster-surround to store any roll-tainers waiting to be picked up, and that the dumpster-surrounds would match the building in terms of construction materials. He added that the dumpster-surrounds were required to have doors.

Mr. Stephens read into the record the conditions that were agreed upon to be met, by the developer, if the special exception were to be granted:

That the project be implemented and constructed in a manner and in accordance with the site plan, landscaping plan and architectural renderings presented to the Board on the evening of 4/25, tonight and today. And that Option 2 sign as presented by the applicant be the sign used for the site, for the monument sign. That dumpster screen for all dumpster areas provided be designed and built in a manner consistent with the design and construction of the store and that those container areas include wood doors on the front. That a second dumpster area of the same size as the one originally proposed be constructed for rolltainers and other materials for storage during the day and after operational hours. And that the roof or side of the building be designed and constructed in a manner consistent with the other three facades of the building as presented in the documents presented to the Board on this day April 25th.

Mr. Anspach read each item required for approval of a special exception:

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.

Mr. Menzies motioned to approve the special exception with the conditions as enumerated.

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

Mr. Anspach read the three criteria in the Board of Zoning Appeals Bylaws:

Bylaws – Special Exception Guidelines

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. Menzies motioned to affirm the guideline as being met.

Mr. McKee 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. Menzies motioned to affirm the guideline as being met.

Mr. McKee 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. Menzies motioned to affirm the guideline as being met.

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

4. Based on the evidence presented to the Board, do I hear a motion that the proposed special exception be approved with the conditions (enumerated).

Mr. Nichols motioned to approve the special exception according to the stated criteria.

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

ITEM 7- Old Business

There was no old business.

ITEM 8- New Business

Staff confirmed that there would be a meeting on the scheduled Monday, May 23 date.

ITEM 9- Adjourn

Mr. Nichols motioned to adjourn.

Mr. Menzies seconded the motion. Motion passed unanimously.

Meeting was adjourned. 7:58 p.m.