

415 South Pine Street - Walhalla, SC



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

AGENDA

6:00 PM, MONDAY, July 24th, 2017

COUNCIL CHAMBERS

OCONEE COUNTY ADMINISTRATIVE COMPLEX

- ITEM 1- Call to Order**
- ITEM 2- Approval of Minutes from June 26, 2017**
- ITEM 3- Public Comment (Non-Agenda)**
- ITEM 4- (Previously tabled item) Variance Hearing for Application VA17-000008 (13995 Clemson Boulevard – Minimum Setbacks for Communication Towers)**
- ITEM 5- Variance hearing for Application VA17-000009 - Variance request to for the planned multifamily project known as Clemson Epoch (13995 Clemson Boulevard) to allow sidewalks at the project site.**
- ITEM 8- Old Business** *[to include Vote and/or Action on matters brought up for discussion, if required]*
- ITEM 9- New Business** *[to include Vote and/or Action on matters brought up for discussion, if required]*
- ITEM 10- Adjourn**



OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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MINUTES BOARD OF ZONING APPEALS 6:00 PM, MONDAY, JUNE 26, 2017 COUNTY COUNCIL CHAMBERS OCONEE COUNTY ADMINISTRATIVE COMPLEX

The Oconee County Board of Zoning Appeals held a meeting on June 26, 2017, at 6:00 PM in Council Chambers at the Oconee County Administrative Building, 415 S. Pine St., Walhalla, SC 29691.

Members Present: Ms. Fowler
Mr. Gilster
Mr. Lusk
Mr. McKee
Mr. Medford
Mr. Menzies
Mr. Morgan

Staff Present: Mr. Gregory Gordos, Senior Planner; Adam Chapman, Planner I; Bill Huggins, Planner

Media present: None

ITEM 1- Call to Order

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

ITEM 2- Approval of Minutes from May 17, 2017

Mr. Menzies motioned to approve the minutes.

Mr. Lusk seconded the motion.

The motion was passed 6-0

ITEM 3- Public Comment (Non-Agenda)

Mr. Red Gardner spoke about Item 3 concerning the New Life Church project. He expressed his disapproval of the appearance of that project relative to the Rustic Elegance concept. He also spoke in opposition to the Epoch housing project. He stated the County is not abiding by the Rustic Elegance idea.

ITEM 4- Special Exception Hearing for Application SE17-000003 (378 Mountain Road- Communication Tower)

The Chairman introduced the case. Mr. Gordos

Mr. Gordos stated the matter before the Board. The request is for a Special Exception approval of a communications tower on Mountain Road under Chapter 32 of the Oconee County Code of Ordinances. The tower is 195' and a monopole design. The project is in the CFD. He pointed out that every communications tower request requires a Special Exception review for approval.

Mr. James LaPann, applicant, was introduced by Mr. Gordos. Mr. LaPann presented a PowerPoint presentation detailing the Mountain Road tower request. Mr. LaPann indicated that there would be an enclosure around the unit and vegetative screening. He argued that in keeping with the criteria for approval, this use is in keeping with the Comprehensive Plan and the character of the area, which is forested and in a CFD. He stated the use is in the best interests of County residents by providing good internet access. He added that about seventy percent of E-911 calls are by cell phone. In terms of harmony with the area, Mr. LaPann noted the drawings submitted and the distance from the public road. With respect to traffic, Mr. LaPann indicated that this will be an unmanned installation and will thus generate little traffic.

Mr. LaPann explained the various levels of coverage indicated on the site drawing. He stated that this project will fill in a gap in coverage.

No one spoke in opposition to the request.

Next, Mr. Gordos explained to the Board the requirement that they consider the request based upon the four criteria for approval.

The Chairman presented to the public the following criteria as outlined in Sec. 32-5.- General criteria for granting a special exception. Mr. Gordos noted that it procedurally required a request in the affirmative, discussion, and a vote on each of the following:

- a. is in accordance with the comprehensive plan and is consistent with the spirit, purposes, and the intent and specific requirements of this chapter;

Mr. Gilster motioned to approve the first criteria. Mr. Lusk seconded the motion. There was no discussion. The motion passed 7-0.

b. is in the best interests of the county, the convenience of the community and the public welfare;

Mr. Gilster motioned to approve the second criteria. Mr. seconded the motion. The motion passed 7-0.

c. 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; Mr. Gilster motioned to approve the third criteria. Ms. Fowler seconded the motion. The motion passed 7-0.

d. Suitable in terms of effects on highway traffic, parking and safety with adequate access arrangements to protect streets from undue congestion and hazard;

Mr. McKee motioned to approve the fourth criteria. Mr. Medford seconded the motion. There was no discussion. The motion passed 7-0.

Mr. McKee motioned to approve the Board Order with Mr. Medford seconding the motion. The motion passed unanimously.

ITEM 5- Special Exception Hearing for Application SE17-000004 (470 Dairy Farm Road – Communication Tower)

Mr. Gordos stated the matter before the Board. This property is zoned Agriculture (AD). The height maximum is 225', and the structure is a monopole. The use is located behind several agricultural buildings. These are not considered habitable.

Mr. James LaPann spoke on behalf of the request. He noted that the owners of the property where this proposal is located are present for the hearing. He stated that a farm road runs beside the farm structures back to the area where the tower will be located. Mr. LaPann showed a graphical presentation and photo simulations to show the use location, which is well back from the public road.

He argued that the use is in keeping with the spirit of the ordinance and meets all four criteria for approval.

The Chairman next presented to the public the following criteria as outlined in Sec. 32-5.- General Criteria for Granting a Special Exception:

a. is in accordance with the comprehensive plan and is consistent with the spirit, purposes, and the intent and specific requirements of this chapter;

The Chairman suggested that the Commission vote on the request with one motion addressing all four criteria for approval. He called for a motion to use that method of consideration.

Mr. Gilster motioned to approve the request on that basis. Mr. Lusk asked if the applicant provides a letter of insurance coverage/liability as part of the submittal process. Mr. Gordos indicated that all documentation, including insurance and an indemnity agreement, are included. The Commission voted unanimously to use the single motion method in voting on the request.

Mr. Lusk made a motion to approve the request as in accordance with the four criteria for approval. Mr. Gilster seconded the motion. The request was approved unanimously.

ITEM 6- Special Exception Hearing for Application SE17-000006 (Newry Road – Self Storage Facility in Lake overlay district

Mr. Gordos stated the matter before the board. He indicated that Chapter 38, Article 11 requires that projects of this type within 75 feet of Lake Keowee or Jocassee in the Overlay require Special Exception review. Several lakefront communities are located near the subject site, which is near the Newry community.

Kevin Rotano spoke as the applicant for the request. He indicated he is not the property owner but stated that the facility would be high quality. He did not present detailed drawings and views until approval is granted to allow for preparation to go forward. All access would be from Stanton Road, according to Mr. Rotano. The facility would be for landowners in the Lake Keowee area. He further stated the project goals and upscale appearance with an appealing façade, paved drives, and attractive fencing. He also indicated that traffic impact should be minor on Hwy 130, with traffic routed onto Stanton Road.

Mr. Gilster asked about designs for the project and about DOT applications for access. Mr. Rotano stated that all access from the facility would be on Stanton. Ms. Lusk asked if this is the first time the public has had a chance to consider the issue and hear the proposal. Mr. Rotano indicated that this is the first opportunity. Mr. Lusk stated that to vote on something, the members need more information to act on the request.

Mr. Gilster asked about ownership. The applicant does not have ownership or an option at this point.

Mr. Lusk said it appeared the submittal may be premature. In answer to another question, Mr. Rotano stated that no commercial business would be operating out of the facility, and traffic should be limited.

Opposition Speakers

Red Barnett spoke in opposition to the request, citing traffic concerns, the appearance of the project, and the type of activity that might be involved.

Aaron Russy also spoke in opposition to the request based on traffic concerns.

Martha Steele spoke in opposition. She also expressed traffic concerns along Rochester Highway.

Elizabeth Cox stated that the project would detract from efforts to revitalize the Newry community, again citing traffic issues.

Mr. Gilster stated that he felt they could not vote on the item at this time. Mr. Lusk made a motion to table the item. Mr. Medford seconded the motion. The motion was approved unanimously.

Item 7- Variance Hearing fo Application VA17-000009 (13995 Clemson Blvd – Minimum Setbacks for Communication Towers)

Mr. Gordos stated the issue, which is a variance request concerning the setback from a property line. The applicant seeks relief from the setbacks for a Communication Tower , which is set by Chapter 32-134 General Requirements-M. , which requires a setback from every property line of one foot for every foot in height of the tower.

This request involves a large tract owned by the applicant, who wishes to subdivide a small lot out of that larger area to contain an existing communications tower. The tower is already non conforming, in that it is already close to the southern boundary of the tract. This request would expand the non-conformity relative to property lines being created on all sides of the structure.

Applicant

Mr. Hal Grayson of Veleo Group spoke on behalf of the request. His company has the 58 acre tract under contract in the subject location to develop a student housing project that will include several housing types and

accompanying facilities. Mr. Greyson stated the company is developing a linear park, and is working with the County engineer and with DHEC on permitting issues.

Mr. Grayson stated that their title company would prefer that they separate out a parcel containing the tower in order to facilitate title insurance. The company will still maintain and own the property.

Mr. Grayson stated that the conditions associated with this request are unique and don't generally apply elsewhere. He also indicated that operation of the tower in the future could be precluded without the variance. He argued that there should be no detriment to surrounding properties given the tower location, which is not clearly visible from the project entrance area. In addition, landscaping is planned for the tower area. He added that there is interest in expanding the tower area to include a portion of the access road.

Ms. Fowler asked about the amount of area around the tower. Ms. Grayson said between the tower and the lake is the proposed village area. There will be townhomes and apartments. Amenities will not be near the tower. But there will be buildings nearby. Mr. Grayson said the cell tower must have insurance and there would be insurance for the project as well. Ms. Fowler asked if this request could create liability for the County given the proximity of the tower relative to proposed buildings. Mr. Grayson did not think so.

Mr. Gilster considered whether the access road or a portion of it should be included in the parcel to be created. Mr. Grayson indicated that this request does not involve Norfolk Southern. He also stated that the company plans to begin construction in August. He stated that if the Board does not approve the request, this would kill the project. Mr. Gordos stated that no permits have been formally applied for at this point. Only preliminary renderings have been provided.

Again Ms. Fowler expressed her concern about potential liability associated with the project, with housing to be located in close proximity to the tower. Ms. Fowler suggested additional liability insurance language to address her concern.

The Chairman suggested that language concerning additional insurance could be included as an additional condition of approval. Mr. Gordos indicated that he did not know the legal aspect of such language.

Mr. Gilster made a motion to table the request in order to obtain guidance from the County Attorney regarding what language should be used in the conditions of approval to address the liability concerns. Ms. Fowler amended the motion to request that the applicant revise the plat to include the additional property involving the access road that the applicant would

like included in the parcel to be created and submit that material for consideration at the next Board meeting. The Board voted unanimously to approve the amendment by Ms. Fowler.

Next, the Board voted unanimously to approve the amended motion by Mr. Gilster.

A motion was made to adjourn and seconded. The motion was approved unanimously. The Board adjourned at approximately 7:15 p.m.

DRAFT

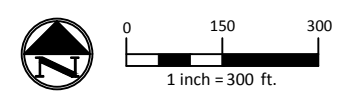
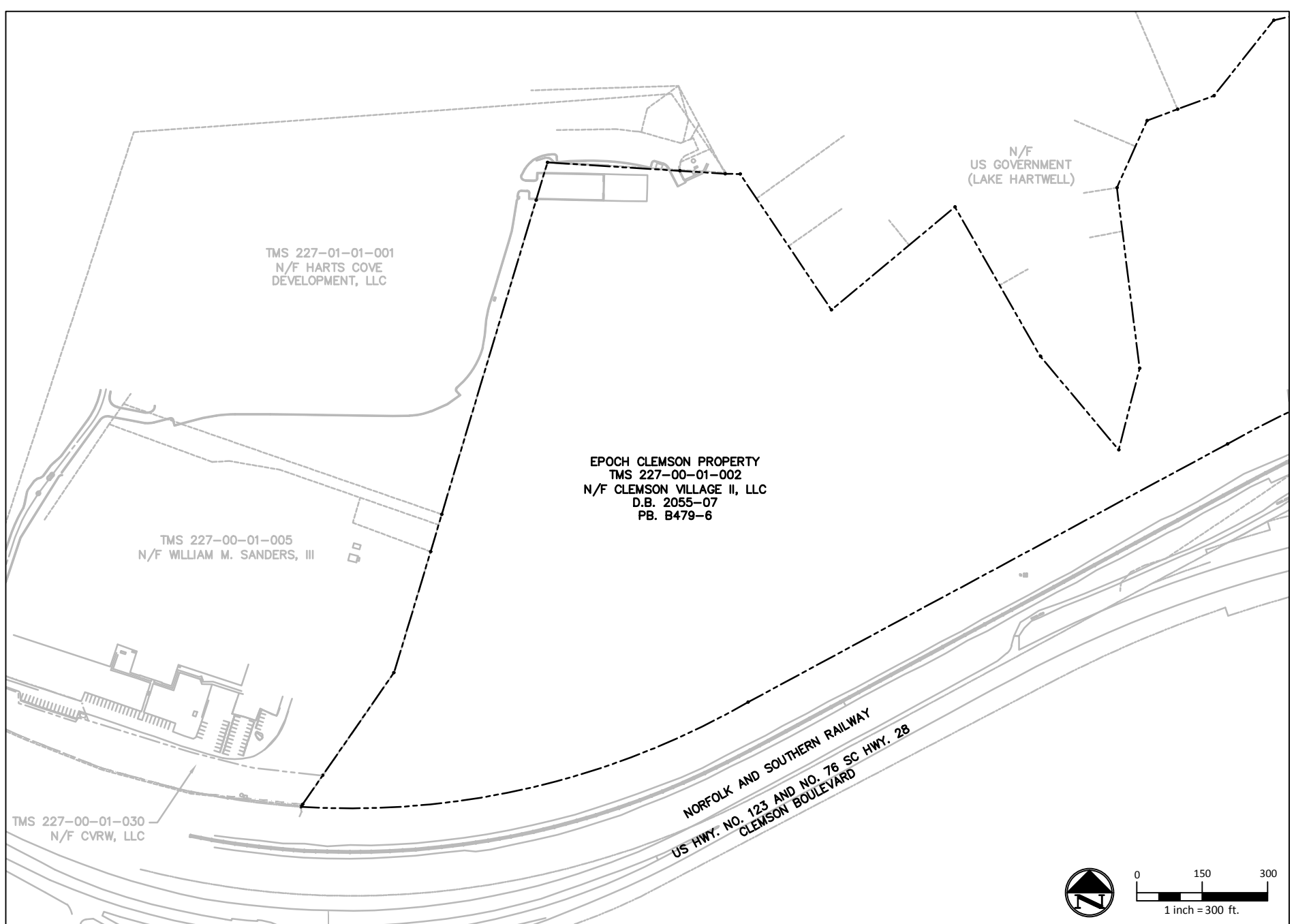
Variance Request Details
Parcel 227-00-01-002
Epoch Clemson, LLC (Clemson Village 2, LLC)
6-2-17

The Variance Request is to 1) allow the subdivision of parcel 227-00-01-002 into two parcels, and 2) provide a waiver of setback requirements for the two parcels.

The Main Parcel (referred to as Tract 2 on the attached Exhibit A) is planned to be developed as a multifamily project that will be approximately 55.88 acres. The proposed new parcel is shown as Tract 2-A consisting of approximately .09 acres and is also referred to as the Cell Tower Parcel since it contains an existing cell tower.

The following is an outline the individual case of unnecessary hardship as defined in section 38.7.1 of the Oconee County Code of Ordinances:

1. Extraordinary and exceptional conditions pertain to the Property as the cell tower easement was granted by previous owner Milliken, and the cell tower was constructed and sublet to multiple parties and that this condition has created title issues that affect the Main Parcel. The Variance Request is to subdivide the Cell Tower Property from the Main Parcel and waive the setback requirements so the proposed multifamily project can obtain clear title and permits and the existing cell tower can continue to operate.
2. These conditions do not apply to other properties in the vicinity. The cell tower is already built and operating providing cellular service to the area and the cell tower has an access easement connecting to Hwy 123.
3. The application of the setback conditions if subdivided would effectively prohibit the operation of the cell tower and development of the multi-family project so therefore the waiver of the setbacks is requested so that the property may be subdivided.
4. Because the cell tower is already existing and operating, the authorization of the Variance will not be of substantial detriment to the adjacent uses and will not be of detriment to the public good, and the character of the District will not be harmed by granting the Variance.
 - a. The cell tower easement granted by Milliken was a lump sum payment to Milliken and there is no additional payment to the current or future owners so there is no economic incentive to grant the Variance.
 - b. The Variance does not adversely affect the character of the community and does not have any secondary negative impact as the cell tower is already constructed and has an existing service road so there will be no impact on highway traffic by granting the Variance since the proposed multifamily development will not use the cell tower access road. Emergency access will be allowed to the service road and the county will be provided access for emergency purposes.



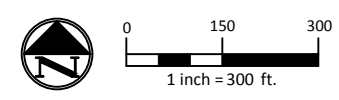
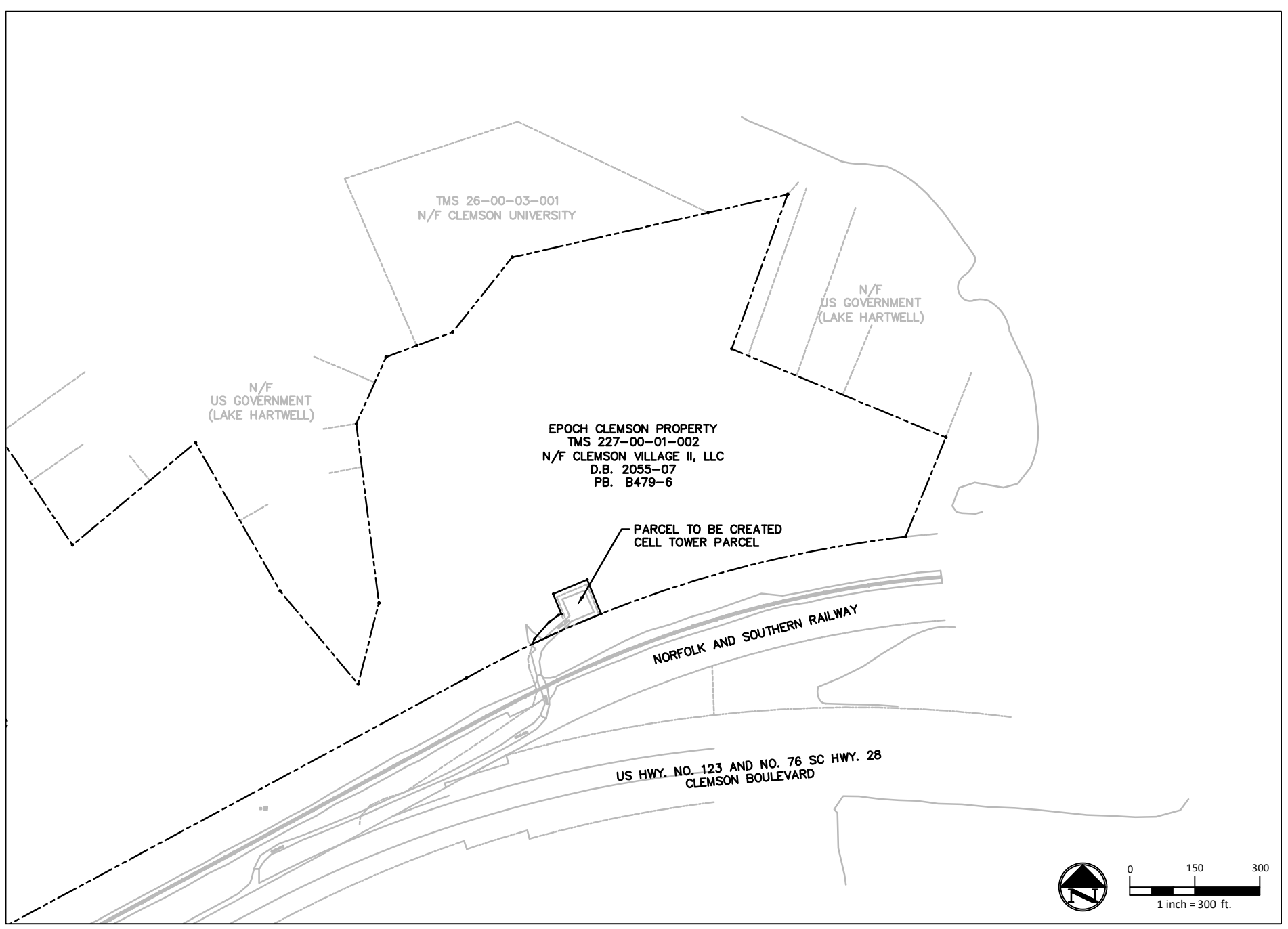
A-1
SHEET 1 OF 3

**Epoch Clemson
Subdivision Exhibit - Parcel**



DATE
06/27/2017
SCALE
1" = 300'

CCAD No.
C14008B
DRAWN BY
RJS



A-2
SHEET 2 OF 3

**Epoch Clemson
Subdivision Exhibit - Parcel**



DATE 06/27/2017	CCAD No. C14008B
SCALE 1" = 300'	DRAWN BY RJS

TRACT 2
EPOCH CLEMSON PARCEL
 2,460,872 SF
 56.494 ACRES

TRACT 2A
CELL TOWER PARCEL
 9,210 SF
 0.211 AC

APPROXIMATE LOCATION OF 85'x85'
 COMMUNICATION EASEMENT PER DEED BOOK 1968,
 PAGE 113 (PARCEL 2A BOUNDARY)

APPROXIMATE LOCATION OF 75'x75' 360
 COMMUNICATIONS COMPANY OF SOUTH
 CAROLINA NO. 1 EASEMENT

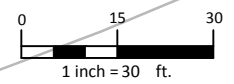
APPROXIMATE LOCATION OF ACCESS AND
 UTILITY EASEMENT PER DEED BOOK 1968,
 PAGE 113 (PARCEL 2A BOUNDARY)

GRAVEL ROAD

NORFOLK AND SOUTHERN RAILWAY

CURVE TABLE			
ID	LENGTH	RADIUS	DELTA
C1	171.697	2706.755	003.6344

LINE TABLE		
ID	LENGTH	DIRECTION
L1	85.005	N21° 58' 21.86"W
L2	85.007	S67° 16' 06.35"W
L3	50.008	S21° 58' 21.86"E
L4	7.149	S66° 52' 10.00"W
L5	26.710	S54° 00' 30.00"W
L6	51.790	S41° 06' 50.00"W
L7	11.613	S17° 16' 38.00"W



A-3
 SHEET 3 OF 3

Epoch Clemson
Subdivision Exhibit - Parcel

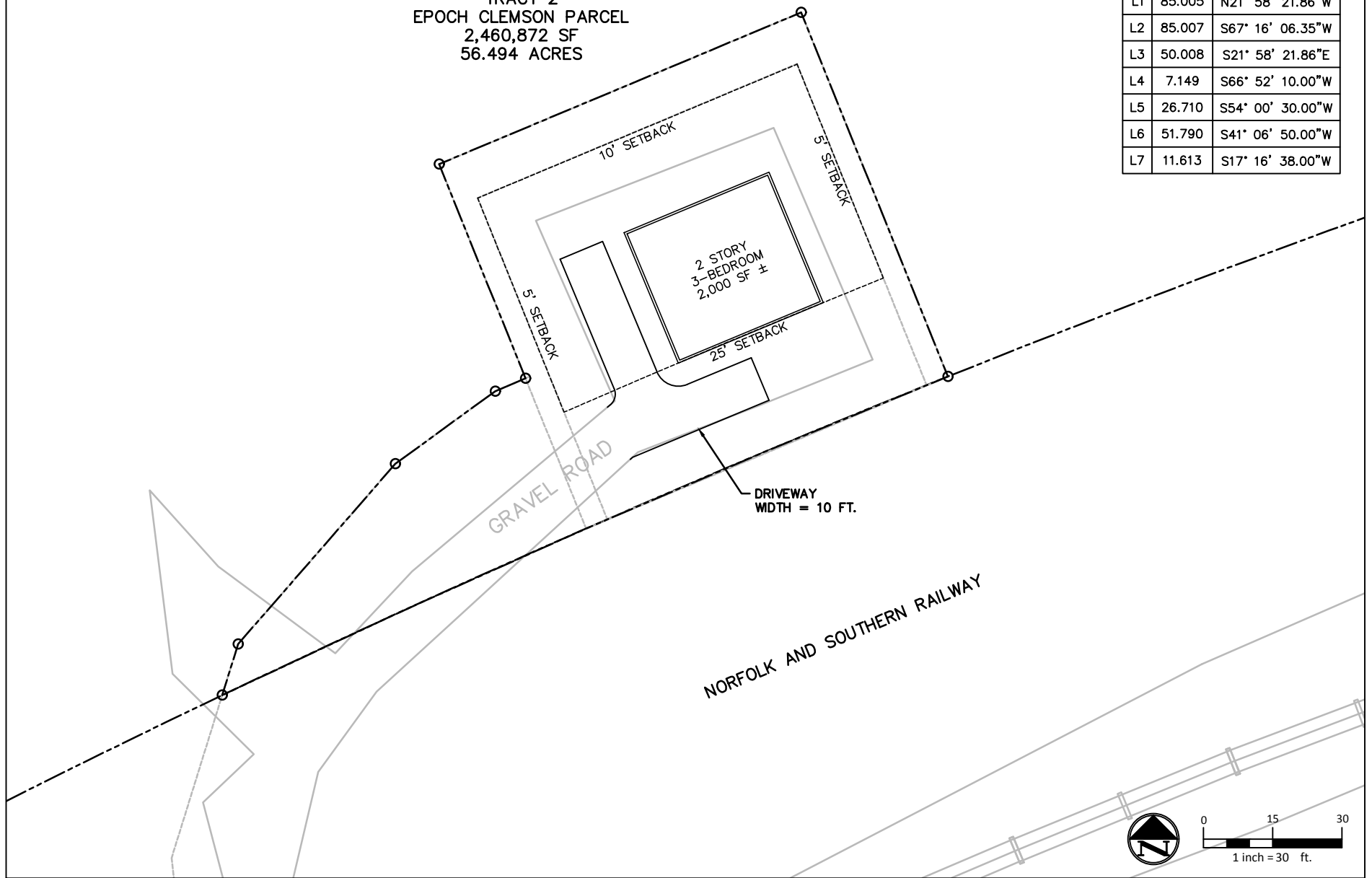


DATE
 06/27/2017
 SCALE
 1" = 30'

CCAD No.
 C14008B
 DRAWN BY
 RJS

TRACT 2
EPOCH CLEMSON PARCEL
2,460,872 SF
56.494 ACRES

LINE TABLE		
ID	LENGTH	DIRECTION
L1	85.005	N21° 58' 21.86"W
L2	85.007	S67° 16' 06.35"W
L3	50.008	S21° 58' 21.86"E
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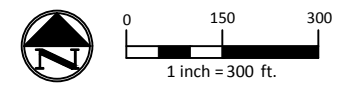
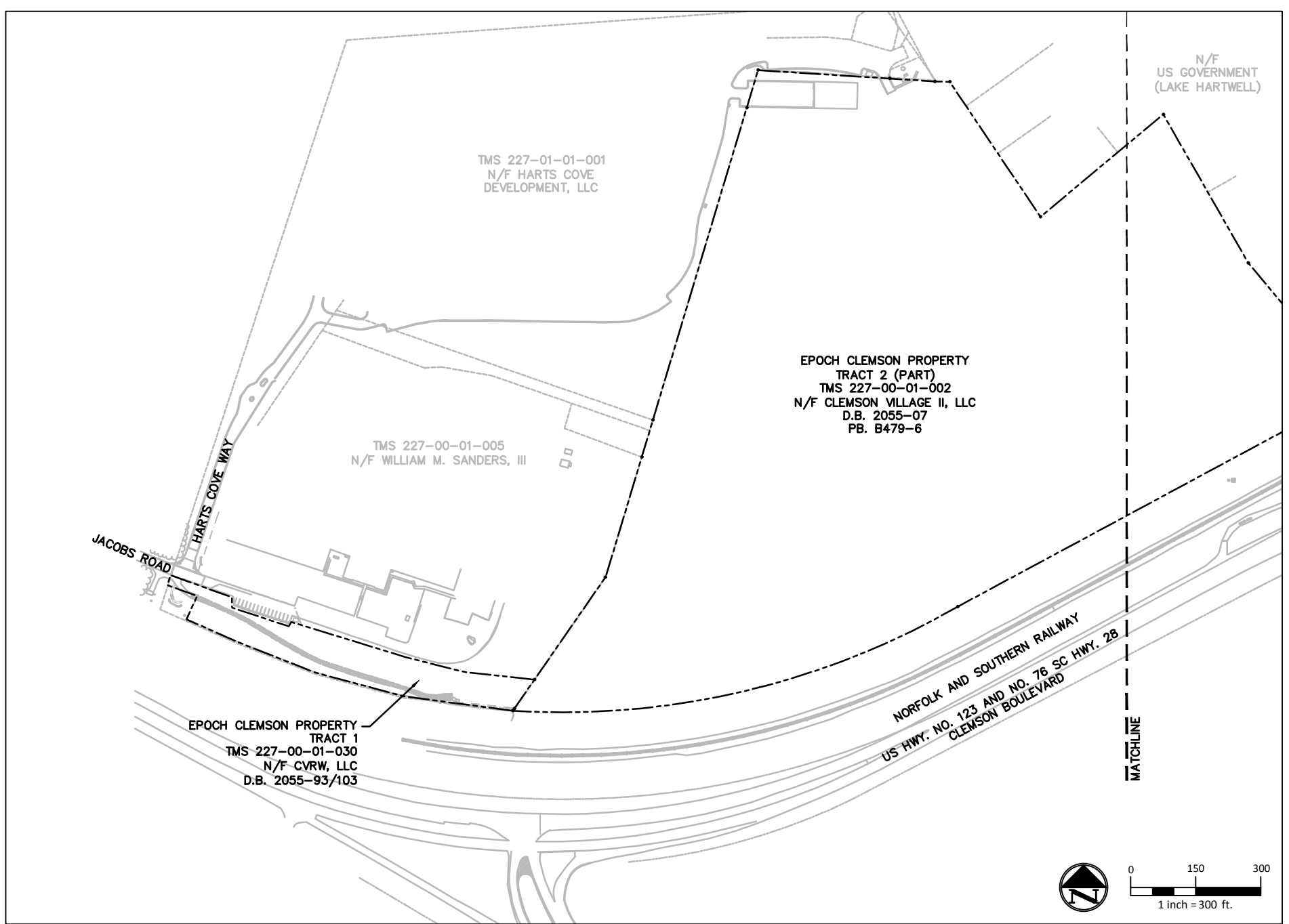
B
SHEET 1 OF 1

**Epoch Clemson
Subdivision Exhibit - Concept Layout**



DATE
06/27/2017
SCALE
1" = 30'

CCAD No.
C14008B
DRAWN BY
RJS



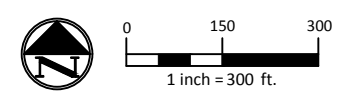
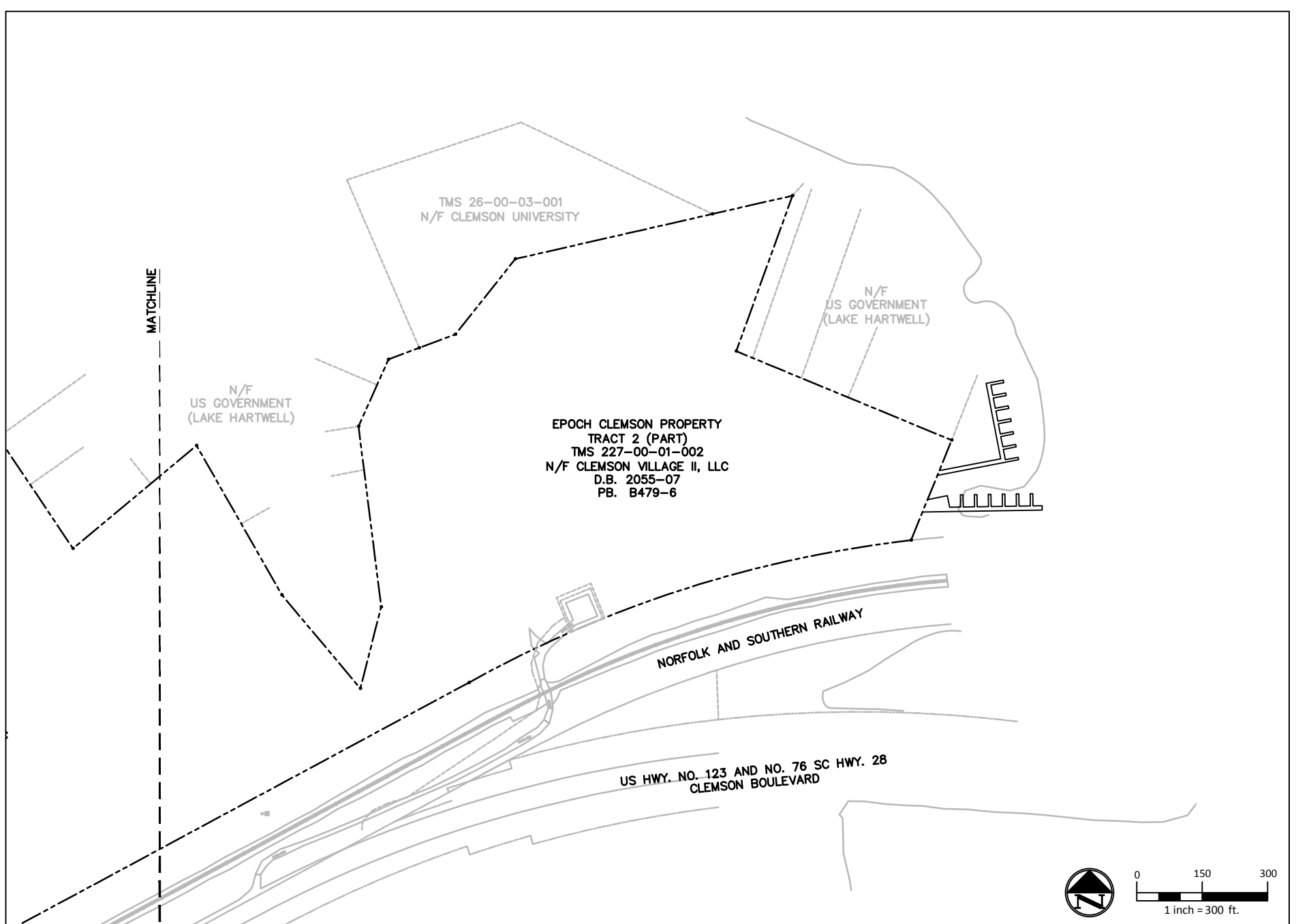
A-1
SHEET 1 OF 2

**Epoch Clemson
Sidewalk Variance Exhibit - Parcel**



DATE
06/19/2017
SCALE
1" = 300'

CCAD No.
C14008B
DRAWN BY
RJS



<p>A-2 SHEET 2 OF 2</p>	<p align="center">Epoch Clemson Sidewalk Variance Exhibit - Parcel</p>		<p>DATE 06/19/2017</p> <p>SCALE 1" = 300'</p>	<p>CCAD No. C14008B</p> <p>DRAWN BY RJS</p>
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NOTES

1. RIGHT-OF-WAY LOCATION AND SITE PLAN INFORMATION SHOWN FOR REFERENCE ONLY. THIS INFORMATION IS SUBJECT TO CHANGE WITH COUNTY APPROVAL.
2. VARIANCE REQUEST TO APPLY TO ALL CURRENT/FUTURE PRIVATE ROAD RIGHT-OF-WAY ON THE REFERENCED PARCELS.

TMS 227-01-01-001
N/F HARTS COVE
DEVELOPMENT, LLC

N/F
US GOVERNMENT
(LAKE HARTWELL)

PRIVATE DRIVE
RIGHT-OF-WAY

TMS 227-00-01-005
N/F WILLIAM M. SANDERS, III

EPOCH CLEMSON PROPERTY
TRACT 2 (PART)

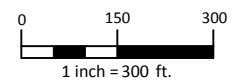
EPOCH CLEMSON PROPERTY
TRACT 1

JACOBS ROAD

HARTS COVE WAY

NORFOLK AND SOUTHERN RAILWAY
US HWY. NO. 123 AND NO. 76 SC HWY. 28
CLEMSON BOULEVARD

MATCHLINE



B-1

SHEET 1 OF 2

Epoch Clemson Sidewalk Variance Exhibit - Right-of-Way

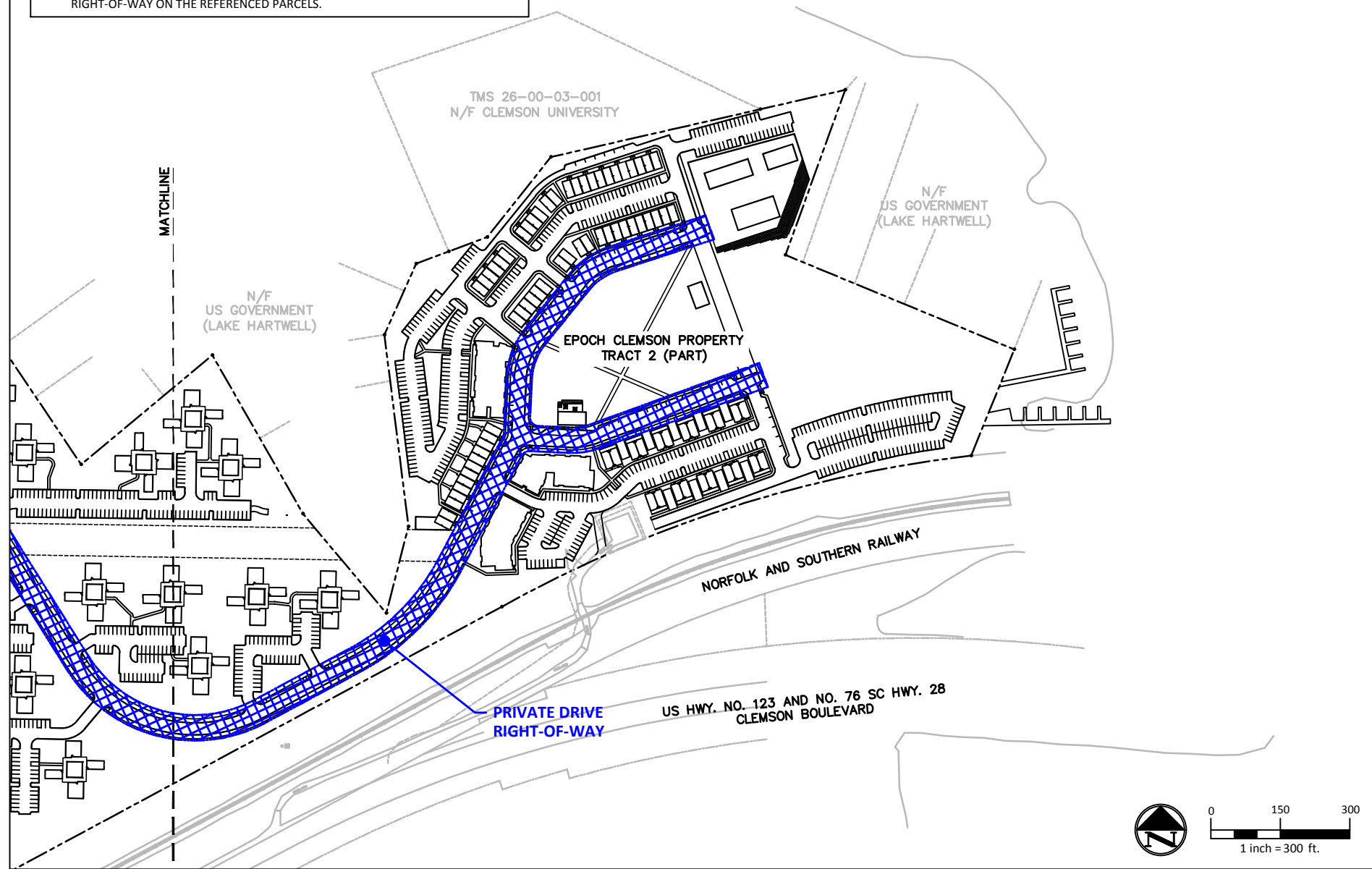


DATE
06/19/2017
SCALE
1" = 300'

CCAD No.
C14008B
DRAWN BY
RJS

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B-2

SHEET 2 OF 2

Epoch Clemson Sidewalk Variance Exhibit - Right-of-Way



DATE
06/19/2017

SCALE
1" = 300'

CCAD No.
C14008B

DRAWN BY
RJS