

# OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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## MINUTES SPECIAL HEARING 6:00 PM, WEDNESDAY, MAY 17, 2017 COUNTY COUNCIL CHAMBERS OCONEE COUNTY ADMINISTRATIVE COMPLEX

The Oconee County Board of Zoning Appeals held a meeting on May 17, 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

**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 March 27, 2017

Mr. Menzies motioned to approve the minutes.

Mr. Lusk seconded the motion.

The motion was passed 6-0 with Mr. Gilster abstaining

ITEM 3- Public Comment (Non-Agenda)

Mr. Gordos provided instructions on the public comment procedure, noting that three of the four members of the audience were applicants. No public comment was provided.

ITEM 4- Election of Officers

Mr. Medford called for nominations for the office of Chair. Mr. Medford nominated Mr. Menzies. Mr. McKee concurred. Mr. Ownbey was elected as Chair with a vote of 7 – 0.

Mr. Menzies called for nominations for the office of Vice-Chair. Mr. Medford nominated Mr. Gilster. Mr. Menzies concurred. Mr. Gilster was elected as Vice-Chair with a vote of 7 – 0.

ITEM 5- Special Exception Hearing for Application SE17-000002 (Prater Farm Road – Communication Tower)

Mr. Gordos stated the matter before the Board. The request is a Special Exception under Chapter 32 of the Oconee County, South Carolina – Board of Ordinances and that it is specific to Communication tower construction under Article 4 of that chapter.

Mr. James LaPann, applicant, was introduced by Mr. Gordos. Mr. LaPann read a PowerPoint presentation detailing the intent of the tower to improve coverage on Route 59. The tower would be of monopole construction and a letter was read by Mr. LaPann on why the tower could not be collocated. Mr. LaPann's presentation also showed renderings of what the tower would look like from various viewpoints and presented a coverage map detailing the impact a new tower would have in the area.

Mr. Menzies asked about the radius the tower impact would have; Mr. LaPann estimated the radius at around 2 miles.

Mr. Menzies asked if there had been any written comment on the tower; Mr. Gordos stated there had been none, but that a resident of the nearby neighborhood had attended the last hearing and asked questions of Mr. LaPann.

Mr. Menzies 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. Ms. Fowler seconded the motion. Mr. McKee provided discussion, stating that he lives in the area and that service was often poor. 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. Mr. McKee provided discussion, stating that the distance from neighbors property minimizes risk if the tower were to fall. 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 6- Variance Hearing for Application VA17-000005 (Clemson Boulevard CASTO - Setbacks)

Mr. Gordos stated the matter before the Board – specifically which this require is for relief from a portion of the five foot side yard setback as required in the Control Free District.

Mr. Tom Lowell, applicant, was introduced by Mr. Gordos and explained the reasoning behind the request for relief from the required setback.

Mr. Menzies presented to the public the following criteria as outlined in Sec. 32-5.- General criteria for granting a variance:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

Mr. Gilster motioned to approve the first criteria. Mr. Medford seconded the motion. Mr. McKee provided discussion, stating that the variance would result in a unified aesthetic. The motion passed 7-0.

b. These conditions do not generally apply to other property in the vicinity;

Mr. Gilster motioned to approve the second criteria. Mr. Menzies seconded the motion. Mr. Gilster provided discussion, stating the conditions does not apply to other property. The motion passed 7-0.

c. 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;

Mr. Gilster motioned to approve the third criteria. Mr. Medford seconded the motion. Mr. Gilster provided discussion, stating the practice of zero-lot lines is utilized by other county shopping centers. The motion passed 7-0.

d. 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. Gilster motioned to approve the fourth criteria. Mr. Medford seconded the motion. Mr. Gilster provided discussion, stating there are currently no adjacent uses. The motion passed 7-0.

Ms. Fowler motioned to approve the Board Order with Mr. Medford seconded the motion. The motion passed unanimously.

ITEM 7- Variance Hearing for Application VA17-000006 (2255 Sandifer Blvd. St. Clair Signs - Requirements for billboards and other commercial signs)

Mr. Gordos stated the matter before the Board – specifically which this require is for relief from the distance requirements of billboards for billboards and other commercial signs, under Chapter 32 Article VIII – sign control. No billboard visible (other than an in an incidental manner) from a four-lane road located within the unincorporated areas of the county, shall be erected within 1,300 feet of an existing billboard located on the same road. Mr. Gordos stated its support for the variance, noting the difference between on-premise and off-premise signs and that Article VIII Sign Control should be changed in the future .

A representative from St. Clair Signs, applicant, noted that the pylon sign should be considered a commercial sign and not a billboard.

Mr. Menzies asked if the applicant if the sign was in the right-of-way; the applicant stated it was not.

Mr. Menzies presented to the public the following criteria as outlined in Sec. 32-5.- General criteria for granting a variance:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

Mr. Gilster motioned to approve the first criteria. Mr. Lusk seconded the motion. Mr. Gilster provided discussion, stating that having so many billboards on US-123 makes the conditions exceptional. The motion passed 7-0.

b. These conditions do not generally apply to other property in the vicinity;

Mr. Gilster motioned to approve the second criteria. Mr. Medford seconded the motion. Mr. Gilster provided discussion, stating that having two billboards on one property unique to this property. The motion passed 7-0.

c. 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;

Mr. Gilster motioned to approve the third criteria. Mr. Lusk seconded the motion. Mr. Gilster provided discussion, stating requirements for distance from billboards would restrict an on-premise sign. The motion passed 7-0.

d. 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. Gilster motioned to approve the fourth criteria. Mr. Lusk seconded the motion. Mr. Gilster provided discussion, stating the sign is a public good. The motion passed 7-0.

Mr. McKee motioned to approve the Board Order with Mr. Morgan seconded the motion. The motion passed unanimously.

ITEM 7- Old Business

There was no old business.

ITEM 8- New Business

There was no new business.

ITEM 9- Adjourn

Meeting was adjourned at 7:07 p.m.