

415 South Pine Street - Walhalla, SC



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MINUTES
BOARD OF ZONING APPEALS
6:00 PM, MONDAY, JULY 24, 2017
COUNTY COUNCIL CHAMBERS
OCONEE COUNTY ADMINISTRATIVE COMPLEX

The Oconee County Board of Zoning Appeals held a meeting on July 24, 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. McKee
Mr. Medford
Mr. Morgan
Mr. Lusk

Staff Present: Adam Chapman, Planner I; Bill Huggins, Planner

Media present: Mr. Dick Mangrum, WGOG Radio

ITEM 1- Call to Order

Mr. Gilster, Acting Chairman, called the meeting to order. 6:00 p.m.

ITEM 2- Approval of Minutes from June 25, 2017

Mr. Lusk motioned to table approval of the minutes until the next Board meeting to insure an accurate draft for approval.

Mr. Morgan seconded the motion.

The motion was passed 4-0

ITEM 3- Public Comment (Non-Agenda)

No one from the public signed up to address the Board or make comments.

Next, Mr. Gilster requested that staff update the Board on a new vacancy. Mr. Huggins explained that Mr. Menzies had tendered his resignation from the Board, citing health issues. That information has been forwarded to Council in order to have the position filled.

ITEM 4- Variance Hearing for Application VA17-000008 (13995 Clemson Boulevard – Minimum Setbacks for Communication Tower

Mr. Gilster requested that staff present this case, which had been tabled at the June 26 meeting in order to receive legal advice from the County Attorney. Mr. Huggins explained that the matter is still under review. Therefore, it is recommended that the Board continue the item again until issues involving the history of the communication tower and code requirements can be resolved.

Mr Gilster inquired if the applicant would be amenable to a continuance. The applicant indicated support for that approach.

Mr. Morgan made a motion to continue the request. Mr. Lusk seconded the request. The motion passed 4-0.

ITEM 5- Variance hearing for Application VA17-000009 – Variance request for the planned multifamily project known as Clemson Epoch (13995 Clemson Boulevard) to allow sidewalks at the project site.

Mr. Gilster requested that staff present its report concerning this request. Mr. Adam Chapman stated that staff supports this request in keeping with the ordinance criteria for special exception approval. He noted that sidewalks in the road right-of-way are appropriate for multi-family student housing development.

Mr. Gilster asked why sidewalks are not permitted by right and require special exception consideration. Mr. Chapman suggested that the concern had been about the County having to maintain sidewalks should the road later be accepted into the County system.

Next, Mr. Hal Grason of Clemson Epoch, the applicant, addressed the Board and explained that the project will have private roads and the company would like to provide sidewalks along the private road serving the development. He also stated there will be a linear park concept along a Duke easement. He also indicated plans to provide bus stops within the development. Mr. Grayson showed the Board a concept site plan for the the project, which features several types of housing units.

The project architect added that they would like to provide the sidewalk in the areas indicated so that students do not have to walk in the circular drive and roadway, thus promoting a safer environment.

Mr. Morgan asked the applicant if the roads would remain in a private status. The architect noted that language had been discussed as part of the approval to stipulate that the sidewalks would continue in private maintenance should

the road ever be accepted into the County system. Mr. Huggins indicated that should the Board approve the request, it make as a condition of approval that the sidewalks be maintained by the developer/owner should the road status change in the future.

No one spoke in opposition to the request.

Mr. Gilster recommended that the Board consider the criteria for approval of a variance under one motion and action by the Board. Mr. Gilster read the criteria. The criteria under Section 38-7.1 of the County Zoning Ordinance:

- (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.
 - a. The board of zoning appeals may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted. The fact that the property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.
 - b. The board of zoning appeals may grant a variance to extend physically an existing nonconforming use provided that the expansion does not adversely affect the character of the community and is designed so as to minimize any negative secondary impacts.
 - c. In granting a variance, the board of zoning appeals may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board of zoning appeals may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.

Mr. Morgan made a motion to approve the variance on condition that should the private roads within the development ever be accepted into the County system, maintenance of the sidewalks would remain with the property owner/developer.

Mr. Lusk seconded the motion. The motion to approve with the stated condition was approved by a vote of 4-0.

A motion was made to adjourn and seconded. The motion was approved unanimously. The Board adjourned at approximately 6: 25 p.m.