OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

AGENDA

6:00 PM, MONDAY, FEBRUARY 26, 2018 COUNCIL CHAMBERS OCONEE COUNTY ADMINISTRATIVE COMPLEX

- ITEM 1- Call to Order
- ITEM 2- Approval of Minutes January 22, 2018.
- ITEM 3- Public Comment (Non-Agenda)
- ITEM 4- Staff Update
 - 1. General Items
 - 2. Status of Ad Hoc Committee for Review of BZA Notification Requirements
 - Item 5- Application VA18-000002, Bountyland Enterprises, Inc. is requesting a Variance from Section 32-214(b) and from the setback requirements of the Oconee County Zoning Ordinance for structures to allow underground storage tanks and a portion of new parking isles and curbs to intrude by up to 12.5 feet into the front setback area for a new commercial use. The variance is associated with a proposed commercial use at the intersection of Edinburgh Way and W. Cherry Road in the Seneca area (TMS #271-01-01-149).
 - 2) Approval of Board Order Call for recess (to sign/approve Board Order)
- ITEM 6- Old Business [to include Vote and/or Action on matters brought up for discussion, if required]
- ITEM 7- New Business [to include Vote and/or Action on matters brought up for discussion, if required]
- ITEM 8- Adjourn





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MINUTES

BOARD OF ZONING APPEALS 6:00 PM, MONDAY, JANUARY 22, 2018 COUNTY COUNCIL CHAMBERS OCONEE COUNTY ADMINISTRATIVE COMPLEX

The Oconee County Board of Zoning Appeals held a meeting on January 22, 2018 at 6:00 PM in Council Chambers at the Oconee County Administrative Building, 415 S. Pine St., Walhalla, SC 29691.

Members Present:	Mrs. Fowler
	Mr. Gilster
	Mr. Medford
	Mr. McKee
	Mr. Lusk

- Staff Present: Bill Huggins, Planner
- Media present: None
- ITEM 1- Call to Order

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

ITEM 2- Approval of Minutes from November 27, 2017

Mr. McKee made a motion to approve the minutes. Mr. Lusk seconded the motion. The motion was passed 5-0

ITEM 3-Election of Officers Mr. McKee made a motion for Mr. Gilster to be Chairman and seconded by Mrs. Fowler the motion was approved unanimously. Mrs. Fowler made a motion for Mr. Lusk to be Vice-Chairman and seconded by Mr. McKee the motion was approved unanimously. Mr. McKee made a motion for Bill Huggins to be Secretary and seconded by Mrs. Fowler the motion was approved unanimously. ITEM 4- Public Comment (Non-Agenda) No one from the public signed up to address the Board or make comments.

ITEM 5- Staff Update

General Items

Mr. Huggins stated that a summery on permits since the December 2017 meeting, 47 mobile home, 42 new homes, total of 90 residential permits, 2 sign permits and 12 commercial permits. The Planning Commission is getting close to finishing the update on the Comprehensive Plan. The staff will then start the full review and update for 2020 as mandated by the State Comprehensive Enabling Act.

Adam Chapman has done a traffic study for the Planning Commission to see what areas to start the corridor overlay.

Update on "Ad Hoc" Committee to discuss BZA notification process Mr. Huggins stated that the "Ad Hoc" committee will meet on either the 14 or 15 of February. The "Ad Hoc" committee is made up of 2 BZA members, 2 Planning Commission members and 2 citizens. The information from the "Ad Hoc" committee will be presented to the Planning Commission and then to the County Council for approval.

ITEM 6-Special Exception Request for Application SE18-000001 – Request for the construction of a 225' self-support communication tower at (226 Whitmire Church Road, Tamassee, SC Tax parcel ID# 053-00-01-052)

Staff Presentation

Mr. Gilster presented the request to the Board.

Applicant Presentation

Mr. LaPann is a zoning specialist with Faulk and Foster. Mr. LaPann stated that maps were submitted with the application. Mr. LaPann stated that the dark green is the excellent service, light green is the good service, yellow not so good service, red is the weakest and the white is doesn't exist. The tower name is "Ducky" and is surrounded by white. The area to the east and west but especially the north shows no coverage. Oconee County requires to submit a map showing proposed sites. It is going to have illumination because it is over 200'. The facility will also have landscaping and fencing for security along with evergreens. The letter from FCC indicates that it meets their technical requirements. It will have multiple antennas

installations, one being the Verizon antenna and 3 others. The minimum setbacks are the height of the tower plus 50', to the roadway is 300' and to the nearest neighbor is to the east is 320'. A proof of insurance for 1 million dollars was submitted as well. Mr. LaPann discussed the Ordinance criteria which must be met to allow a special exception and he argued that all requirements are met.

Section 38-7.2

The board of zoning appeals may grant a special exception only if it finds adequate evidence that any proposed development will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The board of zoning appeals shall among other things require that any proposed use and location be:

(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.

The developer shall have the burden of providing evidence to the county of compliance with the general requirements of this chapter and the specific requirements of the applicable section. The board of zoning appeals may impose whatever reasonable conditions it deems necessary to ensure that any proposed development will comply substantially with the objectives in this chapter.

Mr. Lusk asked if the SCDOT encroachment permit had been acquired. Mr. LaPann stated that he isn't involved in that process and so did not know the status. Mr. Huggins stated that submitted testing photos included in the packet show the balloon testing locations. Mr. Huggins stated that it must also meet Section 32.131 thru 32.142 and are covered with the application. Mr. Huggins also stated that the tower site could go to 229' with the lighting

rod, and **250'** is the maximum allowed. The property is zoned CFD (Control Free District).

Public Comments

Mr. Alexander stated that he owns property near the proposed tower site and that the Oconee County Emergency Communication already has a tower near his property which has the cable optic lines available and also the infrastructure. Also his property adjoins SC Forestry Commission property. Mr. Alexander stated that his property is about 1.6 miles from the proposed site.

Mr. Gilster asked why Mr. Alexander wants the tower on his land. He stated that his request is for personal gain. Mrs. Fowler asked what the elevation is **on Mr. Alexander's property**. He did not have that information, but noted that he can see 3 other towers from his property. Mrs. Comb stated that she went to One tone and verified that the elevation is too low for a tower.

<u>Rebuttal</u>

Mr. LaPann stated that Mr. Alexander's request isn't relevant to the request under consideration by the Board. Mr. Gilster asked for a motion to vote on the items individually through one motion. Mr. McKee stated that appears to meet the requirements for approval. He noted, however, that if the **encroachment isn't approved and the building permit is denied** those steps provide a safety net for the board. Mr. McKee made a motion to vote on all the items at one time and was seconded by Mr. Medford. The vote to act on the request through one motion was unanimous. Mr. Gilster stated he would read the criteria and then ask for a motion and second.

Mrs. Fowler made a motion to approve the request and was seconded by Mr. Medford. The vote to approve was unanimous. Mr. McKee stated that it would be a benefit for the area.

Mr. Huggins presented the order to Mr. Gilster for his signature.

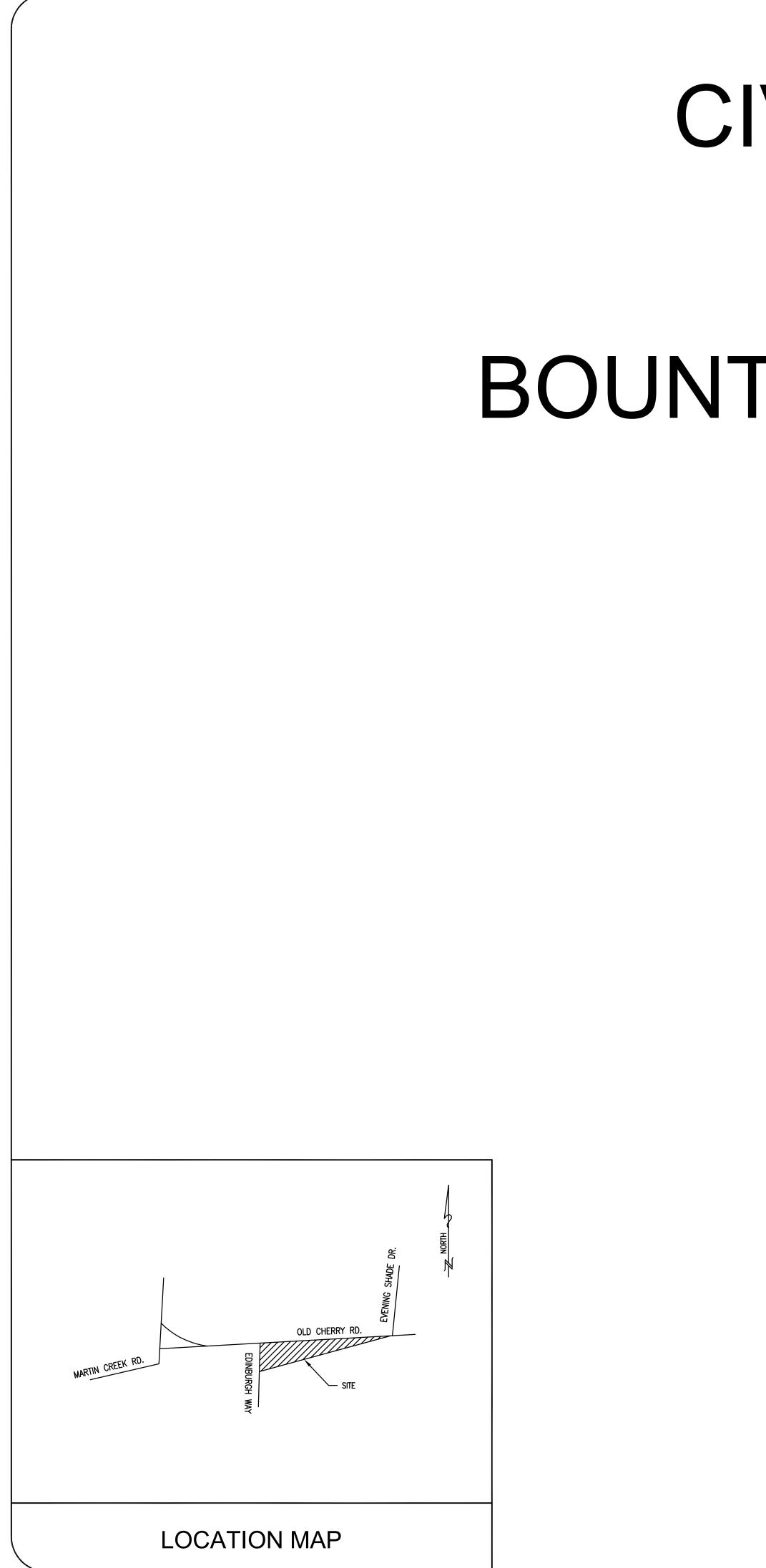
ITEM 7- Old Business

Mr. Huggins stated that in February there maybe 1 or 2 cases.

ITEM 8- New Business None

ITEM 9- Adjourn

A motion was made by Mr. Medford to adjourn and seconded by Mr. McKee. The motion was approved unanimously. The Board adjourned at approximately 7: 41 p.m.



CIVIL PERMIT FOR

BOUNTY LAND QUICK STOP

OWNER

BOUNTYLAND ENTERPRISES, INC. 1510 BLUE RIDGE BLVD, STE 202 **SENECA, SC 29672** 864.882.6876

CIVIL ENGINEER

JW WHITE CONSULTING, LLC PO BOX 806 ANDERSON, SC 29622 864.634.4399

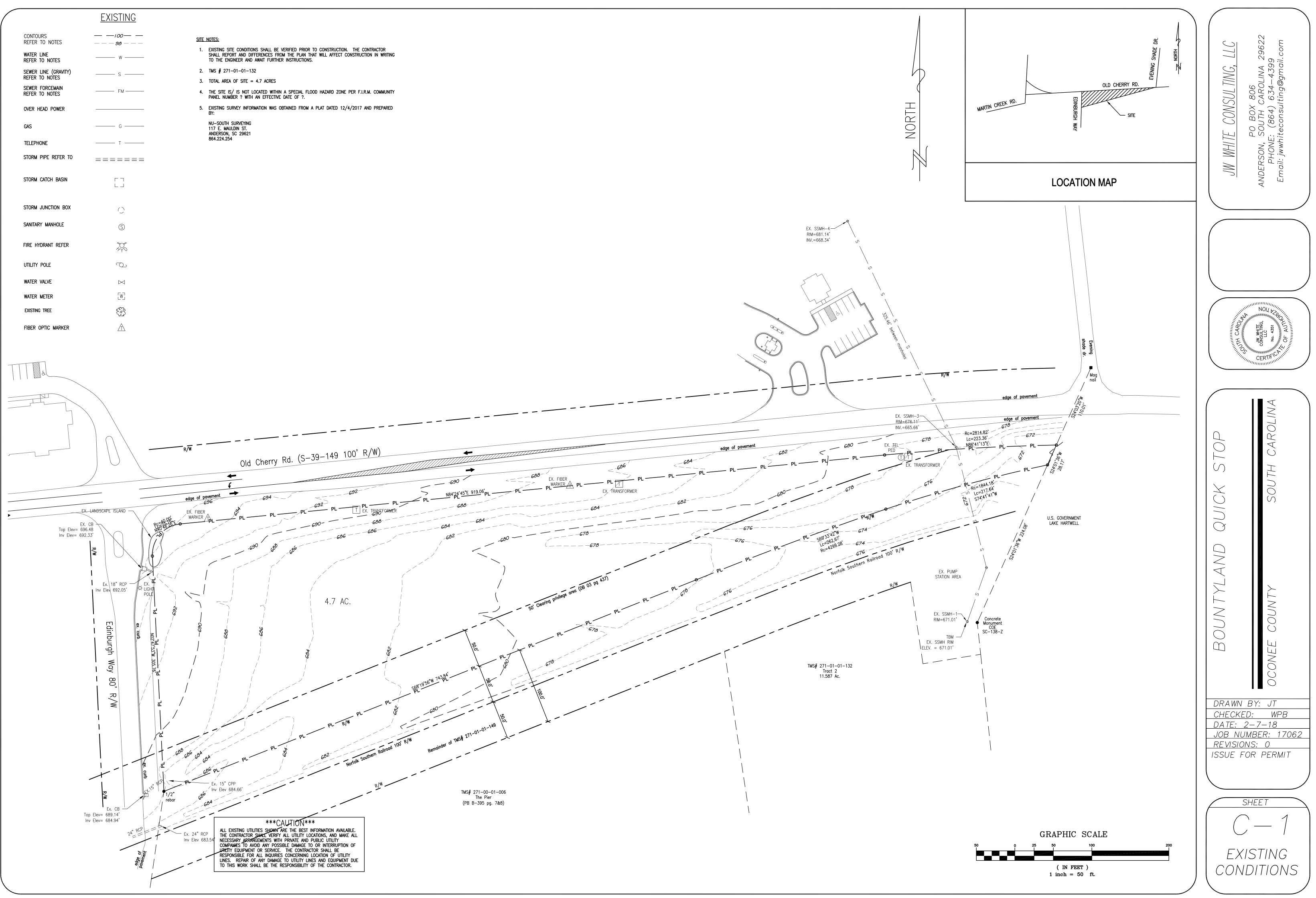
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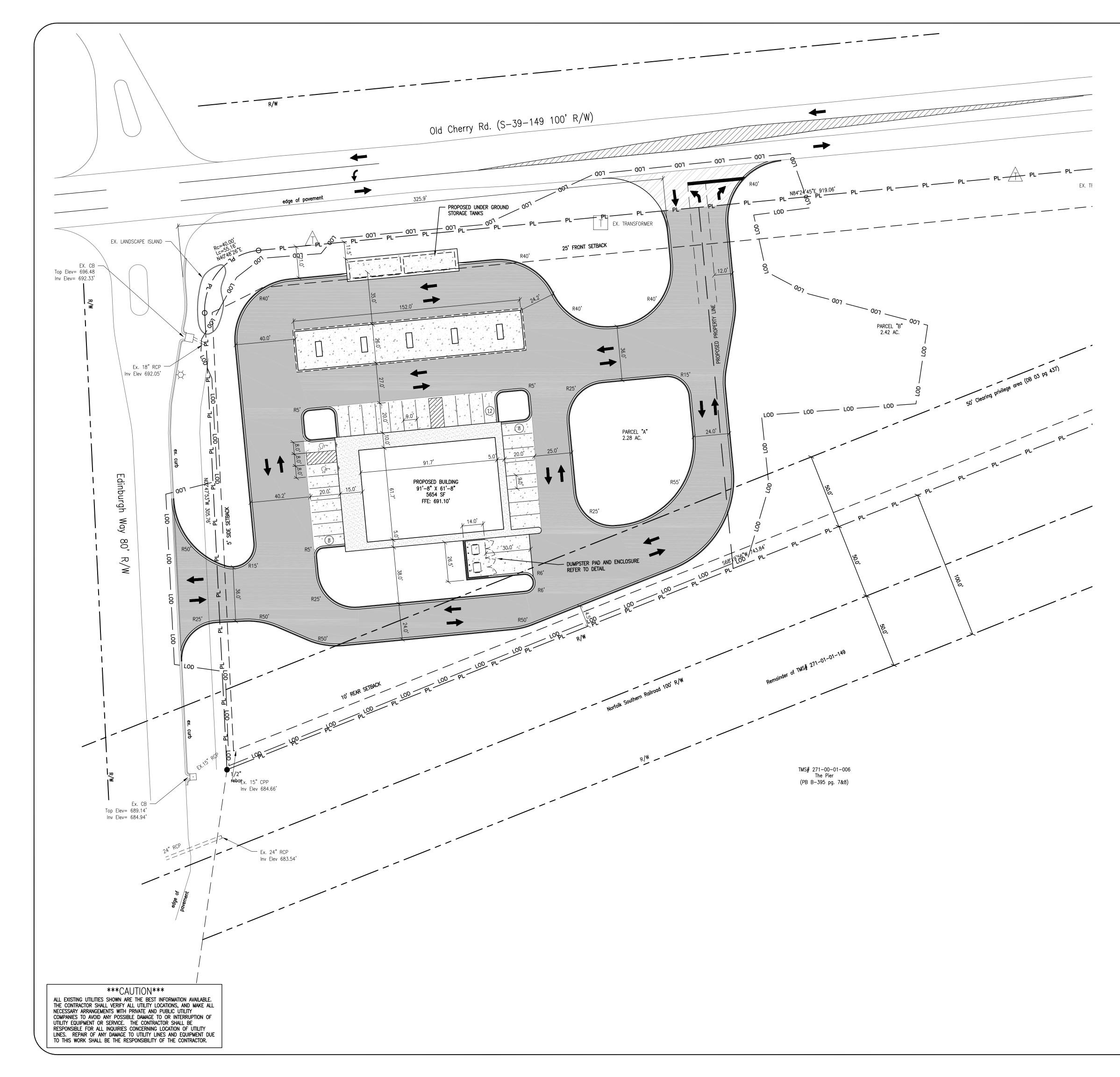
NU-SOUTH SURVEYING 117 E. MAULDIN STREET ANDERSON, SC 29621 864.224.2754

INDEX OF DRAWIN CO COVER SHEET C1 **EXISTING CONDITIONS** C2 SITE PLAN C3 **GRADING AND DRAINAGE** C4 STORMWATER POLLUTIO SITE DETAILS C5-C7

	JW MHITE CONSULTING, LLC DO BOX 806 RNDERSON, SOUTH CAROLINA 29622 PHONE: (864) 634-4399 Email: jwwhiteconsulting@gmail.com
PLAN_PREPARER_CERTIFICATION 1 HAVE PLACED MY SIGNATURE AND SEAL ON THE DESIGN DOCUMENTS SUBMITTED SIGNIFYNG THAT I ACCEPT RESPONSIBILITY FOR THE DESIGN OF THE SYSTEM. FURTHER, I CERTIFY TO THE BEST OF MY KNOWLEDEG AND BELIEF THAT THE DESIGN IS CONSISTENT WITH THE REQUIREMENTS OF TITLE 48, CHAPTER 14 OF THE CODE OF LAWS OF 5C, 1976 AS AMENDED, PURSUANT TO REGULATION 72–300 ET SEQ. (IF APPLICABLE), AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF SCR 100000." NAME	OUNTYLAND QUICK STOP COUNTY SOUTH CAROLINA
OF DRAWINGS	BOUN OCONEE COL
T NDITIONS O DRAINAGE PLAN R POLLUTION PREVENTION PLAN	DRAWN BY: JT CHECKED: WPB DATE: 2-7-18 JOB NUMBER: 17062 REVISIONS: 0 ISSUE FOR PERMIT SHEET COVER SHEET

	<u>EXISTING</u>
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WATER VALVE	\bowtie
WATER METER	
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FIBER OPTIC MARKER	



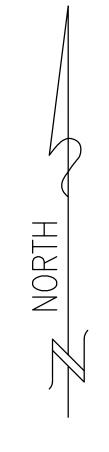


ZONING REQUIREMENTS:

SITE ZONING: X				
	FRONT	RIGHT	LEFT	REAR
BUILDING SETBACKS:	25'	5'	5'	10'
LANDSCAPE BUFFERS:	XX	XX	XX	XX
	REQU	JIRED	SH	OWN
OPEN SPACE:				

PARKING REQUIREMENTS:

	90*	ADA
STALL SIZE:	9' X 20'	8' X 20'
AISLE DIMENSION:	25' MIN.	25' MIN.
SPACE SHOWN:	26	2
MIN. REQUIREMENT:	XX SPACES	
TOTAL SPACES PROVIDE	D: 28 (2 AS	S ADA)



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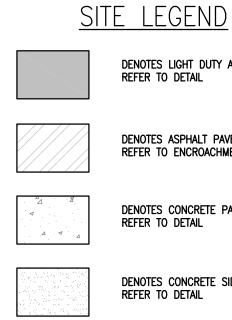
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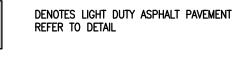
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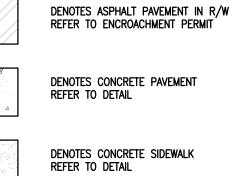
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<u>SITE NOTES:</u>

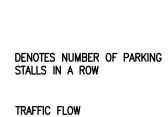
- 1. DIMENSIONS ARE TO THE FACE OF CURB, EDGE OF PAVEMENT, FACE OF BUILDING OR PROPERTY LINE.
- 2. R DENOTES FACE OF CURB OR EDGE OF PAVEMENT RADIUS. ALL RADII ARE 5-FEET UNLESS NOTED OTHERWISE.
- 3. ALL WORK IN THE R/W SHALL BE VERIFIED WITH THE APPROVED ENCROACHMENT PERMIT PRIOR TO COMMENCING WORK.
- 4. TOTAL AREA OF SITE = 4.7 ACRES TOTAL AREA DISTURBED = 3.4 ACRES
- 5. AN ELECTRONIC FILE OF THE SITE PLAN SHALL BE MADE AVAILABLE FOR STAKING PURPOSES.
- 6. THE BUILDING FOOTPRINT WAS OBTAINED FROM ARCHITECT.

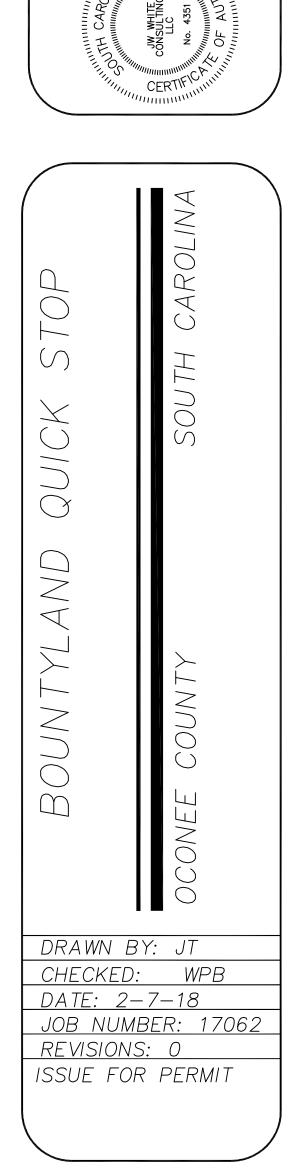




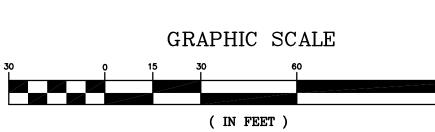




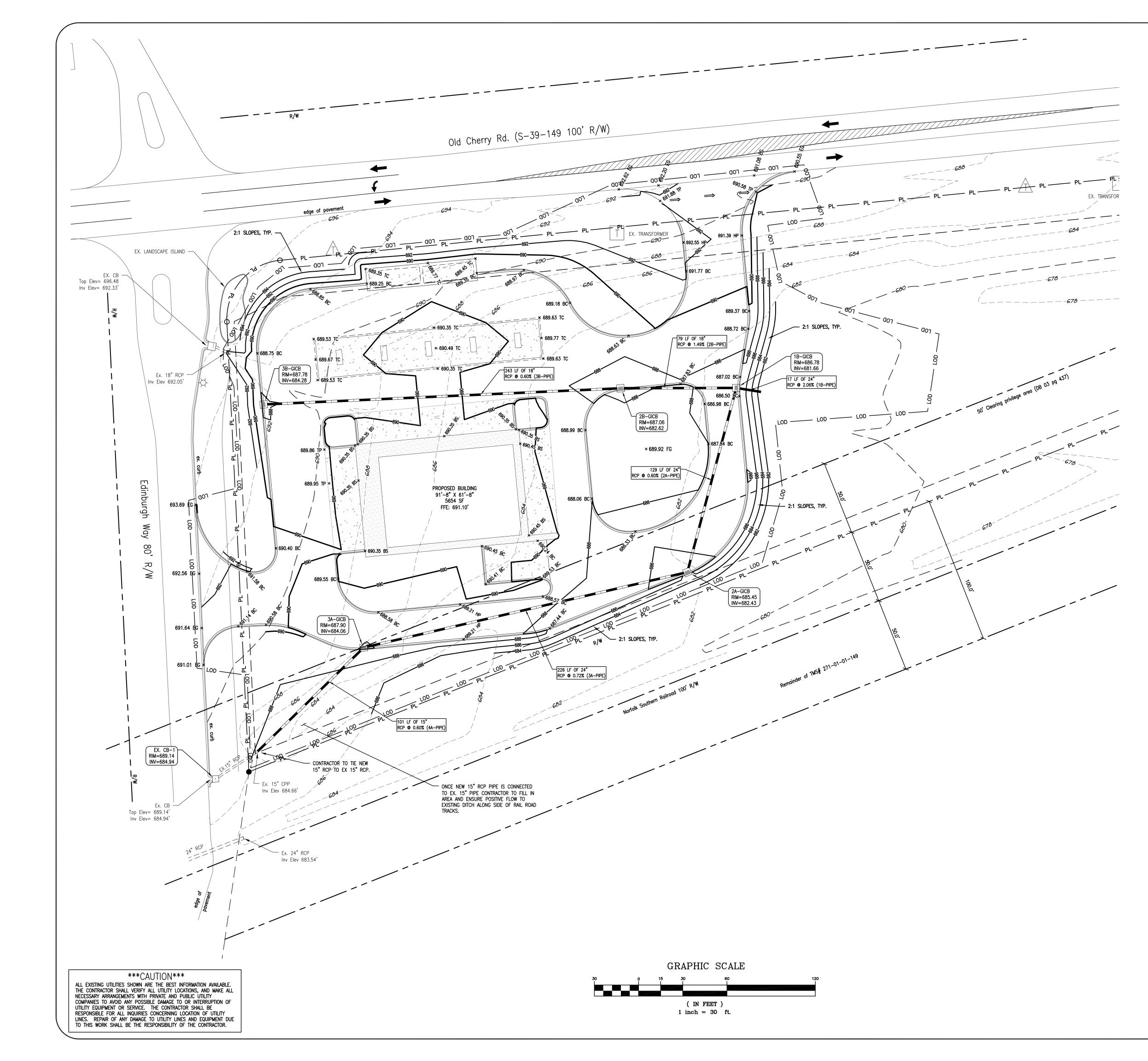


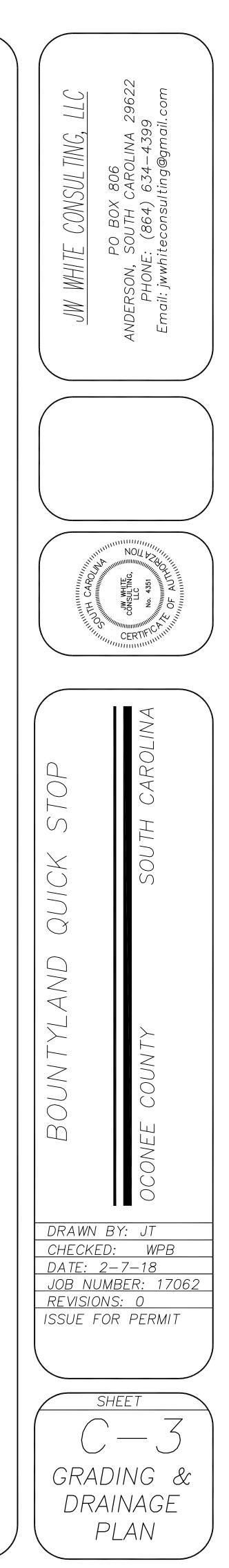






1 inch = 30 ft.





ELEVATIONS.

PILF.

THE EXISTING SURFACE.

RECOMMENDATIONS.

REPORTS IN A TIMELY MANNER.

11. FLARED END SECTIONS SHALL BE CLASS I.

____**98** ____

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UNLESS NOTED OTHERWISE.

C76 SPECIFICATION.

D3034 SPECIFICATION.

CONTOURS

REFER TO NOTES

SPOT ELEVATIONS

REFER TO NOTES

STORM PIPE REFER TO NOTES

STORM INLETS

LIMITS OF

DISTURBANCE

DRAINAGE FLOW

DIRECTION

REFER TO DETAIL

NOR⁻

GRADING NOTES: 1. GRADES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CLEARING. THE CONTRACTOR SHALL REPORT ANY DISCREPANCIES FROM THE PLAN THAT WILL AFFECT CONSTRUCTION IN

2. PROPOSED CONTOURS AND SPOT ELEVATIONS ARE FINISHED SURFACE ELEVATIONS. THE GRADING CONTRACTOR SHALL DEDUCT PAVEMENT AND TOP SOIL THICKNESS FOR SUBGRADE

3. CLEAR AND GRUB THE SITE WITHIN THE LIMITS OF CONSTRUCTION. CLEARING AND GRUBBING

4. TOPSOIL SHALL BE STOCKPILED IN A LOCATION THAT WILL NOT IMPEDE CONSTRUCTION. THE

5. A SOILS ENGINEER SHALL BE EMPLOYED BY THE CONTRACTOR TO DETERMINE THE SUITABILITY

OR UNSUITABILITY OF SOILS DURING EARTHWORK OPERATIONS, CONDUCT TESTS AND MAKE

6. SOILS SHALL BE TESTED, PER THE SOILS REPORT, OR EVERY 5000 SF OR LESS PER LIFT FOR EMBANKMENT AND BUILDING PAD CONSTRUCTION. THE CONTRACTOR SHALL FURNISH ALL TEST

7. FILL SOIL SHALL BE PLACED IN 8" LIFTS, LOOSE, AND COMPACTED TO 95% STANDARD PROCTOR

9. RCP DENOTES REINFORCED CONCRETE PIPE. RCP SHALL BE CLASS III AND COMPLY WITH ASTM

10. HDPE DENOTES A CORRUGATED HIGH DENSITY POLYETHYLENE PIPE WITH SMOOTH WALLS THAT COMPLIES WITH ASTM F667 SPECIFICATION. HDPE CAN BE USED IN LIEU OF RCP.

12. PVC DENOTES POLYVINYL CHLORIDE PIPE. PVC SHALL BE SDR 35 AND COMPLY WITH ASTM

EGEND

EXISTING PROPOSED

98 _____

x 533.41 EG (Existing Ground)

x 533.41 TC (Top of Concrete) x 533.41 BS (Bottom face

of Sidewalk)

of Curb)

Pavement)

x 533.41 FG (Finish Grade)

x 533.41 BC (Bottom Face

x 533.41 TP (Top of

x 533.41 HP (High Point) x 533.41 LP (Low Point)

Grate Inlet (GICB)

_____ LOD _____

 \implies

SHALL CONSIST OF REMOVING PAVEMENT, BRUSH, ROOTS, ETC. TO A MINIMUM OF 18" BELOW

STOCKPILE SHALL HAVE A SILT FENCE INSTALLED ON THE DOWNSTREAM SIDE OF THE STOCK

WRITING TO THE ENGINEER AND AWAIT FURTHER INSTRUCTIONS.

8. HANDICAP PARKING STALLS SHALL HAVE A MAXIMUM SLOPE OF 2%.

* DENOTES: "THROAT" ELEVATION (CICB & WICB). "RIM" ELAVATION (GICB, YICB & JB)

1. CICB DENOTES A CURB INLET STRUCTURE.

2. WICB DENOTES A WEIR INLET STRUCTURE 3. GICB DENOTES A GRATE INLET STRUCTURE.

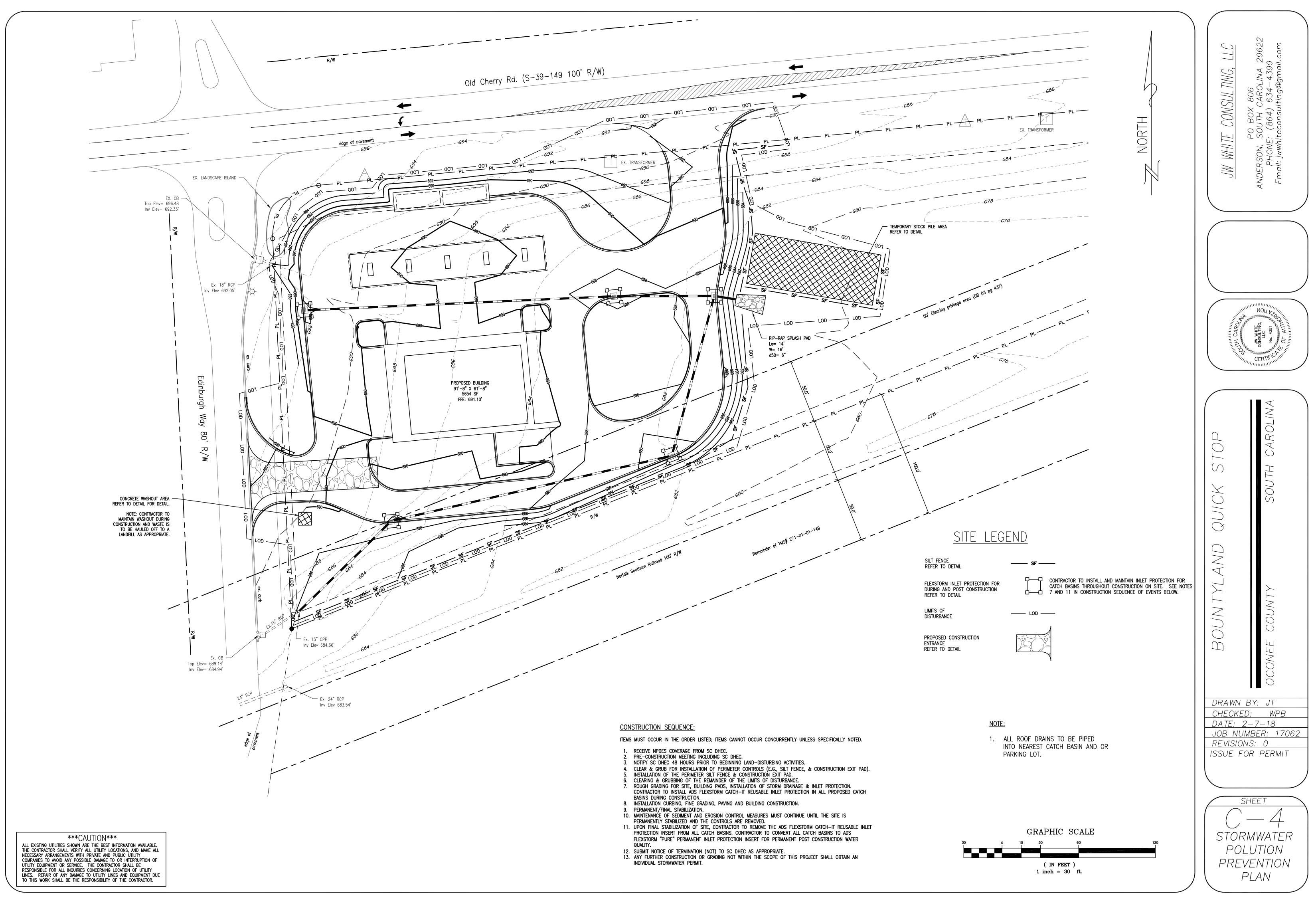
4. YICB DENOTES A YARD INLET STRUCTURE.

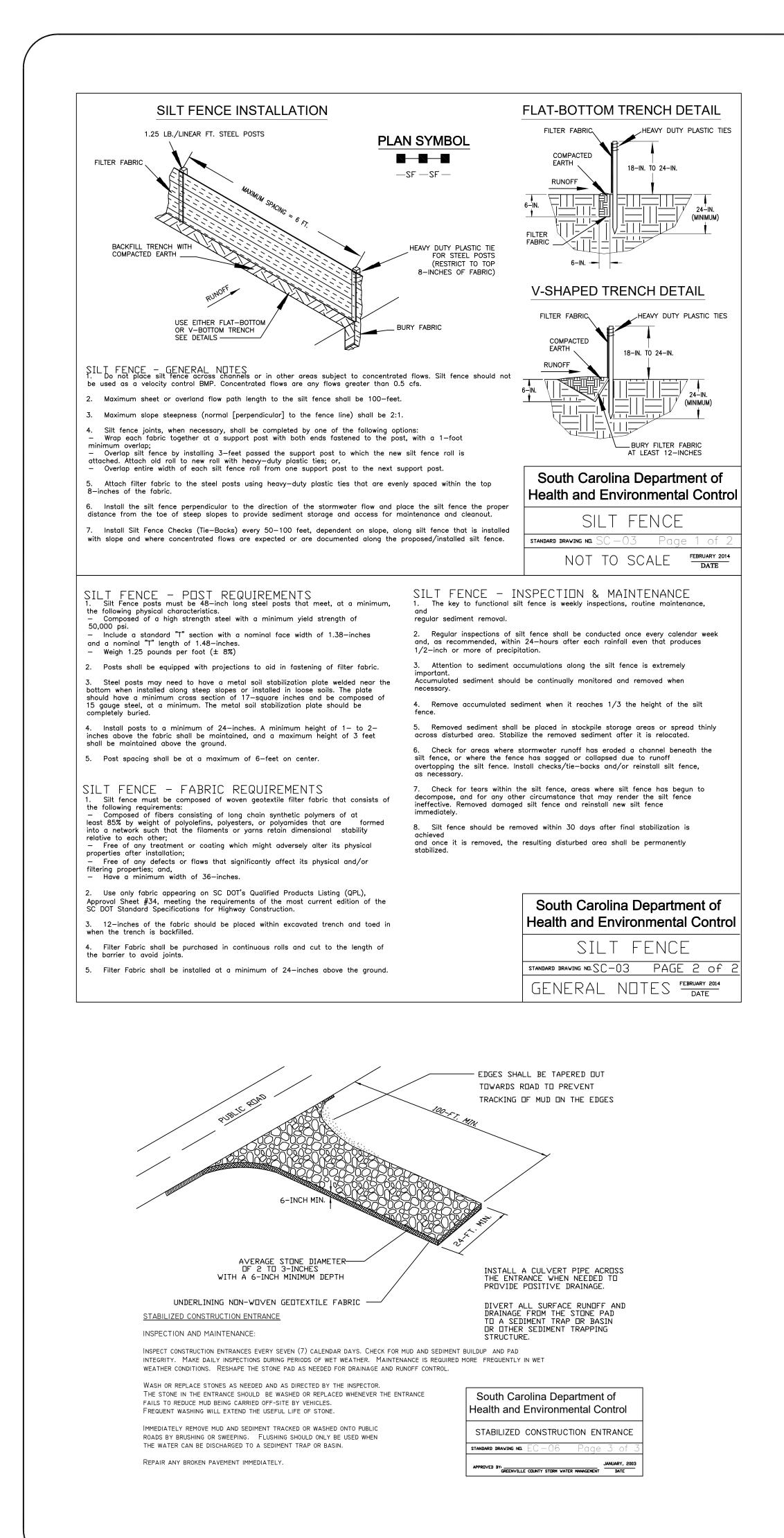
- 6. FE DENOTES A FLARED-END SECTION.
- 5. JB DENOTES A JUNCTION BOX.

- 7. INVERT IN = INVERT OUT UNLESS OTHERWISE NOTED.

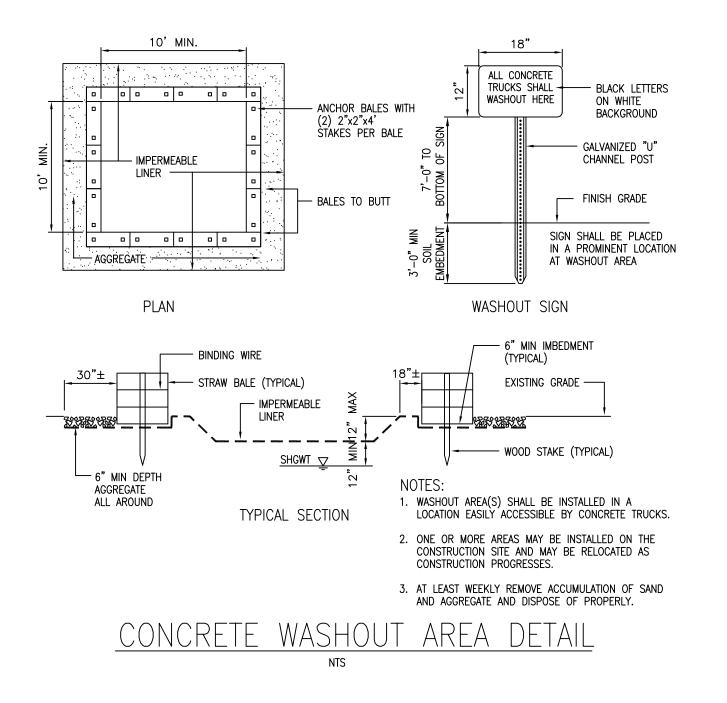
STANDARD STORM PIPE AND STRUCTURE NOTES:

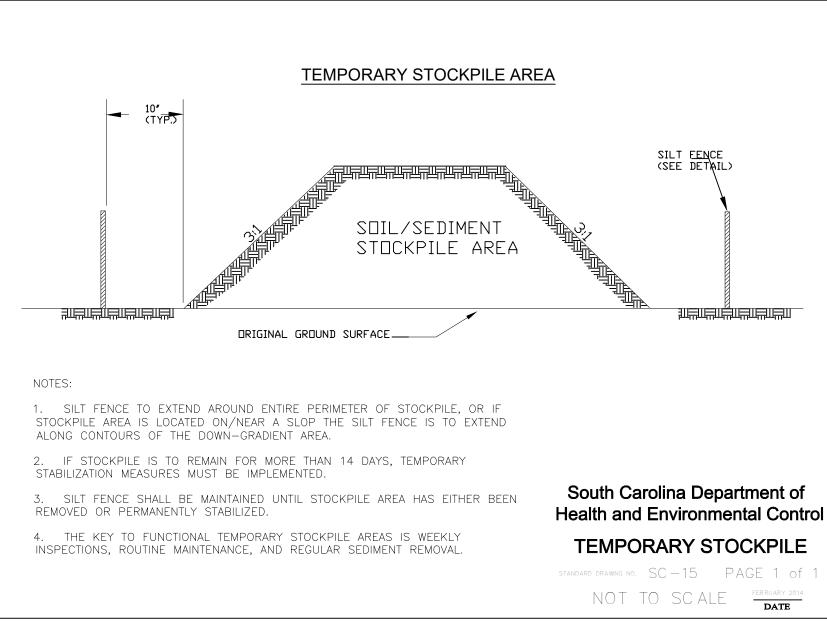
NOT ALL STRUCTURES BELOW MAY NOT BE "APPLICABLE" FOR THIS PROJECT.

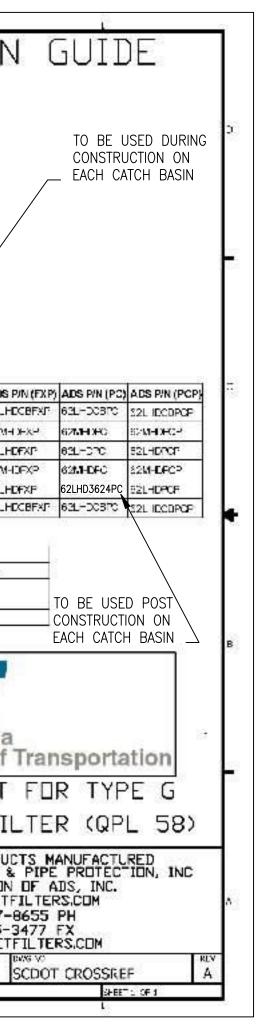


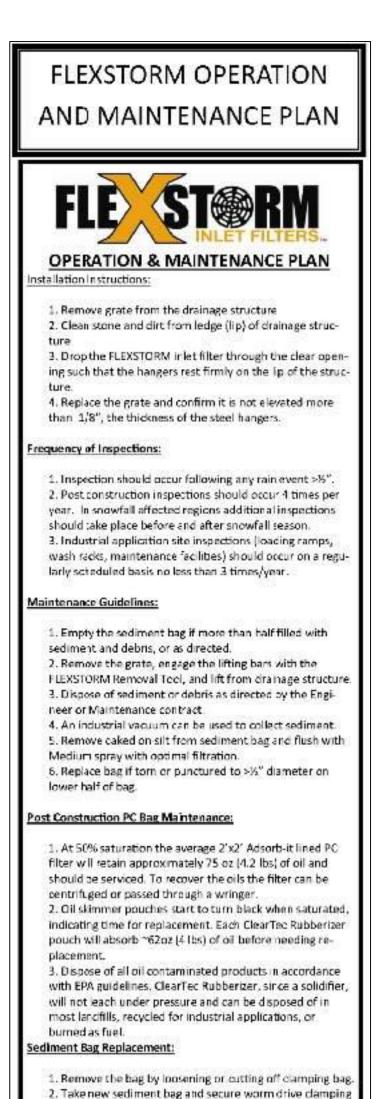


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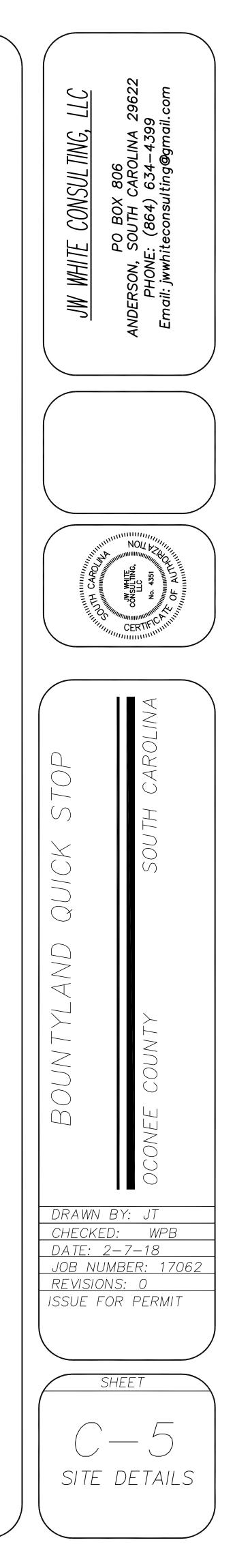




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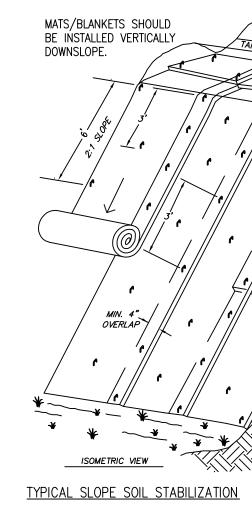
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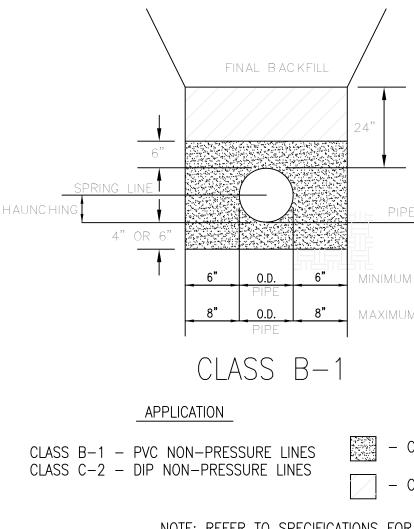
3. Ensure Bag is secure and there is no slack around perim-



SCDHEC STANDARD NOTES

- If necessary, slopes, which exceed eight (8) vertical feet slope should be stabilized with synthetic or vegetative mats, in addition to hydroseeding. It may be necessary to install temporary slope drains during construction. Temporary berms may be needed until the slope is brought to grade.
- Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than fourteen (14) days after work has ceased, except as Where stabilization by the 14th day is precluded by snow cover or frozen ground conditions stabilization measures must be initiated as soon as practicable. stated below. Where construction activity on a portion of the Site is temporarily ceased, and earth-disturbing activities will be resumed within 14 days, temporary stabilization measures do not have to be initiated on that portion of the Site.
- 3. All sediment and erosion control devices shall be inspected once every calendar week. If periodic inspections or other information indicates that a BMP has been inappropriately or incorrectly installed, the permittee must address the necessary replacement or modification required to correct the BMP within 48 hours of identification.
- 4. Provide silt fence and/or other control devices, as may be required, to control soil erosion during utility construction. All disturbed areas shall be cleaned, graded, and stabilized with grassing immediately after the utility installation. Fill, cover, and temporary seeding at the end of each day are recommended. If water is encountered while trenching, the water should be filtered to remove any sediments before being pumped back into any waters of the State.
- All erosion control devices shall be properly maintained during all phases of construction until the completion of all construction activities and all disturbed areas have been stabilized. Additional control devices may be required during construction in order to control erosion and/or offsite sedimentation. All temporary control devices shall be removed once construction is complete and the site is stabilized.
- 6. The contractor must take necessary action to minimize the tracking of mud onto paved roadway(s) from construction areas and the generation of dust. The contractor shall daily remove mud/soil from pavement, as may be required.
- Residential subdivisions require erosion control features for infrastructure as well as for individual lot construction. Individual property owners shall follow these plans during construction or obtain approval of an individual plan in accordance with S.C Reg. 72-300 et seq. and SCR100000.
- 8. Temporary diversion berms and/or ditches will be provided as needed during construction to protect work areas from upslope runoff and/or to divert sediment—laden water to appropriate traps or stable outlets.
- 9. All waters of the State (WoS), including wetlands, are to be flagged or otherwise clearly marked in the field. A double row of silt fence is to be installed in all areas where a 50' buffer cannot be maintained between the disturbed area and all WoS. A 10' buffer should be maintained between the last row of silt fence and all WoS.
- 10. Litter, construction debris, oils, fuels, and building products with significant potential for impact (such as stockpiles of freshly treated lumber) and construction chemicals that could be exposed to storm water must be prevented from becoming a pollutant source in storm water discharges.
- 11. A copy of the SWPPP, inspection records, and rainfall data must be retained at the construction site or a nearby location easily accessible during normal business hours, from the date of commencement of construction activities to the date that final stabilization is reached.
- 12. Initiate stabilization measures on any exposed steep slope (3H:1V or greater) where land disturbing activities have permanently or temporarily ceased, and will not resume for a period of 7 calendar days.
- 13. Minimize soil compaction and, unless infeasible, preserve topsoil.
- 14. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge.
- 15. Minimize the discharge of pollutants from dewatering of trenches and excavated areas. These discharges are to be routed through appropriate BMPs (sediment basin, filter bag, etc.).
- 16. The following discharges are prohibited:
 Wastewater from washout of concrete, unless managed by an appropriate • Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials; •Fuels, oils, or other pollutants used in vehicle and equipment operation and • Soaps or solvents used in vehicle and equipment washing.
- 17. After construction activities begin, inspections must be conducted at least once every calender week and must be conducted until final stabilization is reached on all areas of the construction site.
- 18. If existing BMPs need to be modified or if additional BMPs are necessary to comply with the requirements of this permit and/or SC water quality standards, implementation must be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, the situation must be documented with the SWPPP and alternative BMPs must be implemented as soon as reasonably possible.
- 19. A pre-construction conference must be held for each construction site with an appropriate onsite SWPPP prior to the implementation of construction activities. For non-linear projects that disturb 10-acres or more, this conference must be held on-site unless the department has approved otherwise.
- 20. Construction entrances to be provided at all locations where construction traffic accesses a paved roadway.
- 21. Inlet protection will be provided at all existing inlets that received flowws from the disturbed areas.
- 22. All off-site borrow sites must have a separate NPDES permit.
- 23. The contractor will provide a portable toilet in an area that is not adjacent to a waterway or storm drainage.
- 24. The contractor will provide a place for concrete trucks to washout and the washout will be buried on site until construction is complete. When construction is complete the wash is to be hauled off to a landfill. 25. Any possible stockpiles, offsite material, waste, borrow, or construction
- equipment storage / laydown areas shall be located within the limits of disturbance.
- 26. The concrete washout shall be located within the limits of disturbance. 27. The stabilization of conveyance channels are to be completed within 7 days of channel construction.
- 28. The installations of utilities (cable, electrical, natural gas, water, sewer, etc.) are to be within the permitted limits of disturbance and that installation outside of these areas will require a modification to the permit.

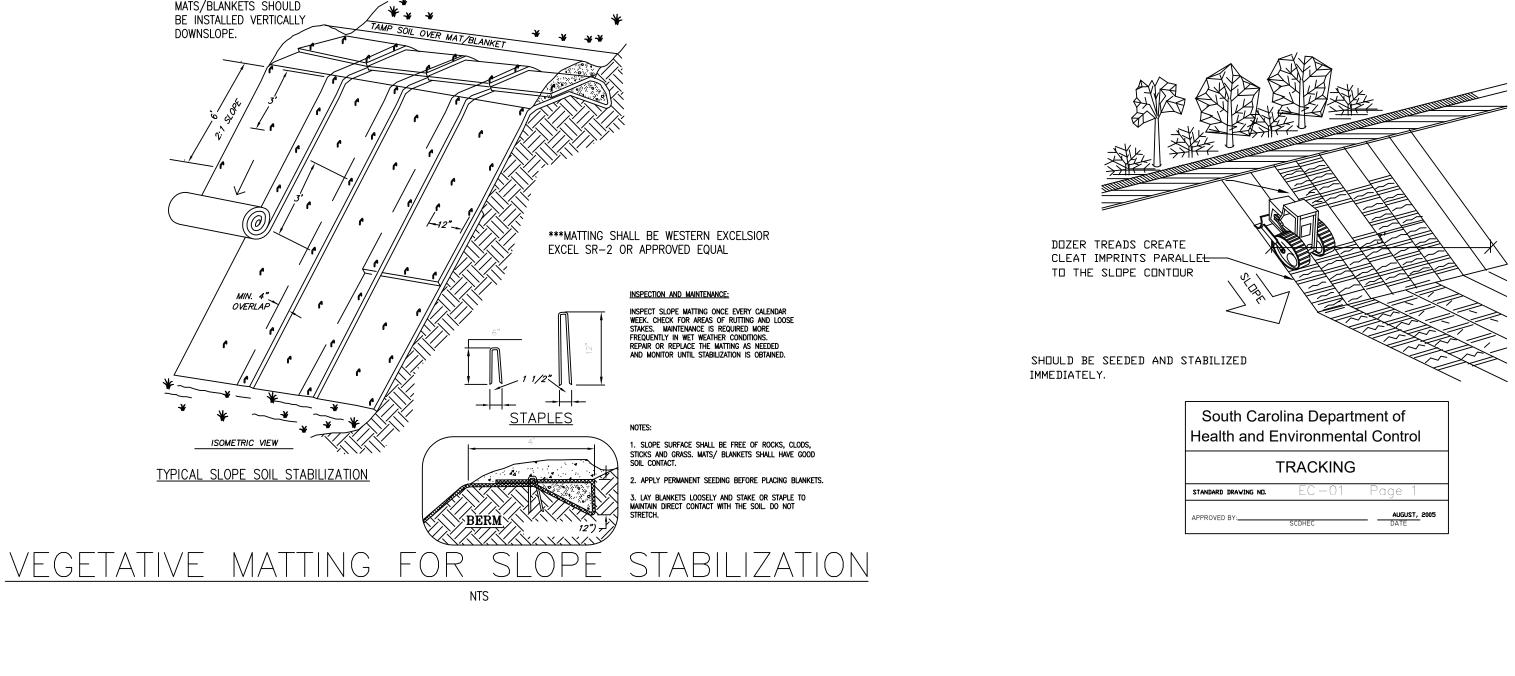


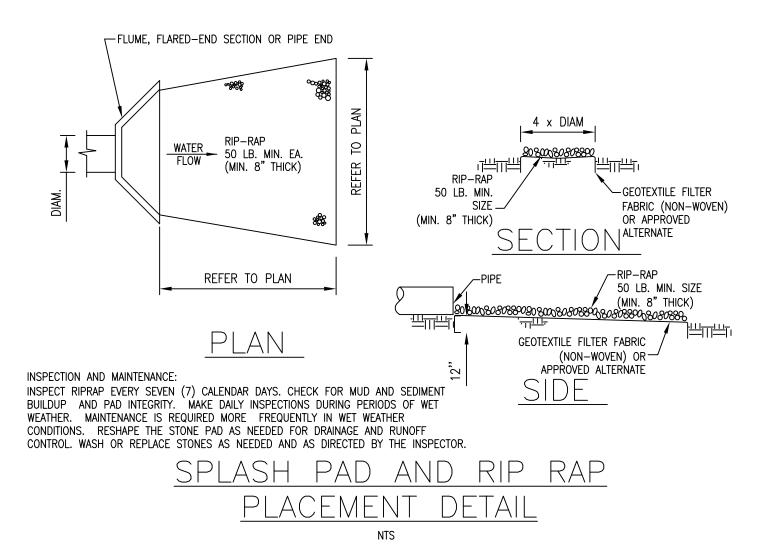


PIPE EMBEDMENT N.T.S.

NOTES: -----

- 1. WET OR UNSTABLE BOTTOMS, EXCAVATE A MINIMUM OF 6" BELOW BELL. BACKFILL WITH WASHED CRUSHED
- 2. ROCK BOTTOMS EXCAVATE A MINIMUM OF 6" BELOW BELL. BACKFILL WITH WASHED CRUSHED STONE.
- 3. FOR TRENCHES REQUIRING SHORING AND BRACING, DIMENSIONS
- SHALL BE TAKEN FROM INSIDE FACE OF THE SHORING AND BRACING 4. NO ROCKS OR BOULDERS 4" OR LARGER SHALL BE USED IN INITIAL
- BACKEILL 5. ALL BACKFILL MATERIAL SHALL BE SUITABLE NATIVE MATERIAL.
- 6. BACKFILL SHALL BE COMPACTED IN 6" LIFTS IN TRAFFIC AREAS (95% COMPACTION) AND 12" LIFTS IN NON TRAFFIC AREAS (90% COMPACTION).





MINIMUM SIDE CLEARANCE

AXIMUM SIDE CLEARANCE

LEGEND

- CLASS IB MATERIAL (#67 OR 6M STONE)

- CLASS II OR III MATERIAL

NOTE: REFER TO SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS

TEMPORARY VEGETATION

SPRING / SUMMER: APRIL 15 - AUGUST 15 FERTILIZATION: 700/LBS ACRE 10-10-10 EQUIVALENT (POOR SOILS ONLY) LIME: NOT REQUIRED SEED: 40 LBS/ACRE BROWNTOP MILLET MULCH: HYDRO-MULCH OR STRAW (OPTIONAL) HYDROSEED ALL SLOPES AND SEED REMAINING AREAS BY CONVENTIONAL METHODS FOR COST EFFECTIVENESS. SEED BED PREPARATION: STANDARD (RIPPING, DISCING, DRAGGING, ETC.)

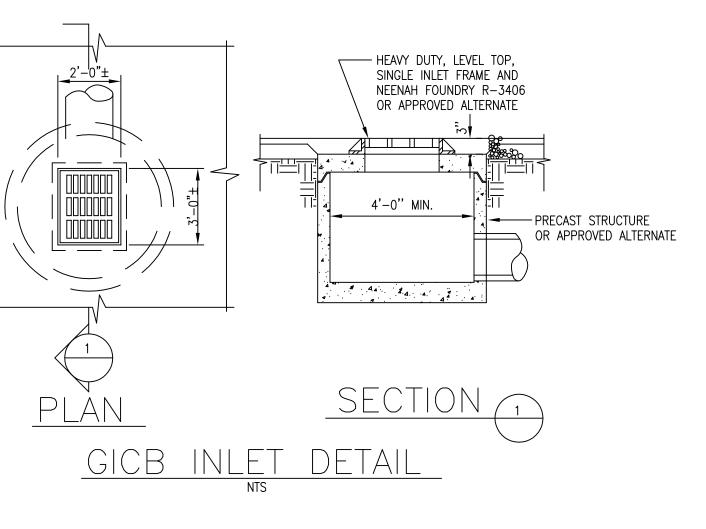
FALL / WINTER: AUGUST 15 – APRIL 15 FERTILIZATION: 700/LBS ACRE 10-10-10 EQUIVALENT (POOR SOILS ONLY) LIME: NOT REQUIRED SEED: 40 LBS/ACRE ANNUAL RYEGRASS MULCH: HYDRO-MULCH OR STRAW (OPTIONAL) HYDROSEED ALL SLOPES AND SEED REMAINING AREAS BY CONVENTIONAL METHODS FOR COST EFFECTIVENESS. SEED BED PREPARATION: STANDARD (RIPPING, DISCING, DRAGGING, ETC.)

PERMANENT VEGETATION

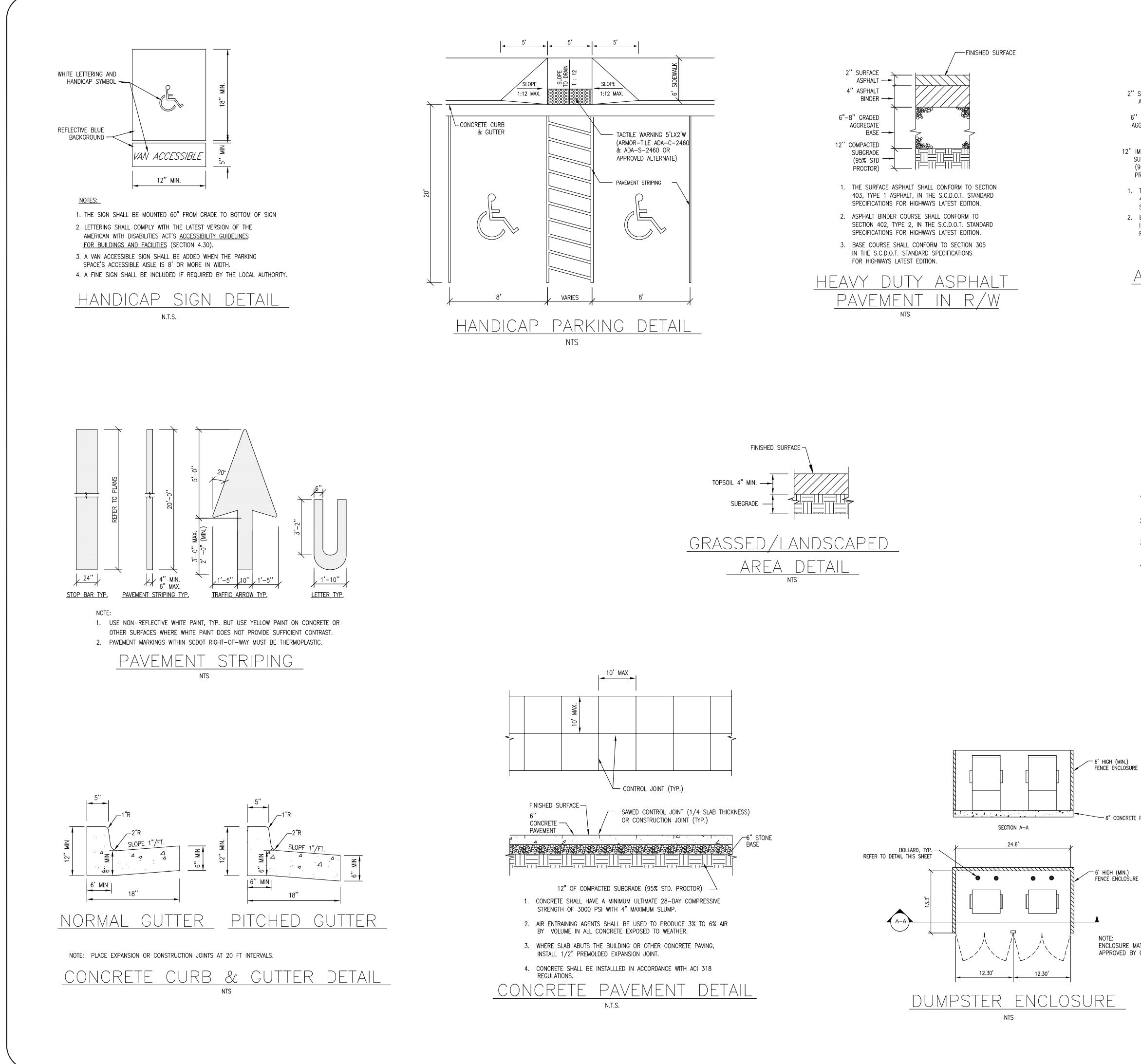
SPRING / SUMMER: APRIL 15 – AUGUST 15 FERTILIZATION: 700/LBS ACRE 10-10-10 EQUIVALENT LIME: 1 TON/ACRE (OPTIONAL) SEED: 50 LBS/ACRE COMMON BERMUDA 25 LBS/ACRE BROWN TOP MILLET MULCH: HYDRO-MULCH OR STRAW (OPTIONAL) HYDROSEED ALL SLOPES AND SEED REMAINING AREAS BY CONVENTIONAL METHODS FOR COST EFFECTIVENESS. SEED BED PREPARATION: STANDARD (RIPPING, DISCING, DRAGGING, ETC.) FALL / WINTER: AUGUST 15 – APRIL 15 FERTILIZATION: 700/LBS ACRE 10-10-10 EQUIVALENT LIME: 1 TON/ACRE (OPTIONAL) SEED: 250 LBS/ACRE KENTUCKY 31 FESCUE (1/2 INCORPORATED AND 1/2 BROADCAST)

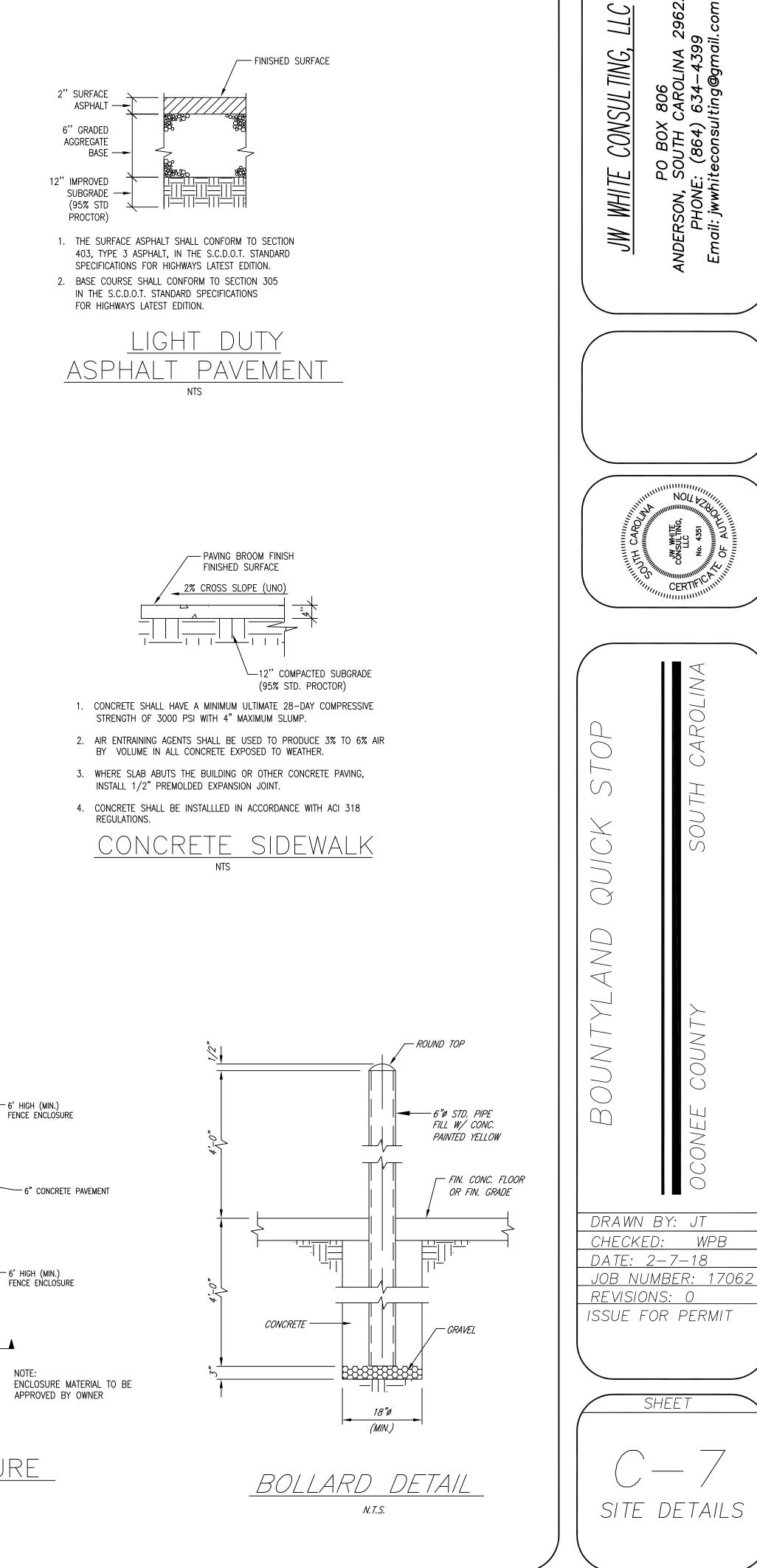
MULCH: HYDRO-MULCH OR STRAW (OPTIONAL) HYDROSEED ALL SLOPES AND SEED REMAINING AREAS BY CONVENTIONAL METHODS FOR COST EFFECTIVENESS.

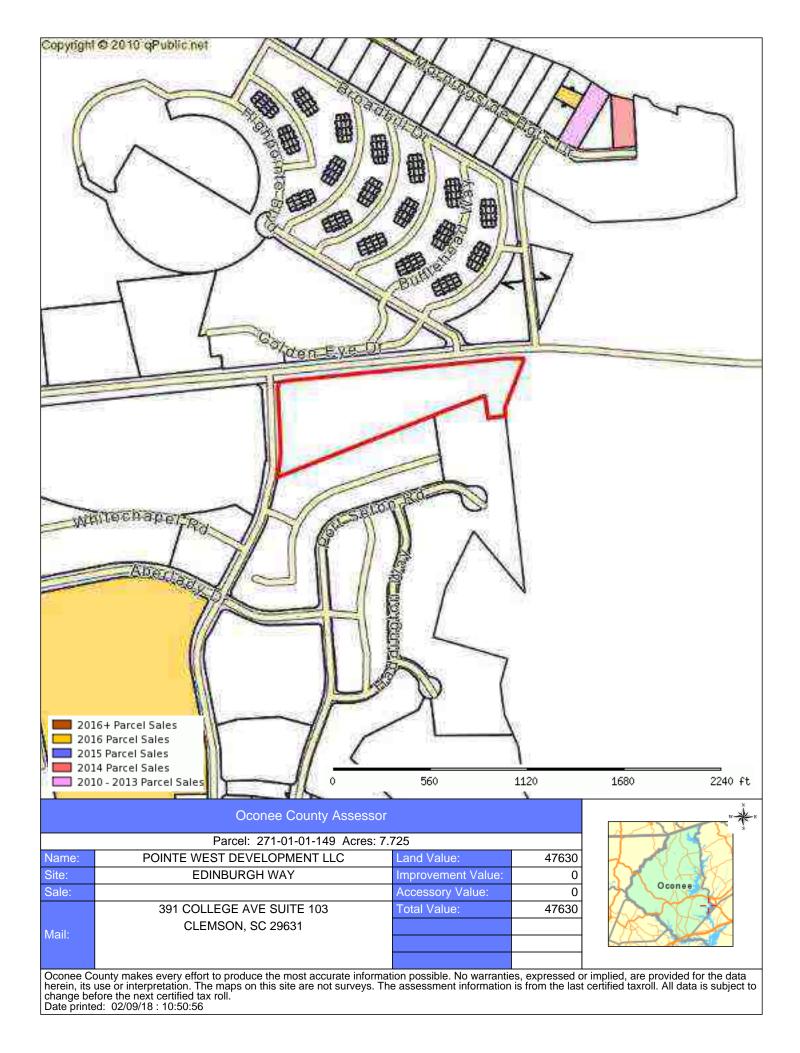
SEED BED PREPARATION: STANDARD (RIPPING, DISCING, DRAGGING, ETC.)



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OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

Staff Report

<u>To</u> :	Members, Board of Zoning Appeals
From:	Bill Huggins, AICP, CFM Planner and Zoning Administrator
<u>Re:</u>	Item 5 - Application VA18-000002 - Variance Request from Section 32-214(b) and setback requirements for property at the intersection of Edinburgh Way and W. Cherry Road (TMS#271-01-01-149)
Property Owner	Pointe West, LLC
Applicant:	Bountyland Enterprises, Inc./ David Land
Zoning:	Control Free District (CFD)
Parcel Id#	334-02-02-009
Lot Area:	.21 acres
Zoning:	CFD, Control Free District
County Code R	eferences: Section 38-10.2 Control Free District Section 38.7.1
Request:	The subject property is located at the intersection of W. Cherry Road and Edinburgh Way north of the Piers student housing development. The applicant proposes to build a convenience store/gas station on a triangular shaped parcel that is bounded on the south by old railroad spur right-of-way. The proposed site plan for the project depicts underground storage tanks on the Cherry Road side of the site, as well as a narrow strip of the internal drive isle and curbing will need to intrude on the 25 foot front setback area. The tanks extend up to 12.5 feet into the setback area.
	The applicant states that the property shape and location limits siting options and that because of these limitations, the property meets the principle criteria for granting a

variance, in that there are "extraordinary and exceptional conditions pertaining to the

particular piece of property" (Section 38-7.1 (1)) and that "These conditions do not generally apply to other property in the vicinity".

Background:

The question has been raised as to whether or not the tanks and driveway area constitute structures that require setbacks under the County's Zoning Ordinance standards, since these are not buildings or structures raised significantly above ground. However, the Ordinance definition for the term "Structure" is: "Anything constructed or erected, the use of which requires location in or on the land or attachment to something having a permanent location in or on the land". This definition suggests that the proposed tanks and drive lanes do constitute structures for purposes of assigning setbacks.

Variance Standards

The standards the Board of Zoning Appeals must consider in order to grant a variance are listed below under Section 38-7.1 of the Zoning Ordinance:

• Sec. 38-7.1. - Variances.

The board of zoning appeals may grant a variance in an individual case of unnecessary hardship if the board of zoning appeals makes and explains in writing the following findings:

(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.

с.

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.

The developer shall have the burden of providing evidence to the county of compliance with the general requirements of this chapter and the specific requirements of the applicable section. The board of zoning appeals may impose whatever reasonable conditions it deems necessary to ensure that any proposed development will comply substantially with the objectives in this chapter.

VIEW PERMIT

Home / Services / Development Project / View Permit

• Edit my permit

Permit #: VA18-000002 Project #: 18-000228 Status: Under Review Balance Due: \$100.0 Address: EDINBURGH WAY Description: Proposed commercial development located at the intersection of W. Cherry Rd. and Edinburg Dr. in Seneca, SC



- Permit
- Reviews
- Documents
- Inspections

Permit #: VA18-000002 Permit Type: Variance Application Sub Type: BZA Issue Date: Expiration Date: Property Owner: Bountyland Enterprises, Inc. - R. David Land Property Owner Email: dlandblent@yahoo.com Property Owners Phone #: 864-882-6876 Upload Supporting Documentation Here: 2-7-18 Bounty Land Quick Stop Rel 0.pdf General Contractor:

ICC 113.2 Limitations on authority: An application for appeal shall be based on a claim that the true intent of this code of the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply

or an equally good or better form of construction is proposed. The board shall have no authoirty to waive requirements of this code.

Comments:

Section 32-214(b) has been interpreted to not allow "anything" within setbacks, including pavement, curbing, drive isles, parking, underground storage units, etc. By restricting these it limits the overall use of the property, which is bordered by 2 roads and a railroad. The property itself is also triangular in shape as well. The proposed site plan would not fit the property unless a variance is approved. It is respectfully requested that underground tanks, pavement and curbing not be defined as structures and thus allowed within the setback. This would be in line with what was allowed across W. Cherry Road from the site as well as what other surrounding jurisdictions allow.

You must read and agree to our electronic signature policy Electronic Signature Policy

I have read and agree to the terms of the Electronic Signature Policy:

Yes

February 15, 2018

Bill Huggins Planner Community Development Oconee County, SC Phone: 864-710-2390 Email: whuggins@oconeesc.com

SUBJECT: Bountyland Enterprises, Inc./Mr. David Land

Pointe West, LLC is the owner of the property fronting Old Cherry Road and Edinburgh Way and I, Tom Winkopp, owner/seller, have authorized Mr. David Land, Bountyland Enterprises, Inc., to make the request for a variance. I understand the variance is to allow the pavement and underground storage tanks inside the front 25' setback.

Thank you for your assistance. Please feel free to contact me for any additional information.

Sincerel Winkopp



Good Morning, I will be sending out your affidavit, invoice, and ad tearsheet this morning. Your ad did run on 2/10. Thank you, Kelsie Beebe

	Clas	sified	Advert	ising	g Invoice	
OCONEE COUNTY 415 S PINE ST CASEY NEAL WALHALLA, SC 29		NITY DEVELO	РМ		Acct#:63480 Ad#:24090 Phone#:864-718-1005 Date:02/20/2018	
Salesperson: KBEEBE		assification: Leg	als Ad S	ize: 1.0 x 3	3.50	
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Attention: Please return the top portion of this invoice with your payment including account and ad number.

Ad Copy

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