

# OCONEE COUNTY BOARD OF ZONING APPEALS

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**MINUTES**  
BOARD OF ZONING APPEALS  
6:00 PM, MONDAY, MARCH 15, 2018  
COUNTY COUNCIL CHAMBERS  
OCONEE COUNTY ADMINISTRATIVE COMPLEX

**Special Meeting**

**Members Present:** Mrs. Fowler  
Mr. Gilster  
Mr. Medford  
Mr. McKee  
Mr. Honea

**Staff Present:** Bill Huggins, Planner

**Media present:** None

ITEM 1- Call to Order

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

ITEM 2- Approval of Minutes from January 22, 2018

Mrs. Fowler made a motion to approve the minutes subject to correcting the names from Mr. Lusk to Mr. Mrogan. Mr. McKee seconded the motion. The motion was passed 4-0 with Mr. Honea not voting.

ITEM 3- Public Comment (Non-Agenda)

None

ITEM 4- Staff Update

Mr. Huggins stated the Ad Hoc Committee had a meeting on March 14, 2018 and are looking the process of notifying the public on all cases and whether

stringing the process. The findings of that meeting are going to be sent to the Planning and Economic Development Committee and afterwards be sent to the Planning Commission if approved. These changes will involve amendments to the code to strengthen the notification standards that we currently use to notify the public.

- 1) ITEM 5- Application VA18-00000, 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).

Mr. Huggins explained that the request is for a new convenience store at the location. The need for a underground storage tank and also some of the driveway and parking will be with that setback area.

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;

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.

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. Huggins stated that the request does meet all the requirements for a variance.

Mr. Turner spoke for the applicant stating the others issues are the railroad right-of-way and safety. Mr. Turner stated that the request isn't considered a vertical structure in any other surrounding counties.

Mr. Huggins stated that interpretation does come into play on a situation like this. In the future staff will be looking into how to interpret the code. Mr. Honea stated that he understands that the only think above ground will be the curve. Mr. Huggins stated that is correct.

Mr. Cogner stated he is in favor for the request, but concerning the process he can foresee circumstances where underground tanks and the variance request should be a part of the review process.

Mr. Huggins stated the definition of a 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.

Mr. McKee made a motion to hear all the criteria for a variance at once Mr. Medford seconded the motion and passed unanimously.

Mr. Gilster read all the criteria for a variance request. Mrs. Fowler made a motion to approve the request to vote all the criteria as one and Mr. Medford seconded the motion and passed unanimously. Mr. Medford made a motion to amended the motion to allow the criteria be voted as one because staff had already went through the criteria one at a time and explained that the request meets all the criteria Mr. McKee seconded the amended motion and passed unanimously.

## 2) Approval of Board Order

### ITEM 6- Old Business

None

### ITEM 7- New Business

None

### ITEM 8- Adjourn

Mr. McKee made a motion to adjourn Mrs. Fowler seconded the motion and passed unanimously.  
6:22pm

DRAFT