

415 South Pine Street - Walhalla, SC



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## Minutes

6:00 PM- Monday, July 23, 2018

### Members in Attendance

Ryan Honea  
 Charles Morgan  
 Bill Gilster  
 Charles Lusk  
 Gwen Fowler  
 Jim Codner

### Staff

Adam Chapman  
 Bill Huggins, Secretary

### Media

None

#### ITEM 1- Call to Order

Mr. Gilster called the meeting to order.

#### ITEM 2- Approval of Minutes of March 15, 2018 Meeting

Mr. Morgan made a motion to approve. Mr. Honea seconded the motion. Mr. Lusk asked whether the minutes had been amended based on earlier discussion regarding the co-chair and Mr. Huggins said he believed the minutes had been updated. Mr. Gilster noted a clerical error where think should have been tank. Vote 6-0 in favor of the minutes, as amended.

#### ITEM 3- Public Comment (Non-Agenda)

No public comment on non-agenda items.

#### ITEM 4- Staff Update

##### 1. General Items

None.

##### 2. Update on BZA Notification Process

Mr. Huggins notified the BZA that the County Council would have third reading on the provisions for changes to the notification process for BZA cases in the near future.

#### ITEM 5- Special Exception Hearing for Wedding Chapel Facility

*Daniel Jacob Maalouf is requesting a Special Exception approval as outlined in Chapter 38-7.2 and 38-11.1 of the Oconee County Zoning Ordinance for a wedding chapel facility (no vertical structure) in a Lake*

Overlay District at 330 Summit Drive, Salem, S. C. (TMS# 039-00-01-068).

**Applicant’s Opening Statement and Provision of Evidence:**

Mr. Codner opened the hearing. Speaking for the applicant was Mr. Daniel Jacob Maalouf who explained that he and his wife were married on the property in 2017. Since then, various friends and family members expressed interest in getting married on the property. The venue consists of a 30 x 60 gravel pad designated as a reception area and the chapel area which consists of benches, mulch and a burlap runner. Weddings are limited to 50-80 guests and parking easily accommodated on the property. In 2018, only three weddings were scheduled at the time of the meeting.

**Public Comment:**

Mr. Codner asked Mr. Maalouf whether or not the venue is willing to limit the number of cars at each wedding and the number of weddings. Mr. Maalouf said the number of cars correlates with the number of guests. He also stated, they thought twelve weddings a year would be within reason.

Mr. Huggins stated only a portion of the property fell within the overlay and that if the venue was moved outside of the overlay, it would not require a special exception and that the underlying zoning is a control free district.

<b>In-Favor of Project</b>	<b>Representing</b>	<b>Reasons in-favor</b>
George Maalouf	Self	Venue has minimal impact on the environment; “benches” on site are actually logs on the ground
<b>Opposed to Project</b>	<b>Representing</b>	<b>Reasons opposed</b>
Christopher Lynch	Self	Traffic & safety on Cool Valley Road; expired former covenants opposed commercial use in neighborhood
Sarah Jane Bush	Self	Negative impact on natural beauty; other places may be more suitable for commercial use

**Applicant Rebuttal:**

Mr. Maalouf restated the wedding venue will limit the amount of weddings per year and the property can accommodate the number of vehicles.

**Board Considerations:**

Mr. Gilster outlined the methodology which the board uses in making their decisions. The BZA determined the best course of action would be to vote on each criteria for a special exception individually.

**(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.**

Mr. Gilster asked for a motion to grant the exception based on the criteria stated. Mr. Lusk made the motion; Mr. Honea seconded. Mr. Gilster opened for item discussion.

- Mr. Gilster noted the venue could be moved out of the overlay district and the item would not be up for discussion.
- Mr. Codner said the facility is well done, but the fact of the matter is that the venue is a non-residential use of the property in the Lake Overlay District and that the Lake Overlay needs to be protected. Speakers stated that the traffic and noise has created a negative impact. Also, the original covenants prevented the use of the property in such a manner.

Mr. Gilster asked for a vote of those who believe that this project is accordance with the comprehensive plan.

In-favor	Opposed
2	4 – Codner, Fowler, Gilster and Morgan

Mr. Codner noted that this criterion failed and the other conditions do not need to be considered.

**ITEM 6- Special Exception Hearing for Firewood Sales and Produce Stand**

*Sherrie Cobb is requesting a Special Exception approval as outlined in Chapter 38-7.2 and Chapter 38-11.1(d) (1) a. 4. of the Oconee County Zoning Ordinance to operate a firewood sales and possible produce stand activity in the Jocassee Lake Overlay District at 123 Francis Falls Drive, Salem, SC. (TMS# 038-00-01-007).*

**Applicant’s Opening Statement and Provision of Evidence:**

Roberta Barton, local attorney, speaking on behalf of Cobb, stated her client believes the use of the property has been grandfathered in. The wood is used to heat the property during the Winter and excess is sold in the Spring. Gravity and topography prevents woodpile from falling into and impacting the lake. The locally sourced firewood is sold to be burned at the nearby state campground. Locally sourced firewood prevents the spread of invasive species which may be transported by wood being brought into the campground otherwise. Barton also noted the majority of traffic that uses that drive is traffic turning around, not persons purchasing firewood.

**Public Comment:**

Mr. Chapman noted the rural wood pile is not such a large operation that it requires social media, a website, etc.

Mr. Gilster opened the floor for public comment.

<b>In-Favor of Project</b>	<b>Representing</b>	<b>Reasons in-favor</b>
Sherrie Cobb	Self	Placement of wood stack determined to reduce the impact of traffic on the property
Kay Wade	Self	Stand has been there for a long time and if the wood was not provided, people would bring wood from outside sources
Ed Russell	Self	Has utilized wood stand to heat own residence
<b>Opposed to Project</b>	<b>Representing</b>	<b>Reasons Opposed</b>
Mike Sewell	Self	Referenced letter submitted to BZA, including negative impact, such as traffic congestion and standing water
Debbie Sewell	Self	Referenced letter and noted locally sourced wood should be heat treated, reiterated negative impacts present by Mr. Sewell
Sarah Jane Bush	Self	Traffic congestion / getting into the park on the weekend is total chaos

**Applicant Rebuttal:**

Ms. Barton said the firewood sales serve an important purpose and the congestion on the road is not caused by the sales which accounts for only 3% of the traffic.

**Board Considerations:**

Mr. Morgan confirmed with Ms. Cobb that there are no conditions which prohibit the wood pile and the sale of the wood where it currently sits. Ms. Barton stated many of the impacts on the property are not caused by the sale of firewood.

**(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;**

Mr. Codner asked for a stipulation 2 x 8 ft rack and honor system sales; stipulation instituted that firewood remains 2 x 8 feet in size and no additional structures are added. Motion to amend motion to include stipulation. Mr. Codner made a motion, Mr. Morgan seconded.

Mr. Gilster asked for a vote of those who believe that this project is accordance with the comprehensive plan.

<b>In-favor</b>	<b>Opposed</b>
5	1 – Fowler

The criterion passed.

**(2) In the best interests of the county, the convenience of the community and the public welfare.**

Mr. Gilster asked for a vote who believe that this criterion is being met.

In-favor	Opposed
5	1 – Fowler

The criterion passed.

**(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;**

Mr. Gilster asked for a vote who believe that this criterion is being met

In-favor	Opposed
5	1 – Fowler

The criterion passed.

**(4) Suitable in terms of effects on highway traffic, parking and safety with adequate access arrangements to protect streets from undue congestion and hazards.**

Mr. Gilster asked for a vote who believe that this criterion is being met

In-favor	Opposed
5	1 – Fowler

The criterion passed.

**(5) Mr. Codner then asked for a motion that the proposed special exception be granted based on the information presented to the Board.**

Mr. Lusk made the motion, Mr. Morgan seconded the motion.

In-favor	Opposed
5	1 - Fowler

Motion passed and special exception was granted.

**ITEM 7- Special Exception Hearing for Temporary Parking**

*Kay Wade is requesting a Special Exception approval as outlined in Chapter 38-7.2 and Chapter 38-11.1(d) (1) a. 4. of the Oconee County Zoning Ordinance to provide temporary parking on the subject property on Jocassee Lake Road (TMS# 038-00-01-005) to support a shuttle service for Jocassee Lake Tour guests.*

**Applicant's Opening Statement and Provision of Evidence:**

Ms. Wade, co-owner of Jocassee Lake Tours, would like the temporary parking for Saturdays, Sundays and Holidays to accommodate guests who may have trouble

parking at Devil's Fork State Park. Jocassee Lake Tours would shuttle guests to and from the park and eliminate or reduce the foot traffic of patrons. This would also reduce traffic congestion going to and within the park.

Brookes Wade estimated Jocassee Lake Tours brings \$20,000 in revenue to the park and financially benefits the park substantially. The company does not charge customers for the shuttle service. The park parking lot fills up and people have to be turned away as early as 10:00 a.m. at times. The majority of patrons that the company sees are senior citizens.

**Public Comment:**

In-Favor of Project	Representing	Reasons in-favor
Phillip Mahoney	Self	Owns property where the parking will be situated; benefits the patrons and is a viable solution to parking issues at the park; attracts people to the area, including potential new residents
Sherrie Cobb	Self	Owners of Jocassee Lake Tours surveyed local property owners and asked for any opposition; no issue with the operation

**Board Considerations:**

The Board voted 5 -1 (Fowler opposed) to consider all of the criteria under one vote. The criteria include:

- (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.**

Mr. Gilster asked for a motion that the proposed special exception be granted based on the evidence presented to the Board. The Board determined a stipulation should be included that the parking be permitted on Saturdays, Sundays and Holidays from 8:00 a.m. to 5:30 p.m. The Board voted 6-0 that the stipulation be applied to the special exception.

Mr. Codner stated the temporary parking is a logical extension of the park and that is why he is in favor of the special exception. Mr. Lusk made a motion, seconded by Mr. Morgan that the special exception be approved.

In-favor	Opposed
5	1 - Fowler

The motion passed.

**ITEM 8- Variance request for Accessory Building**

*David and Kathlyn Mase are requesting a 20' setback variance for an accessory building from the 25' front setback requirement provided for in under Article 10, Section 38-10.2 of the Zoning Ordinance on property along Chattooga Lake Road, Mountain Rest, S. C. (TMS# 059-02-01-032).*

**Applicant's Opening Statement and Provision of Evidence:**

David Mase stated the variance is to place the accessory building based off the narrow parameters of the lot and that the placement will reduce the visual impact on the community and lake, i.e. the exposed concrete for the project will be obscured in a way that will have less impact.

**Public Comment:**

Mr. Lusk asked if the pins on the property are where the proposed project will be located. Mr. Mase confirmed that it was.

Mr. Gilster asked whether or not the garage would obscure the view of the lake. Mr. Lusk noted there's currently a tree closer to the road which already obscures the view.

Opposed to Project	Representing	Reasons Opposed
Chip Wescott	Various Residents on Petition	Referred to a letter which states the location of the proposed project does not have any obstructions which will prevent it from being located in another area on the property outside the setback
Feliz Gravino	HOA	Presented potential solution should the variance be denied; not opposed or for project

**Board Considerations:**

Mr. Huggins spoke to the procedures for variances and what may or may not be considered. Discussion continued.

Mr. Honea stated that the setback variance appeared to be too close to the road. Mr. Codner stated he felt the considerations for a variance of this nature did not apply. Mr. Codner made a motion to deny the request for the variance. Ms. Fowler seconded.

In-favor	Opposed
6	0

The motion passed and the request for the variance was denied.

**ITEM 8-**  
Clerical Error  
on Agenda

**Old Business** [*to include Vote and/or Action on matters brought up for discussion, if required*]  
None

**ITEM 9-**

**New Business** [*to include Vote and/or Action on matters brought up for discussion, if required*]

Ms. Fowler mentioned she felt a representative of the County should be in attendance to speak as to whether or not a communication tower would be an asset.

**ITEM 10-**

**Adjourn**