

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

Minutes

6:00 PM – June 27, 2022, 2022

Members in Attendance

Gwen Fowler
Jim Codner
William Decker

Tim Mays
John Eagar

Staff

James Coley, Planning Director
Vivian Kompier, Senior Planner

Media

Lauren Pierce

ITEM 1 – Call to order – Mr. Codner called the meeting to order at 6:00 PM.

ITEM 2 – Motion to approve the minutes from May 23, 2022 – Mr. Eagar made a **motion** to approve the minutes from May 23; seconded by Mr. Mays. Mr. Codner called for a vote. The motion passed unanimously 5/0.

ITEM 3 – Brief statement about rules and procedures – Mr. Codner outlined the proceedings of the meeting going forward:

- Applicant will provide a presentation to state their request (5 minutes).
- Staff will be asked to make any comments regarding the request.
- The public is allowed to voice their approval or opposition to the proposed. Please do not repeat opinions that have already been stated into the record (3-5 minutes).
- Applicant rebuttal
- Board members will discuss in detail.
- Voting

ITEM 4 – 4. Variance application #VA22-004 – John Ramey is requesting a 10' variance from the front setback allowing for construction of a garage. TMS# 327-00-01-014, with an address of 800 Sunview Dr. Seneca, SC 29678

Applicant's opening statement and provision of evidence: Mr. Ramey discussed his misunderstanding of the right-of-way and the setback and how they were combined and the setback was measured from the right-of-way. He has looked into relocating the

garage to another location on the property and does not think it will work anywhere else. There are other buildings in the location in the area. He does not believe that it will be a determined to the community. His neighbors are ok with the variance. There is discrepancy in the state right-of-way if it is 33' from centerline of 37.5' from the centerline.

Staff comments:

- Mr. Coley – stated the setback is measured from the edge of the right-of-way, and shown where in the exhibit

Public Comment:

- Mr. Glenn Hart discussed the right-of-way on state roads
- Four email comments in favor were read into the record.

Applicant rebuttal: He was mistaken in the request when he spoke with his neighbors and has reached out to correct the error in his request

Board questions and discussion:

- Question of grandfathering the property- not relevant.

Consideration of VA22-004:

1. There **are** extraordinary and exceptional conditions pertaining to the particular piece of property:

- a. Motion – Mr. Mays made a motion, seconded by Mr. Eagar. No discussion.
- b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that the criterion passed.

2. These conditions **do not** generally apply to other property in the vicinity:

- a. Motion – Mr. Eagar made a motion, seconded by Mr. Mays. No discussion.
- b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that the criterion passed.

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

- a. Motion – Mr. Eagar made a motion, seconded by Mr. Mays.

b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that the criterion passed.

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. Motion – Mr. Eagar made a motion; seconded by Mr. Mays. No discussion.

b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that the criterion passed.

5. Mr. Codner asked – Based on the evidence presented to the Board, do I hear a motion that the proposed variance be **Approved**.

a. Motion – Mr. Eagar made a motion; seconded by Mr. Mays. No discussion.

b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that variance request was approved.

ITEM 5 - 5. Special Exception application #SE22-005 – Kevin O’Fallon is requesting a Special Exception hearing for an RV and Boat storage facility in the Fair Play Village Overlay. TMS# 337-00-05-081, an unaddressed parcel with the closest address of 844 E. Fair Play Blvd., Fair Play, SC 29643.

Applicant’s opening statement and provision of evidence: Mr. O’Fallon has spent 4 years working on this project. He believes that it will add to the community and be a valuable asset to the public that does not have lake front property. He did not know that he needed the special exemption. Mr. O’Fallon presented a letter from the county that he understood to be approval for his project.

Staff comments:

- Mr. Coley confirmed that the overlay district requires all non-residential and non-agricultural uses require a special exemption to be allowed
- Ms. Kompier discussed the letter to DOT that is required for the encroachment permit.

Board questions:

- Board asked if this had buildings- no buildings for storage, building for equipment and electrical, there are lights on the property.

Public comment:

- Peggy Smith- project is needed, will help community
- Harry Tallison- lives next door, in favor

Applicant rebuttal: NA

Board discussion:

- Mr. Mays- The zoning ordinance and overlay were part of the community development process. The community wanted to leave the agricultural and residential to do as they want; all other uses were to be presented to the community for input. The process is working. Buildings would also fall under Appendix A
- Mr. Codner- fits with community

Consideration of SE22-005:

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:
 - a. Motion – Mr. Eagar made a motion in the affirmative, seconded by Mr. Decker. A brief discussion followed.
 - b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that the criterion passed.

2. Is in the best interests of the county, the convenience of the community and the public welfare;
 - a. Motion – Mr. Eagar made a motion in the affirmative, seconded by Mr. Mays. A brief discussion followed.
 - b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that the criterion passed.

3. Is Suitable in terms of effects on highway traffic, parking and safety with adequate access arrangements to protect streets from undue congestion and hazards.
 - a. Motion – Mr. Eagar made a motion; seconded by Mr. Mays. No discussion.

b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that the criterion passed.

4. Mr. Codner asked – Based on the evidence presented to the Board, do I hear a motion that the proposed variance be **Approved**.

a. Motion – Mr. Eagar made a motion; seconded by Mr. Decker. No discussion.

b. Vote

In-favor	Opposed
5	0

ITEM 6 - 6. David Sommers of Sommers General Contracting is requesting a Special Exception hearing to build a new 32 bed bunkhouse for volunteers. TMS# 331-00-02-011 with an address of 175 Camp School Ln., Fair Play, SC 29643.

Applicant's opening statement and provision of evidence: Mr. Sommers was not present. Mr. Bill Collins presented in his absence. Rely on volunteers and requesting housing for them. The volunteers allow the camp to function. Previously housed volunteers with churches and other facilities on the parcel. This would be helpful for housing people on property and make it easier. Mr. Collins discussed the building plans.

Staff comments:

Mr. Coley confirmed this is group housing, and under the group housing ordinance all group housing requires a special exemption.

Board questions:

- Board asked about the program- Mr. Collins described the program.

Public comment:

- None

Applicant rebuttal: NA

Board discussion:

- Mr. Mays- This camp is community minded and part of the community.

Consideration of SE22-005:

1. Is in accordance with the comprehensive plan and 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;

a. Motion – Mr. Eagar made a motion, seconded by Mr. Mays.

b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that the criterion passed.

2. Is in the best interests of the county, the convenience of the community and the public welfare Motion – Mr. Eagar made a motion in the affirmative, seconded by Mr. Mays. A brief discussion followed.

a. Vote

In-favor	Opposed
5	0

Mr. Codner noted that the criterion passed.

3. Is 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;

a. Motion – Mr. Eagar made a motion in the affirmative, seconded by Mr. Mays. A brief discussion followed.

b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that the criterion passed.

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

a. Motion – Mr. Eagar made a motion in the affirmative; seconded by Mr. Mays. A brief discussion followed.

b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that the criterion passed.

5. Mr. Codner asked – Based on the evidence presented to the Board, do I hear a motion that the proposed special exception be approved.

a. Motion – Mr. Eagar made a motion; seconded by Mr. Mays. No discussion.

b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that the criterion passed

Item 7 Adjourn – Mr. Decker made a motion to adjourn; seconded by Mr. Mays. Mr. Codner called for a vote. Motion passed unanimously 5/0.

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