



Meeting agenda
Monday April 24, 2023 6:00pm

1. Call to order
2. Election of officers
3. Approval of minutes: 03/27/23
4. Board of Zoning Appeals procedure/process
5. Brief statement about rules and procedures
6. Variance application #VA23-00006- Chris Breen of Legacy Decks and Outdoor Living is requesting a 3.5' variance to the 5' rear setback. TMS 334-04-01-061 address 256 S Port Bass Dr. Fair Play SC 29643
7. Adjourn

**Oconee County
Board of Zoning
Appeals**

Council Chambers
415 South Pine Street
Walhalla, S.C. 29691

www.oconeesc.com

YouTube: "YourOconee"

Staff contact

846-638-4218
planninginfo@oconeesc.com

BOARD MEMBERS

James Henderson, District I	Vacant, District IV
Gwen Fowler, District II	Bill Gilster, District III
John Eager, Vice Chairman, At-Large	Tim Mays, District V
Bill Decker, At-Large	

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

Minutes

6:00 PM – March 27, 2023,

Members in Attendance

Gwen Fowler

Bill Gilster

Jim Codner

John Eagar

Bill Decker

Staff

James Coley, Planning Director

Media

NA

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

ITEM 2 – Motion to approve the minutes from January 26, 2023 – Mr. Eagar made a **motion** to approve the minutes; seconded by Mr. Gilster. Ms. Fowler requested the date be corrected. Mr. Codner wanted to confirm everyone was in agreement on the restrictions on Mr. Taffers Special exemption (SE22-00008).

Mr. Codner called for a vote. The motion passed 4/0 with Mr. Decker abstaining

ITEM 3 and 4– 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 5 - Variance application #VA23-00001- Kathy O'Brien is requesting a 5' variance to the 5' side setback along the northwest property line. TMS 111-12-03-011, address 55 Par Harbor Way Salem SC 29676

Applicant's opening statement and provision of evidence: Ms. O'Brien presented the request and statements from neighbors and the HOA

Staff comments: Staff was available for questions. There were none

Public Comment: Kevin McCracken from HOA spoke in support

Applicant rebuttal: NA.

Board questions and discussion: Are any utilities in the setback- no

Consideration of VA23-00001:

1. There **are** extraordinary and exceptional conditions pertaining to the particular piece of property:
 - 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. These conditions **do not** generally apply to other property in the vicinity:
 - a. Motion – Mr. Eagar made a motion in the affirmative, seconded by Mr. Gilster. A brief discussion followed.
 - 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 in the affirmative, seconded by Mr. Decker. No discussion.
 - 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 in the affirmative, seconded by Mr. Gilster. A brief 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. Decker. No Discussion.

- b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that variance request was **approved**.

ITEM - 6. Variance application #VA23-00002- Kerry S Smith is requesting a 9' variance to the 25' front setback. TMS 120-00-01-058 address 675 Pickett Post Rd Walhalla SC 29691

Applicant's opening statement and provision of evidence: Mr. Smith presented his request. He was unaware of the setback. He provided letters from 4 neighbors in support

Staff comments: Staff explained there was no permit required for land disturbance, or on-grade ground work.

Public Comment: Mr. Smith, spoke in favor of the variance, and against setbacks

Applicant rebuttal: NA

Board questions and discussion: None

Consideration of VA23-00002:

1. There **are** extraordinary and exceptional conditions pertaining to the particular piece of property:
 - a. Motion – Mr. Eagar made a motion in the affirmative, seconded by Mr. Gilster. No discussion followed.

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

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

- 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.

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.

- Motion – Mr. Eagar made a motion in the affirmative, seconded by Mr. Decker. A brief 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**.

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

b. Vote

In-favor	Opposed

5	0
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Mr. Codner noted that variance request was **approved**.

ITEM 7 - 7. Variance application #VA23-00003-Randy Moore of Y&R Construction LLC is requesting an 18' variance to the 25' front setback. TMS 045-00-02-166, address 289 Jocassee Ridge Way Salem SC 29676

Applicant's opening statement and provision of evidence: Mr. James Moore presented for Randy, and explained the site conditions and history of the lots in this area. The HOA provided a letter of support for the variance.

Staff comments: Staff presented the topo map for review and confirmed location of other homes predating the establishment of the setback

Public Comment: Mr. Jackson , HOA president spoken in support . Mr. Alexander spoke in support

Applicant rebuttal: NA

Board questions and discussion: None

Consideration of VA23-00003:

1. There **are** extraordinary and exceptional conditions pertaining to the particular piece of property:
 - 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. These conditions **do not** generally apply to other property in the vicinity:
 - 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.

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 in the affirmative, seconded by Mr. Decker. No discussion.
 - 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 in the affirmative, seconded by Mr. Decker. A brief 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. Gilster. No Discussion.
 - b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that variance request was **approved**.

ITEM 8- Variance application #VA23-00004- Karuam Booker of Civil and Environmental Consultants INC is requesting an additional 3' variance to the 25' front setback from the original variance approved as VA22-00009. TMS 176-00-01-155, address 102 Lusk Dr. West Union SC 29696

Applicant's opening statement and provision of evidence: Mr. Booker explained the additional request and the conditions that were discovered after the previous variance was granted. Matt Aho, contractor presented additional information on construction aspects of the request.

Staff comments: Staff reviewed the original variance approval, and the addition request.

Public Comment: NA

Applicant rebuttal: NA

Board questions and discussion: would the board have ruled differently if the original request was for the scope of this request

Consideration of VA23-00004:

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

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

- 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 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.

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 in the affirmative, seconded by Mr. Decker. No discussion.

- 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 in the affirmative, seconded by Mr. Decker. A brief 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. Decker. No Discussion.
 - b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that variance request was **approved**.

ITEM 9 - Variance application #VA23-00005- Jody Smith is requesting a 2.36' variance to the vegetative buffer in the lake overlay. TMS 193-02-01-012, address 210 Honeysuckle Dr. Seneca SC 29672

Applicant's opening statement and provision of evidence: Mr. Smith presented the request and explained the site conditions.

Staff comments: Staff explained the issue with the buffer and allowable construction within the buffer

Public Comment: NA

Applicant rebuttal: NA

Board questions and discussion: None

Consideration of VA23-00005:

- 1. There **are** extraordinary and exceptional conditions pertaining to the particular piece of property:
 - 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. These conditions **do not** generally apply to other property in the vicinity:
 - a. Motion – Mr. Eagar made a motion in the affirmative, seconded by Mr. Gilster. A brief discussion followed.
 - 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 in the affirmative, seconded by Mr. Gilster. No discussion.
 - 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 in the affirmative, seconded by Mr. Decker. A brief 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. Decker. No Discussion.
 - b. Vote

In-favor	Opposed
5	0

Mr. Codner noted that variance request was **approved**.

Item 10 Adjourn – Mr. Eagar made a motion to adjourn; seconded by Mr. Gilster. Mr. Codner called for a vote. Motion passed unanimously 5/0.

DRAFT

Rationale for Variance Approval

TMS 334-04-01-061

Address 256 S Port Bass Dr. Fair Play, SC 29643

Based on Section 38-7.1 in the Code of Ordinances in affect as of 4/24/2023 we are confident we meet the criteria for granting this variance.

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; ***Modifications proposed do not disturb any existing natural foliage or land not already covered by existing concrete.***

(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; ***we are rebuilding an existing deck structure to improve the safety and aesthetics of our public facing property. These changes will not create changes to the use of the area.***

(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. ***Neighbor with common property line and Corps of Engineers have submitted written acknowledgement not opposing these changes.***

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. ***No changes to the use of the property as has been established since 2008.***

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. ***These changes will in fact improve the character and property values in our community. Our home has one of the highest values in Port Bass Subdivision.***

New Deck

Corp
Line

A photograph of a concrete deck area. In the foreground, a large, dark, weathered concrete slab is visible. A thin red line is drawn across this slab, extending from the bottom left towards the right. A white arrow points from a blue box labeled 'Corp Line' to this red line. In the middle ground, a lighter-colored concrete slab is visible, with a blue rectangular box overlaid on it containing the text 'New Deck'. The deck is bordered by wooden posts and a wooden railing. In the background, there are trees and a house with a porch. The scene is outdoors, with shadows cast across the concrete.

New Deck

A white arrow pointing from a blue box labeled 'Corp Line' to a thin red line drawn on a concrete slab.

Corp
Line

Comps for Homes on S. Port Bass Drive

256 S. Port Bass Drive (Home in question) valued at \$729,000 according to Homebridge Mortgage lender

Current Homes for Sale:

158 S. Port Bass Drive (4 bed, 4 bath) priced at \$500,000

286 S. Port Bass Drive (3 bed, 3 bath) priced at \$470,000

Recent Sales:

186 S. Port Bass Drive (Lot with out parcel) sold for \$38,000

182 S. Port Bass Drive (Lot with covered carport) sold for \$38,000

249 S. Port Bass Drive (Lot with mobile home) sold for \$35,000

247 S. Port Bass Drive (Lot) sold for \$35,000

From: Sue Rose suerose530@gmail.com 📧
Subject: Fwd: Encroachment
Date: April 7, 2023 at 3:56 PM
To: adam@legacydecks.com



----- Forwarded message -----

From: Whiting, Jason A CIV USARMY CESAS (USA) <Jason.A.Whiting@usace.army.mil>
Date: Fri, Apr 7, 2023 at 2:03 PM
Subject: Encroachment
To: suerose530@gmail.com <suerose530@gmail.com>

Ms. Rose,

Our regulations state that non permitted structures cannot touch or encroach onto or over the Corps property line.

Jason

Jason A Whiting

Natural Resource Specialist

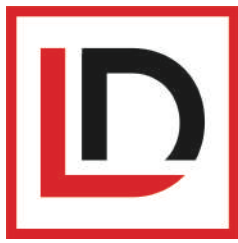
Us Army Corps of Engineers

Hartwell Project

706-856-0352

2020 Shoreline Magagement Plan

https://www.sas.usace.army.mil/Portals/61/docs/lakes/hartwell/HartwellUploads1/HartwellUploads1/2020%20Hartwell%20SMP%20signed.pdf?ver=i2AT610WYZ6gnI6u_2_ALQ%3d%3d



LEGACY DECKS
AND OUTDOOR LIVING

1110 Suite A W. Butler Rd • Greenville, SC 29607 • Office (864) 729-4444

THIS AGREEMENT IS SUBJECT TO ARBITRATION
PURSUANT TO S.C. CODE SECTION 15-48-10 ET. SEQ., AS AMENDED

CONSTRUCTION AGREEMENT COVER PAGE

Date Submitted: 2/5/23

Owner's Information:

Name: Dave & Sue Rose
Address: 256 S. Port Bass Drive
Address: Fair Play SC 29643
Phone: (770) 402-2903
e-mail: suerose530@gmail.com

This Construction Agreement includes this Cover Page and the attached Terms and Conditions (collectively, the "Agreement"), is entered into by and between the property owner set forth above (the "Owner") and Legacy Decks Contracting LLC ("Legacy Decks"), and is effective the latter date on which a party executes this Agreement.

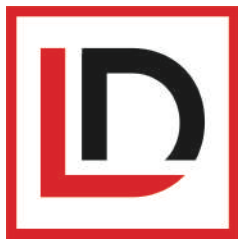
Project Overview:

- Demo existing structure, approx. 595 sq. ft.
- Build new structure, approx. 722 sq. ft., with treated lumber, Timbertech Pro Legacy decking and steps, and TimberTech Impressions Express railing and posts
- Obtain all permits and inspections needed for the project

Scope of Work: Legacy Decks will furnish all the materials and perform all the labor necessary for the Home Improvement Project (the "Project") at the property located at the above address to be completed as follows:

Project: New TimberTech Deck Construction:

- 6"x6" support posts (not stained or painted)
- Double 2x10 laminated beams
- 2x8 or 2x10 floor joists set 12" on center
- Full bonding hardware including lag bolts, hangers and bracket fasteners
- TimberTech decking secured by hidden fasteners on deck
- 1x12 TimberTech fascia on all deck edges
- TimberTech Impressions Express aluminum rail posts with TimberTech caps and skirts
- TimberTech Impressions Express aluminum rails and balusters
- 25-year material warranty by TimberTech (railing and posts)
- 30-year material warranty by TimberTech (decking)



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DECK

- Install TimberTech Pro Legacy decking on approx. 722 sq. ft. of deck (Pecan)
 - Decking installed parallel to house
- Install (14) TimberTech Impressions Express 3"x3" railing posts, caps and skirts (Black)
- Install (82) linear ft. of TimberTech Impressions Express rail and balusters (Black/Classic top)
- Install (108) linear ft. of TimberTech Pro Legacy fascia (Pecan)
- Install (106) linear ft. of TimberTech Pro Legacy picture frame (Espresso)
 - No picture frame installed against house
- Install (10) steps, 11' wide, with TimberTech Pro Legacy treads and risers (Pecan)
 - Stair treads to be mitered/picture framed (Espresso)
- Replace vinyl siding corner where wood railing is removed from corner of open deck at house
- Install (1) 1'x11' concrete pad at bottom of steps as stair stringer footing
- *Staining 6"x6" support posts NOT included

ELECTRICAL

- Install (9) InLite Mini Wedge lights on posts
 - Not installed on stair posts or inside corner post
- Install (33) InLite Puck riser lights, (3) per riser
- Install (1) InLite SmartHub 150 transformer
- Install (3) outlets (rework existing electrical)
 - (1) outlet in railing post for smoker
 - (1) outlet below deck for low voltage transformer
 - (1) outlet in screen room

SCREEN WALLS

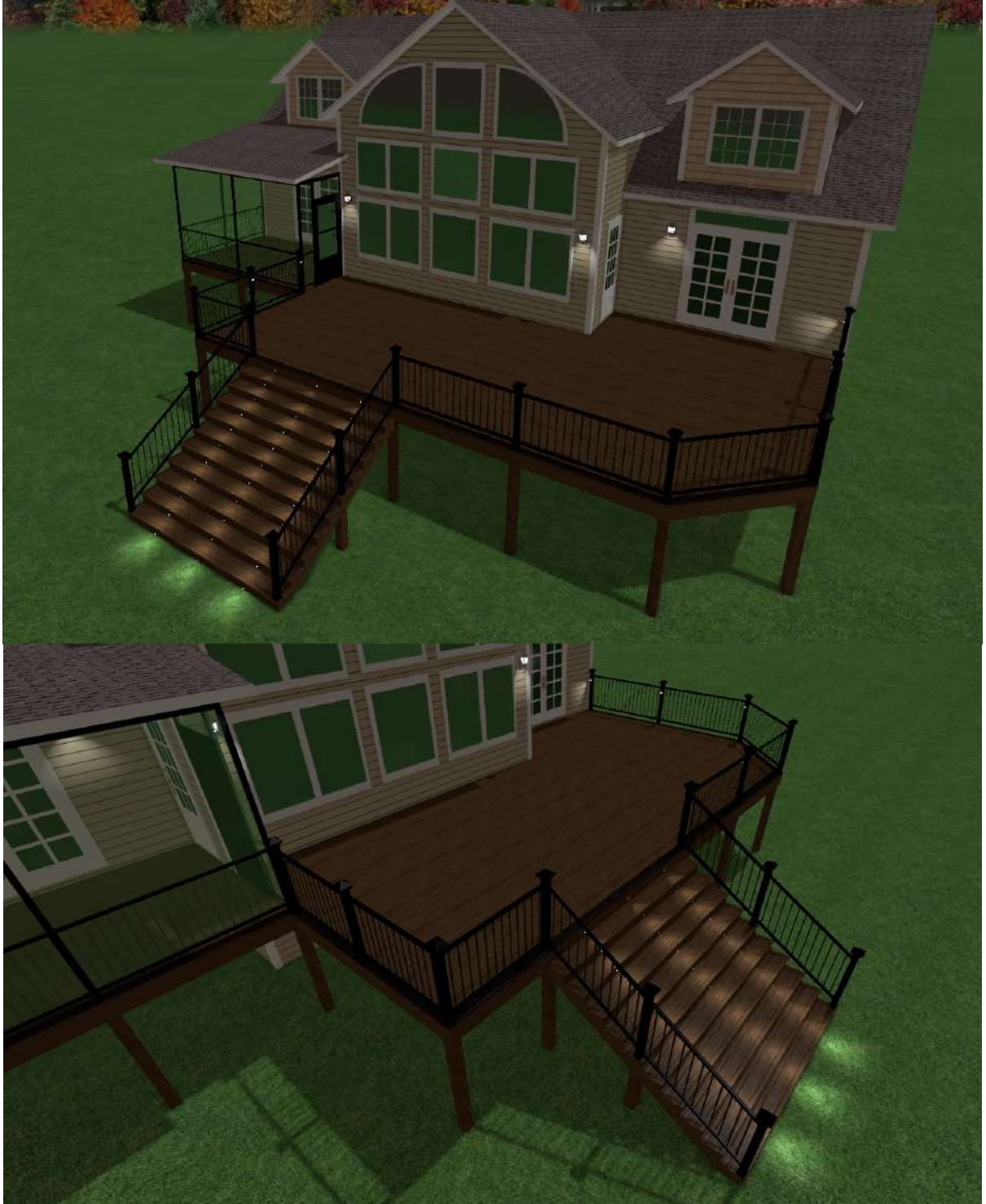
- Install temporary roof support
- Demo existing screen walls and support posts
- Frame up openings with aluminum extrusion 8' 6" tall, spline in black fiberglass screen (Dark Bronze)
- Railing and Baluster system in (2) outer facing walls to be composed of aluminum (Dark Bronze)
 - No balusters in screen wall facing open deck

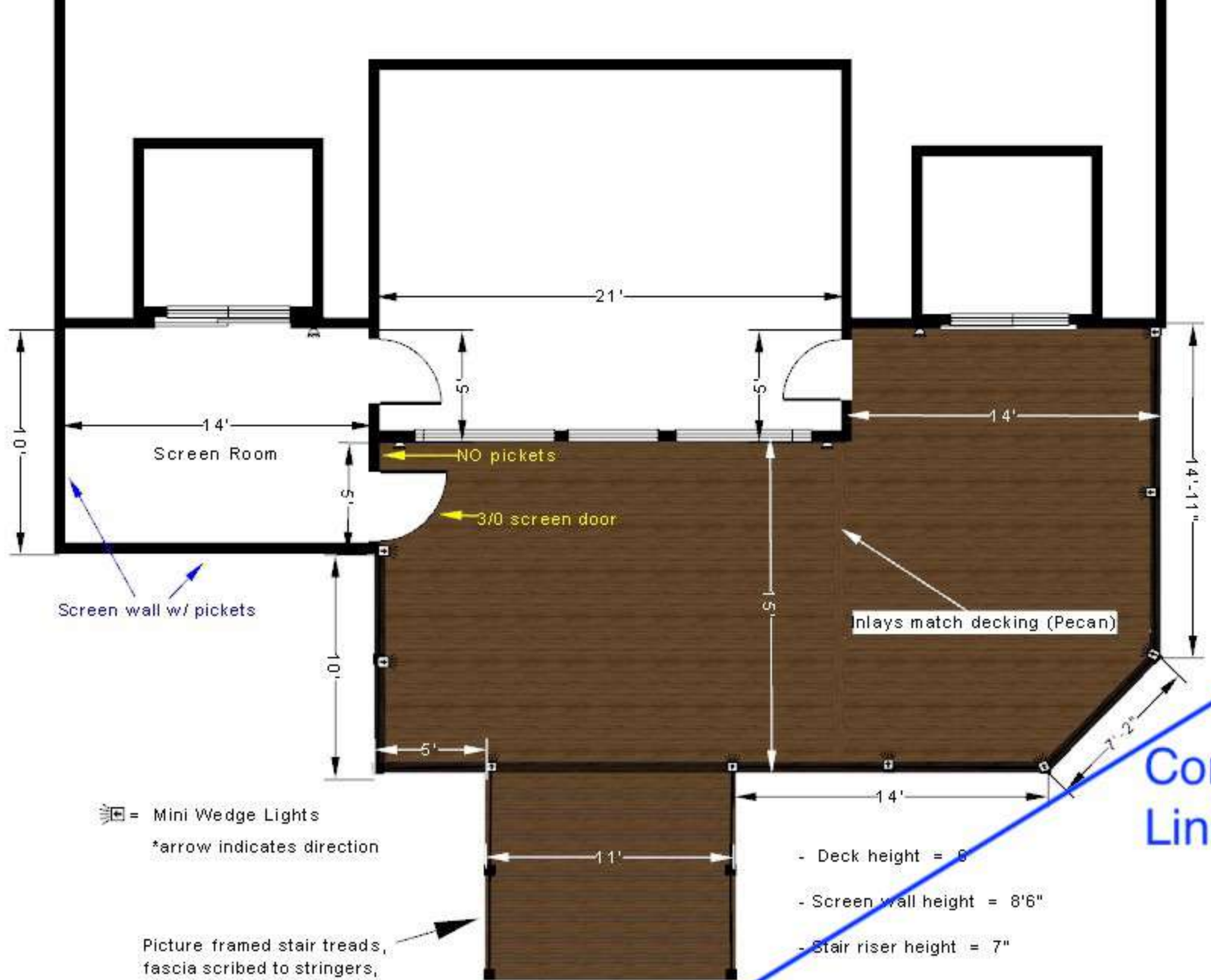


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Screen wall w/ pickets

Screen Room

NO pickets

3/0 screen door

Inlays match decking (Pecan)

Corp Line

☐ = Mini Wedge Lights
*arrow indicates direction

Picture framed stair treads,
fascia scribed to stringers,
stair picture frame Espresso
like deck picture frame

- Deck height = 8"
- Screen wall height = 8'6"
- Stair riser height = 7"
- Ledger attach
- 6x6 support posts (homeowner to stain)
- (3) InLite Puck riser lights per riser- (33 total)
- (9) InLite Mini Wedge post lights as shown



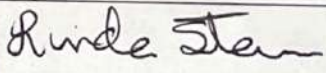
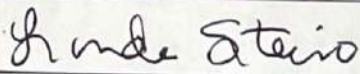

Corp Line

March 18, 2023

Oconee County Planning
Variance Appeals
415 S. Pine St.
Walhalla, SC 29691

RE: Map #334-04-01-061 256 S. Port Bass Dr. Fair Play, SC 29643

The undersigned owners of the parcels adjacent to the property requesting the variance have been informed of our intent to rebuild and extend the existing deck on our property. After a review of our plans and the potential impact on their quality of life, they have expressed their approval of the requested variance by their signature below. They attest that the proposed modifications will increase the character of our district and make a positive impact on property values.

Parcel Id	Owner	Address	Phone	Signature
334-04-01-059	STEIN RICK & LINDA	252 S PORT BASS DR	770 331 3898	
334-04-01-060	STEIN RICK & LINDA	254 S PORT BASS DR	770 331 3898	
334-04-01-061	ROSE JOINT REV TRUST	256 S PORT BASS DR	770 686 1414	
334-04-01-062	MILITSCHER CHRIS & HERSON CAROLE E	258 S PORT BASS DR	919 327 0042	