

Meeting agenda Tuesday August 22, 2023 6:00pm

- 1. Call to order
- 2. Election of vice chair
- 3. Approval of minutes: 05/22/23
- 4. Brief statement about rules and procedures
- Variance application #VA23-000011- Scott Wall is requesting a variance from the minimum width requirement under the density and lot size relation of the Lake Residential Zoning District. TMS 177-00-01-022, with the nearest address of 121 Waters Edge Lane, West Union SC 29696
- 6. Variance application #VA23-000010- Bryan Wood of AR Thorpe PLLC is requesting a 12' height variance, and a 62 square footage variance, for a free-standing sign, and up to a 400 square foot variance to the building mounted signage. TMS 222-00-01-008 with an address of 1810 Sandifer Blvd. Seneca SC 29678
- 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

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

Minutes

6:00 PM - May 22, 2023,

Members in Attendance

Gwen Fowler
James Henderson
Tim Mays

Bill Gilster John Eagar

Staff

James Coley, Planning Director

Media

NA

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

ITEM 2 – Election of Vice Chair – Mr. Eagar called for nominations for Vice Chair. Mr. Gilster made a motion that Ms. Fowler serve as Vice Chair, Second by Mr. Mays. Mr. Eagar called for any other nominations for Vice-Chair. Mr. Eagar called for a vote. Ms. Fowler was appointed 5/0.

ITEM 3 – Motion to approve the minutes from April 24, 2023 – Mr. Mays made a **motion** to approve the minutes; seconded by Mr. Henderson. Mr. Eagar called for a vote. The motion passed 6/0.

ITEM 4 – Brief statement about rules and procedures – Mr. Eagar 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.
- Votina

ITEM 5. Special Exemption #SE23-000001- Amy Wilby of Gaskins and LeCraw is requesting a special exemption to the Fair Play Village Overlay District to allow

for a new commercial retail building with associated parking and driveway onto Fairplay Blvd. TMS 341-00-02-005 address 642 E Fairplay BLVD. Fair Play SC 29643

Applicant's opening statement and provision of evidence:

Ms. Wooten spoke on behalf of the applicant. She explained the desire to place a "Dollar General" grocery store. Mr. Sharp from the design team made some requests for relief on Appendix A

Staff comments:

• Mr. Coley confirmed the application proposed commercial business is in the Village Center Overlay. The non-residential use requires the Special exemption. The Board can require any or all of the Appendix A.

Public comment:

 Alicia Walker- spoke in generally in favor of the project, with concern regarding façade and frontage.

Applicant rebu	ttal:
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NA.

Board Questions:

NA

Board discussion:

NA

- 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. Mays made a motion in the affirmative, seconded by Mr. Gilster. A brief discussion followed.
 - b. Vote

In-favor	Opposed
5	0

Mr. Eagar noted that the criterion passed.

- 2. In the best interests of the County, the convenience of the community and the public welfare:
 - a. Motion Mr. Mays made a motion in the affirmative, seconded by Mr. Henderson.
 - b. Vote

In-favor	Opposed

5 0

Mr. Eagar noted that the criterion passed.

- 3. Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with appropriate in appearance to the existing or intended character of the general vicinity:
 - a. Motion Mr. Mays made a motion in the affirmative, seconded by Mr. Henderson. A brief discussion followed.
 - b. Vote

In-favor	Opposed
5	0

Mr. Eagar noted that 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.
 - a. Motion Mr. Mays made a motion in the affirmative; seconded by Mr. Henderson. A brief discussion followed.
 - b. Vote

In-favor	Opposed
5	0

Mr. Eagar noted that the criterion passed.

- 5. Mr. Eagar asked Based on the evidence presented to the Board, do I hear a motion that the proposed special exception be APPROVED WITH THE FOLLOWING CONDITIONS: Appendix A to be followed in its entirety, and that Appendix A, A, 5 (Suitable materials for treating building facades may include, but are not limited to: stone, brick, glass, wood siding, split block, or stucco. Alternative materials may be approved by the planning director.) be amended to require the façade be consistent with existing business.
 - a. Motion Mr. Mays made a motion; seconded by Mr. Henderson. No discussion.
 - b. Vote

In-favor	Opposed
5	0

ITEM 6. Variance application #VA23-00008- Michael Tilson is requesting a 10' variance to the 10' rear setback. TMS 285-03-04-003 address 143 Rivoli Point Rd Westminster SC 29693

Applicant's opening statement and provision of evidence: Ms. Tilson (property owner) presented on her own behalf. They would like to extend the existing structure to the rear. The applicant provided letters of support from neighbors.

Staff comments: Request is for setback variance on rear property line. The parcel is on Lake Hartwell, not in an overlay district.

Public Comment: NA

Applicant rebuttal: NA

Board questions and discussion: Ms. Fowler asked about the septic system location on the parcel

Consideration of VA23-000008:

- 1. There **are** extraordinary and exceptional conditions pertaining to the particular piece of property:
 - a. Motion Mr. Gilster made a motion in the affirmative, seconded by Mr. Mays. A brief discussion followed.
 - b. Vote

In-favor	Opposed
5	0

- Mr. Eagar noted that the criterion passed.
- 2. These conditions **do not** generally apply to other property in the vicinity:
 - Motion Mr. Gilster made a motion in the affirmative, seconded by Mr. Mays. A brief discussion followed.
 - b. Vote

In-favor	Opposed
5	0

- Mr. Eagar noted that the criterion passed.
- 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. Gilster made a motion in the affirmative, seconded by Mr. Mays. No discussion.
 - b. Vote

In-favor	Opposed
III Iavoi	Opposcu

|--|

Mr. Eagar 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. Mays made a motion in the affirmative, seconded by Mr. Gilster. A brief discussion.
 - b. Vote

In-favor	Opposed
5	0

Mr. Eagar noted that the criterion passed.

- **5.** Mr. Eagar asked Based on the evidence presented to the Board, do I hear a motion that the proposed variance be **Approved.**
 - a. Motion Mr. Mays made a motion; seconded by Mr. Henderson. No Discussion.
 - b. Vote

In-favor	Opposed		
5	0		

Mr. Eagar noted that variance request was approved.

Item 9 Adjourn – Mr. Mays made a motion to adjourn Mr. Eagar called for a vote. Motion passed unanimously 5/0.

Freedom of Information Act - Variance Application **Permitting Information**

Code section from which a variance is requested Application is

38-10.8

Upload Supporting **Documentation Here**



Application is not

Is not.

APPLICANT RESPONSES TO SECTION 38-7.1

Describe the extraordinary and exceptional condition (such as size, shape, and topography) that pertains to the subject property that does not generally apply to other land or structures in the vicinity.:

Are the circumstances affecting the subject property the result of actions by the applicant/owner? Explain.

Describe the ways in which application of the requirement(s) of the ordinance effectively prohibit or unreasonably restrict the utilization of the subject property.:

Will the proposed variance result in an activity that 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. Explain.:

We are requesting a variance from the minimum width requirement under the density and lot size relation. Our lot is very narrow at the street and gets wider as as you progress towards the lake. It is one of the more narrow lots in the subdivision. Because it is zoned lake residential it is our understanding that the required set back from the street, which in Waters Edge is 30', cannot begin until the lot reached a minimum width of 80'. This is an issue since you have to go about halfway down the lot reach 80' in width.

No. We purchased the lot and have made no improvements or modifications to the property outside of having a dock installed by Kroeger Marine.

If we are forced to adhere to the 80' lot width requirement before the setback begins it basically renders the lot unbuildable. This requirement, coupled with the setback off the lake and septic system drain field, narrow the buildable area of the lot to a point we cannot reasonably construct a home.

If the variance is granted it will not in our opinion result in any detriment to the surrounding neighbors or properties. We are working within the HOA setback guidelines but just need relief from the 80' lot width minimum requirement. The starting point of the home from the street would still be approximately 127' from the street which appears to be in line with the distances of many of the existing homes. We will certainly be leaving buffers and landscaping the property.

SouthernCreek Construction LLC.

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 authority to waive requirements of this code.

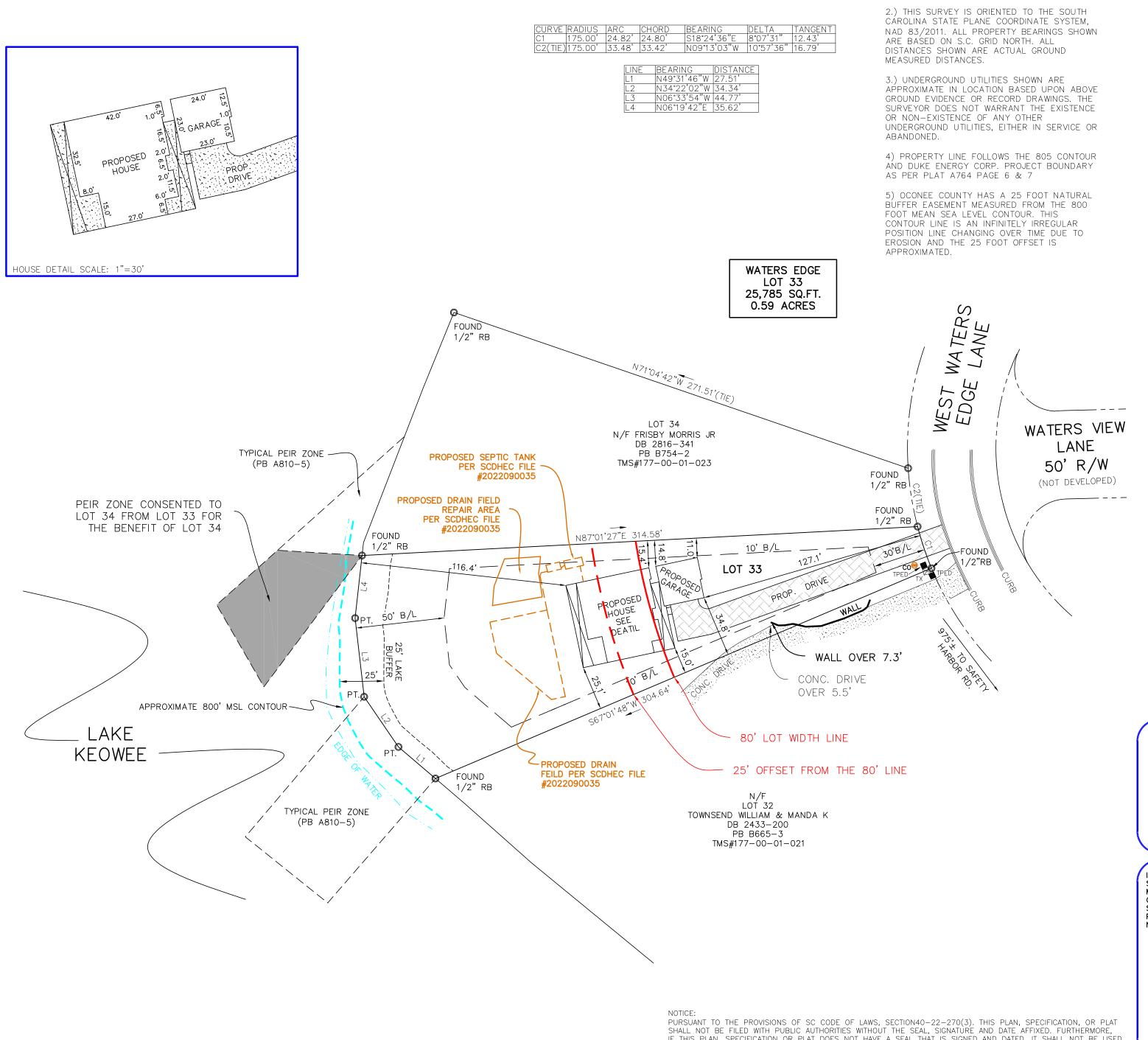
Comments

I have included a copy of the lot survey showing where the proposed house would sit on the lot. It also shows the 80' width requirement line and what the setback would be off of that. You can see that the requirement pushes us so far down the lot that there is no way to put a house within buildable area that would be left. This is why we are requesting a variance. I feel that where the house shows sitting on the lot will be similar to the surrounding homes and causes no hardships to the neighborhood or neighbors. We appreciate your time and would like to get on the agenda for the next zoning board meeting. As we have invested around \$250,000 in the lot and dock we ask for your consideration in this variance request. We look forward to hearing from you.

OCONEE COUNTYS APPROVAL, PERMITTING, AND/OR INSPECTION(S) OF THIS PROJECT DOES NOT MEAN THAT THE PROJECT IS IN COMPLIANCE WITH ALL APPLICABLE SUBDIVISION AND/OR HOMEOWNERS ASSOCIATION, OR SIMILAR ENTITYS, BUILDING AND LAND USE REQUIREMENTS OR RESTRICTIONS, BY SIGNING BELOW YOU ACKNOWLEDGE THAT COMPLIANCE WITH ANY SUCH STANDARDS IS YOUR RESPONSIBILITY.

NOTE: EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT. THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: RIGHTS-OF-WAY, EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS SURVEY DOES NOT CONSTITUTE A TITLE RESEARCH, FLOOD STUDY, WETLAND DELINEATION OR ENVIRONMENTAL INSPECTION BY SURVEYOR. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDITIONS, CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.

THIS SURVEY IS OF AN EXISTING PARCEL(S) OF LAND AND DOES NOT CREATE A NEW ROAD, CHANGE AN EXISTING ROAD OR ALTER ANY PROPERTY LINES.

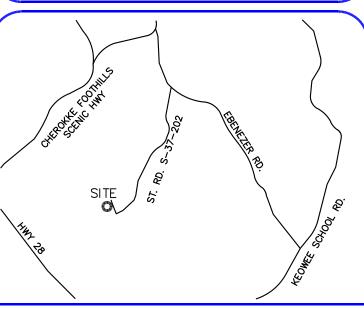


NOTES:

1.) ACCORDING TO FIRM PANEL 45073C0195D FÓR OCONEE COUNTY, SOUTH CAROLINA, WITH AN EFFECTIVE DATE OF DECEMBER 21,2017, THIS PROPERTY IS NOT LOCATED IN DESIGNATED FLOOD HAZARD AREA.



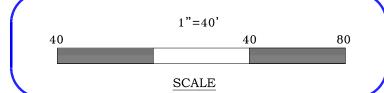
P.O. BOX 8494 GREENVILLE, SC 29604 (864) 272-0274 info@3dls.net



LOCATION MAP NOT TO SCALE

DRAWN BY: JBT	DATE: 03-14-23	DEED BOOK 2871-205	
CHK'D BY: DMM	DATE: 03-14-23	PLAT BOOK: A810-5	
FIELD CREW: BC/TI	DATE: 03-02-23	3D-230043	

177-00-01-022			
REVISIONS			
REV#	DATE:	DESCRIPTION	
1	6/09/23	ADDED HOUSE PLANS (SNL)	



LEGEND

EP EDGE OF PAVEMENT SR SOLID ROD N&C NAIL & CAP OT OPEN TOP RB REBAR R/W RIGHT OF WAY

 ⊠ ELEC TRANS
 GAS METER FIRE HYDRANT - CTV - CABLE TV —X— FENCE LINE - FOC - FIBER OPTIC CABLE

— OHP— OVERHEAD POWER
— OHT— OVERHEAD TELEPHONE

CV GAS VALVE LP LIGHT POLE MHSD MANHOLE (SD) MHSS MANHOLE (SS) PP PO POWER POLE TEL TELEPHONE PED WATER METER WM WATER METER WV ⋈ WATER VALVE

CB ☐ CATCH BASIN DI ■ DROP INLET

- GAS - GAS LINE

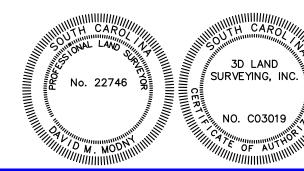
----SD--- STORM DRAIN ----SS--- SANITARY SEWER — UGT — UNDERGROUND TEL — W — WATER LINE

SURVEY FOR

JANET E. WALL JIMMY S. WALL

WATERS EDGE LOT 33 119 W. WATERS EDGE LANE, WEST UNION 29696 OCONEE COUNTY, SOUTH CAROLINA

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO KNOWN VISIBLE ENCROACHMENTS OR PROJECTIONS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN. THIS STRUCTURE IS NOT LOCATED IN A DESIGNATED F.I.R.M. FLOOD HAZARD AREA.



PURSUANT TO THE PROVISIONS OF SC CODE OF LAWS, SECTION40-22-270(3). THIS PLAN, SPECIFICATION, OR PLAT SHALL NOT BE FILED WITH PUBLIC AUTHORITIES WITHOUT THE SEAL, SIGNATURE AND DATE AFFIXED. FURTHERMORE, IF THIS PLAN, SPECIFICATION OR PLAT DOES NOT HAVE A SEAL THAT IS SIGNED AND DATED, IT SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN A PRELIMINARY STUDY DRAWING AND WILL BE CONSIDERED A WORK IN PROGRESS.

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street –Walhalla, SC



Tel: (864)638-4218 FAX (864) 638-4168

APPLICATION FOR VARIANCE

OCONEE COUNTY, SC

APPLICANT: Antho	ony Thorpe	President / A.R. Thorpe Architect LLC
	Name	Title/Organization
PROPERY OWNER: (I	f different from applicant) HCBV, LLC	
MAILING ADDRESS:	204 C. West Woodlawn Rd., Charlott	re, NC 28217
PHONE: cell:	704-562-0203	email: rs@landmarkdp.com
land line: _	704-532-0028	
	PROPERTY INFORMA	<u>ATION</u>
STREET ADDRESS:	1810 Sandifer Boulevard	
TAX PARCEL # 222-	-00-01-008 DEED BOOK/	PAGE:
ZONING DESIGNATION:		ACREAGE:148.09
	REQUEST	
CODE SECTION FROM	1 WHICH A VARIANCE IS REQUESTED:	Chapter 38, Article VIII, Section 32-523c
DESCRIPTION OF REC	OUEST: (see attached "Variance Requ	est Supplement")

Instructions:

- The applicant/owner must respond to the "findings" questions on page 3 of this application (you
 must answer "why" you believe the application meets the tests for the granting of a variance).
 See also Section 38-7.1 for additional information. You may attach a separate sheet addressing
 these questions.
- 2. You must attach a scaled drawing of the property that reflects, at a minimum, the following:
 - (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the requested variance; (c) existing buildings and other relevant improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested variance.
- 3. The Zoning Administrator will review the application for sufficiency prior to placing the application on the BZA agenda. If the application does not provide sufficient information, the administrator will contact the applicant to request that the applicant provide the required information. You are encouraged to schedule an application conference with a planner, who will review your application at the time it is submitted to insure the necessary materials is provided.
- 4. The applicant and/or property owner affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the Community Development office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or at to have the restriction terminated or waived, then the Community Development office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.

To that end, the applicant hereby affirms that	t the tract or parcel of land which is subject of the
attached application is X	restricted by any recorded
covenant that is contrary to, conflicts with, or	prohibits the requested activity.
1-11	
I ha stante	Applicant Signature
6/28/23	Date
Goodsh M. South for	Property Owner Signature

6-29-23	Date
<u> </u>	

APPLICANT RESPONSES TO SECTION 38-7.1

(You may attach a separate sheet)

Describe the extraordinary and exceptional condition (such as size, shape, and topography) that
pertains to the subject property that does not generally apply to other land or structures in the
vicinity.

The site has a large hill on the western side and the property descends toward the east. This along with needed visibility of a pylon sign from a longer distance by traffic will insure a safer and timely awareness of the shopping center development. See attached pylon sign elevation and pylon sign reference plan.

2.		Are the circumstances affecting the subject property the result of actions by the applicant/owner? Explain.
	No	

3. Describe the ways in which application of the requirement(s) of the ordinance effectively prohibit or unreasonably restrict the utilization of the subject property.

For prominence and visibility purposes, a taller sign would allow the tenants to be recognized. Due to site, the actual buildings will be set 750 feet from Sandifer Boulevard. Due to that distance and that the parking lot in front is lower than the street level, the buildings will not be as visible as from a flat site. See attached pylon sign elevation and pylon sign reference plan.

4. Will the proposed variance result in an activity that 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. Explain.

Due to the nature of this site, the taller sign should not adversly impact neighboring properties. The sign will be located in the middle of the 2270' length of road frontage - see attached pylon sign reference plan.

VARIANCE REQUEST SUPPLEMENT

<u>Variance Request #1</u>: Pylon height to 32' instead of 20'. [See attached generic pylon sign drawing].

Reference Sec. 32-521. - General provisions applicable to signs (monument, pole, and similar signs). Reference provision #3: *Height*. The maximum allowable height of a sign is 20 feet

<u>Variance Request #2:</u> Pylon sign area shall be 262 s.f. instead of 200 s.f.. [see attached generic pylon drawing].

Reference Sec. 32-523. - Special provisions applicable group development signage. More than 200 linear feet - Three ground signs permitted,

Maximum number of individual signs per ground sign: Ten

Total sign area, combined, per ground sign: 200 square feet

Maximum height: 20 feet

<u>Variance Request #3:</u> Building Signage: Tenants shall be allowed signage up to 15% of wall area per building face. The total allowable aggregate area shall not to exceed 600 s.f. per building face. The signage increase is required for a major national retailer. However, other national retailers will also require signs that exceed 150 s.f.. We are asking for an allowance that is already listed in the current code under Chapter 38, Appendix A, Part B, Section 3(b).

Reference Sec. 32-521. - General provisions applicable to signs (monument, pole, and similar signs).

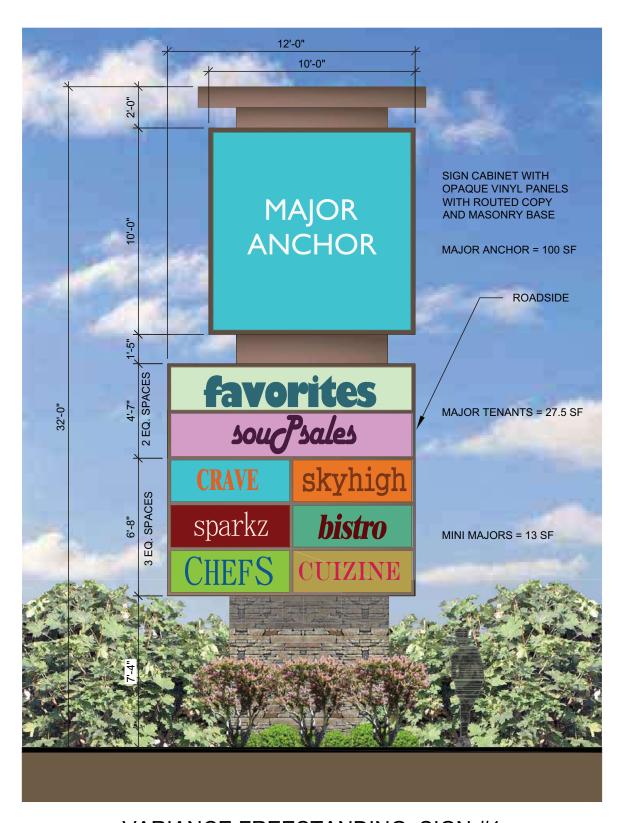
Reference provision #5 *Building-mounted signs*. Building-mounted signs are not subject to the numerical limits above; however, the maximum size of any one building mounted sign is 150 square feet, and the total sign area per building may not exceed 200 square feet. Additionally, roof mounted signs must be approved as a special exception by the Oconee County Board of Zoning Appeals.

<u>Variance Request #4:</u> A tenant may be allowed more than one sign group per building face. The total of all sign groups shall not exceed their signage area aggregate allowance.

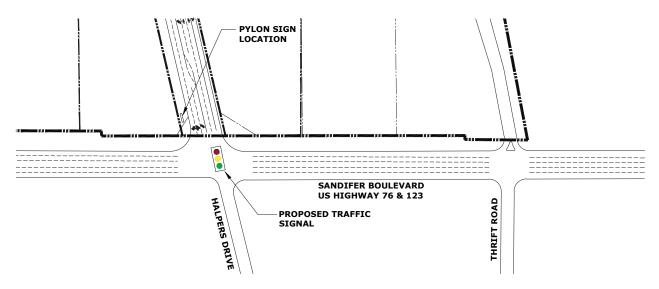
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Reference provision #5 *Building-mounted signs*. Building-mounted signs are not subject to the numerical limits above; however, the maximum size of any one building mounted sign

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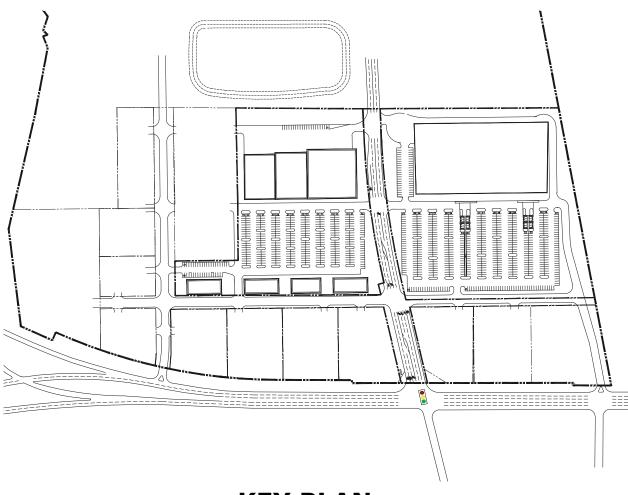


VARIANCE FREESTANDING SIGN #1
RETAIL SHOPPING CENTER
SENECA, SOUTH CAROLINA



ENLARGED PYLON SIGN REFERENCE PLAN

SCALE: 1" = 40'



KEY PLAN



Oconee County Board of Zoning Appeals 415 S. Pine Street Walhalla, SC 29691



Variance application #VA23-000010- Bryan Wood of AR Thorpe PLLC is requesting a 12' height variance, and a 62 square footage variance, for a free-standing sign, and up to a 400 square foot variance to the building mounted signage. TMS 222-00-01-008 with an address of 1810 Sandifer Blvd. Seneca SC 29678

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