

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



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

Minutes

6:00 PM – April 24, 2023,

Members in Attendance

Gwen Fowler

James Hernderson

Bill Decker

Bill Gilster

John Eagar

Tim Mays

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 officers – Mr. Eagar called for nominations for Chair. Mr. Gilster made a motion that Mr. Eagar serve as Chair; with no discussion. Mr. Eagar called for a vote. The motion was approved 5/0. Mr. Eagar called for nominations for Vice-Chair. Mr. Gilster made a motion for Mr. Decker serve as Vice-Chair; with no discussion. Mr. Eagar called for a vote. The motion was approved 5/0.

ITEM 3 – Motion to approve the minutes from March 27, 2022 – Mr. Gilster made a motion to approve the minutes; seconded by Ms. Fowler. Mr. Eagar called for a vote. The motion passed 6/0.

ITEM 4 & 5 – 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.
- Voting

ITEM 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

Applicant’s opening statement and provision of evidence: Mr. Dave Rose (property owner) presented as the applicant. Adam of Legacy Decks was present.

Staff comments: Request is for setback variance on rear of property, on Hartwell, not in an overlay district. Applicant provided letters of support from neighbors.

Public Comment: NA

Applicant rebuttal: NA

Board questions and discussion: Pleased with applicants’ submittal

Consideration of VA23-000006:

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

In-favor	Opposed
6	0

Mr. Eagar noted that the criterion passed.

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

In-favor	Opposed
6	0

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

In-favor	Opposed
6	0

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
6	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. Decker. No Discussion.
 - b. Vote

In-favor	Opposed
6	0

Mr. Eagar noted that variance request was approved.

Item 9 Adjourn – Mr. Mays made a motion to adjourn; seconded by Mr. Decker. Mr. Eagar called for a vote. Motion passed unanimously 6/0.