

The scheduled meeting of the Beaufort County Development Review Team was held on Wednesday, July 15, 2009, in the Executive Conference Room, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT

Mr. Arthur Cummings, Building Codes Director
Ms. Delores Frazier, Assistant Planning Director
Mr. Robert Klink, County Engineer

MEMBERS ABSENT

Ms. Hillary Austin, Zoning Administrator

STAFF PRESENT

Mr. Tony Criscitiello, Planning Director
Mrs. Amanda Flake, Natural Resource Planner
Mrs. Tamekia Judge, Zoning Analyst I
Mrs. Audra Antonacci-Ogden, Codes Enforcement Supervisor
Mr. Tim Ogden, Beaufort County Fire Marshall
Ms. Judy Timmer, CRB Coordinator

1. CALL TO ORDER: Mr. Criscitiello called the meeting to order at approximately 11:03 a.m.

Mr. Criscitiello explained, that the members of the Development Review Team reviewed each item independently and provided their comments to the Zoning Administrator.

2. REVIEW OF MINUTES:

Mr. Criscitiello stated, that the minutes will be adopted at the next scheduled meeting.

3. ROSE HILL BLOCK W, CLUB GATE – PHASE 2 (REVISIT/CONCEPTUAL)

Ms. Frazier stated, that it has been determined that the applicant does not need a 50-foot perimeter buffer. Ms. Frazier stated, that she did not receive a narrative with her packet, indicating what new information was submitted. Ms. Frazier asked Mr. Kevin Smith – Thomas & Hutton Engineering, to explain what the new changes were in the submittal packet.

Mr. Kevin Smith explained, that they had originally requested setback variances, and received a letter that stated, that they had to go to the Zoning Board of Appeals. Mr. Smith stated, that previously, he met with Ms. Frazier and Ms. Austin regarding the single-family suburban setback requirement, and it was determined that the setbacks for the side-yard was 10 feet.

Ms. Frazier asked Mr. Smith to submit a narrative, explaining all of the changes to the site plan. Ms. Frazier stated, that she does not see the 40-foot rear-yard setback on the site plan.

Mr. Smith stated, that the setbacks were supposed to be denoted on the plans, but he will put the 35-foot setback, and an additional 5-foot setback in the Covenants and Restrictions for the natural resource protection area.

Ms. Frazier asked Mr. Smith, "Will you provide that information at final submittal?"

Mr. Smith answered, "Yes".

Mr. Criscitiello asked Mr. Smith, "If a property owner wanted to add a patio, a swing set, a shed, barbecue pit, etc., will there be enough land outside of the setbacks?"

Mr. Smith answered, "Probably not". Mr. Smith stated, that the setbacks that are currently on the property are at a maximum, so they are working with the Rose Hill Property Owners Association, to minimize somewhere in between a patio lot and a conventional lot, as far as building footprints, which would allow for accessory structures.

Mr. Criscitiello asked Mr. Smith, "How will the Covenants and Restrictions handle the problem with dealing with the issues of a hardship, for individuals who is expecting to utilize their property, and find out they are not able to do what they want to do with their property?"

Mr. Smith stated, that on the three lots in the natural resource area, they are planning on having Covenants and Restrictions that prohibits the property owner from encroaching into that particular area.

Mr. Criscitiello stated, that he would like specific language to be put in the Covenants and Restrictions, indicating what is allowed on the property.

Mr. Smith stated, that they were planning to submit draft covenants at final submittal, that would limit what the property owner could do in the natural resource protection area.

MOTION: Ms. Frazier made a motion to conceptually approve the project, subject to the applicant submitting a narrative, indicating the setback changes. The applicant shall submit draft covenants and restrictions at final submittal, indicating the 40-foot natural resource protection area setback; the applicant shall also put specific language in the covenant and restrictions, which lists the limitations on structures in the natural resource protection area. Mr. Cummings seconded the motion. The motion passed unanimously (FOR: Cummings, Frazier, Klink).

4. BROCKS AUTOMOTIVE (SPECIAL USE/PRE-APPLICATION)

Mr. Ryan Lyle explained to the board, that Bootle Air was constructed in 1994, which was an allowable use in that zoning district. Mr. Lyle stated, that last year Mr. Brock purchased the building, and changed the use from HVAC to auto repair dealership, which is under the limited use standards of the ordinance.

Mr. Criscitiello stated, that this particular use has a condition, that the building front on a collector street, and this building front on a local street. Mr. Criscitiello asked Mr. Lyle, "How are you proposing to address the issue with the collector street limitation?"

Mr. Lyle stated, that he is planning to apply for the special use permit and the variance at the same time. Mr. Lyle stated, that he is also requesting a variance for the open space requirement; the open space requirement is 50 percent, and they only have 40 percent.

Ms. Frazier asked Mr. Lyle, "Why are you applying for a special use permit?"

Mr. Lyle stated, that they are asking for the ability to continue utilizing the building, for the existing use the building is being used for.

Mr. Criscitiello stated, that the use is allowed, but the applicant has to meet the limited standards of the zoning ordinance. Mr. Criscitiello stated, that the applicant might have to only apply for a variance, and not a special use permit. Mr. Criscitiello suggested to the applicant, to apply to the Zoning Board of Appeals for a variance, and not a special use permit.

Mr. Lyle stated, that he's okay with that suggestion, but he was under the impression that he had to apply for a special use permit.

Ms. Frazier stated, that she believes that Bootle Air applied for a special use permit, because they had an existing business and wanted to expand the building, so they went through the process to become conforming through the special use process. Ms. Frazier stated, that once Bootle Air moved out of the

building and the applicant changed the use, the site became non-conforming again. Ms. Frazier stated, that in regards to the open space requirement, it doesn't meet the standard for the commercial suburban zoning district, so the applicant would need a variance for that issue, as stated by Mr. Lyle. Ms. Frazier stated, that the applicant might consider applying for a text change, as it relates to the open space issue. Ms. Frazier stated, that she would like to talk to Ms. Austin about her recommendation for a special use permit, but the other limited standards, as it relates to the collector road issue, has to go through the variance process through the Zoning Board of Appeals.

THE DEVELOPMENT REVIEW TEAM DECIDED THAT MS. FRAZIER WILL SPEAK WITH MS. AUSTIN ABOUT THE RECOMMENDATION TO GO THROUGH THE SPECIAL USE PROCESS. IF IT IS DETERMINED THAT THE APPLICANT HAS TO REQUEST A SPECIAL USE PERMIT, THE APPLICANT MUST RECEIVE CONCEPTUAL APPROVAL, WITH A RECOMMENDATION LETTER, THEN PROCEED TO THE ZONING BOARD OF APPEALS FOR APPROVAL OF THE SPECIAL USE PERMIT, AND VARIANCES FOR THE COLLECTOR ROAD AND OPEN SPACE REQUIREMENT. IF IT IS DETERMINED THAT THE APPLICANT DOESN'T NEED A SPECIAL USE PERMIT, IT IS DETERMINED THAT THE APPLICANT SHALL REQUEST A VARIANCE FROM THE ZONING BOARD OF APPEALS FOR THE COLLECTOR ROAD ISSUE AND THE OPEN SPACE REQUIREMENT.

The meeting adjourned at approximately 11:23 a.m.