

# COUNTY COUNCIL OF BEAUFORT COUNTY

ADMINISTRATION BUILDING  
100 RIBAUT ROAD  
POST OFFICE DRAWER 1228  
BEAUFORT, SOUTH CAROLINA 29901-1228  
TELEPHONE: (843) 255-2180  
FAX: (843) 255-9401  
www.bcgov.net

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## AGENDA NATURAL RESOURCES COMMITTEE

Monday, May 5, 2014

2:00 p.m.

Executive Conference Room, Administration Building  
100 Ribaut Road, Beaufort

### Committee Members:

Brian Flewelling, Chairman  
Cynthia Bensch, Vice Chairman  
Gerald Dawson  
William McBride  
Jerry Stewart  
Tabor Vaux  
Laura Von Harten

Staff Support: Tony Criscitiello

1. CALL TO ORDER – 2:00 P.M.
2. TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE/ZDSO, ARTICLE V, TABLE 106-1098 - TO ALLOW CONTRACTOR'S OFFICE WITH EXTERIOR STORAGE IN COMMERCIAL SUBURBAN DISTRICTS; APPLICANT: DARRELL SNYDER / AGENT: LILLIAN THOMAS ([backup](#)) ([map north](#)) ([map south](#))
3. DISCUSSION REAPPOINTMENTS AND APPOINTMENTS
  - A. Northern Corridor Review Board
  - B. Southern Corridor Review Board
  - C. Stormwater Management Utility Board
4. ADJOURNMENT

### 2014 Strategic Plan: Committee Assignments

Community Development Code: Adoption  
Comprehensive Plan for County-owned land: Inventory Use and Direction  
Greenprint Map Update  
Water Quality Office: Next Steps





## MEMORANDUM

**To:** Natural Resources Committee of Beaufort County Council  
**From:** Anthony J. Criscitiello, Planning & Development Director  
**Date:** March 28, 2014  
**Subject:** Proposed Amendment to the Zoning and Development Standards Ordinance (ZDSO)

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**Excerpt of PLANNING COMMISSION RECOMMENDATION from its March 3, 2013, draft meeting minutes:**

Mr. Anthony Criscitiello, County Planning Director, briefed the Commissioners. The applicant is asking for outdoor storage for contractor's offices in Commercial Suburban districts. The effect is county-wide, versus property related. There are 14 uses allowed. The existing standards do not allow exterior storage. The purpose of the standards is to allow gentle transition in the area from suburban to commercial suburban to commercial regional. Light Industrial and Industrial Park Districts are best for exterior storage of contractor's offices. Staff recommended denial of the request.

**Applicant's Comments:**

1. Mr. Darryl Snyder, the applicant and owner of the property, noted that he had served on the Northern Corridor Review Board (NCRB) for several years. He noted that he has the zoning permit for his property was zoned neighborhood commercial with Charles Gatch's signature. He noted that he stored outdoor mechanical equipment on the property when he was using the property. There are five other commercial contractors on Parris Island Gateway who store their goods outdoors. He moved in on 1998. He said he had plans to expand and store field equipment. He said he had rights of equity at the time of the adoption of the ZDSO in 1999. Why am I being subjected to an entirely new zoning standard? He stated he had vested rights on the property and his tenant is being harassed. It violated equitable estoppel or estoppels by silence. He said the County knew that he had a landscape business with outdoor storage for 17 years. The County waived its rights to pursue any zoning issues with us. He noted his statement to an applicant of the NCRB, "A zoning ordinance is not a contract between a town and its citizens. A zoning ordinance, including a zoning classification, is subject to change and repeal at will by the governing body, subject only to the vested rights of the citizens in our community. In good faith the investment to compete, the investment on behalf of the citizens, the few changes in zoning lies with the governing body. Zoning use to control and direct not only present use and potential use is for all of us. It is the conservation of property values by which we all benefit." Mr. Snyder asked that Mr. Lather, his tenant, comment on his investment on the property. Mr. Snyder has invested an additional \$15,000.00 on the property.
2. Mr. Shawn Lather, owner of Lather Construction who is the occupant of the property, employs 15 employees. He was operating out of his house, but the business has since grown so he felt he needed a commercial property for his business. He cleared everything off the property, brought in fill dirt, etc. He's put a lot of money into the property.

3. Mrs. Shirley Snyder, wife to Darryl Synder, noted that she had worked with husband. She said they had storage, a greenhouse, etc. She does not see any difference between theirs and Mr. Lather's businesses. There are several other businesses along Parris Island that when business is sold, what will happen to those businesses?

**Discussion between Commission and the applicant** included the type of storage, the CRB landscaping and screening requirements, the applicant being caught in a zoning change, the applicant stating he had officially closed his business doors in October 2013, the applicant noted that he had co-operated with Lather Construction at the site until his closing, the text amendment is an issue based on a complaint to the Code Enforcement office, another issue is the continued use from the property owner's point of view, the possibility of a Zoning Board of Appeals (ZBOA) consideration, being sympathetic to the situation, acknowledging that a business license had not been issued due to the zoning issue, inquiring the grounds for grandfathering the business, noting that the property was in the Town of Port Royal growth zone, and wondering why the matter could not discussed at the Metropolitan Planning Commission before County Planning Commission makes decision.

**Commission discussion included** approving a County-wide text amendment that may affect other properties negatively; desiring another method of helping this property owner; acknowledging that there are only three methods of resolution—text amendment, map amendment, or ZBOA; the text amendment being advised by Mr. Criscitiello as the process of least resistance; inquiring about the grandfathering process if proper screening occurred; desiring the opinion from the Town Port Royal; reiterating that the Commission focus on the text amendment and the impact of its adoption and not the complaint that began this text amendment process; clarifying non-conformities being brought into conformity through text amendment; clarifying the grandfathering process; and not wanting to open the County to this text amendment.

**Main Motion:** Ms. Diane Chmelik made a motion, and Mr. John Thomas seconded the motion, **to recommend denial to County Council of the Text Amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, to allow contractor's offices with exterior storage in Commercial Suburban Districts.** Further discussion included the Commissioners' frustration regarding correcting the applicant's situation, requesting the background on determination of the grandfathering status, the ramifications should the applicant withdraw his application, and modifying the motion to request the grandfathering status for this property. The motion was modified by Ms. Chmelik and seconded by Mr. Thomas to include recommending that the application be considered to be grandfathered in the existing use.

**Amended Motion:** Ms. Diane Chmelik amended the main motion, and Mr. John Thomas seconded the amended motion, therefore the main motion is removed from vote, **to recommend denial to County Council of the Text Amendment to the Beaufort County Zoning and Development Standards Ordinance/ZDSO, to allow contractor's offices with exterior storage in Commercial Suburban Districts, and to request that grandfathering status be considered for the property involved.** The amended motion was carried unanimously (FOR: Bihl, Brown, Chmelik, Petit, Riley, Semmler, Stewart, and Thomas).

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## **STAFF REPORT:**

### **A. BACKGROUND:**

**Case No.** ZTA 2014-01  
**Applicant:** Darrell Snyder  
**Proposed Text Change:** Text Amendment to Permit a Contractor’s Office with Exterior Storage in the Commercial Suburban (CS) Zoning District

**B. SUMMARY OF REQUEST:**

The applicant is proposing to amend Table 106-1098 (General Use Table) so that contractors’ offices with exterior storage are permitted in the Commercial Suburban (CS) District as shown below (deletions are shown as ~~strike through~~ and additions are shown underlined). This amendment was initiated because the applicant has rented property that is zoned CS to a general construction company that is using the property as an office and to store equipment, trucks, construction vehicles and materials on the site. In the ZDSO, this type of business, with exterior storage, is listed under “building, development and general contracting,” which is only permitted in the Light Industrial (LI), Industrial Park (IP), and Rural Business (RB) districts.

**ARTICLE V. USE REGULATIONS**

**Table 106-1098. GENERAL USE TABLE [Excerpt]**

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
<b>COMMERCIAL USES</b>													
Office	L	L	Y	Y	L	Y	L	N	N	L	N	106-1289	Building or buildings wherein operations are predominantly administrative, professional or clerical, and includes the following: <ol style="list-style-type: none"> <li>1. Finance, banks, trusts, savings and lending</li> <li>2. Security, commodity brokers and investment services</li> <li>3. Insurance carriers, agents, brokers, and services</li> <li>4. Real estate services</li> <li>5. Professional and technical services</li> <li>6. Business services</li> <li>7. Health services</li> <li>8. Social services (except care facilities)</li> </ol>

																	9. Educational services, such as business schools, technological, and trade schools (excluding public and private schools defined as institutional) 10. Civic and social organizations 11. Agricultural support and services (offices only) 12. Governmental offices 13. Parking lots 14. Contractor's office <u>without including those with exterior storage</u>
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**C. ANALYSIS:**

Section 106-493 of the ZDSO lists 7 standards (below), any of which is cause for a Zoning Text Amendment. Analysis will address all those applicable to the text change request.

**Sec. 106-493. Standards for zoning text amendment.**

A zoning ordinance text amendment may be approved if:

- 1. It would implement a new portion of the comprehensive plan or amendment.**

(Not Applicable)

- 2. It would implement and better achieve the comprehensive plan's goals and objectives that have proved difficult to achieve under the ordinance's existing provisions.**

(Not Applicable)

- 3. The ordinance's provisions were inconsistent or unreasonable in light of standards for similar uses.**

(Not Applicable)

- 4. It is necessary to respond to state and/or federal legislation.**

(Not Applicable)

- 5. It provides additional flexibility in meeting the ordinance's objectives without lowering the ordinance's general standards.**

The County's Commercial Suburban (CS) district was established for the purpose of providing for a limited number of retail, office and service uses intended to serve and blend in with surrounding neighborhoods. The attached zoning maps show the locations of CS

districts in the County. Section 106-961(b) of the ZDSO states that the standards established for the CS district are intended to “ensure that the uses have the same suburban character as the surrounding suburban residential areas. They are intended to blend with the surrounding areas, not threaten the character of the area.”

The proposed amendment would open the CS district to uses with exterior storage needs that are light industrial rather than neighborhood commercial in character. This would be in conflict with the purpose of the CS district as established by the ZDSO.

**6. It addresses a new use, changing conditions, and/or clarifies existing language.**

(Not Applicable)

**7. It clarifies the ordinance or makes adjustments to account for interpretation.**

(Not Applicable)

**D. STAFF RECOMMENDATION:**

After review of the guidelines set forth in Section 106-493 of the ZDSO, staff recommends denial of the requested text amendment.

**BEAUFORT COUNTY, SOUTH CAROLINA**  
**PROPOSED ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO)**  
**ZONING MAP / TEXT AMENDMENT / PUD MASTER PLAN CHANGE APPLICATION**

TO: Beaufort County Council

The undersigned hereby respectfully requests that the Beaufort County Zoning/Development Standards Ordinance (ZDSO) be amended as described below:

1. This is a request for a change in the (check as appropriate):  
 Zoning Map Designation/Rezoning       Zoning & Development Standards Ordinance Text       PUD Master Plan Change
2. Give exact information to locate the property for which you propose a change:  
Tax District Number: 100, Tax Map Number: 0031, Parcel Number(s): 014  
Size of subject property: 1.91 acres Square Feet / Acres (circle one)  
Location: 390 Parris Island Gateway
3. How is this property presently zoned? (Check as appropriate)  
 Urban/U       Community Preservation/CP       Light Industrial/LI  
 Suburban/S       Commercial Regional/CR       Industrial Park/IP  
 Rural/R       Commercial Suburban/CS  
 Rural Residential/RR  
 Rural Business/RB       Research & Development/RD       Resource Conservation/RC  
 Planned Unit Development/PUD
4. What new zoning do you propose for this property? text ammendment change to the ordinance  
(Under Item 10 explain the reason(s) for your rezoning request.)
5. Do you own all of the property proposed for this zoning change?  Yes       No  
Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent of the business must attach: 1- a copy of the power of attorney that gives him the authority to sign for the business, and 2- a copy of the articles of incorporation that lists the names of all the owners of the business.
6. If this request involves a proposed change in the Zoning/Development Standards Ordinance text, the section(s) affected are: \_\_\_\_\_  
(Under Item 9 explain the proposed text change and reasons for the change.)
7. Is this property subject to an Overlay District? Check those which may apply:  
 AOD - Airport Overlay District       MD - Military Overlay District  
 COD - Corridor Overlay District       RQ - River Quality Overlay District  
 CPOD - Cultural Protection Overlay District
8. The following sections of the Beaufort County ZDSO (see attached sheets) should be addressed by the applicant and attached to this application form:
  - a. Section 106-492, Standards for zoning map amendments.
  - b. Section 106-493, Standards for zoning text amendments.
  - c. Sections 106-2441 and 106-2442, General and Special Considerations for Planned Unit Developments (PUDs)
  - d. Section 106-2450, Traffic Impact Analysis (for PUDs)

9. Explanation (continue on separate sheet if needed): To continue operations as we have done so over the past several months; to allow exterior storage of equipment and vehicles.

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proof for the proposed amendment rests with the owner.

Darrell Snyder  
Signature of Owner  
Date: 1-27-2014  
Printed Name: Darrell Snyder Telephone Number: 843-322-1978  
Address: 390 Parris Island Gateway Beaufort SC 29906  
Email: ds390pi@yahoo.com  
Agent (Name/Address/Phone/email): Lillian Thomas 390 Parris Island Gateway  
843.441.2187 ~~843~~ lillian@latherconstruction.com

FOR MAP AMENDMENT REQUESTS, THE PLANNING OFFICE WILL POST A NOTICE ON THE AFFECTED PROPERTY AS OUTLINED IN SEC. 106-402(D) OF THE BEAUFORT COUNTY ZDSO.

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS THREE (3) WORK DAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. THE COMPLETED APPLICATIONS WILL BE REVIEWED FIRST BY THE BEAUFORT COUNTY PLANNING COMMISSION SUBCOMMITTEE RESPONSIBLE FOR THE AREA WHERE YOUR PROPERTY IS LOCATED. MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED). COMPLETE APPLICATIONS MUST BE SUBMITTED BY NOON FOUR (4) WEEKS PRIOR FOR PLANNED UNIT DEVELOPMENTS (PUDs) OR THREE (3) WEEKS PRIOR FOR NON-PUD APPLICATIONS TO THE APPLICABLE SUBCOMMITTEE MEETING DATE.

PLANNED UNIT DEVELOPMENT (PUD) APPLICANTS ARE REQUIRED TO SUBMIT FIFTEEN (15) COPIES TO THE PLANNING DEPARTMENT. CONSULT THE STAFF PLANNER FOR DETAILS.

CONTACT THE PLANNING DEPARTMENT AT (843) 255-2140 FOR EXACT APPLICATION FEES.

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:  
(place received stamp below)

Date Posting Notice Issued:

Application Fee Amount Received:

Receipt No. for Application Fee:

N/A  
\$250.00  
218082



ZFA 2014/01

Rev. 4/11

PLANNING DIVISION

FILE NO: \_\_\_\_\_ // Initiated by: STAFF/OWNER  
(Circle One)





# Northern Beaufort County Zoning Map

Generated By Beaufort County GIS  
August 9, 2012

### Zone District Legend

- Community Preservation
- Industrial Park
- Medium Density
- Light Industry
- PLD
- Regional Commercial
- Historical Conservation
- Rural
- Rural Business
- Rural Residential
- Suburban
- Suburban Commercial
- Transitional Rural
- Transitional Rural Residential
- Urban

### Community Preservation Districts [CP]

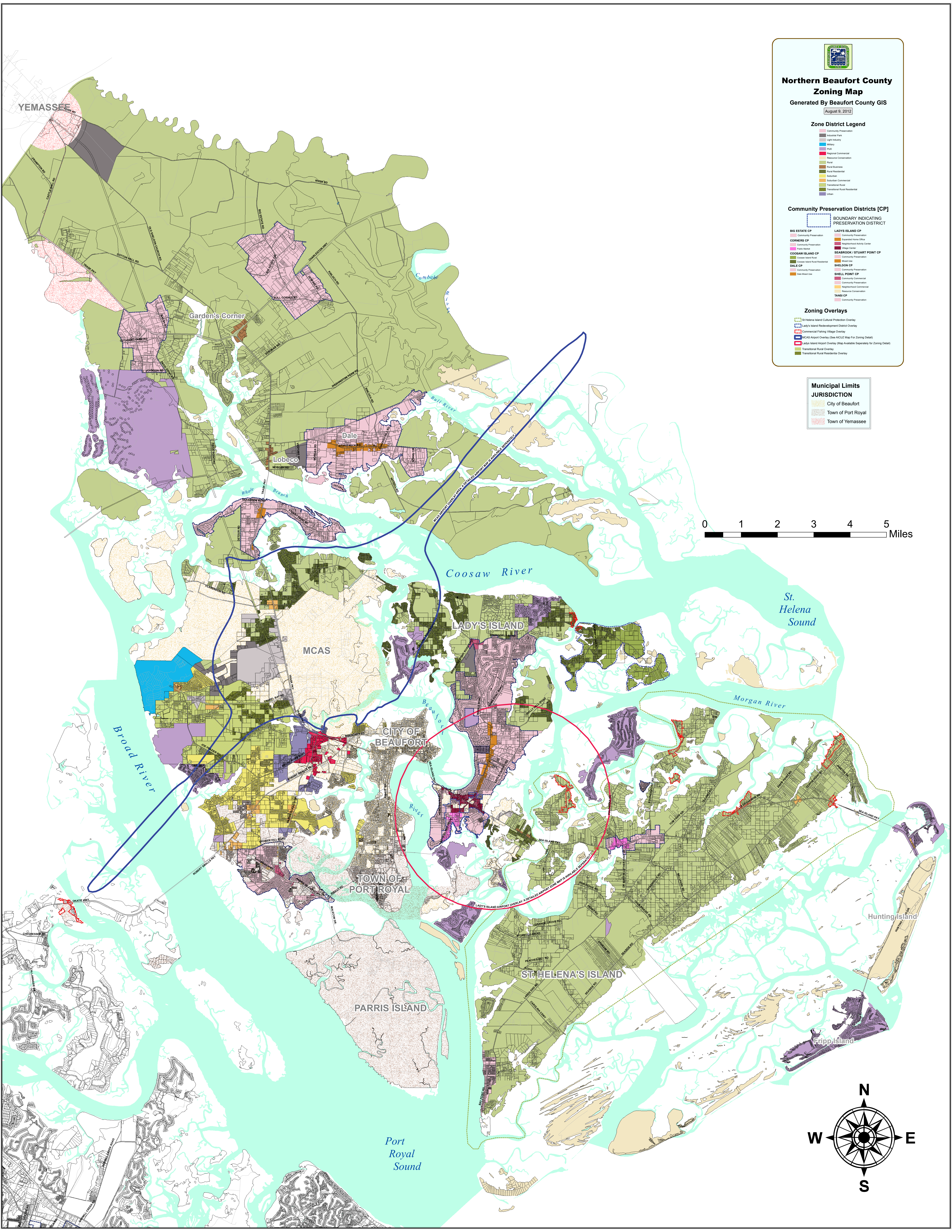
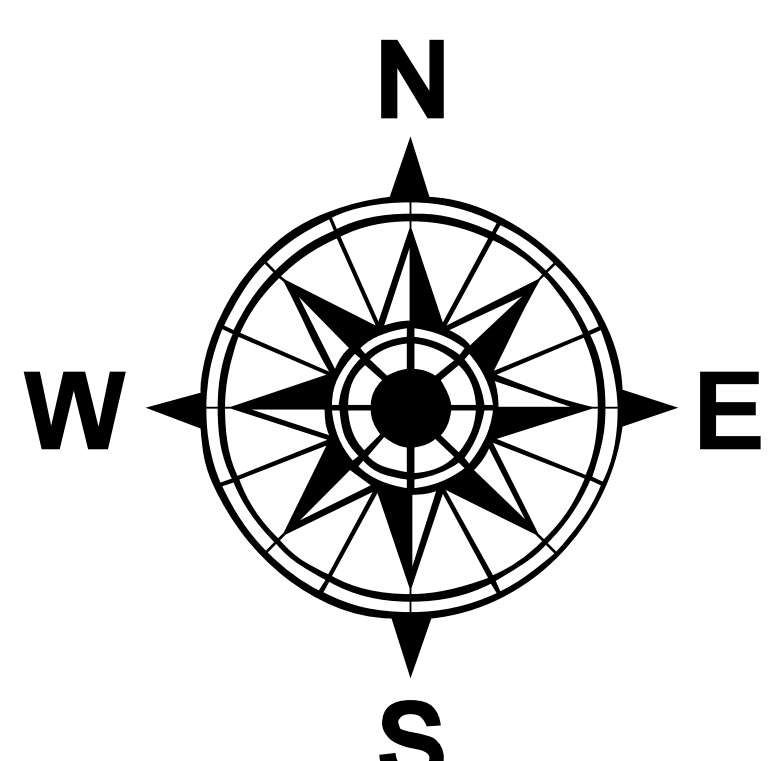
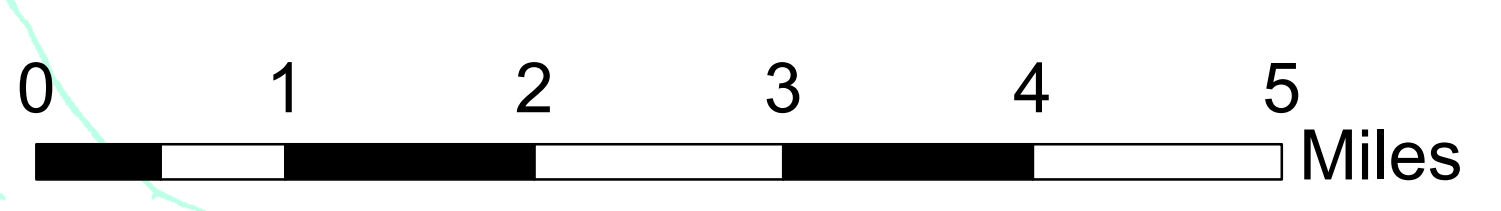
- BOUNDARY INDICATING PRESERVATION DISTRICT**
- BIG ESTATE CP**
  - Community Preservation
- CORNERS CP**
  - Community Preservation
  - Single Center
- CODSWALKER CP**
  - Community Preservation
  - Community Preservation
- DALE CP**
  - Community Preservation
  - Community Preservation
- LADYS ISLAND CP**
  - Community Preservation
  - Expanded Home Office
  - Neighborhood Activity Center
  - Single Center
- SEABROOK / STUART POINT CP**
  - Community Preservation
  - Neighborhood
- SHELL POINT CP**
  - Community Preservation
  - Community Commercial
  - Community Preservation
  - Neighborhood Commercial
  - Historic Conservation
  - Community Preservation
- TANSI CP**
  - Community Preservation

### Zoning Overlays

- St. Helena Island Cultural Protection Overlay
- Lady's Island Redevelopment District Overlay
- Commercial Fishing Village Overlay
- MCAS Airport Overlay (See ACUZ Map For Zoning Details)
- Lady's Island Airport Overlay (Map Available Separately for Zoning Details)
- Transitional Rural Overlay
- Transitional Rural Residential Overlay

### Municipal Limits JURISDICTION

- City of Beaufort
- Town of Port Royal
- Town of Yemassee





**Southern Beaufort County  
Zoning Map**  
Generated By Beaufort County GIS

August 9, 2012

**Zone District Legend**

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**Community Preservation Districts (CP)**

BOUNDARY INDICATING PRESERVATION DISTRICT

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**Municipal Limits  
JURISDICTION**

- |  |                     |
|--|---------------------|
|  | Town of Bluffton    |
|  | Town of Hilton Head |
|  | Town of Port Royal  |

