



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY PLANNING DIVISION
Multi-Government Center • 100 Ribaut Road, Room 115
Post Office Drawer 1228, Beaufort SC 29901-1228
Phone: (843) 255-2140 • FAX: (843) 255-9432

The Beaufort County Planning Commission will hold its regularly scheduled meeting on **MONDAY, December 5, 2011, at 6:00 p.m.** in the **Beaufort Industrial Park, Building 2 Conference Room, 102 Industrial Village Road**, Beaufort, SC 29906.

*NOTE: A Commissioners' Workshop will be held in the **Beaufort Industrial Park, Building 2 Conference Room, 102 Industrial Village Road**, Beaufort, SC 29906 (5:30 to 6:00 p.m.).*

REVISED AGENDA

- I. Call to Order
- II. Pledge of Allegiance
- III. Review Minutes of November 7, 2011, Meeting
- IV. Chairman's Report and Public Comment Period
- V. **PUBLIC HEARING AND RECOMMENDATION** on Text Amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Appendix S. Daufuskie Island Code, Table 1.1 Approvals and Permitting Process (that adds additional requirements in the approval and permitting process)
- VI. **ACTION** on the Administrative Appeal of Decision by the Development Review Team (DRT) on denying approval of a request for a 10,000 square foot fellowship hall addition; Appellant: Grays Hill Baptist Church, R100-20-18C, 2749 Trask Parkway, Beaufort, SC
- VII. Other Business
- VIII. Adjournment

Notes:

1. The January 2012 regularly scheduled Beaufort County Planning Commission meeting will be held on **THURSDAY, January 5, 2012, at 6:00 p.m.**
2. Call the Beaufort County Planning office at (843) 255-2140 or email at barbarac@bcgov.net if you desire details on any of the agenda items. This month's agenda may be:
 - a. Viewed at the Planning Office, Room 115, Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC; or
 - b. Viewed on the Beaufort County website at <http://bcgov.net/about-beaufort-county/administration/beaufort-county-council/County-Council-Calendar.php>.

INTEROFFICE MEMORANDUM

TO: BEAUFORT COUNTY PLANNING COMMISSION
FROM: JOSHUA A. GRUBER
SUBJECT: GREY'S HILL BAPTIST CHURCH RECONSIDERATION/REMAND
DATE: 11/28/2011
CC: LAD HOWELL, GARY KUBIC, BRYAN HILL, TONY CRISCITIELLO

On December 5, 2011, there will be an agenda item before the Planning Commission ("Commission") relative to the hearing of an appeal by the Gray's Hill Baptist Church ("Church") regarding the decision of the Beaufort County Development Review Team ("DRT") to not issue a development permit as requested by the Church. As the Beaufort County Staff Attorney, I would like to provide you with some procedural information concerning this matter.

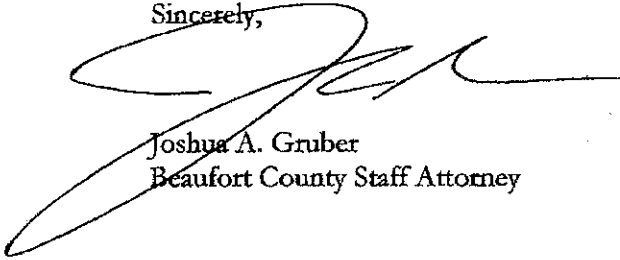
As some or all of you may remember, this issue was initially brought before the Commission on December 7, 2007, and an opinion was subsequently issued affirming the position of the DRT. On April 3, 2008 the Church appealed the Commission's decision to the Circuit Court. On July 25, 2011, Judge Marvin Dukes issued an Order remanding the matter back to the Commission with instructions to rehear the Church's appeal and develop a record from which the Circuit Court could conduct a further review of the issue(s) upon which the Commission decides.

Additionally, the Circuit Court has instructed the Commission to conduct the rehearing of this matter as a *de novo* hearing. This means that the Commission is to hear this appeal "anew" and therefore is not bound by any of the previous arguments or the Commission's decision that was reached previously. What this means from a practical standpoint is that while the Commission does not have to exclude or ignore anything that happened or was discussed at the previous hearing, no member of the Commission should have a preconceived opinion on this matter and should listen to the arguments of both sides as if they were being presented for the first time. Only after both sides have had an opportunity to present their positions should the Commission decide this appeal based on the information that has been presented to them.

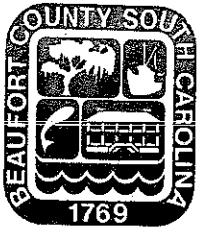
During the course of this hearing, the position of the DRT, and thus the position of Beaufort County, will be presented to you by Mary Lohr. As such and because these are the same interests that I represent as the County Staff Attorney, I will be unable to provide the Commission with any legal advice on this issue other than the procedural posture and history that is presented in this Memorandum. Therefore, should you have any legal questions that arise concerning this issue, I would suggest that you ask the legal counsel for

both the County and the Church to provide you with their opinion and choose which one you believe to be more persuasive.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Gruber', written over the typed name.

Joshua A. Gruber
Beaufort County Staff Attorney



MEMORANDUM

TO: Beaufort County Planning Commission

FROM: Tony Criscitiello, Planning Director *T.C.*

DATE: November 27, 2007

SUBJECT: Administrative Appeal of the DRT Decision to Deny Conceptual Approval of a 10,000 sq. ft. Fellowship Hall at the Grays Hill Baptist Church

The appellant submitted an application to the county on September 25, 2007, for conceptual review of a proposed addition to the Grays Hill Baptist Church, which is located at the intersection of U.S. Hwy 21 (Trask Parkway) and Bruce K. Smalls Drive. The 9.35-acre site currently contains a 15,872 sq. ft. church and associated parking. The proposed addition consists of a separate 10,000 sq. ft. fellowship hall.

The property is zoned Commercial Suburban, which permits large places of assembly and worship (15,000 sq. ft. or more). The site is also located within the Airport Overlay District for MCAS-Beaufort. It lies within Accident Potential Zone 2 (an area that has a measurable potential for accidents) and Noise Zone 3 (DNL 75 and above – the highest noise zone). To protect the public health and safety, the county has prohibited uses within these zones that attract concentrations of persons such as schools, hotels, restaurants, daycare centers and churches. The Grays Hill Baptist Church is nonconforming to the Airport Overlay District because it would not be allowed to be built today at the current location.

During the development of the Overlay District, a compromise was reached between the County, MCAS-Beaufort and representatives of the Grays Hill area to allow existing churches to be rebuilt within these zones if damaged greater than 50% (other nonconforming uses may not be rebuilt), and to permit a 15% expansion of churches as long as the expansion did not increase the occupant load of the building. The relevant section of the ZDSO states:

Appendix A1. Airport Overlay District / MCAS-Beaufort

Section 7. Nonconforming uses and structures.

- (a)6. Notwithstanding the above, nonconforming places of assembly and worship shall be permitted to be rebuilt if damaged greater than 50 percent of their market value provided that the noise attenuation requirements of section 6 are met. Nonconforming places of assembly and worship may be expanded by up to 15 percent in accordance with table 106-9 **provided that the expansion does not increase the occupant load of the building.** [emphasis added]

The proposed project was reviewed by the DRT on October 17, 2007. The DRT voted unanimously to deny the project because it did not meet the requirement of the ZDSO section shown above.

It was the intent of this section of the ordinance to allow small expansions to existing churches to accommodate restrooms, storage space, a kitchen, and the like. It was not the intent to permit an expansion that could allow more people to be in harm's way, such as additional classroom space or expansions to a sanctuary that would increase the occupant load of the building. The term "occupant load" was proposed by the Beaufort County Building Official and, while not specifically defined in the ZDSO, is referred to in the *International Building Code* as the number of occupants for whom a building, floor or occupied space is designed.

The applicant is proposing a new 10,000 square foot building to accommodate a fellowship hall. If this building were to be built, it would be approved for a maximum "occupant load" by the Beaufort County Building Division based on the building's purpose and design. It is possible that the church sanctuary and the fellowship hall may be occupied at the same time. As a result, this expansion clearly does not meet the intent of the ZDSO because it allows a new "assembly" building on this site and thereby increases the occupant load of the site.

Encl:

1. Letter from Col. R.W. Lanham, Commanding Officer of MCAS-Beaufort, which was presented at the DRT meeting on Oct. 17, 2007
2. Application for Administrative Appeal and supporting documentation



UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION
BEAUFORT, SOUTH CAROLINA 29904-5001

IN REPLY REFER TO:

11000

CP&L

15 Oct 07

Mr. Anthony J. Criscitiello
Planning Division Head
Beaufort County Council
Planning Division
100 Ribaut Road, Room 260
Post Office Drawer 1228
Beaufort, S.C. 29901-1228

Dear Mr. Criscitiello,

In reference to your letter dated October 5, 2007 regarding the proposed expansion to the Grays Hill Baptist Church, I appreciate the opportunity to make the following comments:

The proposed expansion of Grays Hill Baptist Church to include 10,000 square foot fellowship hall is in conflict with the operations of MCAS Beaufort. The allowance of a large facility with a high occupant load in the Accident Potential Zone 2 (APZ-2) and Noise Zone 3 is not consistent with the adopted Airport Overlay District to prevent incompatible development from occurring in hazardous locations. With this first possible challenge to the ordinance adopted to protect citizens from aircraft noise and hazards and MCAS from encroachment, it is incumbent upon us to stand steady in the face of this and future efforts to circumvent, undercut or disregard the ordinance established to prevent land use that is not in the interest of the Marine Corps or the Citizens of Beaufort County.

If you have any questions, please contact me at (843) 228-7158 or the Community Plans and Liaison Officer, Ms. Alice Howard at (843) 228-7558.

Sincerely,

R. W. Lanham
Colonel, U.S. Marine Corps
Commanding Officer
MCAS Beaufort

Copy to:

MCI EAST (MGen Dickerson)
HQMC (Jim Omans)
Beaufort Country Council (Honorable Skeet Von Harten)
Low Country Council of Governments (Chris Bickley)



APPLICATION FOR ADMINISTRATIVE APPEAL
OF DECISIONS BY THE
DEVELOPMENT REVIEW TEAM (DRT)

RECEIVED

NOV 08 2007

PLANNING DEPARTMENT

Appeal # MISC 2007-31

Date Rec'd: 11/8/07 By: CHG

Hearing Date: 12-3-07

Grays Hill Baptist Church 843-846-2797
Appellant's Name Phone

2749 Trask Parkway, Beaufort, SC 29906
Appellant's Mailing Address (City, State and Zip Code)

1. PROPERTY INFORMATION

A. Address of property affected by this Appeal:

2749 Trask Parkway, Beaufort, SC 29906

B. Property Identification Number (PIN): R100 020 000 018C 0000

2. REQUEST: Please attach a narrative describing in detail the reason for this appeal. Include any supportive information that substantiates your position. If the Appellant is not the owner of the affected property, include a notarized document signed by the property owner authorizing the appellant to represent the property owner in this appeal. Application submission must be received by the Beaufort County Planning office no later than three (3) weeks before a scheduled Planning Commission meeting (call the Beaufort County Planning office at 843-470-2724 for the scheduled meeting dates).

3. FEE: An application processing fee of \$75.00 must accompany this application. Make checks payable to Beaufort County.

4. NOTIFICATION: The Appellant must notify in writing the property owners within 500 feet of the affected property (see the attached sample letter) NO LATER THAN 15 days prior to the hearing. Prior to the hearing, the Appellant must also provide the Planning Department with proof of the mailing (including a copy of the letter sent to the property owners; and a list of the property owners notified, including their property identification numbers (PIN) and addresses).

5. HEARING TRANSCRIPTION: The Planning Commission provides summary, not verbatim, minutes. If the Appellant desires verbatim minutes, they must provide a court reporter for their Planning Commission hearing.

I, the undersigned appellant, hereby submit this application with the attached information. The information and documents provided are complete and accurate to the best of my knowledge.

Sham Reeves, for Grays Hill Baptist Church, 11/6/07
Signature of Appellant Date

Receipt 116424 \$75 - ck # 55021



HARVEY & BATTEY, PA
— ATTORNEYS AT LAW —
SINCE 1922

P.O. DRAWER 1107 • 1001 CRAVEN STREET • BEAUFORT, SC 29901-1107
(843) 524-3109 • (843) 524-6973 FAX
www.harveyandbattey.com

W. BRANTLEY HARVEY, SR.
(1893-1981)
W. BRANTLEY HARVEY, JR.
COLDEN R. BATTEY, JR.
WILLIAM B. HARVEY, III
(SC Circuit Court Mediator)
JOHN M. TATUM, III
THOMAS A. HOLLOWAY
(also admitted in PA and NJ)

DEREK C. GILBERT
(also admitted in GA)
EUGENE PARRS
(also admitted in NY, NC, FL and GA)
CAROLINE MENG
(also admitted in MS and TN)
SHAWN L. REEVES
THOMAS C. DAVIS
(Of Counsel)

November 6, 2007

Beaufort County Planning Commission
Post Office Drawer 1228
Beaufort, SC 29901

Re: **Appeal of decision by the Development Review Team
Denying Grays Hill Baptist Church's proposed Fellowship Hall**
HB File No. 23313

Dear Members of the Planning Commission:

Grays Hill Baptist Church has retained me to represent it in this appeal. Please allow this letter to serve as a narrative describing the Church's reasons for this appeal. Attached hereto are documents previously provided to the Development Review Team ("DRT") supporting my client's application for approval of the construction of a fellowship hall.

Grays Hill Baptist Church is located within Accident Potential Zone 2 (APZ-2) of the Air Installation Compatible Use Zone (AICUZ). Because of its location within APZ-2, the property constitutes a nonconforming use and structure within the Airport Overlay District guidelines. Appendix A1 (Airport Overlay District/MCAS - Beaufort), Section 7(a)(6) (Nonconforming uses and structures) states in part, "Nonconforming places of assembly and worship may be expanded by up to 15 percent in accordance with table 106-9 provided that the expansion does not increase the occupant load of the building." The ordinance does not define the term "occupant load."

The DRT met on October 17, 2007 to consider my client's proposed fellowship hall. Representatives of Grays Hill Baptist Church were in attendance at that meeting. However, in violation of Section 106-404, the DRT did not give my client a full opportunity to be heard prior to voting on the Church's application. Specifically, representatives of the Church were not given an opportunity to counter DRT staff recommendations opposing the Church's application. The DRT voted on the application first and then gave the Church's representatives an opportunity to be heard. This failure to abide by established procedure and failure to give my clients the opportunity to be fully heard violated my client's right to due process.

Aside from the procedural errors at the October 17 meeting, the DRT erred in disapproving the Church's application. The DRT stated its disapproval of the Church's application by letter dated October 18, 2007. The DRT's reason for disapproving the



fellowship hall was that “[b]y adding a 10,000 square foot building to the existing site, the occupancy load would double.” This reason for disapproval constitutes a misinterpretation of the applicable County ordinances. The DRT’s reason for disapproval is also not supported by any facts presented to the DRT.

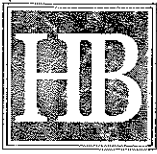
The DRT found that the occupant load would double, but that conclusion is without merit. The Church wishes to build a fellowship hall to serve as a gathering place for Church activities such as meetings and social functions. The Church also plans to use the building for storage. The Church does not intend the building to be used for any anticipated increase in membership. In fact, the Church has been functioning well below its current occupant capacity. While the Church’s sanctuary currently has a seating capacity of 293, the Church averages 145 in attendance. In other words, the Church is not seeking to construct an additional building because it is “bursting at the seams.” Instead, the Church simply wishes to construct the fellowship hall to serve its existing members.

Supporting the Church’s argument regarding occupant load is Section 106-2892, Parking Spaces Required. The ordinance requires one parking space per three seats or per six feet of pews, whichever is greater. The Church’s proposed expansion project would not increase the number of seats or pews. Therefore, the ordinance would not require an increase in the number of parking spaces upon the completion of the proposed fellowship hall. In other words, the occupancy load on which the number of parking spaces required is based remains the same even with the Church’s proposed expansion project.

Although the DRT did not base its disapproval of the Church’s proposed fellowship hall on table 106-9, the DRT did mention this issue at its meeting. Section 7(a)(6) and table 106-9 limit the expansion of non-conforming uses and structures. Under “Uses,” the standard for expansion is “15 percent disturbed area expansion allowed....” Under “Buildings and structures,” the standard for expansion is “[e]xpansions of up to 15 percent are allowed....” The table specifically states that the expansion allowed for uses is 15 percent of the disturbed area. While the expansion standard for buildings does not specifically say 15 percent of what, the specific language for expansion of uses indicates that the same standard applies to buildings – 15 percent of the disturbed area.

In this case, the total disturbed area is approximately 184,785 square feet. A 10,000 square foot fellowship hall would only be approximately 5.4% of the disturbed area. Therefore, such expansion would be allowed under table 106-9.

In addition to the Church’s grounds for appeal based on the applicable County ordinances, the Church also asks the Planning Commission to consider the proposed expansion’s potential benefit to the community. In years past, Grays Hill Baptist Church



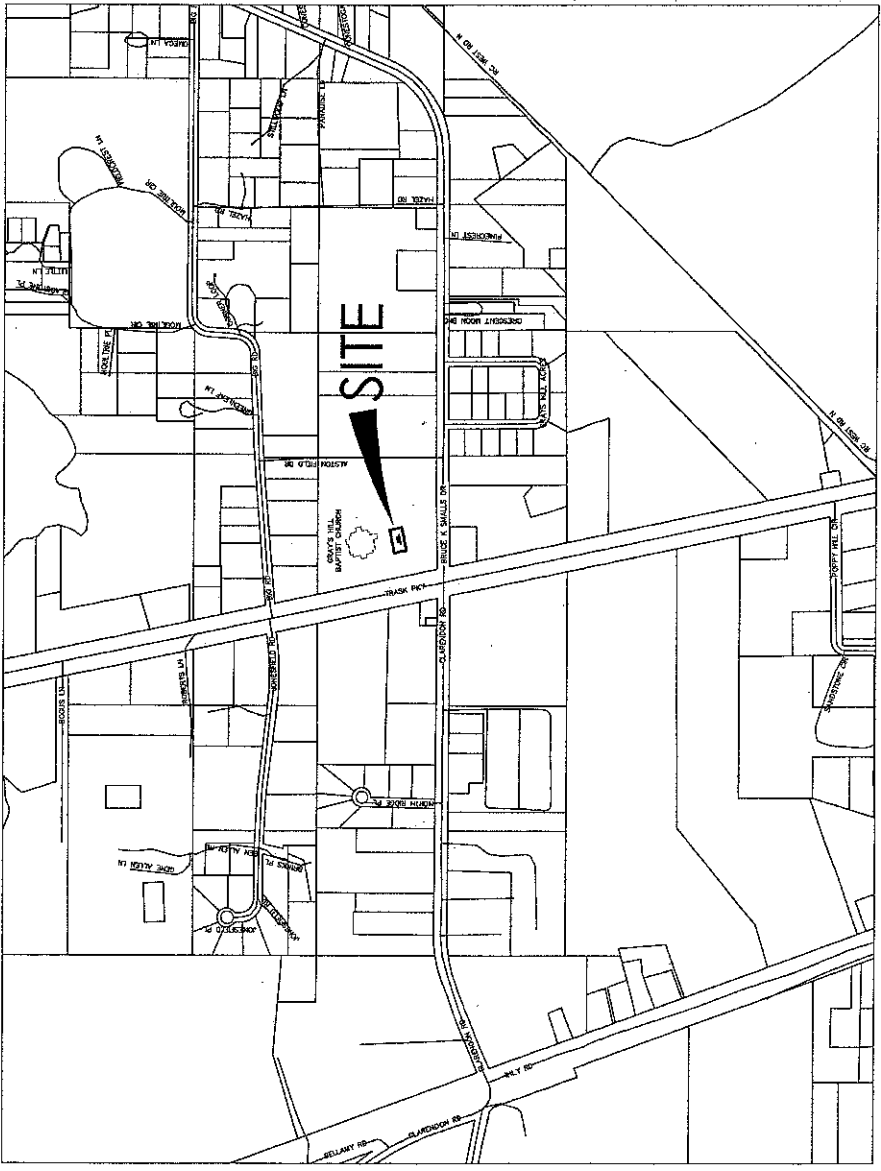
has generously agreed to allow Beaufort County to use its facility as an emergency distribution point after hurricanes or other natural disasters. The Church's construction of the proposed fellowship hall would greatly expand the Church's potential for use as a distribution point following a natural disaster.

In summary, the DRT erred in finding that the occupancy load would double with the Church's proposed fellowship hall expansion. The Church's expansion fits firmly within the Airport Overlay District ordinances regarding nonconforming uses and structures. Therefore, the DRT's disapproval of the Church's fellowship hall expansion project should be reversed.

Sincerely,
Harvey & Battey, PA


Shawn L. Reeves

FELLOWSHIP HALL EXPANSION
 FOR
 GRAY'S HILL BAPTIST CHURCH
 TRASK PKWY. & BRUCE K. SMALLS DR.
 BURTON
 BEAUFORT COUNTY, SOUTH CAROLINA



VICINITY MAP
 SCALE: 1"=500'

SHEET #	INDEX OF DRAWINGS
1	FILE DESCRIPTION ORIGINAL SITE PLAN

N.P.D.E.S. DISTURBED AREA = 0.22 Acres

3 DAYS BEFORE RECORDS IN COUNTY, CAROLINA
 CALL 1-888-721-7877
 PALMETTO UTILITY PROTECTION SERVICE

APPROXIMATE LOCATION OF SITE:
 LONGITUDE: 80°-44'-28"
 LATITUDE: 33°-59'-37"

DEVELOPER NAME:
 STEVE BLANKENSHIP
 GRAY'S HILL BAPTIST CHURCH
 25 ARLINGTON, SC 29940
 PHONE #

PROJECT DATA INFORMATION:
 PROJECT NAME: Gray's Hill Baptist Church Fellowship Hall
 MAP # 100
 PARCEL # 18-C
 APPROX. OVERLAY DISTRICT
 FEMA FLOOD ZONE: C

PHONE #:
 B. IN.S.A. 843.522.1450
 D. H.E.C. 843.522.1450
 O.C.R.M. 843.744.3885
 S.C.C.O.T. 843.524.7275
 P.A.L. E.L.E.C. 843.528.5572

PERMIT #:

APPROVED FOR CONSTRUCTION
 BY: _____ DATE: _____

DRAWING RELEASED FOR:
 PLAN REVIEW
 PERMIT DRAWINGS
 CONSTRUCTION DRAWINGS
 BID SET
 RECORD DRAWINGS
 OTHER: _____

DATE: 09/23/07

PLAN REVISIONS

NO.	DESCRIPTION	DATE	BY
1	CONCEPTUAL DRT SUBMITTAL	09/23/07	BL

10A Sherrin Road
 843.465.0396
 Fax: 843.465.0399

Andrews & Burgess Inc.
 Engineering & Surveying

THE SEAL AND DEEDS PRESENTED IN THESE DRAWINGS ARE THE PROPERTY OF ANDREWS & BURGESS, INC. THE USE OR REPRODUCTION OF THESE DRAWINGS WITHOUT THEIR WRITTEN CONSENT IS PROHIBITED.

NO.	DESCRIPTION	DATE
1	CONNECT TO BMS WATER	08/12/07



Andrews Burgess Inc.
 Engineering & Surveying
 424 S. Salisbury Road
 Raleigh, NC 27606
 Phone: 919.876.0966

Fellowship Hall Expansion
 For
 Gray's Hill Baptist Church
 Trask Parkway (Rwy 21)
 Burton
 Beaufort, South Carolina

Overall Site Plan

Date Drawn: 08/23/07
 Last Revised: 08/21/07
 Drawn By: T. J. Lee
 Engineer: J. J. Jones

SHEET # 1 of 1
 JOB: 270026

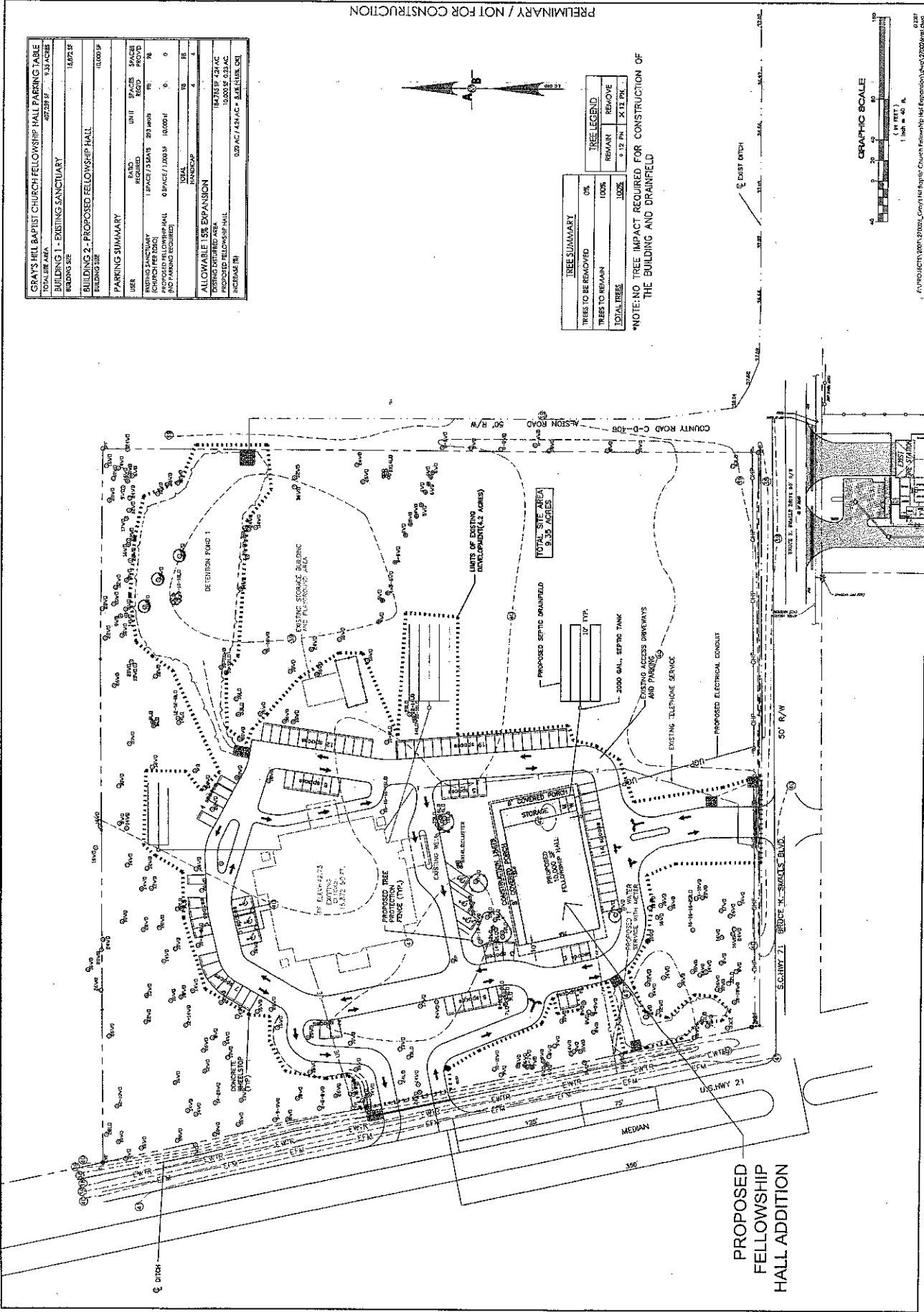
GRAY'S HILL BAPTIST CHURCH FELLOWSHIP HALL PARKING TABLE	
TOTAL SITE AREA	9.33 ACRES
BUILDING 1 - EXISTING SANCTUARY	27,029 SF
BUILDING SIZE	1,877 SF
BUILDING 2 - PROPOSED FELLOWSHIP HALL	11,000 SF
PARKING SUMMARY	
USER	RAV4D
UNIT SPACES	240
SPACES PROVIDED	78
CHURCH FELLOWSHIP HALL (CHURCH FELLOWSHIP HALL)	0
PROPOSED FELLOWSHIP HALL (PROPOSED FELLOWSHIP HALL)	10,000
TOTAL SPACES	240
AVAILABLE USE EXPANSION	
EXISTING TOTAL AC	9.33
PROPOSED FELLOWSHIP HALL	10,000
INCREASE (SQ FT)	0.20 AC (4.4 AC) = 6.8% INCREASE

PRELIMINARY / NOT FOR CONSTRUCTION



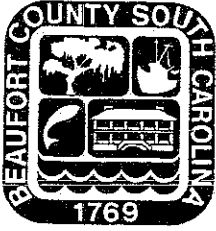
TREES TO BE REMOVED	0%
TREES TO REMAIN	100%
TOTAL TREES	100%

*NOTE: NO TREE IMPACT REQUIRED FOR CONSTRUCTION OF THE BUILDING AND DRAINFIELD



PROPOSED FELLOWSHIP HALL ADDITION

PROJECT: GRAY'S HILL BAPTIST CHURCH FELLOWSHIP HALL EXPANSION (18-07-0026) DWG



COUNTY COUNCIL OF BEAUFORT COUNTY

Beaufort County Zoning & Development
Multi Government Center ♦ 100 Ribaut Road
Post Office Drawer 1228, Beaufort, SC 29901-1228
OFFICE (843) 470-2780
FAX (843) 470-2784

October 18, 2007

Mr. Steve Blankenship
Gray's Hill Baptist Church
2749 Trask Parkway
Beaufort, SC 29906

Re: Gray's Hill Baptist Church Fellowship Hall - Expansion (Conceptual)

Dear Mr. Blankenship:

The Development Review Team (DRT) met on October 17, 2007 to render their decision on the subject projects. Listed below is the DRT's decision.

After a unanimous vote by the members present, DRT recommended that the project be disapproved due to the following:

Project does not meet the intent of the Airport Overlay District (MCAS). By adding a 10,000 square foot building to the existing site, the occupancy load would double. (Appendix A.1, Section (7) (6).

Representative from MCAS was in attendance at the meeting, and read the air station's position on the increase, and the safety hazard this increase would create.

The applicant was told to they have the option to appeal the DRT's decision to the Planning Commission within 30 days from the date of the DRT meeting. Applicant can receive all information pertaining to the appeal to the Planning Commission from the Planning Department. Contact Mrs. Childs at 843-470-2724.

If I may be of further assistance, please do not hesitate to give me a call at 843.470.2781.

Sincerely,


Hillary A. Austin
Zoning & Development Administrator

cc: DRT Members

**COUNTY OF BEAUFORT
DEVELOPMENT REVIEW TEAM
ACTION FORM**

Members Present - Hillary (FOR), Delores (FOR), Arthur (FOR), Robert (FOR)

PROJECT NAME Gray's Hill Baptist Church Fellowship Hall	PROJECT TYPE Institutional
--	-------------------------------

APPLICANT(DEVELOPER)NAME,ADDRESS,PHONE#
Steve Blakenship, Gray's Hill Baptist Church

PROJECT LOCATION Hwy 21	PIN 100-20-18C	LAND AREA(ACRES) 9.35	LOTS/UNITS N/A	BLDG AREA(SQFT) 10,000
DATE OF REVIEW 10/17/07	OVERLAY DISTRICT HCOD	FIRE DISTRICT Burton	ZONING DISTRICT CS	

TYPE OF DRT REVIEW CONCEPTUAL () PRELIMINARY () FINAL

APPROVED NO CONDITIONS _____
DISAPPROVED REASONS: PROJECT DOES NOT MEET THE INTENT OF THE AIRPORT OVERLAY DISTRICT. ADDING A 10,000 SQUARE FOOT BUILDING TO THE EXISTING SITE WOULD DOUBLE THE OCCUPANCY LOOD. (APPENDIX A.1, SECTION (7)(6) OF THE BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE.

* APPLICANT HAS THE OPTION TO APPEAL THE DRT'S DECISION APPROVED WITH CONDITIONS _____ CONDITIONS: TO THE PLANNING COMMISSION WITHIN 30 DAYS FROM THE DATE OF THIS MEETING.

APPROVED SUBJECT TO _____ CONDITIONS: _____

DEFERRED: (PLEASE SUBMIT THE FOLLOWING) _____

Hillary A. Austin
ZONING & DEVELOPMENT ADMINISTRATOR

10-17-07
DATE

LETTER WILL BE MAILED WITHIN 48 HOURS FOLLOWING THE MEETING

NARRATIVE

**GRAYS HILL BAPTIST CHURCH
FELLOWSHIP HALL ADDITION
BEAUFORT COUNTY
PROJECT NO. 270026
September 13, 2007
Revised: October 15, 2007**

The Grays Hill Baptist Church is a 9.35-acre parcel located in the northeastern quadrant of the intersection of US Hwy 21 (Trask Parkway) and SC Highway 71 (Bruce K. Smalls Blvd) in Beaufort County, SC. The site is bordered by woodlands to the north, SC Highway 71 to the south, Alston Field Road to the east, and US Highway 21 to the west. This property is zoned Suburban Commercial and falls within the Accident Potential Zone 2 (APZ-2) of the Air Installation Compatible Use Zone (AICUZ). The Institutional Use of the church is a Limited Use within the Suburban Commercial District. Any alteration to the non-conforming use is limited to the 15% of the disturbed area of the site according to Table 106-9 of the Beaufort County ZDSO.

Phase I of the development consisted of a 15,872sf church sanctuary with 60,248sf of grass parking spaces and asphalt/concrete paving, with a total disturbed area of 184,785sf. The number of parking spaces required for the institutional use "church" is defined in *TABLE 106-2892(A). OFF-STREET PARKING REQUIREMENTS FOR SPECIFIC USES* of the Beaufort County ZDSO as being 1 parking space per 3 seats, regardless of building size. With the sanctuary seating capacity of 293, there were 98 required parking spaces. The church's congregation has maintained steady membership of approximately 145 for the past two years, meaning that it is operating at one half of its capacity, resulting in additional available parking spaces.

Phase II of the church development will consist of a 10,000sf fellowship hall shown on the enclosed plans as the proposed building located to the south of the existing church. This future building was illustrated on the DRT approved plans as an 11,250sf building. No objection was made at that time to the square footage nor building placement, or it would have to have been removed from the plans. The proposed fellowship hall will be constructed within existing setbacks and will not require any additional parking. This proposed fellowship hall will include restrooms, storage area, and the remainder will be used as gathering space with no partitions. The building will have an 8' covered porch along the north and eastern sides. A conceptual elevation rendering has been prepared.

This expansion is allowed because it will not increase the occupant load of the complex, which is prohibited in the **APPENDIX A1. AIRPORT OVERLAY DISTRICT/MCAS—BEAUFORT, Section 7(a).6**, but allows a 15% disturbed area increase. The members of the DRT heard this project as a "discussion only" item after the 09/19/07 meeting and conceded (Arthur Cummings, Building Codes Director and Deloris Frazier, Assistant Planning Director) that the building addition would not increase the occupant load of the church complex. The DRT suggested the applicant request an administrative interpretation of Table 106-9, which they believe *should have been* written to state the increase to a

nonconforming use is limited to 15% expansion of the existing building, opposed the current language allowing 15% expansion of the disturbed area. Because of the current language refers to the disturbed area, it is our position that the church is allowed to construct the fellowship hall because it is merely 5.4% of the disturbed area ($10,000\text{sf} / 184,785\text{sf} = 0.054 = 5.4\%$).

In addition, there have been onsite meetings and multiple phone discussions between the MCAS Air Station and the Church. MCAS will not issue any written recommendations or opinions to the church, only to Beaufort County.

The stormwater runoff is handled by two existing on-site stormwater detention ponds designed to accommodate the post development runoff from both the church and the fellowship hall. The existing access driveways and parking lot will serve the church and proposed fellowship hall.

Water service for the phase 2 fellowship hall will be furnished tapping into the existing waterline along Highway 21. An on-site septic tank and drain field will handle sanitary sewer service. Electrical and telephone lines will be installed underground. SCE&G and Embarq will provide electrical and telephone service, respectively. Waste Management will handle solid waste disposal/pick up, and fire protection as well as emergency medical services will be provided by the Burton Fire District.

SEE ATTACHED EXERPTS FROM:

- 1) Beaufort County ZDSO
 - a. APPENDIX A1. AIRPORT OVERLAY DISTRICT/MCAS--BEAUFORT*
 - b. APPENDIX B. CORRIDOR OVERLAY DISTRICT GUIDELINES
 - c. Sec. 106-961. Commercial suburban (CS) district.
 - d. Sec. 106-1054. Airport overlay (AO) district.
 - e. Sec. 106-1098. Use table
 - f. Sec. 106-1246. Assembly and worship, large.
- 2) AICUZ Plan 2004
 - a. <http://www.lowcountryjlus.org/aicuz.html>

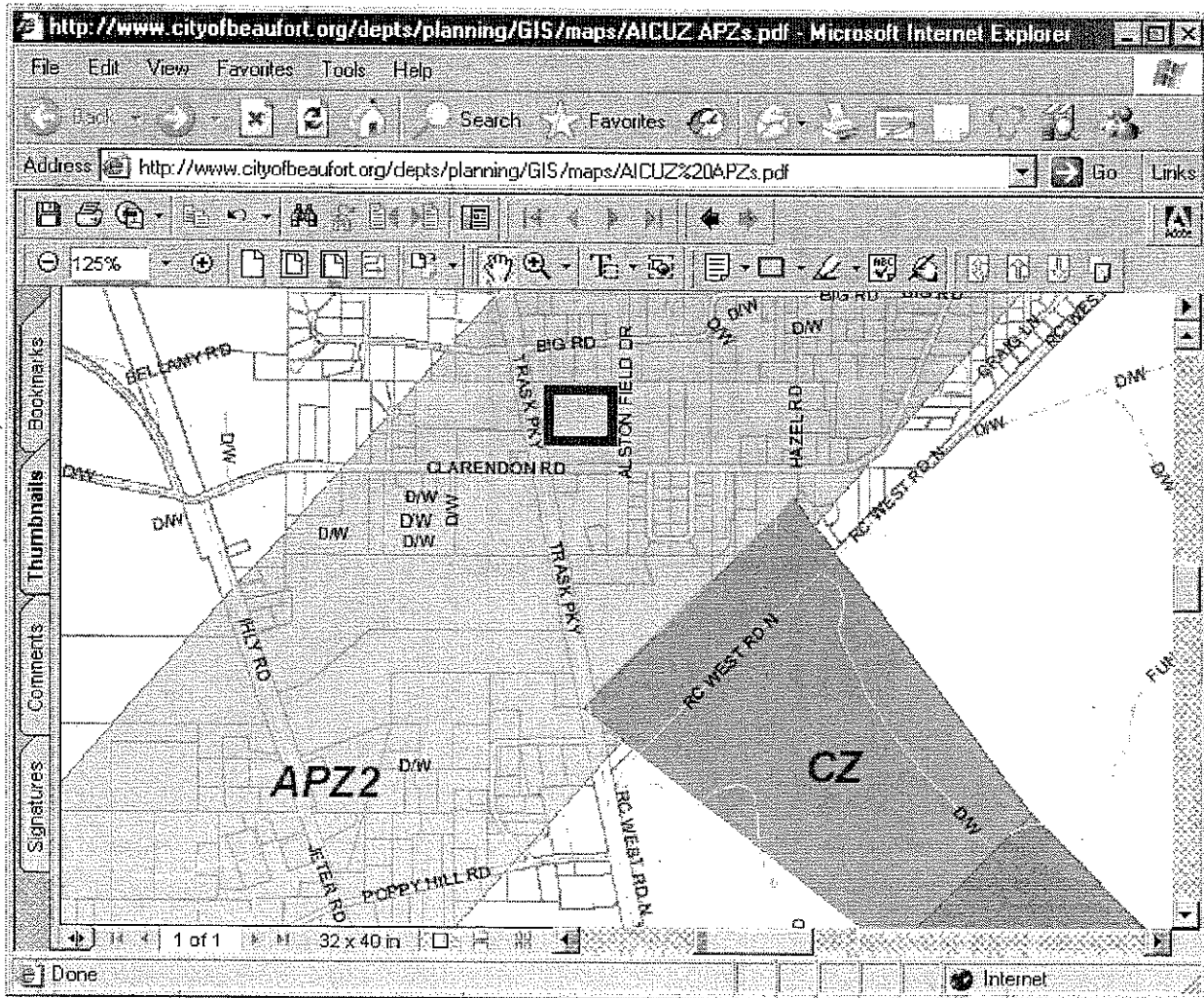
APPENDIX A1. AIRPORT OVERLAY DISTRICT/MCAS--BEAUFORT*

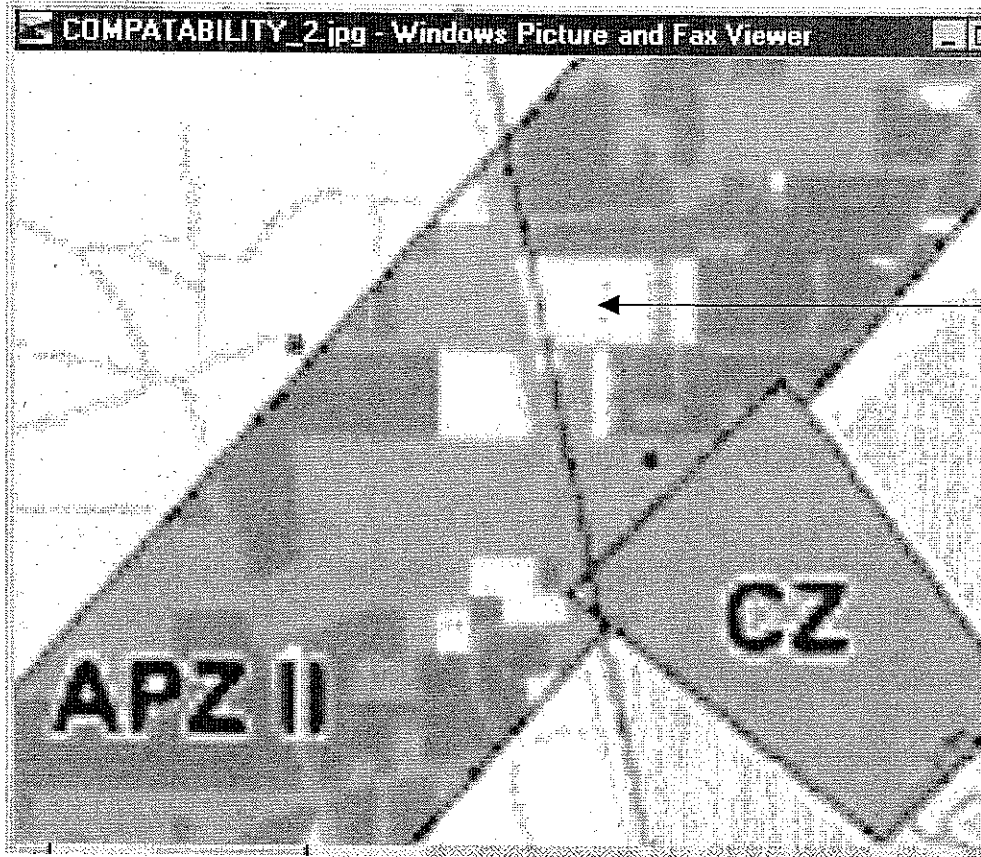
Sec. 7. Nonconforming uses and structures.

The standards for nonconforming uses and structures contained in section 106-9 are modified or supplemented as follows:

(a) *Nonresidential uses and structures.*




6. Notwithstanding the above, nonconforming places of assembly and worship shall be permitted to be rebuilt if damaged greater than 50 percent of their market value provided that the noise attenuation requirements of section 6 are met. **Nonconforming places of assembly and worship may be expanded by up to 15 percent in accordance with table 106-9 provided that the expansion does not increase the occupant load of the building.**





CHURCH

Land Use Compatibility

-  Incompatible
-  Conditional Compatible
-  Compatible

Sec. 106-9. Nonconformities.

(a) *Purpose.* This section regulates nonconforming uses, buildings and structures, lots, and signs. This chapter recognizes that nonconformities vary in the degree of conflict, annoyance, incompatibility, or hazard to the surrounding community. The purpose of regulating nonconformities is to gradually increase the degree of compatibility and functionality within zoning districts. All nonconforming uses, buildings and structures, lots and signs shall be encouraged to become conforming, while attempting to minimize disruption of surrounding, established, conforming situations. Over time, this chapter will lead to greater conformity and functionality within zoning districts as nonconformities are abandoned, damaged, or converted to conforming status. It is recognized that this is a slow and gradual process, and not one that is intended to be unduly disruptive to a property owner or a community. Rules and procedures are intended to balance the desire to eventually eliminate the nonconformity against the degree of the problem and the landowner's rights. Table 106-9 provides a detailed description of types of nonconforming situations, and limitations and standards for each.

TABLE 106-9. DESCRIPTION OF NONCONFORMING USES, STRUCTURES, LOTS & SIGNS
TABLE INSET:

Type	Definition	Standards for Use or Expansion	Conversion to Conforming Use
Uses	Any existing use not permitted in the general use table 106-1098 is a nonconforming use.	15 percent disturbed area expansion allowed within required setbacks and with maximum feasible buffers.	Nonconforming uses may become conforming by correcting the nonconformity or through approval of a special use permit. See subsection (b) of this section.
Buildings and structures	Buildings and structures are nonconforming if they exceed floor area, setback or density standards by 20 percent or have less than 75 percent of required open space or landscaped surface.	Expansions of up to 15 percent are allowed provided setbacks are not reduced and maximum feasible landscaping and buffers are used. A building's intrusion into setbacks shall not project further into the setback than at present. Nonconforming structures may expand only within the existing setback requirements.	Nonconforming buildings and structures may become conforming by correcting the nonconformity or through approval of a special use permit. See column at left and subsection (b) of this section.

Sec. 106-961. Commercial suburban (CS) district.

- (a) The commercial suburban (CS) district provides for a limited number of retail, service, and office uses intended to serve the surrounding neighborhood. These are smaller uses and not highway service types of uses.
- (b) The intensity standards are set 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.
- (c) These districts shall not be strip developments, but neighborhood centers with a sense of place; they shall meet the following vocational requirements:
 - (1) Adjoin large suburban, residential areas.
 - (2) Be at intersections of arterial or collector roads where residential area traffic is high.
 - (3) Be no larger than 20 acres.
 - (4) Be at least one mile from other commercial districts.

Sec. 106-1054. Airport overlay (AO) district.

The airport overlay (AO) provides special controls for this district that are intended to prevent incompatible uses or other uses where there is a high likelihood of a concentration of people in the high risk areas associated with increased potential for aviation accidents. Additional regulations may require increased building standards where noise levels are highest. This is an overlay over the underlying zoning. Thus, for example, a rural area within the airport overlay would be designated on maps as R-A indicating the base zoning (rural), and the overlay (airport overlay).

Sec. 106-1246. Assembly and worship, large.

- (a) *Size.* Large assembly and worship are 15,000 square feet or greater and/or with a school.
- (b) *Reports/studies required.* All applications for this use shall include a traffic impact analysis.
- (c) *Urban, suburban, commercial suburban districts.* In urban, suburban and commercial suburban districts, access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefiting the county. There shall be no minimum lot size for this use.

Sec. 106-1098. Use table.

TABLE 106-1098. GENERAL USE TABLE

INSTITUTIONAL USES													
Land Use	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC	Additional Standards	Use Definition
Assembly and worship, large	L	L	Y	L	N	N	N	L	N	L	N	106-1246	Museums, libraries, aquariums, cultural or arts centers, historic sites and churches with or without schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having 15,000 or greater square feet of floor area. (NAICS 6111, 8131, 8134)
Use Permission													
Y = Permitted use													
L = Limited use													
S = Special use													
N = Prohibited use													
LC = Permitted use only in residential community use option													

APPENDIX B. CORRIDOR OVERLAY DISTRICT GUIDELINES

Sec. 3. Nonconforming situations.

A. Existing nonconforming uses within a CO district, on the effective date of the ordinance from which this chapter derives, may be brought into full or partial compliance through a streamlined staff review process. Such situations shall require approval of the development review manager, and be exempt from CRB review. This option shall be permitted only for those uses whose owners or operators would like to continue the existing use, with no change of ownership, and where no abandonment has occurred. Only improvements in landscaping and minor building improvements shall be exempt from CRB review. Any expansion or other change shall be guided under the applicable process as required by this chapter.

B. All other nonconforming situations shall be brought into compliance with standards contained within sections 106-1 through 106-12 of this chapter; articles V, VI and XIII of this chapter; and this appendix when the nonconforming situation proposes any change, alteration or expansion to any portion of a building, structure or use, and/or has been abandoned according to table 106-9.

October 15, 2007

Ms. Hillary Austin
Beaufort County Zoning & Development
P.O. Drawer 1228
Beaufort, SC 29901-1228

RE: PROJECT #270026 – GRAY’S HILL BAPTIST CHUCH EXPANSION

Dear Hillary

In reference to the abovementioned project, we offer this response to the DRT’s recommendation for disapproval in your letter dated October 10th, 2007 to Mr. Steve Blankenship.

The letter states:

“It was the intent of this section of the ordinance to allow small expansions to the existing churches to accommodate restrooms, storage space, a kitchen, and the like. It was not the intent to permit an expansion that could allow more people to be in harms way, such as additional classroom space or expansions to the sanctuary”. Also stated “..the intent...is to allow for additions, i.e. parking spaces, restrooms. Storage and other auxiliary uses where the seating capacity in the sanctuary and other places of assembly will not increase.”

It is our position that this expansion *is* allowed because it *will not* increase the occupant load of the complex. The members of the DRT heard this project as a “discussion only” item after the 09/19/07 meeting and verbally conceded (Arthur Cummings, Building Codes Director and Deloris Frazier, Assistant Planning Director) that this building addition *would not* increase the occupant load of the church complex. The DRT’s argument at that time was more directly related to the way the ordinance was written, and Mrs. Frasier suggested that I request an administrative interpretation to clarify the ordinance’s intent (which seemed clear to me that this expansion is allowed by the current ZDSO). At that point, I requested the administrative interpretation in a letter to you on 09/25/07, and my response from you via phone conversation on 9/26/07 was that you felt that no interpretation was needed, because you believed the ordinance allows this expansion, just as it has allowed many other 15% expansions all over Beaufort County similar to this one. The fact that this project falls within the AICUZ zone is the only difference, but Appendix A of the ordinance refers back to Table 106-9, which allows this expansion.

The current language allows 15% expansion of the disturbed area. Since the current language refers to the disturbed area, it is our position that the church *should* be allowed to construct the proposed fellowship hall.

If, after review of this letter, the DRT maintains their position that this project does not meet the current language of the ordinance, then this letter shall also serve as a second formal request for an administrative interpretation of the applicable sections of the ordinance in which the DRT feels this project does not meet, including but not limited to the definition or interpretation of the "occupancy load" calculation, and the Table 106-9.

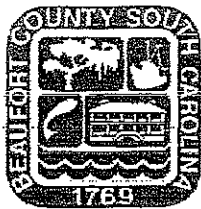
If you have any questions or need additional information, please contact our office at 466-0369.

Sincerely,

Ryan Lyle, EIT

Enclosures

CC: Steve Blankenship – Grays Hill Baptist Church
David Tedder- Tedder Law Firm

**COUNTY COUNCIL OF BEAUFORT COUNTY**

Beaufort County Zoning & Development
Multi Government Center ♦ 100 Ribaut Road
Post Office Drawer 1228, Beaufort, SC 29901-1228
OFFICE (843) 470-2780
FAX (843) 470-2784

October 10, 2007

Mr. Steve Blankenship
Gray's Hill Baptist Church
2749 Trask Parkway
Beaufort, SC 29906

Re: Gray's Hill Baptist Church Fellowship Hall - Expansion (Conceptual)

Dear Mr. Blankenship:

As stated in the Beaufort County Zoning & Development Standards Ordinance, Section 106-368 (b) (1) "Upon completion of all appropriate county reviews, the ZDA shall then file a staff report including all review recommendations no later than five working days prior to the scheduled DRT meeting". This letter will serve as the recommendations from each member of the DRT for conceptual review of the referenced project.

The project site is located within Accident Potential Zone 2 (APZ-2) and Noise Zone 3 (Greater than 75 DNL) of the Airport Overlay District for MCAS-Beaufort. Beaufort County has determined that persons within these zones will be exposed to measurable accident potentials and significant noise levels as a result of aircraft operations. To protect the public health and safety, the County has prohibited uses within these zones that attract concentrations of individuals such as schools, hotels, restaurants, daycare centers and churches. The Grays Hill Baptist Church is nonconforming to the Airport Overlay District because it would not be allowed to be built today at the current location. During the development of the Overlay District, a compromise was reached between the County, MCAS-Beaufort and representatives from the Grays Hill area to allow existing churches within these zones to be rebuilt if damaged greater than 50% (other nonconforming uses may not be rebuilt) and to permit a 15% expansion as long as the expansion did not increase the occupant load of the building. It was the intent of this section of the ordinance to allow small expansions to existing churches to accommodate restrooms, storage space, a kitchen, and the like. It was not the intent to permit an expansion that could allow more people to be in harm's way, such as additional classroom space or expansions to the sanctuary. The applicant is proposing a new 10,000 square foot building to accommodate a fellowship hall. This is over a 60% increase in floor area over the existing church building. This expansion clearly does not meet the intent of the Airport Overlay District because it allows a new "assembly" building that could substantially increase the occupant load of the site.

The proposed addition of the fellowship hall does not comply with the ordinance. Adding a 10,000 square foot building to the existing site would double the occupancy load. The intent of Section 7(a)(6) Nonconforming Uses is to allow for additions i.e. parking spaces, restrooms, storage and other auxiliary uses where the seating capacity in the sanctuary and other places of assembly will not increase.

DRT recommends the project be disapproved.

NOTE: THE DRT RESERVES THE RIGHT TO CONSIDER ADDITIONAL INFORMATION RELATED TO THE PROJECT LISTED ABOVE PRIOR TO THE DATE OF THE DRT MEETING. THEREFORE, THE DRT'S DECISIONS MAY CHANGE ACCORDING TO NEW FACTS OR THE CONSIDERATION OF ADDITIONAL FACTS UNKNOWN AS OF THE DATE OF THIS REPORT.

Sincerely,


Hillary A. Austin
Zoning & Development Administrator

"Professionally we serve; Personally we care!"



COUNTY COUNCIL OF BEAUFORT COUNTY

Beaufort County Zoning & Development
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June 29, 2007

Mr. Steve Blankenship
c/o Grays Hill Baptist Church
2749 Trask Parkway
Beaufort, SC 29906

Re: Staff Discussion – ACUIZ, Expansion of Church

On March 7, 2007, the applicant discussed the referenced topic with the Development Review Team (DRT) staff. The following is a list of concerns voiced by the applicant and addressed by the DRT.


Concern 1. Applicant wants to build a 6,000 sq. ft. fellowship hall addition to the existing church. Building will have bathrooms, kitchen, classrooms and storage areas.

DRT's Comment: Applicant was told the Airport Overlay District does not permit expansion that will increase the occupancy load of the existing building. It was explained to the applicant that fellowship halls, etc. will in fact increase the occupancy load. The intent of the ordinance was to allow as a part of any expansion to consist of bathrooms, kitchen, and storage. These uses would not increase the occupancy load.

Staff's Recommendations: Applicant cannot expand more than 15% of the building, if the applicant wishes to expand over 15%, a variance would be required, applicant would be required to seek a variance from the Zoning Board of Appeals (ZBOA). At that time staff will meet with the air station to discuss the expansion.

If I may be of further assistance, please do not hesitate to give me a call at 843.470.2781.

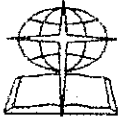
Sincerely,


Hillary A. Austin
Zoning & Development Administrator

Cc: DRT Members

GRAYS HILL BAPTIST CHURCH

2749 Trask Parkway
Beaufort, South Carolina 29906
Telephone (843) 846-2797
Fax (843) 846-4509



James E. Baker, Pastor
522-1521

John J. Cook, Assoc. Pastor/Youth
597-4906

June 20, 2007

Beaufort County Development Review Team

Attn: Hillary Austin

Grays Hill Baptist Church is requesting permission to build a 6,000 sq. ft. building on our current property at 2749 Trask Parkway. This building would not be occupied by more than our currently allowed occupancy rating. Our current square footage is 17,476. Our original master plan submitted in 1996 showed 2 additional buildings to be constructed.

We are trying to create a separate space in order to divide our large meetings into smaller spaces. It is a hardship to have several different groups meeting in one large room or building. A smaller separate building would allow us to spread out the number of people meeting in one place or building at one time.

The church building is only occupied for 3 to 4 hours on Sunday and Wednesday by the membership.

We have a contract with the Beaufort County Emergency Management Department to use a portion of our property as an emergency distribution point, after a hurricane or other natural disaster has struck our area.

At any given time we have a number of military families who are members and we have always supported our troops and bases here in Beaufort County.

Your favorable consideration of our request will be greatly appreciated.

Sincerely,

Steve Blankenship, Chairman
Building Committee

