



## COUNTY COUNCIL OF BEAUFORT COUNTY

### Beaufort County Zoning & Development

Multi Government Center ♦ 100 Ribaut Road  
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The scheduled meeting of the Beaufort County Zoning Board of Appeals was held on April 27, 2005, in the County Council Chambers of the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

#### MEMBERS PRESENT

Mr. Thomas Gasparini, Chairman  
Mr. Kevin Mack  
Mr. Claude Dinkins

Mr. Claude Dinkins  
Mr. Phillip Leroy

#### MEMBERS ABSENT

Mr. Edgar William, Vice Chairman  
Mr. Bill Bootle

#### STAFF PRESENT

Mrs. Lisa Glover, Zoning Analyst III

**CALL TO ORDER:** Mr. Gasparini called the meeting to order at 5:10 p.m.

**INVOCATION:** Mr. Gasparini led those assembled in prayer.

#### REVIEW OF AGENDA

**MOTION:** Mr. Chester Williams made a motion to adopt the agenda as submitted. Mr. Mack seconded the motion. The motion passed unanimously (FOR: Dinkins, Gasparini, Leroy, Mack, C. Williams)

**REVIEW OF MEETING MINUTES:** Mr. Dinkins started by stating, the correct spelling of Carol Ruff's name is Carol Ruff.

**MOTION:** Mr. Leroy made a motion to adopt the minutes with the noticed corrections. Mr. Dinkins seconded the motion. The motion passed (FOR: Dinkins, Gasparini, Leroy, Mack; ABSTAINED: C. Williams)

#### ROSS GREENBERG'S VARIANCE

Mr. Larry Grimsley, Representative for Ross Greenberg, stated to the board that Dr. Greenberg is requesting a variance for Lot 1, Block G, Subdivision 1, Fripp Island. Mr. Grimsley stated that the lot is ocean front property, and the beach is unique in Beaufort County because it has the only beachfront fortified by rock revetments. Mr. Grimsley stated that the house is set on the 20' OCRM setback line, which is consistent with most of the beachfront property on Fripp Island. Mr. Grimsley stated that Dr. Greenberg is requesting approval of the OCRM line along with a variance of the front setback line to 10'6 feet. Mr. Grimsley stated that both of the existing homes on Sea Horse Road is less than 11 feet from the right of way, and the Fripp Island Architectural Review Board approved a 10'8 foot setback on the property next door at their last session. The proposed house is approximately the same size as one of the existing ocean front homes on Sea Horse Road, and slightly larger than the other homes. Mr. Grimsley stated that Dr. Greenberg was informed that the owner has contributed to the installation of a sewer pumping station that was dedicated to the Fripp Island PSD to provide sewer service to the five beachfront lots on Sea Horse Road. Mr. Grimsley stated that he has spoken to 13 recipients of the 25 certified letters that were sent to the surrounding property owners, including all of the ocean front property

*"Professionally we serve; Personally we care!"*

owners on Sea Horse; the letters were sent to addresses on file with the Property Owners Association, this included properties on two adjacent streets. Mr. Grimsley stated that after explaining the situation to the 13 recipients, they did not have a problem with the request. Mr. Grimsley stated that the plan and site location has been approved by OCRM, the Fripp Island Architectural Review Board, and the developer as required by the covenants and restrictions. Mr. Grimsley stated that the house have been adjusted to provide two off street parking places as required by the Architectural Review Board, and the house is set back 10 feet on each side as required, so the impact on the second row property owners are minimal. Mr. Grimsley stated that Dr. Greenberg and his family respectfully asks the board's approval so he can build his family's dream home on Fripp Island.

Mr. Dinkins asked Mr. Grimsley to make the list of certified property owners apart of the public record.

Mr. Leroy asked, "Why does Beaufort County consider the revetment to be the OCRM line?"

Mr. Chester Williams explained that OCRM has two lines; there's the beachfront baseline, and the OCRM critical line. The OCRM critical line is actable in tidal area, and the baseline is actable in certain area that's defined as beachfront.

Mr. Robert Mathison stated to the board that he represents the people who are directly behind Lot 1. Mr. Matheson stated that he would like the house to be scaled, to prevent problems. Mr. Matheson stated that there is not adequate parking, Seahorse Road is a dirt road and there is a 30 foot right-of-way on the plan; the applicant proposes to put a concrete pad in the right-of-way, which was not approved by the Architectural Review Board. Mr. Mathison stated that there is no provision for drainage, and the water would back up on his client's property. Mr. Mathison stated that his first grounds of objection, is the drainage because flooding will occur on his clients property; the second grounds of objection, is the parking because people will start parking in the right-of-way. Mr. Mathison stated if the Architectural Review Board is not going to approve the pad in front of the garage, the only place the cars can park is in the right-of-way. Mr. Mathison stated that the third ground of objection is, that this is an application based on hardship; six months ago, Dr. Greenberg paid \$950,000 to buy this lot which is the size of a postage stamp, and in order to get his money out of it, he has to build a house 4,500 square feet for an additional \$900,000, he don't know what the hardship is.

Mr. Chester Williams asked Mr. Mathison where do he draw the conclusion that the applicant says that the hardship is based on economic issues?

Mr. Mathison stated, it says it in the application, because it says Dr. Greenberg paid \$950,000 for his lot. Mr. Mathison stated that he is not arguing that Dr. Greenberg should not build a house, but he is arguing that he should not be allowed to build the largest house he can put on the property. Mr. Mathison stated that this is a 42-foot high structure, the first floor has four garages, air conditioning, sprinklers, and this is a huge monstrosity. Mr. Mathison stated that the Keith's application is being treated like it sets some sort of precedence; no one received any notice of the Keith's application. Mr. Mathison stated that the Keith's application is no longer Mr. Keith's because he sold his lot to Dr. Greenberg.

Mr. Leroy asked Mr. Mathison with regard to the Architectural Review Board approval, besides the question of the concrete pad, has the Architectural Review Board approved the size and scale of the house?

Mr. Mathison stated that he believes that it has, but he has not confirmed it.

Mr. Tom Davis stated to the board that he's at the meeting on behalf of Dr. Greenberg. Mr. Davis stated that Dr. Greenberg has not bought Mr. Keith's lot, but there's a pending contract. Mr. Davis stated that the Architectural Review Board approval does take into account the character of other buildings in the area, and an approved drainage plan. In regard to the driveway, Dr. Greenberg was at some point rejected by the Architectural Review Board, but Dr. Greenberg reapplied to the Architectural Review Board and his driveway was approved.

Mr. Gasparini asked, is the concrete pad apart of the variance request?

Mr. Davis stated, it is not apart of the variance request.

Mr. Chester Williams stated that the board should table this case, so the surrounding property owners can have proper notification.

Mr. Gasparini stated, that next month he would like to look at a plat of various houses along with decks, how big the houses are, and is it up to the Architectural Review Board how big the houses are, and whether the Architectural Review Board is the house size police or not.

Mr. Chester Williams stated that he would like to know if the site plan the board is looking at is the one the Architectural Review Board approved.

Mr. Windell Drury stated that he lives at 727 Sea Horse Road, and he has a house behind Mr. Grimsley. The problem he has with Mr. Grimsley is, that he built a house bigger than any house in the neighborhood. Mr. Grimsley got variances to build the house, and he assumes that he complied with the variances when he placed his house on the lot. Mr. Drury stated that the problem he has is when you sit the house 10 feet from the property line, you create a tremendous problem with parking.

Mr. Rich Assif, Architectural Review Board member, stated that Dr. Greenberg's plans have been approved completely by the Architectural Review Board. Dr. Greenberg did not have adequate parking when he first submitted his plans to the Architectural Review Board, but the Architectural Review Board told him to redesign the plans and resubmit to the Architectural Review Board. Dr. Greenberg revised the plans, and the Architectural Review Board approved it.

Mr. Leroy asked Mr. Assif besides the setbacks, is the house in conformance with the guidelines of the Architectural Review Board with the height, square footage, and number of floors?

Mr. Assif said yes.

**MOTION: Mr. Chester Williams made a motion to table the variance, in order to give adequate notice. Mr. Mack seconded the motion. (FOR: Dinkins, Gasparini, Leroy, Mack, C. Williams).**

**Mr. Chester Williams made a motion to adjoin. Mr. Dinkins seconded the motion. The motion passed unanimously (FOR: Dinkins, Gasparini, Leroy, Mack, C. Williams).**

*The meeting adjoined at approximately 6:25 p.m.*