



COUNTY COUNCIL OF BEAUFORT COUNTY

Beaufort County Zoning & Development

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The scheduled meeting of the Beaufort County Zoning Board of Appeals was held on June 22, 2005, in the Executive Conference Room of the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT

Mr. Thomas Gasparini, Chairman
Mr. Edgar Williams, Vice Chairman
Mr. Kevin Mack
Mr. Chester Williams

Mr. Bill Bootle
Mr. Claude Dinkins
Mr. Phillip Leroy

MEMBERS ABSENT

None

STAFF PRESENT

Ms. Hillary Austin, Zoning Administrator
Mrs. Lisa Glover, Zoning Analyst III
Mr. Buz Boehm, Deputy Administrator
Mr. Michael Hudson, Codes Enforcement Director
Ms. Audra Antonocci, Codes Enforcement Officer

CALL TO ORDER: Mr. Gasparini called the meeting to order at 5:08 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. Edgar Williams seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, Leroy, Mack, C. Williams, E. Williams)

REVIEW OF MEETING MINUTES

MOTION: Mr. Dinkins made a motion to adopt the minutes as submitted. Mr. Leroy seconded the motion. The motion passed (FOR: Dinkins, Gasparini, Leroy; ABSTAINED: Mack, C. Williams, E. Williams)

STEVEN & HELENE BLANKENSHIP'S APPEAL

Mr. Tedder explained to the board that he could not find a definition of short-term rental in the Zoning & Development Standards Ordinance. Mr. Tedder stated that Harbor Island, Fripp Island, Lands End, Dataw Island, Secession, Brays Island, Hunting Island, Windmill Harbour, and Daufuskie Island; allows for short-term rental, and the reason it's allowed is because, the zoning ordinance does not prohibit it. Mr. Tedder stated, that Section 106-404 in the Zoning & Development Standards Ordinance gives the zoning board the standards that determine whether or not the Zoning & Development Administrator made a decision on standards not contained in this ordinance. This ordinance does not permit the Zoning & Development Administrator to consider or create standards not officially adopted.

Mr. C. Williams asked Mr. Tedder, how does he explain Section 106-702(b) which deals with unlisted uses?

Mr. Tedder stated that uses that are not listed are placed in a similar category, but non-residential uses are looked at in the Zoning Ordinance.

"Professionally we serve; Personally we care!"

Mr. Bootle asked, if the board is looking at this case as a vacation rental?

Mr. Tedder stated that a single-family home has been rented for less than 30 days, and he doesn't see anything in the Zoning Ordinance that says a property owner cannot rent his/her house for more than 30 days.

Ms. Austin stated that the Codes Enforcement Officer received a complaint from the neighbors, saying that the house was being rented daily and weekly. She went to the Planning Department to discuss the incident. Ms. Austin stated that an interpretation was made with, Delores Frazier, Planning Staff, that anything less than 30 days would be considered short-term rental. Ms. Austin stated that she made the determination that Ms. Blankenship was in violation of the ordinance, and should be cited to cease and desist. Ms. Austin stated, that the Auditor's Office has no record of this house being listed as a rental home. Ms. Austin stated that this property has a very strict zoning, which is Rural Residential, and commercial uses are not allowed other than traditional retail (stores that sell grocery items only).

Mr. Gasparini called for public comment, and limited the comments to three minutes in accordance to the previous adopted rules.

Mr. Mark Heles (Saltwind Drive) stated that his house is located directly across the street from the Blankenship house. Mr. Heles stated that, Section 106-1098 talks about a building or group of buildings offering transient rentals. Coffin Point Subdivision is a private residential single-family subdivision with no short-term rentals. Mr. Heles gave Mr. Gasparini a copy of Ms. Blankenship's website page, advertising their house/property for \$100 a day. Mr. Heles gave the board a petition of surrounding property owners opposing the short-term rentals for this property. Mr. Heles stated, that the word transient is defined as a person who resides for 90 days or less.

Ms. Kathy McTeer, President of the Coffin Point Homeowners Association, stated that Coffin Point is a residential neighborhood. Ms. McTeer stated that Ms. Blankenship falsified her dealings of the house because, she said that she was moving into the house in about two to three months.

Mr. Ed McTeer stated that his father purchased Coffin Point Plantation in 1952, and subdivided it in 1953, and the plantation came with covenants and restrictions. Mr. McTeer stated that the plantation was not supposed to be a rental place.

Ms. Vivian Wayne stated to the board, that the plantation has played a very important part in the St. Helena Island Gullah Community. It is important for everyone to respect and protect the community.

Mr. David Tedder stated, that an administrative interpretation is a written documentation, which is put in a file folder and provided to County Council for review, and Hillary Austin did not do that. The question is, did Ms. Blankenship violate the section that was cited, which stated that her home is a hotel/motel for rental on a daily rate.

Mr. Chester Williams asked Ms. Austin, what is the basis for the distinction between short-term rentals and long-term rentals?

Ms. Austin stated that after speaking to Delores Frazier, she stated that this issue came up before. Ms. Austin stated, that she did not speak to Jim Gibson, but Delores Frazier did, and he made the interpretation that anything less than 30 days would be considered short-term rental, and anything over 30 days will be considered long-term rental. Ms. Austin stated that on St. Helena Island, there is a cultural overlay district that protects the cultural resources on St. Helena Island. This overlay district excludes Fripp Island, Harbor Island, Dataw Island, and Hunting Island because these are resorts; all other areas on St. Helena Island is under this cultural overlay district.

Mr. Buz Boehm stated to the board, that Ms. Antonocci submitted a violation to the applicant, which stated that she had a set amount of days to cease and desist, then she could go to magistrate court if she did not comply. Mr. Boehm stated, that the board has been caught in the middle with standard county procedures. Mr. Boehm stated, that normally if the applicant opposes the violation, they are supposed to have their day in court with the magistrate.

Ms. Antonocci stated to the board that she wrote Ms. Blankenship a warning ticket, and Ms. Blankenship disputed the section of the ordinance she wrote her for.

MOTION: Mr. Edgar Williams made a motion to support Ms. Austin's decision to order the citation and deny the appeal. Mr. Mack seconded the motion. The motion passed (FOR: Bootle, Dinkins, Gasparini, Leroy, Mack, E. Williams; OPPOSED: E. Williams). *Mr. Chester Williams stated for the record that the reason he opposed the motion was because he's uncomfortable with a decision being made that's based on a standard that doesn't have any real basis other than we picked 30 days; why not 15 days, why not 45 days, and why not 60 days.*

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

The meeting adjourned at approximately 6:26 p.m.