



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 October 26, 2005, in Council Chambers of the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT

Mr. Thomas Gasparini, Chairman
Mr. Phillip Leroy
Mr. Claude Dinkins

Mr. Bill Bootle
Mr. Kevin Mack

MEMBERS ABSENT

Mr. Edgar Williams, Vice Chairman
Mr. Chester Williams

STAFF PRESENT

Ms. Hillary Austin, Zoning Administrator
Mrs. Lisa Glover, Zoning Analyst III

CALL TO ORDER: Mr. Gasparini called the meeting to order at 5:07 p.m.

INVOCATION: Mr. Gasparini led those assembled in prayer.

REVIEW OF AGENDA

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

REVIEW OF MEETING MINUTES:

MOTION: Mr. Bootle made a motion to adopt the minutes as submitted. Mr. Leroy seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, Leroy, Mack).

DAVID WHITE & JAMES WEDGEWORTH (C/O ATTORNEY DAVID TEDDER) VARIANCE

Mr. Tedder explained to the board that his client is requesting a river-buffer variance. Mr. Tedder submitted colored Ariel photos to the board. Mr. Tedder stated that the property is located in Moss Creek Community, and the lot was platted in the 1980's. Mr. Tedder stated that the 50-foot setback on this lot takes up a third of the property. Mr. Tedder stated that the house will be approximately 4,200 square feet, which is consistent with the average house sizes to the left and to the right of the property. Mr. Tedder stated that there's a deck that include a pool area, and the variance request is for the house, the pool, and the deck.

Mr. Dinkins asked Mr. Tedder, "Is this lot on a septic tank system"?

Mr. Tedder stated, "No, sewer system".

Mr. Gasparini asked Mr. Tedder, "When did the client acquire this property"?

"Professionally we serve; Personally we care!"

Mr. Tedder stated, "David White is currently the contract vendee, the owner of the property has placed the lot under contract, contingent on being able to build a house contingent with the neighborhood with a pool".

Mr. Leroy asked Mr. Tedder, "Would it be a problem for his client's to move the pool back further away from the critical line"?

Mr. Tedder stated, "The pool would be too close to the house".

Mr. Gasparini asked Mr. Tedder, "How long have the sellers had the property"?

Mr. Tedder stated, since 2002.

Mr. Gasparini stated that the current owners bought the property under these existing rules.

Mr. Tedder stated that in recent years, it was not a defect to say that the property was a hardship.

Ms. Austin explained to the board that the Development Review Team could have approved the variance for the house, but the Development Review Team couldn't approve a variance for a pool or deck.

Mr. Tedder stated that the Zoning Board of Appeals has the ability to approve the variance for the house, pool and deck, but the Development Review Team only has the ability to approve the house.

Ms. Austin stated that the County recommends that the applicant trap the water from the roof, to ensure that there is no spill from the pool, and to replace the buffer with some type of vegetation.

Mr. Gasparini stated that he also recommend to make another condition, that this approval be subject to the Architectural Review Board approving this variance request.

MOTION: Mr. Leroy made a motion to approve the variance as proposed with the condition of a drainage plan, a landscape plan for the vegetation buffer, and approval from the Architectural Review Board. Mr. Dinkins seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, Leroy, Mack).

JAMES & JUNE BUGGIE'S VARIANCE

Mr. James Buggie stated to the board that he is requesting a river-buffer variance to place his house, along with his pool closer to the critical line. Mr. Buggie stated that he is the owner of the lot, and the Architectural Review Board issued a letter approving the variance contingent to the County approving the variance.

Mr. Gasparini asked, "Does the adjacent lots have homes built"?

Ms. Austin stated, "One home has been built". Ms. Austin stated that the house could be moved further away from the critical line, maybe 35 feet.

Mr. Gasparini asked, "How far is the house from the road"?

Mr. Chris Dean stated, "Six to eight feet from the road".

Ms. Austin stated that the County recommends that the applicant trap the water from the roof, there is no spill from the pool, and replace the buffer with some type of vegetation.

MOTION: Mr. Leroy made a motion to approve the variance, with the condition of a drainage plan and a landscape plan for the vegetation buffer. Mr. Bootle seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, Leroy, Mack).

BRIAN & AMY SMITH'S VARIANCE

Mr. Brian Smith stated to the board that he and his wife bought their house four years ago; it is a small strip of land. Mr. Smith stated that the home on one side of his lot is 34 feet from the OCRM critical line, and the other home on the other side of the lot is 44 feet from the OCRM critical line. Mr. Smith stated that he would be adding a front porch to his house at a later date.

Mr. Gasparini asked Mr. Smith, "How far would his house sit from the critical line"?

Mr. Smith stated, "38 feet".

Ms. Austin stated that she measured the house at 33 feet from the OCRM critical line.

Mr. Leroy stated that he measured the house at 32 feet from the OCRM critical line.

Mr. Smith stated that the proposed footprint of the house is slanted. Mr. Smith stated that the drawing of the proposed addition is incorrect.

Mr. Dinkins stated that the board could approve the variance to limit the setback to 38 feet from the OCRM critical line.

Mr. Smith stated that the square footage would be a 920-foot addition.

Ms. Austin asked Mr. Smith, "Do he have bulkhead"?

Mr. Smith stated, "Yes he does have a bulkhead".

Ms. Austin stated that if the variance is granted, the County would be creating a non-conforming situation. Ms. Austin suggested that the applicant trap the water, and replace the buffer with some type of vegetation.

MOTION: Mr. Dinkins made a motion to approve the variance no closer than 38 feet from the OCRM critical line, with the condition of a drainage plan and a landscape plan for the vegetation buffer. Mr. Bootle seconded the motion. The motion passed unanimous (FOR: Bootle, Dinkins, Gasparini, Leroy, Mack). Ms. Austin asked the applicant to revised the site plan and submit it to the Zoning Office.

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

The meeting adjoined at approximately 6:02 p.m.