



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 Wednesday, May 24, 2006, in the Executive Conference Room, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT

Mr. Thomas Gasparini, Chairman
Mr. Edgar Williams, Vice Chairman
Mr. Phillip LeRoy

Mr. Bill Bootle
Mr. Claude Dinkins
Mr. Kevin Mack

MEMBERS ABSENT

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 a moment of silence.

REVIEW OF AGENDA

MOTION: Mr. Bootle 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, E. Williams).

REVIEW OF MINUTES:

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

RAY HARVEY (RIVER-BUFFER VARIANCE)

Mr. Rex Gentry, Contractor, stated to the board that he is requesting a variance from the OCRM critical line. Mr. Gentry explained to the board, that he mistakenly thought that the critical line was located somewhere else.

Mr. Dinkins asked Mr. Gentry, "How far is the structure away from the critical line?"

Mr. Gentry stated, "It is 10 feet over the setback line".

Ms. Austin explained to the board, that there are two different site plans. Ms. Austin explained to the board, the history of the two site plans. Ms. Austin stated to the board, that everything in the 50-foot buffer was done without a permit.

Mr. Gasparini asked Mr. Harvey, "Was the appropriate notices given to the neighbors?"

Mr. Harvey said, "Yes".

Ms. Austin stated that, the Development Review Team and the Planning Department is proposing to change the ordinance to allow wooden slated decks into the buffer, for no more than 100 square feet; the proposed deck is 216 sq.ft. into the buffer, and the tile deck is 232 sq.ft. into the buffer. Ms. Austin stated, that if the deck was 100 feet, she would have recommended approval, but since the deck was

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constructed without a permit, and the square footage exceeds 100 square feet, the County recommends disapproval. Ms. Austin stated, that this case was not properly notified to the adjacent property owners within the 500-foot radius.

Mr. Gasparini stated, that the ordinance states that the property owners within a 500-foot radius must be notified in order for the board to hear the case. Mr. Gasparini stated, that this board is unable to make a decision on this case until the proper notifications have been given.

KELLY & MICHELLE OWENS (RIVER-BUFFER VARIANCE)

Mr. Gasparini asked Kelly & Michelle Owens, "Have the proper notices been sent to property owners within a 500-foot radius?"

Ms. Owens said, "No".

Mr. Gasparini stated, that the board is unable hear this case until the proper notices are given.

Ms. Owners said, "Okay".

DAVID & ELIZABETH COSGROVE (RIVER-BUFFER VARIANCE)

Mr. Larry Grimsley, representative for the applicant, stated to the board that he is requesting a 7-foot side yard variance, and an 8-foot, 6-inch front yard setback. Mr. Grimsley explained to the board, that there are no setbacks in Fripp Island Covenants and Restrictions that addresses the setbacks.

Mr. Mack asked Mr. Grimsley, "Is there a house on lot 17?"

Mr. Grimsley answered, "No".

Mr. LeRoy asked Mr. Grimsley, "What does the Fripp Island POA and ARB say about this request?"

Mr. Grimsley stated, "They have not said anything yet, but this request is also subject to their approval."

Ms. Austin stated, that she pulled the Fripp Island Covenants and Restrictions, and there is supposed to be a 10-foot utility easement on the rear, side and front of the lot. Ms. Austin stated, that she doesn't know where the utility easements are; but it is a 10-foot setback from utility easements.

Mr. Dinkins asked Mr. Grimsley, "What is the value of this house?"

Mr. Grimsley stated, "In the neighborhood of \$600,000 total".

Ms. Austin stated, that the County doesn't have a recommendation for this case.

Mr. Gasparini called for public comment, and limited the time to 3 minutes each.

Mr. Miller, Fripp Island Property Owner, stated to the board that he purchased his lot in 1994, and he doesn't know how the applicant can get a house on the lot.

Ms. Austin stated, that she would like to change her recommendation; the ordinance states that if the lots do not meet the lot width or frontage of today, they need to be combined. The recommendation from the County would be to meet the 10-foot setback, or combine the lots into one lot; and the County also recommends disapproval.

Mr. Bootle asked Mr. Grimsley, "How long have the applicant owned the lot?"

Mr. Grimsley said, "7 months".

Ms. Austin suggested, that the applicant record a plat to change the property lines, so the side-yard setbacks can be met on both lots.

Mr. Grimsley stated, that he's okay with that suggestion.

Ms. Austin stated, that the board still needs to grant a variance for the front property line from 25 feet to 16 feet.

Mr. Gasparini asked Mr. Grimsley to hold the application until the next meeting, meet with Ms. Austin to redo the lines; if the applicant doesn't need a variance, then he doesn't have to come back; if the applicant does need a variance, give notice and come back to the board. Mr. Gasparini stated, that if Mr. Grimsley comes back to the board regarding this request, he would not have to repost; but if the request is different, he needs to start the process again.

JOSEPH & MELISSA REEDY (APPEAL)

Mr. Reedy explained to the board, that he is asking the board to change his zoning from Rural Residential to Rural.

Mr. Gasparini stated that he doesn't think that the board can change the zoning to a piece of property. Mr. Gasparini asked Ms. Austin, "Can the board change the zoning?"

Ms. Austin said, "No".

Mr. Reedy stated to the board, that he received a letter from Ms. Delores Frazier, Assistant Planning Director, telling him to present his case to the Zoning Board of Appeals. Mr. Reedy stated, that he also came to the Zoning Office to see if he was doing the right thing, and he was given every indication to go before the Zoning Board of Appeals.

Ms. Austin stated, that she had the conversation with the Planning Department for Mr. Reedy to present his case, and they wanted the Zoning Board of Appeals to hear this request.

Mr. Bootle made a suggestion to Mr. Reedy, to talk to the County Administrator, Mr. Kubic, regarding this case.

ELECTION OF CHAIRMAN & VICE CHAIRMAN

- A. ELECTION OF CHAIRMAN:** Mr. Edgar Williams nominated Mr. Gasparini for Chairman; Mr. Bootle seconded the nomination. The board elected Mr. Gasparini as Chairman (FOR: Bootle, Dinkins, LeRoy, Mack, E. Williams; ABSTAINED: Gasparini).
- B. ELECTION OF VICE CHAIRMAN:** Mr. Gasparini nominated Mr. Edgar Williams for Vice Chairman; Mr. Bootle seconded the nomination. The board elected Mr. Edgar Williams as Vice Chairman (FOR: Bootle, Dinkins, Gasparini, LeRoy, Mack; ABSTAINED: Edgar Williams).

MOTION: Mr. Edgar Williams made a motion to adjourn. Mr. Bootle seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, LeRoy, Mack, E. Williams).

The meeting adjourned at approximately 6:28 p.m.