



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, September 27, 2006, in Council Chambers, Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT

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

Mr. Bill Bootle
Mr. Phillip LeRoy
Mr. Kevin Mack

MEMBERS ABSENT

Mr. Claude Dinkins

STAFF PRESENT

Ms. Hillary Austin, Zoning Administrator
Mrs. Lisa Glover, Zoning Analyst III
Mr. Arthur Cummings, Building Codes Director

CALL TO ORDER: Mr. Gasparini called the meeting to order at 5:06 p.m.

INVOCATION: Mr. Gasparini led those assembled in a moment of silence.

REVIEW OF AGENDA

MOTION: Mr. Edgar Williams made a motion to adopt the agenda as submitted. Mr. Bootle seconded the motion. The motion passed unanimously (FOR: Bootle, Gasparini, LeRoy, Mack, C. Williams, E. Williams).

REVIEW OF MINUTES (JUNE & AUGUST):

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

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

JACQUELINE PARK (RIVER-BUFFER VARIANCE) – REVISIT

Mrs. Park stated to the board, that she is requesting a variance for an existing residential addition, to remain in the 50' river buffer. Mrs. Park stated, that she originally came before the board February of this year, and she was deferred to get legal advice concerning her variance. Mrs. Park stated, that she is two feet over the setback line, so she is asking for a variance to avoid tearing down her structure.

Mr. Bootle asked Mrs. Park, "Was this addition constructed by a licensed contractor?"

Mrs. Park stated, "No, it was constructed by some friends of the family".

"Professionally we serve; Personally we care!"

Ms. Austin stated, that the County recommends disapproval, because the applicant did not obtain a zoning or building permit. Ms. Austin stated, that the deck was a permitted use under the 1990 ordinance, which would have grandfathered this request. Ms. Austin stated, that the deck has been extended, and is sitting 17 feet from the OCRM critical line.

Mr. C. Williams stated, that the structure looks like it's over the property line.

Mr. Gasparini asked Mr. Arthur Cummings, "How big does an addition on a home have to be before a building permit is required?"

Mr. Cummings, Building Codes Director stated, that the size does not matter; but any addition to an existing structure needs a building permit. Mr. Cummings stated, that if the applicant is placing or building a structure on the property, they are exempt from a building permit if the cost is less than \$500.

Mr. Gasparini asked Mr. Cummings, "Is that requirement in the ordinance?"

Mr. Cummings stated, "No, it is a rule that's been used by the County for a long time".

Mr. Gasparini asked Mr. Cummings, "Does the new addition need to be built to meet the hurricane standards?"

Mr. Cummings stated, "Yes, the new addition has to meet the hurricane standards, but the existing structure does not have to meet the standards.

Mr. Gasparini asked Ms. Austin, "How did this violation come to the County's attention?"

Ms. Austin stated, "A neighbor complained".

Mr. LeRoy stated, that his understanding is that the property line goes to the mean high water.

Ms. Austin stated, only if it's been deeded to the property owner.

Mrs. Park stated, it was deeded to them.

Mr. Mack asked Ms. Austin, "Did any of the neighbors send anything in writing objecting to this request?"

Ms. Austin answered, "No".

MOTION: Mr. LeRoy made a motion to approve the variance, with the condition to trap the storm water drain off coming from the roof, and take it back landward 50 feet from the OCRM critical line. Mr. Mack seconded the motion. Mr. Chester Williams amended the motion to add that the storm water system be approved by the Building Codes Department, and that the applicant be required to go through the Building Codes permit process, and that the applicant provide a landscaping plan for the entire buffer area, to be approved by the Zoning Department within 30 days from the date of approval; the conditions must be satisfied before the Certificate of Occupancy is issued. Mr. Bootle seconded the motion. The motion to accept the amendment as indicated passed unanimously (FOR: Bootle, Gasparini, LeRoy, Mack, C. Williams, E. Williams).

MOTION: Mr. Chester Williams made a motion to amend the original motion, with the noted conditions. Mr. Bootle seconded the motion. The motion passed unanimously (FOR: Bootle, Gasparini, LeRoy, Mack, C. Williams, E. Williams).

ROY DARBY III & AMY JACOBS (VARIANCE)

Mr. Darby stated to the board, that he is requesting a variance to add another home to his property. Mr. Darby stated, that he and his wife purchased the property four years ago, and there's an existing structure located on the property. Mr. Darby stated, that their request is to leave the existing home on the property, with a time limit of two to three years, for his daughter and her two children. Mr. Darby stated, that he is asking the board to allow he and his wife to leave the existing home on their property for no more than three years.

Ms. Austin stated, that the county ordinance allows an accessory dwelling unit of no more than 800 square feet; and since the property would allow another building located on it, the County recommends approval with the condition that the existing structure be removed within two to three years.

Mr. Gasparini asked Mr. Darby, "How big is the house that's proposing to be built?"

Mr. Darby said, "Approximately 1600 to 1800 square feet".

Mr. Gasparini asked Ms. Austin, "Have all of the neighbors been notified?"

Ms. Austin answered, "Yes".

Mr. Gasparini asked Ms. Austin, "Was there any objections?"

Ms. Austin answered, "No".

MOTION: Mr. Edgar Williams made a motion to approve the variance; with the condition that the existing home be removed off the property three years from the date the order is signed by the ZBOA Chairman. Mr. Bootle seconded the motion. The motion passed unanimously (FOR: Bootle, Gasparini, LeRoy, Mack, C. Williams; E. Williams).

CALLAWASSIE ISLAND PROPERTY OWNERS ASSOCIATION (SIGN VARIANCE)

Mrs. Melinda Latendresse, Sign D' Sign Company, representative for the applicant, stated to the board, that she is requesting a variance to erect a sign within the 10-foot setback from the HWY R-O-W. Mrs. Latendresse stated, that 10 feet within the R-O-W is a hardship because of the plantings and natural environment of trees and bushes around the area. Mrs. Latendresse stated, that the property line was changed by the Department of Transportation when HWY 170 was widened.

Mr. Chester Williams stated, that there are two existing signs located on the same property; Callawassie Sign and Spring Island sign.

Mrs. Latendresse stated, that both signs would be taken down to erect the new Callawassie Island sign on the property.

Mr. Chester Williams asked Mrs. Latendresse, "Has Spring Island agreed to remove their sign?"

Mrs. Latendresse answered, "Yes".

Mr. Gasparini stated, that he lives on Spring Island, and the Callawassie Island sign has been on the property for a long time, but the Spring Island sign is new. Mr. Gasparini asked Mrs. Latendresse, "Has Spring Island agreed to remove their sign?"

Mrs. Latendresse answered, "As far as she knows, Yes".

Ms. Austin stated, that the County spoke to a member of the Spring Island Architecture Review Board, and they said they had no conversation with Callawassie Island.

Mr. Chester Williams asked Ms. Austin, "Is there any restrictions on trimming or cutting the vegetation within the 10-foot property line?"

Ms. Austin stated, "The trees cannot be cut down because there is a 50-foot buffer along this property".

Mr. Gasparini asked Ms. Austin, "What is this property zoned?"

Ms. Austin said, "Rural".

Mr. Gasparini asked Ms. Austin, "Is there sign restrictions?"

Ms. Austin said, "40 square feet".

Mr. Gasparini asked Ms. Austin, "Does this sign meet that size restriction?"

Ms. Austin answered, "Yes". Ms. Austin stated, that the County does not know for sure that Spring Island agreed to remove their sign. Ms. Austin recommended that this sign be redesigned to allow Spring Island to go on their sign, and also be able to meet the 10-foot Corridor setbacks. Ms. Austin stated, that all directional signs should be able to meet the requirements of the ordinance.

Mr. Gasparini recused himself from this case, due to a conflict of interest. Mr. Edgar Williams took over this case.

Mr. Chester Williams asked Mrs. Latendresse, "What facts do you have that indicate Spring Island will remove their sign?"

Mrs. Latendresse stated, "Mr. Rempke is a representative of CIPOA (Callawassie Island Property Owners Association), and he can answer that question, because she was not a part of that conversation".

Mr. Rempke stated to the board, that he spoke to the people on Spring Island, and they indicated that they do not want to be a part of the proposed sign, and they are planning on taking down their existing sign. Mr. Rempke also stated, that Chechessee Creek does not have an interest in being joined with the proposed sign, but he did not have a personal conversation with them. Mr. Rempke stated, that the proposed sign is actually 35 feet from the edge of the road.

Mr. Edgar Williams asked Mr. Rempke, "What is the hardship?"

Mr. Rempke stated, "The hardship is that the sign cannot be seen from the road".

Mr. Edgar Williams asked Mr. Rempke, "If Spring Island removes their sign, would the sign be visible at 10 feet from the property line?"

Mr. Rempke answered, "No".

Mr. LeRoy asked Mr. Rempke, "How much of the property has been leased, to place the sign?"

Mr. Rempke said, "Callawassie Island leased the entire property".

MOTION: Mr. Bootle made a motion to approve the variance. Mr. Bootle rescinded his motion. Mr. Chester Williams amended the motion to approve the variance, with a condition that the existing Spring Island sign and Callawassie Island sign be removed, and provisions be made on the new Callawassie sign to allow Spring Island to place their name on the sign. Mr. Bootle seconded the motion. The motion passed (FOR: Bootle, LeRoy, C. Williams, E. Williams; OPPOSED: Mack).

RHB DEVELOPMENT, LLC (RIVER-BUFFER VARIANCE) - REVISIT

Mr. Gasparini stated, that the applicant was told at the last meeting to notify all of the property owners within a 500-foot radius from his property, and then come to the September meeting. Mr. Gasparini informed the board, that the applicant did not send notices, nor did he show up to the meeting.

MOTION: Mr. Edgar Williams made a motion to strike this case off the agenda. Mr. Chester Williams seconded the motion. The motion passed unanimously (FOR: Bootle, Gasparini, LeRoy, Mack, C. Williams; E. Williams).

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

The meeting adjourned at approximately 6:18 p.m.