



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 Wednesday, December 13, 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. Claude Dinkins

Mr. Bill Bootle
Mr. Phillip LeRoy
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

Mr. Gasparini stated to Mr. Macolly, that he is unclear about what is going on in terms of his request.

Mr. Macolly stated, that the last time he was at the meeting, he did not understand that the board granted him permission to come back at the next meeting. Mr. Macolly stated, that he wrote the board a brief letter summarizing his situation.

Mr. Gasparini explained to Mr. Macolly, that his attorney, Mr. Murdaugh appeared on his behalf in July 2006, and told the board that he had new information that the board should consider. Mr. Gasparini stated to Mr. Macolly that at the last meeting, it was agreed that he could come back next month to bring back the new information. Mr. Gasparini stated, that in August no one showed up; so he asked the board for a motion to reconsider the case; no one made the motion, so they dismissed the case.

Mr. Macolly stated, that he feels as though he did a poor job in representing his own case. He did not understand that he could come back with new evidence. Mr. Macolly stated, that he spoke to Ms. Austin many times, and she granted him the permission to come back to this meeting. Mr. Macolly stated, that since the neighbor moved to Tennessee, and the new neighbor had no objections, he just wanted the board to reconsider his case.

Mr. Gasparini explained to Mr. Macolly, that the board has rules to conduct these meetings, and he doesn't know any way around the rules. Mr. Gasparini explained, that there's one way to reconsider a previous case, and that is; if someone that voted against the variance would make a motion to reconsider.

Mr. Macolly asked Mr. Gasparini, that "by law" he has no right to be here?"

Mr. Gasparini stated, that he had his case heard three times, and the board does not have the power to rehear his case.

"Professionally we serve; Personally we care!"

MOTION: Mr. Dinkins made a motion to strike items 9 & 10 off the agenda. 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 approve the November minutes as submitted. Mr. LeRoy seconded the motion. The motion passed (FOR: Bootle, Dinkins, Gasparini, LeRoy, Mack; ABSTAINED: E. Williams).

Mr. Gasparini briefly reviewed the ZBOA rules to the public. Mr. Gasparini limited public comment to three minutes per person.

SCE&G (VARIANCE)

Mr. Bootle stated for the record, he spoke to a SCE&G employee regarding the land.

Mr. Brimsley, representative of SCE&G, explained to the board, that back in May 2005, SCE&G purchased a 6.3-acre parcel of property in the Pritchardville area in Bluffton, and was issued a separate tax identification number. The Zoning classification is Rural, and SCE&G is proposing to place a power sub station for service in the Bluffton area. Mr. Brimsley stated, that after meeting with Ms. Austin, they were informed that they did not have a 400-foot frontage along May River Road.

Mr. David Temple, a local SCE&G representative, explained to the board that the public service commission requires them to provide service to customers in the county. The Pritchardville area requires additional infrastructure to provide reliable, electrical services in that area.

Mr. Danny Forsberg explained to the board, that to the east of the property is wooded wetlands, and it runs approximately 800 to 900 feet beyond the parcel. Mr. Forsberg stated, that the wetlands cut off the frontage of the property, and SCE&G is trying to make the road more serviceable in order to have a substation site. Mr. Forsberg stated, that they have a permit from the Army Corp of Engineers for widening the access to May River Road, and they also have a DOT encroachment permit for the driveway.

Mr. Gasparini asked Mr. Forsberg, "Whose land is the road on?"

Mr. Forsberg answered, "On SCE&G property".

Mr. Gasparini asked Mr. Forsberg, "Does the property owners own the easement over that road?"

Mr. Forsberg stated, "It might be some kind of restrictive easements, but no recorded easement found".

Mr. Gasparini asked Mr. Forsberg, "Do you intend to improve the road by paving it?"

Mr. Forsberg answered, "Yes".

Mr. LeRoy asked Mr. Forsberg, "Are you tying it into an existing transmission line on the north side?"

Mr. Forsberg answered, "No, it is a proposed transmission line".

Mr. Gasparini asked Mr. Forsberg, "What's on the three adjoining property?"

Mr. Brimsley stated, "He doesn't know, but they are residential lots".

Ms. Austin stated, that there are single-family mobile homes on those lots.

Mr. Dinkins asked, "Who owns the wetland property?"

Mr. Brimsley answered, "Huggins".

Ms. Austin explained to the board, that the county understands what SCE&G is trying to accomplish, but there's a law that says land that's subdivided, shall be approved by the county. Ms. Austin stated, that this plat was recorded as an existing parcel of record, the deed was done describing that plat using it as a description of the property, so the property was subdivided illegally. Ms. Austin stated, that this lot does not meet the minimum requirement, and does not have the 400-foot width; this use is supposed to have an additional 100-foot buffer, but they are only showing a 50' and 75' buffer. Ms. Austin stated, that the county recommends disapproval.

Mr. Gasparini asked Ms. Austin, "Is this a permitted use?"

Ms. Austin answered, "A limited use".

Mr. LeRoy asked Ms. Austin, "When was the lot created?"

Ms. Austin answered, "In 2005".

Mr. Brimsley explained to the board, that SCE&G did not record the plat.

Mr. LeRoy asked Ms. Austin, "Could this lot be modulated?"

Ms. Austin stated, "Brand-new lots do not get modulated".

Mr. Bootle asked, "Is there any type of decimal level?"

Mr. Brimsley answered, "The transformers are around 67 decimal levels".

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

Mr. Jerry Baum stated to the board, that he is planning to build a shopping center on the corner, and he has no problem with this request.

Ms. Betty Gadson stated, that she lives on Hwy 46, and she also owns the property along Hamilton Hill Road. Ms. Gadson asked the board, is it going to be safe around her property because, her family is planning on building there soon, and children are going to be playing around there.

Ms. Lula King asked, as far as easement rights, would that impact their property on Hamilton Hill Road?

Mr. Brimsley stated, that they would be in contact with all the property owners some time in February.

Mr. Gasparini explained to Ms. Gadson & Ms. King, that the board is not in any position to guarantee safety, but it is the board's job to deal with setbacks and zoning.

Mr. LeRoy asked the board, "Is it the pertinent thing to consider this case if the lot is illegal?"

Mr. Gasparini stated, that the specific issue is that this lot does not meet the 400 feet, nor the current setbacks, so the board should be concerned about that; how the lot was created should be secondary.

Mr. Edgar Williams stated, that the board should treat SCE&G like every citizen in the county. If SCE&G does not meet the requirement of the ordinance, a variance should not be granted.

Mr. Gasparini stated, that the board could entertain a motion and vote tonight on their request for a variance, or defer the request until they see a plan that did comply with the roadside; SCE&G could come up with a plan to give the proper setback.

Mr. Edgar Williams recused himself, because the representative for SCE&G, Mr. Brimsley is his attorney.

Mr. Gasparini asked if this case were deferred for a month, would it be possible for SCE&G to get with the Development Review Team to discuss this issue. Mr. Gasparini stated, that he's concerned about this sub station being closer than 150 feet where people might live.

Mr. Brimsley asked the board, to table this case until the February meeting.

MOTION: Mr. Dinkins made a motion to table this case until February 28, 2007. Mr. Bootle seconded the motion. The motion passed (FOR: Bootle, Dinkins, Gasparini, LeRoy, Mack; ABSTAINED: E. Williams).

GEORGE WHITE (VARIANCE)

Mr. White explained to the board, that he's been in the seafood business for over 20 years. Mr. White explained that in 2002 he purchased a piece of property, and five years ago they zoned him commercial fishing village. Mr. White stated, that he needed room to store boxes and equipment, and now he is told that he need a variance to use this property.

Mr. Bootle asked, "How is the property zoned?"

Mr. White answered, "Fishing Overlay District".

Ms. Austin stated to the board, that the county recommends disapproval. Ms. Austin stated, that one of the requirements for the fishing village overlay district is, that access can be taken from the river or arterial roads. This piece of property does not have access from the water nor an arterial road. Ms. Austin stated, that Mr. White never obtained a zoning permit to put those items on his property.

Mr. Gasparini asked, "Is Hwy 21 the only arterial road?"

Ms. Austin answered, "Yes, on St. Helena Island".

Mr. Gasparini called a 3-minute recess break @ 6:21 p.m. Mr. Gasparini called the meeting back to order @ 6:27 p.m. Mr. Gasparini called for public comment, and limited the comments to 3 minutes each.

Mr. Arnie Brenner stated to the board, that he lives on Avenue of Oaks. Mr. Brenner stated, that he's concerned about the children's safety, because the kids ride horses on the dirt road; he cannot see commercial trucks coming down that dirt road. Mr. Brenner stated, that he is against the variance.

Mrs. Kathy McTeer, President of the Coffin Point Home Owners Association, stated to the board, that she and her husband own a 10-acre pasture in the Commercial Fishing Overlay District. Her husband and his family owned this property all his life, and they owned a boarding stable since 1985, and was never notified about the commercial fishing village overlay district. Mrs. McTeer stated, that the fishing overlay district is defined as districts that are used for commercial fishing. Mrs. McTeer stated, that years ago, there was a shrimping operation on the property; she does not know if it was on Lot 1. Mrs. McTeer stated, that the homeowners are strongly against any expansion to Mr. White's ice plant.

Mr. Ed McTeer stated to the board, that he is a resident of Coffin Point Plantation since 1952. Mr. McTeer stated, that the shrimp dock ceased to be in operation since the 1960's. Mr. McTeer stated, that they are opposed to the expansion of the ice plant and it's industrial trailers.

Mr. Jon Pomeroy, stated that he doesn't have no problem with the ice plant being on the site, but Mr. White would bring additional commercial vehicles down a road that's currently two miles away from an arterial road.

Mr. Gerald Wayne stated to the board, that he owns the property adjacent to this property. Mr. Wayne stated, that when he was growing up, they called this lot a junkyard. Mr. Wayne stated, that this use have no business being in a residential area, because it is an eye sore.

Ms. Newcomb, Vice President of the Coffin Point Home Owners Association, stated to the board that she moved to Coffin Point 9 years ago, and she is proud of the historic significance of this area. Ms. Newcomb stated, that the Avenue of Oaks is used for pedestrians, horses, children on bikes, etc., and they don't want to see any commercial uses. Ms. Newcomb stated, that she counted 24 abandoned structures on Coffin Point; the tankers and the old school bus is also abandoned as a junkyard, and it has no place in a historic district. Mr. Newcomb stated, that she is urging the board to deny the variance.

Mr. William McBride, Council Member, stated to the board that he supports the Coffin Point Home Owners Association; the property in question looks like a junkyard to him, and he urges the board to disapprove the variance request.

Mr. Gasparini stated , that in this case the board is here to determine a variance; not to pass legislation.

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

BJWSA (SPECIAL USE)

Mr. Barry Taylor, representative for BJWSA, explained to the board, that they are requesting special use approval to build an expansion to the existing office building of more than 15%. Mr. Taylor explained to the board, that they have to make the site conforming through special use approval.

Mr. Gasparini asked Mr. Taylor, "How much additional traffic will be generated from this expansion?"

Mr. Taylor stated, that the office would hold approximately 25 people.

MOTION: Mr. Edgar Williams made a motion to approve the variance with the Development Review Team's two conditions. Mr. Bootle seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, LeRoy, Mack, E. Williams).

ELECTION OF 2007 YEARLY SCHEDULE

MOTION: Mr. Dinkins made a motion to approve the 2007 yearly schedule as submitted. Mr. Bootle seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, LeRoy, Mack, E. 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 7:02 p.m.