



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, January 24, 2007, in Council Chambers, Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT

Mr. Thomas Gasparini, Chairman
Mr. Phillip LeRoy

Mr. Bill Bootle
Mr. Claude Dinkins

MEMBERS ABSENT

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

STAFF PRESENT

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

CALL TO ORDER: Mr. Gasparini called the meeting to order at 5:14 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. LeRoy seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, LeRoy).

REVIEW OF MINUTES:

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

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

SCE&G (VARIANCE) – REVISIT

Mr. Jim Grimsley explained to the board, that they met before the board on December 14th, 2006. Mr. Grimsley stated, that SCE&G and Beaufort County-staff has reached an agreement. Mr. Grimsley explained to the board, the particulars of the last meeting regarding SCE&G.

Mr. Gasparini asked Ms. Austin, "Does the county believe that this drawing accurately reflects what they are planning to do?"

Ms. Austin stated, "Yes".

Mr. Gasparini asked Ms. Austin, "If they agree to this plan, will you be okay?"

Ms. Austin said, "It should be okay".

"Professionally we serve; Personally we care!"

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

Ms. Betty Gadson stated to the board, that she is one of the owners around the substation, and she just wants to make sure that it's safe for children. Ms. Gadson also stated, that she did not agree to allow SCE&G to put a wire through her property.

Mr. Gasparini explained to Ms. Gadson, that this board was not in the position to promise her anything regarding SCE&G substation and the safety for the children. Mr. Gasparini made a suggestion to Ms. Gadson to speak with SCE&G regarding running wires through her property, and the safety of the children.

Ms. Austin stated to the board, that when SCE&G comes before the Development Review Team for approval, Ms. Gadson will be able to come into the Zoning Office and see the location of the wires.

Mr. Gasparini explained to Ms. Gadson, that prior to SCE&G coming before the Development Review Team, a white/black posting notice will be posted on the property to let the neighbors know the date and time of the meeting, and she is welcomed to attend the meeting to ask any questions she may have.

MOTION: Mr. Bootle made a motion to approve the variance request. Mr. Dinkins seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, LeRoy).

CHARLES & ELLEN TAYLOR (VARIANCE)

Mr. Charles Taylor explained to the board, that his townhouse was built in 1984, and the OCRM critical line setback was 20 feet at that time. Mr. Taylor stated, that he would like to be able to enclose the porch, and add a small 10' x 10' room on the back of the house, along with a deck. Mr. Taylor stated, that his finished product would be behind the neighbor's house on the right, and the neighbor's house on the left.

Ms. Austin stated to the board, that staff recommends approval with the condition to trap all the roof runoff, and discharge runoff a minimum of 50' from the OCRM critical line; since there is a 20' access/drainage easement adjacent to the lot, the water may be discharged to the easement, provided the applicant receives written permission from the POA, who should be the owner of the easement. Ms. Austin stated, that since there is plenty vegetation, the applicant is not required to re-vegetate the buffer.

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

Ms. Sandra Stephen stated to the board, that she has no objection to people who are trying to improve their homes; but precedence should not be set in order to grant variances for the 50-foot buffer. Ms. Stephen stated, that there are so many precedences set from years gone by, and if it continues, the 50-foot buffer would not make a difference.

MOTION: Mr. LeRoy made a motion to approve the variance as proposed, with the noted stipulations contained in Ms. Austin's memo. Mr. Bootle seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, LeRoy).

Mr. Gasparini stated for the record, that the board is also concerned about the river-buffer setbacks.

MICHAEL & KATHLEEN HUGHES (VARIANCE)

Mr. Gasparini stated that, the board is unable to hear this case, due to improper notification to the property owners within a 500-foot radius. Mr. Gasparini explained to Mr. Hughes, that he has to properly notify the surrounding property owners, and confer with staff regarding the submittal to the February meeting.

CHRISTOPHER & MELISSA KILBY

Mrs. Melissa Kilby explained to the board, that they are requesting a variance for a 20' x 20' portable carport located in the front of the property line. Mrs. Kilby stated, that they purchased the property with the carport already installed. Mrs. Kilby stated that, the location of the mobile home leaves very little room in the backyard for drain field repair and/or replacement. Mrs. Kilby stated, that 11 other carports in the Bon Aire Subdivision does not meet the required setbacks.

Mr. Bootle asked Mrs. Kilby, "When did you purchase the property?"

Mrs. Kilby answered, "July 31st, 2006".

Mr. Gasparini asked, "Is this a violation?"

Mrs. Kilby answered, "Yes".

Mr. Gasparini asked Ms. Austin, "Was there 11 other carport violations?"

Ms. Austin answered, "No".

Mrs. Kilby explained to the board, that she filed a complaint with the Codes Enforcement Office regarding one of the carports.

Mr. Bootle asked Mrs. Kilby, when the lot was purchased, was the concrete slab and carport on the property when the lot was purchased?

Mrs. Kilby answered, "Yes". She purchased the property from her father.

Mr. Teddy Binette, applicant's father, explained to the board that he purchased the property several months prior to the sale to his daughter. Mr. Binette stated, that the carport on the property came from the neighborhood.

Mr. Gasparini asked Mr. Binette, "When he purchased the property, was the carport already there?"

Mr. Binette answered, "No, he took the carport from another lot in Bon Air Subdivision, and put it on this lot".

Mr. LeRoy asked, if there were other illegal carports, why was this one the only one cited?

Ms. Austin stated, that if the codes enforcement officer was in the area and did not cite anyone else, apparently the other carports were placed on the property prior to 1990.

Mr. Bootle asked, what generated this citation?"

Ms. Austin stated, that she believes a neighbor complained.

Mr. LeRoy asked the board that if a previous owner does something to create a non-conforming situation and sells the property, does the new owner has the same burden?

Mr. Gasparini stated, that the new property owner does gain the burden of the non-conforming situation, because the citizens are expected to know what the requirements are.

Ms. Austin stated, that the county recommends disapproval because, the lot can meet the 25-foot setback from the front property line. Ms. Austin stated that there is no hardship situation, and if a zoning permit was requested, the applicant would have known the requirements.

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

Mr. Teddy Binette stated to the board, that he has great knowledge on this neighborhood; he watched it develop over time as those carports got added to the property. Mr. Binette stated, that he replaced three drain fields alone, and depending on where you locate your home, will limit your property space.

Mr. Gasparini asked Mr. Binette, "Why can't this carport be moved back 15 feet and conform?"

Mr. Binette answered, "It probably could be moved back, but it's going to limit the use of this property".

Mr. Bootle asked Mr. Binette, "How big is the slab?"

Mr. Binette answered, "20' x 20'".

Mr. Robert Edwards stated to the board, that he lived in Bon Aire Subdivision all his life, and seen a lot of development over the years. Mr. Edwards stated, that he has no problem with the carport being located on the property.

Mr. Francis Thompson stated to the board, that he request the variance be denied, because of his view being blocked. Mr. Thompson stated, that he has no objections to a carport, but he request the carport be moved back or taken off the property. Mr. Thompson stated, that Mr. Binette knows about the 25-foot setback requirement, because he has been living in this subdivision for a long time. Mr. Thompson stated, that he owned the property since 1962, and they were out of town when this carport was erected on the property. Mr. Thompson stated, that they don't like the fact that their view being blocked, their house cannot be seen from the street, and the concrete pad was poured without a zoning permit.

Ms. Betty Thompson stated to the board, that she purchased her property in 1962, and she agrees with her husband, Francis Thompson, that they would like clearance on the road.

Mr. Bootle asked Ms. Austin, "Isn't the permit based on cost?"

Ms. Austin answered, "Not for zoning, maybe building codes".

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

JOHN & AMY MURRAY (VARIANCE)

Mr. John Murray stated to the board, that he is requesting a variance for a setback for access on a road. The road is supposed to have a setback of 100 feet from the OCRM critical line.

Mr. Chuck Ferry, EMC Engineering Services, stated to the board, that Mr. Murray bought Lot 12, in the Grand Oaks Subdivision. Mr. Ferry stated, that the Murray's are proposing to subdivide the property into four lots, and they need to extend a 50-foot R-O-W into the property, so that each property has access to the road. Mr. Ferry stated, that all the roads are private roads, and the current access to this lot is a dirt road; the owners are proposing to develop the road using a gravel surface. Mr. Ferry stated, that they would grade the road cross-slope away from the salt marsh, so that the run-off will be contained in the interior of the property, and not into the marsh.

Mr. Gasparini asked Mr. Murray, "How big are the lots?"

Mr. Ferry answered, "Approximately .50 acres".

Mr. Bootle asked, "Will there be any impervious area within the 50-foot setback?"

Mr. Ferry answered, "There will be no impervious area within the 50-foot setback line".

Mr. Dinkins asked, "What's the elevation?"

Mr. Ferry answered, "I believe it's 12".

Mr. Dinkins asked, "Is this a DHEC requirement?"

Mr. Ferry answered, "No, a county requirement".

Ms. Austin stated, that DHEC is involved in this request because they are also asking for a septic tank variance.

Mr. Ferry stated, that they are not asking for a septic tank variance, all of the septic tanks are at least 100- feet from the OCRM critical line.

Ms. Austin stated, that the septic tank and drain field are included in the 100-foot setback line.

Mr. Gasparini asked Mr. Ferry, "How many lots are in this development (Grand Oaks)?"

Mr. Ferry answered, "18 or 19 lots".

Mr. Gasparini asked Mr. Ferry, "What's the smallest lot?"

Mr. Ferry answered, "1.23 acres".

Ms. Austin stated to the board, that the Development Review Team reviewed this request to subdivide the property, and saw a lot of problems. Ms. Austin stated, that this lot was originally platted as one single-family dwelling unit as part of the Grande Oaks S/D in Pleasant Point. Ms. Austin stated, that this lot was platted on a cul de sac, and was platted at 30 feet. The applicant is proposing to use a maintenance R-O-W to make up the 50-foot requirement, which is also an issue. The applicant is requesting to place the road at 40 feet in some areas from the critical line, and the county requirement is 100 feet. Ms. Austin stated, that she is not sure of how the lots will fit on the property, because of the septic system; this problem makes it hard to create a subdivision that meets all requirements. The ordinance requires that all new subdivisions are conforming lots, and new subdivisions should not be granted a variance. The applicant is requesting two variances; one is for the septic system and the other one is for the road. Ms. Austin stated, that the county recommends disapproval, because the granting of the variance would cause the Development Review Team to approve lots that will not meet the requirements of the ordinance, and would be substandard to the lots that are already platted in the neighborhood.

Mr. Gasparini asked Mr. Ferry, "Are they asking for a variance for the septic system?"

Mr. Ferry answered, "No".

Ms. Austin stated, that if the board grants the variance for the road, the applicant would have to come back to the board for a variance for the septic system.

Mr. Gasparini asked Ms. Austin, "Is this a prerequisite of getting a subdivision?"

Ms. Austin stated, that the applicant would not be able to get a subdivision approval without a variance.

Mr. Ferry asked the board, if the house can sit at 50 feet from the critical line, why do the road have to sit at 100 feet from the critical line? Mr. Ferry stated, that the reason for the river-buffer setback is to protect the integrity of the marsh.

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

Mr. Blue stated to the board, that he is opposed to the granting of this variance. Mr. Blue stated, that the board of directors that provided the letter to the owners of this property has been replaced; that was because of the lack of concern for the environmental standards. Mr. Blue stated, that if the board decides to grant this variance for a road, that is the first step in approving the subdivision of four homes, where only one home was planned by the developers. Mr. Blue stated, that they don't feel that this would be in the best interest of the environment or the community.

Mr. LeRoy asked, "Does the property owners association have the right to disapprove this subdivision?"

Mr. Blue stated, that when building structures are constructed on the lot, it must meet the Architectural Review Boards standards.

Mrs. Carol Phillips Blue stated to the board, that her home is on a salt lake with salt marsh, and her concern is about the affect that a subdivision will have on wild life.

Ms. Susan Donavon stated to the board, that she received a certified letter from the applicant stating that they intend to extend Lake Point Drive. Ms. Donavon stated, that she did not know that they were going before this board for a variance, and she is strongly opposed to this variance request.

Mr. Gasparini stated, that he is troubled with the required certified letter not having the date or time of the meeting.

Ms. Stephen stated to the board, that she does not live in Grand Oaks Subdivision, but she has lived in the community for numerous years. Ms. Stephen stated, that this road adds lots of problems to the river buffer.

Mr. Gasparini explained to the applicant, that he do not think that this property was properly notified because the applicant did not put the date and time of the meeting. Mr. Gasparini stated, that the board is unable to vote until proper notification has been given in accordance with the Beaufort County Zoning & Development Standards Ordinance.

Ms. Donavon asked the board to keep her comment as part of the record.

Mr. Gasparini called for a five-minute recess at 6:58 p.m., the meeting reconvened at approximately 7:02 p.m.

JOHN REAVES (C/O CHRIS COOK) – VARIANCE

Mr. Chris Cook, representative for John Reaves, explained to the board that he is requesting a variance for an addition to go closer to the front-property line than 25 feet.

Mr. Gasparini asked Mr. Cook, "Will the addition be in front of the neighbor's house?"

Mr. Cook answered, "No, because of the placement of the adjacent property owner's house". Mr. Cook stated, that this addition is going towards Porpoise Drive on Fripp Island.

Ms. Austin stated, that the setback line for both of the streets is 25 feet from the front-property line.

Mr. Gasparini asked, "Was the existing house built with a variance?"

Ms. Austin stated, she doesn't know, the house was built in 1994.

Mr. LeRoy asked Ms. Austin, "Is Fripp Island one of the PUD's that has their own setbacks?"

Ms. Austin answered, "Fripp Island is just a master plan". When this subdivision was created in 1966, if they recorded Covenants & Restrictions at 20 or 10 feet, then the county would honor those setbacks.

Ms. Austin stated, that in 1994 the county did not check setbacks. Since 1999 the county started checking the setbacks upon construction. Ms. Austin stated, that the county recommends disapproval; presently, the lot is non-conforming, and if the variance were granted, this lot would be more non-conforming.

Mr. Gasparini suggested to Mr. Cook, to ask for a deferment and find out from Fripp Island ARB about their front-yard setback.

Mr. Cook stated, that the reason Fripp Island ARB tabled this request the first time was because, they wanted him to stake the property.

Ms. Austin stated, that Mr. Cook could check with Sandra Fleming from Fripp Island regarding the Covenants and Restrictions. Ms. Austin stated, that Fripp Island is treating Remora Drive as a side-yard setback, instead of a front-yard setback; but the county sees Remora Drive as a front-yard setback, which is 25 feet.

Mr. Cook asked the board, to table this request until further notice.

Ms. Austin explained, that the applicant has to notify the surrounding property owners prior to coming to their next scheduled meeting.

MOTION: Mr. Bootle made a motion to table the variance until further notice. Mr. LeRoy seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, LeRoy).

PEC DEVELOPMENT (VARIANCE)

Mr. John Champoux, representative for PEC Development, explained to the board that they are requesting a sign variance to be placed in the intersection of Mink Point Boulevard and Parris Island Gateway. Mr. Champoux stated, that there's an existing brick wall that was particularly demolished and left to rot when the roads were widened. Mr. Champoux stated, that the existing brick wall is non-conforming, and they intend to set the wall back approximately 8 feet to allow room for the proposed sign. Mr. Champoux stated, that there are a number of home-made signs that are an eye sore. His client is concerned that the existing signage would deter potential buyer, and he does not get a lot of advertisement for the location. Mr. Champoux stated, that Coastal Contractors own the land where the sign will be located.

Mr. Gasparini asked Mr. Champoux, "All of the signs that are located on the property, are they signs for this development?"

Mr. Champoux stated, "Yes, he has an agreement between his client and all of the other businesses on the property".

Ms. Austin stated to the board, that the county recommends approval for the variance, but she doesn't know how much of a variance he needs.

Mr. Champoux stated, that the sign will be located approximately 5 ½ feet, instead of the mandatory 10 feet.

Mr. Gasparini asked Mr. Champoux, is he going to move the wall back from the road, and move the sign back?

Ms. Austin stated, that she has some conditions to this approval. The conditions are, that the applicant shall show that the sign cannot be placed at the 10' required setback line, the entire height of the sign shall be no more than 10' measured from the ground, and the sign face shall be no more than 40 square feet, CRB shall approve the landscaping, lighting, and colors for each sign being placed on the new

structure, applicant shall provide SCDOT's approval for the line of sight to ensure there will be no sight obstruction, applicant shall ensure the sign can accommodate all of the signs that are presently on the property, and any other subdivision located down Mink Point Boulevard, and no trees shall be disturbed (no pruning, and no root disturbance). Ms. Austin stated, that the property is only allowed one freestanding sign on the property.

Mr. Bootle asked Mr. Champoux, "How will the tree affect the sign?"

Mr. Champoux stated, that the tree will not affect the sign.

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

Mr. Eugene Robinson stated to the board, that he lives right across the street, and he wants to make sure that the sign was going to be located by the wall. Mr. Robinson stated, that since it's going to be by the wall, he's okay with the sign.

Mr. Dinkins asked, how close is the fence foundation going to be to the tree?

Mr. Champoux stated, that the oak tree was not a part of the survey.

Mr. Gasparini stated to the applicant, that if they can't work with the conditions set forth by the board, then the applicant have the option to come back to the Zoning Board of Appeals.

MOTION: Mr. LeRoy made a motion to approve the variance with the conditions stipulated by the county. Mr. Dinkins seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, LeRoy).

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

The meeting adjourned at approximately 7:42 p.m.