



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, February 28, 2007, 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. Phil LeRoy
Mr. Chester Williams

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

MEMBERS ABSENT

None

STAFF PRESENT

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

CALL TO ORDER: Mr. Gasparini called the meeting to order at 5:05 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. Chester Williams seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, LeRoy, Mack, C. Williams, E. Williams).

REVIEW OF MINUTES:

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

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

JOHN & AMY MURRAY (VARIANCE) – REVISIT

Mr. David Tedder, Attorney for the Applicant, stated to the board that this case is a continuation of last month meeting. This variance request is regarding a road variance; the ZDSO requires a 100-foot setback from the critical line for a road. The particular property in question is in the Grande Oaks Subdivision, Pleasant Point PUD.

Mr. Chester Williams stated to Mr. Tedder, that according to the submitted plat, it appears lots 11 & 12 have frontage on the cul-de-sac on Lake Point Road.

Mr. Tedder stated, that there's a small amount of frontage on the road.

Mr. Edgar Williams asked Mr. Tedder, "How can we ensure the runoff is not going through the marsh or buffer?"

"Professionally we serve; Personally we care!"

Mr. Tedder stated, that the edge of the paved area slopes off into the tidal influenced swale to catch the runoff.

Mr. Edgar Williams asked Mr. Tedder, "What makes this project a hardship?"

Mr. Tedder stated, that it's hard to determine a hardship to the satisfaction of everyone. Mr. Tedder stated, that not having a paved road imposes a different level of services to the owner of lots 11 & 12, because everyone else has access to a paved road.

Mr. LeRoy asked Mr. Tedder, "Will they be detaining the runoff from the roof of the future houses?"

Mr. Tedder stated, that to his understanding the building envelopes are not intended to protrude within the setback areas of the setback lines.

Mr. Bootle stated, that he's concerned about getting a 50' R-O-W from the Dam road, because the water runs back to the pond.

Mr. Tedder stated, that the new barrel pit does not affect the critical line; the critical line is still amongst the salt marsh area.

Mr. Chester Williams asked Mr. Tedder, "Who owns the Dam access road?"

Mr. Tedder stated, "The Property Owners Association".

Mr. Chester Williams asked Mr. Tedder, "In order to utilize lot 1, would you need to pave it?"

Mr. Tedder answered, "The County does not require you to pave it".

Mr. Gasparini asked Mr. Tedder, "What is the acreage on lot 12?"

Mr. Tedder answered, "4 acres".

Mr. Gasparini asked Mr. Tedder, "What is the average size of the lots in Pleasant Point?"

Mr. Tedder answered, "A little more than a-half acre".

Ms. Austin stated to the board, that the Development Review Team has totally different plans that were submitted to this board. Ms. Austin stated, that river-buffer variances are only granted for lots of record; everyone else has to meet the 50' buffer setback. Mr. Austin stated, that this subdivision does not meet the environmental standards of the ordinance; that is why the Development Review Team reviewed the project. Ms. Austin stated, that PUD subdivisions are considered major subdivisions because it is apart of the PUD. Staff is recommending disapproval of this request, because it does not meet the minimum standards.

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

Ms. Paula Loftus, property owner in Grande Oaks S/D, stated to the board that she is concerned with the environmental standards. Ms. Loftus stated, that lot 12 is apart of Pleasant Point Plantation, and is subject to their covenants and restrictions. Ms. Loftus stated, that most of the people purchased a lot in Pleasant Point for retirement, and all except for some property owners oppose to this subdivision.

Mr. David Boyle, President of the Property Owners Association, stated to the board that on February 13, 2006 the Pleasant Point Property Owners Association Board of Directors gave the Murray's conditional approval to subdivide Lot 12, Grande Oaks. The condition was, that Beaufort County had to approve the subdivision, and all permits for roads, environmental and building requirements had to be in place; to date, none of the requirements has not been accomplished. On February 8, 2007, the Murray's

addressed the board concerning their meeting with the Zoning Board of Appeals. After careful discussion, the POA passed a motion opposing any variances for the Murray's. Mr. Boyle stated to the board, that he is asking the board to deny this variance request.

Mr. Gasparini asked Mr. Boyle, if the POA did not want the Murray's to have the variance, why didn't they take back the easement on Dam Road?

Mr. Boyle stated, that they are using an easement through lot 11 to get to the Dam.

Mr. Thomas Blue, property owner in Pleasant Point PUD, stated to the board, that the access road to the Dam is owned by the Property Owners Association, and according to the original letter given to the Murray's, they were supposed to give an additional 40 to 50 foot of R-O-W for the association to increase the access to the Dam Road. Mr. Blue stated, that he respectfully request the variance be denied.

Mrs. Carol Blue, property owner in Pleasant Point PUD, stated to the board, that the Murray's is trying to get around the Pleasant Point covenants & restrictions. Mrs. Blue asked the board to deny this variance request.

Mr. Gasparini asked Mr. Blue, "Why didn't the POA rescind the original letter?"

Mr. Boyle stated, that the POA feels that the county has the authority to grant subdivisions, and not their board.

Mr. George Jones stated, that he bought property in Pleasant Point five years ago; and he decided to purchase a lot in Grande Oaks Subdivision because the lots were big. Mr. Jones stated, that he opposes to this variance request.

Ms. Linda Jones, stated that she agrees with her husband Mr. George Jones, and she asks the board to deny the variance request.

Mr. Bob Semmler stated to the board, that the covenant states that no lots shall be subdivided; the number of lots is not an issue, but granting the variance would set a precedence to increase density.

Mrs. Melanie Buchanan stated to the board, that she purchased a lot in Grand Oaks Subdivision for the size of the lots. Mrs. Buchanan asked the board, to deny the variance request.

Mr. Nicky Buchanan stated to the board, that he agrees with his wife Mrs. Melanie Buchanan, and he asks the board to deny the variance request.

Mr. John Loftus stated to the board, that he has been on the Architectural Review Committee for over two years, and he asks the board to deny the variance request.

Ms. Leisa Peterson stated to the board, that she asks the board not to approve this variance because, it doesn't meet their covenants and restrictions, nor the county's standards.

Mr. Phil Szczepanski stated to the board, that he and his wife are opposed to the board granting the variance for the road.

Mr. Chester Williams stated to the board, that he does not think that, not being able to put in a paved road qualifies as a hardship.

Mr. Tedder stated, that this is a road variance, not a subdivision variance. Whether the covenants were violated or not, is not the issue of this board.

Mr. Chester Williams stated, that the sole issue of the board is to determine if the road should go through the buffer.

Mr. Gasparini stated, for the record that it makes him upset when the homeowners association does not want to enforce their own covenants and restrictions, but wants the ZBOA to enforce their standards.

Mr. Chester Williams stated, that he does not see where the property owner proved a hardship. The lot was platted as a single-family lot, and the homeowners have full utilization of their property.

MOTION: Mr. Chester Williams made a motion to deny the variance based on the condition that the applicant did not satisfy the criteria set forth in Section 106-522 (3) of the Zoning & Development Standards Ordinance, and they did not demonstrate that the use of the property would be restricted without the granting of the variance. Mr. Edgar Williams seconded the motion. The motion passed (FOR: Bootle, Gasparini, Mack, C. Williams, E. Williams; OPPOSED: Dinkins, LeRoy).

Mr. Gasparini called for a recess at 6:55 p.m., and called the meeting back to order at 7:05 p.m.

MICHAEL & LEVY HUGHES (VARIANCE)

Mr. Michael Hughes explained to the board, that he is asking for a variance for a dock length. Mr. Hughes stated, that his lot is the only lot in Gascoigne Bluff that does not have a dock.

Mr. Dinkins asked Mr. Hughes, "Are there docks on both sides of his lot?"

Mr. Hughes answered, "Yes".

Mr. Mack asked Mr. Hughes, "What is the total dock length?"

Mr. Hughes answered, "380 feet, including pier head and boatlift".

Ms. Austin stated, that the county recommends disapproval, because the dock is going to a small tidal creek.

Mr. Gasparini called for public comment; there were no public comment.

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

STEVEN BAURER (VARIANCE)

Mr. Dennis Robinson, representative for the applicant, stated to the board, that he is asking for a 442-foot dock.

Ms. Austin stated, that staff recommends disapproval because these lots were created in 2006, and does not qualify for a shared dock. Ms. Austin stated, that Mr. Baurer knew at the time of the subdivision approval that his lots did not qualify for docks.

Mr. Chester Williams stated, that the hardship is a result of the applicant's own actions.

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

LYNN ELIZABETH GRIESEMER (VARIANCE)

Ms. Melinda Cato, representative for the applicant, stated to the board, that they are requesting a 5' side-yard variance for a garage.

Mr. Thomas Walter Huffner, real estate representative, stated to the board, that he listed Ms. Griesemer's property for sale on December 1, 2006. Mr. Huffner stated, that after he put up the "for sale" sign, the next-door neighbor, Mr. Hays informed him that he wanted to purchase the property, but Ms. Griesemer disregarded his offer, because of the problems they had in the past.

Ms. Austin stated to the board, that the county recommends disapproval because the applicant never received a building permit, nor a zoning permit. Ms. Austin stated, that the wall is 5.4 feet, but the overhang is actually 3 feet from the property line.

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

Mr. Ben Hays stated to the board, that he discovered the encroachment on the setback line when he applied for a permit to subdivide his lot. Mr. Hays stated, that he wrote a letter to the realtor, and informed him that because of the encroachment issue, the purchaser might be buying into a lawsuit.

MOTION: Mr. Chester Williams made a motion to deny the variance, because the hardship occurred at the applicant's own action. Mr. Edgar Williams seconded the motion. The motion passed (FOR: Bootle, Gasparini, LeRoy, Mack, C. Williams, E. Williams; ABSTAINED: Dinkins).

BLAISE BLAY-MOCKEY (VARIANCE)

Mr. Gasparini stated to the board, that it is his understanding that staff recommends approval with the following conditions; (1) prior to construction, place protective barriers around the trees to prevent encroachment from construction equipment and materials, barriers shall be placed ½ foot for every inch of tree, (2) tree barriers shall be inspected prior to the issuance of the building permit, (3) trees shall be treated by a certified arborist/landscaper to ensure minimal impact and minimal damage, (4) barrier shall be 25' from the tree.

MOTION: Mr. Edgar Williams made a motion to approve the variance with the noted conditions. Mr. Bootle seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, LeRoy, Mack, C. Williams, E. Williams).

DEL WEBB – SUN CITY HH (VARIANCE)

Mr. Lewis Hammock, attorney for Del Webb, explained to the board that they are requesting a variance to erect a 156 square foot sign on their property.

Mr. Gasparini called for public comment; there were no public comment.

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

The meeting adjourned at approximately 8:05 p.m.