



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, March 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. Kevin Mack

Mr. Bill Bootle
Mr. Claude Dinkins

MEMBERS ABSENT

Mr. Phil LeRoy
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 5:10 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, Dinkins, Gasparini, Mack, E. Williams).

REVIEW OF MINUTES: Mr. Gasparini stated, to change "The motion passed unanimously", to "The motion passed" (Murray Variance, page 4).

MOTION: Mr. Edgar Williams made a motion to adopt the February minutes with the noted corrections. Mr. Mack seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, Mack, E. Williams).

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

SCB&T (SIGN VARIANCE)

Mr. Pete Sigler, Sign Art – Charlotte, North Carolina, stated to the board, that SCB&T is building a new bank on Lady's Island, and they will be losing their existing sign with the time and temperature located at the original bank. Mr. Sigler stated, that he is requesting to erect a smaller non-illuminated freestanding sign, in order for customers to locate their bank; if someone were looking for that particular bank, it could turn into a safety issue.

Mr. Edgar Williams asked Mr. Sigler, "Would it be a safety issue if the sign were placed on the property, or if the sign was not placed on the property?"

Mr. Sigler stated that, it would be a safety issue if the sign was not placed on the property, because people would be straining to find the bank, and they could not anticipate their turn.

"Professionally we serve; Personally we care!"

Mr. Bootle asked Mr. Sigler, "How far will the sign be off the road?"

Mr. Sigler answered, "I'm not sure, because I don't know the setbacks off the road". Mr. Sigler stated, typically the sign should be placed five feet from the R-O-W, and they are proposing to place the sign 15 to 20 feet from the driveway.

Ms. Austin stated, that the building have to be between 5 to 12 feet from the road. Ms. Austin explained, that in the Village Center zoning district, the buildings should be close to the road, so a wall sign could be placed on the building.

Mr. Gasparini stated, that there are other places on the building the sign could be placed. Mr. Gasparini suggested to the applicant to withdraw his application, and consider some alternative signage. Mr. Gasparini stated, that the applicant has an option to consider some alternative signage locations, and if those alternatives does not work, they can come back to this board for a decision. Mr. Gasparini stated, that if they decide to come back to the board, he suggests having the County Traffic Engineer to look at the site, and agree that it's a traffic issue.

Mr. Sigler stated to the board, that he would like to withdraw his application and confer with his client about alternative signage locations.

WILLIAM & NANCY MCDANIEL (VARIANCE)

Mr. William McDaniel stated to the board, that they are requesting a variance to build a swimming pool encroaching 15' into the OCRM critical line setback. Mr. Daniel stated, that the shape of the lot is pie-shaped, and one quarter of the house touches the 50' setback line. The house is approximately the same size as the other houses in the neighborhood. Mr. McDaniel stated, that the pool will be fairly small, and the neighbors does not object to the variance.

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

Mr. McDaniel answered, "Since February 2000".

Mr. Bootle asked Mr. McDaniel, "How does the front of the house align with the other houses?"

Mr. McDaniel answered, "It's about the same; the house next door is turned approximately five feet to the east facing the marsh".

Mr. Dinkins asked Mr. McDaniel, "What is the elevation of the lot?"

Mr. McDaniel answered, "10 feet".

Mr. Dinkins asked Mr. McDaniel, "How high is the retaining wall towards Lot B-36?"

Mr. McDaniel answered, "The one towards the marsh is approximately 2 ½ - 3 feet tall, and the one towards the house is 3 - 4 feet tall".

Mr. Mack asked Mr. McDaniel, "Are there homes on both sides of the lot?"

Mr. McDaniel answered, "No, Lot B-36 is occupied, but the other lot is vacant".

Ms. Austin stated to the board, that the county recommends disapproval. Ms. Austin stated, that Section 106-1616 states, "That in no event shall swimming pools be permitted in buffer yards". Ms. Austin stated, that she is not sure when the other pools were built.

Mr. Gasparini stated, that he's troubled by the requirement to give a variance. Mr. Gasparini stated, that the board is supposed to give a variance if there's a written finding that there are extraordinary and

exceptional conditions pertaining to a particular piece of property. Mr. Gasparini stated, that if the board grants this variance, there might be numerous amounts of river-buffer variance requests relating to pools.

Mr. Edgar Williams stated, that he doesn't see a hardship relating to this case, because once this type of variance is granted, the board would not be able to deny someone else that doesn't comply with the buffer standards.

MOTION: Mr. Edgar Williams made a motion to deny the variance based on the fact that it does not comply with Section 106-1616 of the Beaufort County Zoning & Development Standards Ordinance. Mr. Mack seconded the motion. The motion passed (FOR: Dinkins, Gasparini, Mack, E. Williams; OPPOSED: Bootle).

JOHN & SUSAN MANLEY (VARIANCE)

Mr. Edgar Williams stated to the board, that if the applicant does not show up to the meeting, the board is reluctant to grant a decision on the case.

Mr. Gasparini stated, that he is willing to make a motion disapproving the variance, unless there was an extreme emergency (traffic, illness, etc).

MOTION: Mr. Edgar Williams made a motion to deny the variance unless there was an extreme emergency relating to hospitalization, traffic conditions, or the applicant was not aware of the proper procedures relating to this meeting. Mr. Dinkins seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, Mack, E. Williams)

DEENA BUCKLEY & ELLIS SMITH (VARIANCE)

Mr. Ellis Smith stated to the board, that he is requesting an 8-foot variance into the front setback line for a garage. Mr. Smith stated, that the garage would be lined up with the other houses adjacent to his property.

Mr. Gasparini asked Mr. Smith, "What is the property's current condition?"

Mr. Smith answered, "This is a new house". Mr. Smith stated, that 50 percent of the houses, encroaches into the 20-foot setback.

Mr. Gasparini asked, "How many houses are on the lots?"

Ms. Austin stated, "Seven".

Mr. Gasparini asked, "How many houses encroaches into the front setback line".

Ms. Austin stated, "At least seven". Ms. Austin stated, that if the applicant moves the house back to the rear property line, they would be at least 16 feet from the front property line.

Mr. Dinkins stated, that if the applicant moves the house to the 16-foot setback line, it would block the neighbors view.

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

JAMES & ELIZABETH MCVEETY (VARIANCE)

Mr. David Tedder, Attorney for the applicant, explained to the board that he is requesting a variance from Section 106-1022 which states, "New development may access existing wastewater trunk lines if such

lines are located within 300 feet of the development, and public sewer extensions into a rural district shall only be permitted when a documented health condition warrants such expansion, and not to merely accommodate new development". Mr. Tedder stated, that the applicant had designed a sole use water main system to put a grinder station on his lot, and pump into the main lines that comes out of Dataw Island. Mr. Tedder stated, that this particular property was subdivided under the five-acre exemption clause; if this property was subdivided under the regular subdivision, sewer could have been provided for the lot under the Beaufort County Zoning & Development Standards Ordinance. Mr. Tedder stated, that BJWSA examined the engineering plans, and issued preliminary approval to forward to Dhec. Mr. Tedder stated, that the board could put a condition on the approval stating, that no other landowner shall be allowed to tie into the public sewer line system.

Mr. Dinkins asked Mr. Tedder, "Why wouldn't you want anyone else to tie into the system?"

Mr. Tedder stated, "Because we are taking baby steps dealing with an extension of a public sewer line into a rural area."

Mr. Bootle stated, that it is hard to believe that the applicant is installing the public sewer line system only for his lot.

Mr. Tedder stated, that the owner of this property is not asking for anyone else to tie into the system.

Mr. Gasparini asked Mr. Tedder, "If the board approves this variance, what possibilities would that open?"

Mr. Tedder answered, "Only the possibilities that you and this board wish to entertain".

Mr. Gasparini asked Mr. Tedder, "Does your client own any other property in the area?"

Mr. Tedder answered, "No, this is the only piece of property he owns."

Mr. Gasparini asked Mr. Tedder, "How will the client get an easement to run the line?"

Mr. Tedder stated, "The developer of Polowana Island can grant easements".

Mr. Gasparini asked Mr. Tedder, "When these lots were sold, did the developer reserve easement rights for sewer lines?"

Mr. Tedder answered, "Yes, there are utility easements out there". Mr. Tedder stated, that this is a single-individual unit, not public sewer.

Ms. Austin stated, that this subdivision was created using a five-acre exemption. Under the five-acre exemption with an existing road, the property owners records their plat without proving if the lot can perk for a septic system, or if they meet the minimum county requirements. Ms. Austin stated, that Mr. McVeety has a septic tank permit issued by Dhec, and does not need a sewer system. Ms. Austin stated, that the ordinance says "no sewer" in the rural district, and the county recommends disapproval.

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

Ms. Joella Rentz stated to the board, that she did not realize that Dhec did not give the McVeety's a regular septic tank permit. Ms. Rentz stated, that her septic tank was installed over 40 years ago, and she has not needed to install a new septic system. Ms. Rentz stated, that she is concerned about the length of the pipe, and she does not understand why the pipe couldn't be run along the Highway. Ms. Rentz stated, that she is against this variance request.

Mr. Reed Armstrong, Coastal Conservation League, stated to the board, that he objects to this variance request. Mr. Armstrong stated, that under the state law (five-acre exemption), it states that, "There should be no infrastructure improvements allowed"; so this would be a violation of the state requirements. Mr.

Armstrong stated, that under the BJWSA regulations, it states that any property within 300-feet of a sewer line must hook up to it, at the property owners expense. Mr. Armstrong stated, that it's an extreme burden on anyone who is within the 300-foot sewer line.

Mr. Tedder stated, that the 300-foot rule does not apply to existing homes; existing homes is not required to tie into the sewer system.

Ms. Austin stated, that some of these lots are over five acres, and could be subdivided again.

Mr. Gasparini stated, that he is persuaded by the language of the state law that says "no" to the infrastructure improvements. Mr. Gasparini stated, that if the community wants to have a sewer system, they can figure out a way to do that by putting it at the gate.

MOTION: Mr. Dinkins made a motion to approve the variance using Section 106-4 of the Beaufort County Zoning & Development Standards Ordinance, to preserve the natural resources. *There was no second to the motion; the motion died.*

MOTION: Mr. Edgar Williams made a motion to deny the variance, because the applicant did not prove a hardship. Mr. Mack seconded the motion. The motion passed (FOR: Bootle, Gasparini, Mack, E. Williams; OPPOSED: Dinkins).

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

The meeting adjourned at approximately 7:10 p.m.