

The scheduled meeting of the Beaufort County Zoning Board of Appeals was held on Wednesday, November 14, 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. Kevin Mack

**MEMBERS ABSENT**

Mr. Claude Dinkins  
Mr. Chester Williams  
Mr. Edgar Williams, Vice Chairman

**STAFF PRESENT**

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

**CALL TO ORDER:** Mr. Gasparini called the meeting to order at 5:13 p.m.

*Mr. Gasparini stated, that the board is changing the policy to recite the Pledge of Allegiance, instead of the Invocation.*

**PLEDGE OF ALLEGIANCE:** Mr. Gasparini led those assembled in the Pledge of Allegiance.

**REVIEW OF AGENDA:**

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

**REVIEW OF MINUTES:** The members of the ZBOA shall review & vote on the October minutes at the next scheduled meeting.

**DR. JOHN & AMY CARLINO (BASELINE VARIANCE)**

Mrs. Alisha Albaugh, representative for the applicant stated to the board, that she is requesting a baseline variance for a single-family house located on Driftwood Cottage Lane.

Mr. Bootle asked Mrs. Albaugh, "Who is the owner of this property?"

Mrs. Albaugh answered, "John & Amy Carlino".

Mr. Bootle asked Mrs. Albaugh, "Have the Carlino's owned this property since 1991?"

Mrs. Albaugh answered, "No".

Mr. Bootle stated, that he asked because, that's what is on the application.

Ms. Austin stated, that the Carlino's owned the property since 2005.

Mr. Gasparini stated, that when the board has incorrect information on the application, then a red flag goes up about what else is incorrect on the application.

Ms. Austin stated, that she found some discrepancies with this submittal; the plans that were approved by OCRM, and the plans that were submitted to the board are different.

Mr. Gasparini explained to Mrs. Albaugh, that the county staff made a recommendation to the board to approve this variance request, subject to the structure being no larger than 2,462 square feet heated, and 1,020 square feet unheated space for a total of 3,482 square feet. There will be no erosion control structure or device incorporated as part of the structure. There will be no portion of the structure located on the primary ocean front sand dune, or on the active beach, and that all construction is done at the risk of the permittee. Mr. Gasparini asked Mrs. Albaugh, "Are you in a position to make decisions for the applicant, or do you have to check with your husband?"

Mrs. Albaugh answered, "I have to check with my husband".

Mr. Gasparini stated, that the hearing for this case shall be put over until the next scheduled meeting, or until someone is able to attend the meeting to answer questions, and to make decisions. Mr. Gasparini stated, that the notices shall be sent out again to the property owners.

Mrs. Albaugh stated, that the only reason she is at the meeting, and not her husband is because her husband is sick.

Ms. Austin asked the board, "Can I give her a copy of the staff recommendation?"

Mr. Gasparini answered, "Yes".

#### **SAM HOLLADAY & BRENT CAMPBELL (SIDE-YARD VARIANCE)**

Mr. Brent Campbell explained to the board, that he is requesting a 5-foot variance on the left side of the property, due to the shape of the lot. Mr. Campbell stated, that he also has a letter from the Fripp Island Architectural Review Board, which states they have to obtain approval from the Zoning Board of Appeals for a variance.

Mr. Gasparini stated, that county staff recommended approval from the required 10-foot side yard setback, with the condition that the steps in the rear of the property be moved over to allow more area between the steps and the adjacent property line. If a fence is placed on the property line by either the neighbor or the owners of this property, there will be no way to get to that side of the house. The applicant shall allow a minimum of 3' in order to accommodate an emergency setting.

*Mr. Gasparini called for public comment; there was no public comment for this variance request.*

Mr. Campbell stated, that he agrees with those conditions.

**MOTION: Mr. Bootle made a motion to approve the variance, subject to the steps in the rear of the property being moved over to allow more area between the steps and the adjacent property line. The applicant shall allow a minimum of a 3' setback on the side of the property in order to accommodate an emergency setting. Mr. LeRoy seconded the motion. The motion passed unanimously (FOR: Bootle, Gasparini, LeRoy, Mack).**

#### **GARY & DIANA SHERTENLIEB (RIVER-BUFFER VARIANCE AMENDMENT)**

Mr. Allen Patterson, representative for the applicant stated to the board, that the applicant is amending the previously approved variance for the square footage of the house. The previously approved square footage for the house was 4,945 square feet, and the proposed square footage is 5,470 square feet.

Mr. Gasparini stated, that the staff recommended approval for this amendment, if the house is built at a comparable size of 5,426 square feet, and all roof runoff is trapped and discharged at the 50' setback line to allow adequate infiltration.

**MOTION: Mr. LeRoy made a motion to approve the amendment for the variance, subject to the house being built at a comparable size of 5,426 square feet, and all roof runoff is trapped and discharged at the 50' setback line to allow adequate infiltration.** The board stated, that this variance is in conjunction with the previously approved variance, and this amendment is for the square footage of the house; all rules and conditions from the first approval shall be applied. **Mr. Mack seconded the motion. The motion passed unanimously (FOR: Bootle, Gasparini, LeRoy, Mack).**

#### **ANTOINE ISKANDAR (RIVER-BUFFER VARIANCE)**

Mr. Iskandar explained to the board, that he received a variance from the Development Review Team to place his house 35' from the OCRM critical line. Mr. Iskandar stated, that he was told that they would have to get approval from the Zoning Board of Appeals for the elevated pool on the second floor of the house.

Ms. Austin stated, that the Development Review Team was unable to approve the pool, because pools are not allowed within the 50' OCRM critical line buffer.

Mr. LeRoy asked Ms. Austin, "Is this house already built?"

Ms. Austin answered, "No".

Mr. LeRoy asked Mr. Iskandar, "How many feet will the pool be elevated?"

Mr. Iskandar answered, "16 feet".

Mr. Gasparini stated, that since the Development Review Team granted a variance to place the house 35' from the OCRM critical line, the new setback for this property should be 35' from the critical line.

Ms. Austin stated, that the variance for the 35' foot setback line was for the house only, not for the pool. Pools are not allowed within the 50' OCRM critical line buffer.

Mr. Bootle asked Ms. Austin, "Does the 5,585 square feet include the pool?"

Ms. Austin answered, "No, the variance included the square footage only for the house". Ms. Austin stated, that the applicant was told to remove the pool off the site plan; if he wanted a pool, he would have to come to the Zoning Board of Appeals.

Mr. LeRoy asked Ms. Austin, "If the pool area was covered as a part of the house, would that exceed the allowable square footage?"

Ms. Austin answered, "I think it would, I would have to look into that".

Mr. Bootle asked Mr. Iskandar, "How will the pool be supported?"

Mr. Iskandar answered, "With footings and walls around it".

Mr. LeRoy explained, it would almost be like a bathroom, where water couldn't get to it; but it would be soil underneath it. Mr. LeRoy asked Mr. Iskandar, "What are the dimensions of the pool?"

Mr. Iskandar answered, "12' x 16"

**MOTION: Mr. LeRoy made a motion to approve the variance with conditions. The applicant shall provide detailed plans, showing the pool supported with masonry walls above ground, and the pool shall be considered as a part of the house. As proposed by the owner, the deck shall be at an elevation of 18.6 feet, and suspended off the ground; there shall be a foundation and masonry footings. All drainage runoff associated with the pool shall be brought back to the 50' OCRM setback line, to meet the County's storm water runoff requirement. All of the water on the deck as a result of rain shall be collected and moved back to the 50-foot setback line. This variance approval shall meet all of the Building Codes Standards. Mr. Bootle seconded the motion. The motion passed (FOR: Bootle, Gasparini, LeRoy, OPPOSED: Mack).**

Ms. Austin stated, that once Mr. Iskandar brings in the plan showing all of the conditions of approval, then she will take the plans to Mr. Cummings, Building Codes Director to ensure that the stipulations meets all Building Codes Regulations.

## **NEW BUSINESS**

### **YEARLY SCHEDULE**

Mr. Gasparini asked Ms. Austin to check all available dates, other than Wednesday's, for the Council Chambers to be available for the Zoning Board of Appeals yearly meeting, due to Mr. Chester Williams schedule conflicts. Mr. Gasparini stated, that this would be the third consecutive meeting that Mr. Chester Williams missed, so he might need to be reappointed.

## **OLD BUSINESS**

### **RULES & PROCEDURES**

Mr. Gasparini stated, that since there were no comments concerning changes to the "Rules of Procedures"; this item will be discussed at the next scheduled meeting.

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

*The meeting adjourned at approximately 6:14 p.m.*