

The scheduled meeting of the Beaufort County Zoning Board of Appeals was held on Thursday, January 24, 2008, in Council Chambers, Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

**MEMBERS PRESENT**

Mr. Bill Bootle  
Mr. Phillip LeRoy  
Mr. Edgar Williams, Vice Chairman

Mr. Claude Dinkins  
Mr. Chester Williams

**MEMBERS ABSENT**

Mr. Thomas Gasparini, Chairman  
Mr. Kevin Mack

**STAFF PRESENT**

Ms. Hillary Austin, Zoning Administrator  
Mrs. Tamekia Judge, Zoning Analyst I

**CALL TO ORDER:** Mr. E. Williams called the meeting to order at 5:07 p.m.

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

**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, LeRoy, C. Williams, E. Williams).

**REVIEW OF MINUTES:**

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

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

Mr. Rob Durden, representative for the applicant explained to the board, that he is requesting a variance from the OCRM critical line setback. Mr. Durden stated, that Mr. Carlino purchased the property in 2005, not 1991.

Mr. C. Williams asked Mr. Durden, "Is the lot seaward of the OCRM critical line?"

Mr. Durden answered, "Yes".

Ms. Austin stated, that the county recommends approval as long as the application meet OCRM's conditions on the permit, because without the variance the lot would be considered unbuildable.

*Mr. E. Williams called for public comment; there were no public comment for this variance request.*

**MOTION: Mr. Chester Williams made a motion to approve the variance, based on the application that there are extraordinary and exceptional conditions pertaining to this property and subject to the four conditions stated in the OCRM permit and in the recommendation letter from the county staff. The conditions do not generally apply to the property in the vicinity; because of these conditions, the strict application of the provisions of the setbacks from the OCRM baseline would effectively prohibit or unreasonable restrict the utilization of the property, and the variance would not adversely effect the adjacent property. The variance request is the minimum necessary in order to receive reasonable use of the property. Mr. LeRoy seconded the motion. The motion passed unanimously (FOR: Bootie, Dinkins, LeRoy, C. Williams, E. Williams).**

#### **KEVIN & SUSAN KEOGH (RIVER-BUFFER VARIANCE)**

Mr. Bootie stated, that it is his understanding that the applicant asked for a continuance until the next month meeting.

Ms. Austin answered, "That he is correct".

**MOTION: Mr. C. Williams made a motion to grant the continuance until next month. Mr. Bootie seconded the motion. The motion passed unanimously (FOR: Bootie, Dinkins, LeRoy, C. Williams, E. Williams).**

#### **MARSHES AT COOPER RIVER, LLC (ROAD PAVING VARIANCE)**

Mr. Scott Monson, Thomas & Hutton Engineering explained to the board, that he went to the Development Review Team for this five-lot subdivision, and was granted a conceptual approval, with the condition to pave the road. Mr. Monson stated, that this subdivision is located on Daufuskie Island, and they are requesting a variance from the requirement to pave the road. The road is currently a 22-foot wide dirt road.

Mr. Dinkins asked, "Have any of these lots been pre sold?"

Mr. Rince Jones, property owner answered, "There is one lot that is under contract".

Mr. Dinkins asked Mr. Monson, "What is the specification for paving this road?"

Mr. Monson answered, "There would be 24 inches of compacted sub-base, which is basically sand material compacted to 98%, and the road surface would meet the county specifications of paved roads".

Mr. Dinkins asked Mr. Monson, "Would there be any asphalt?"

Mr. Monson answered, "There will be no asphalt".

Mr. C. Williams asked Mr. Monson, "What is the length of the road?"

Mr. Monson answered, "Less than 150 feet, and greater than 125 feet".

Mr. C. Williams asked Mr. Monson, "Are there any other paved roads in the area?"

Mr. Monson answered, "No".

Ms. Austin stated, that the applicant came to the Development Review Team and was told that he would have to pave the road for a major subdivision per section 106-2797 (e) of the Zoning & Development Standards Ordinance. Ms. Austin stated, that according to the hardship standards for creating a variance, this applicant has not proven a hardship. The applicant is creating five lots, and the property

owners who purchase the lots would have to keep up the maintenance of the road. Ms. Austin stated, that county staff recommends this variance request be denied, because the applicant has not proven a hardship.

Mr. E. Williams asked Ms. Austin, "Are there any roads paved on Daufuskie Island?"

Ms. Austin answered, "There are some roads paved on Daufuskie Island".

Mr. Bootle asked Ms. Austin, "At any time, would the county tax payers be required in the future to pave the road?"

Ms. Austin answered, "The county would not accept the road if it is not paved".

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

**MOTION: Mr. Chester Williams made a motion to deny the variance, based on the fact that failure to grant the variance would not effectively prohibit or unreasonably restrict the utilization of the property. Mr. LeRoy seconded the motion. The motion passed (FOR: LeRoy, C. Williams, E. Williams, OPPOSED: Bootle, Dinkins).**

#### **WILLIAM & PATRICIA HOBSON (RIVER-BUFFER SETBACK APPEAL/VARIANCE)**

Mr. Bill Hobson explained to the board, that he was issued a permit from the county to build a lanai on his property. Mr. Hobson stated, that after he built the lanai and wanted to put a pool in the lanai, county staff informed him that he would not be able to do so. Mr. Hobson stated, that he does not know what gives the county the authority to tell him that he cannot put a pool on his property.

Mr. C. Williams asked Mr. Hobson, "Is the lanai built?"

Mr. Hobson answered, "No".

Ms. Austin explained to the board, that Mr. Hobson came to the county on May 10<sup>th</sup>, 2000, and requested and was granted a variance to build a house. Mr. Hobson's critical line changed since that time, and a permit was granted to build a lanai, because it was not going closer than where the house was sitting; Mr. Hobson was told at that time, that the pool could not be approved.

Mr. C. Williams asked Mr. Hobson, "What is your hardship if the variance is denied?"

Mr. Hobson answered, "I don't have a hardship, I just want a pool".

*Mr. E. Williams called for public comment; there were no public comment for this variance request.*

**MOTION: Mr. Chester Williams made a motion to deny the appeal, based on the language of Section 106-1876 of the Zoning & Development Standards Ordinance, which indicates that pools are not permitted in the river buffer. Mr. Dinkins seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, LeRoy, C. Williams, E. Williams).**

**MOTION: Mr. Chester Williams made a motion to deny the variance, based on the application and testimony in the record, that there will be no hardship if the variance was not granted. Mr. Dinkins seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, LeRoy, C. Williams, E. Williams).**

#### **OLD BUSINESS (RULES & PROCEDURES)**

Mr. E. Williams stated, that the board shall discuss the Rules & Procedures at the next scheduled meeting.

**MOTION: Mr. Edgar Williams made a motion to discuss the Rules & Procedures at the next scheduled meeting. Mr. Chester Williams seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, LeRoy, C. Williams, E. Williams).**

#### **ADJOURNMENT**

**MOTION: Mr. Chester Williams made a motion to adjourn. Mr. LeRoy seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, LeRoy, C. Williams, E. Williams).**

*The meeting adjourned at approximately 6:22 p.m.*