

The scheduled meeting of the Beaufort County Zoning Board of Appeals was held on Thursday, February 28, 2008, 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. Chester Williams

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

**MEMBERS ABSENT**

Mr. Phillip LeRoy

**STAFF PRESENT**

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

**CALL TO ORDER:** Mr. Gasparini called the meeting to order at 5:11 p.m.

**PLEDGE OF ALLEGIANCE:** Mr. Gasparini 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, Gasparini, Mack, C. Williams, E. Williams).

**REVIEW OF MINUTES:**

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

**KEVIN & SUSAN KEOGH (RIVER-BUFFER VARIANCE/REVISIT)**

Mr. Walter Nester, attorney for the applicant explained to the board, that Kevin & Susan Keogh requested a variance to erect a 5,600 square foot single-family residence on Lot 7, in the Reef Club Subdivision in Windmill Harbour Planned Unit Development, under section 106-1845 (4)(A) of the Beaufort County Zoning & Development Standards Ordinance. Mr. Nester stated, that the Development Review Team has the ability to grant a river-buffer waiver from 50' to a minimum of 35 feet. Mr. Nester stated, that there are 10 riverfront lots in the Reef Club Subdivision; eight of those lots are similar in the size and layout as the Keogh's lot. The Reef Club Subdivision is essentially a zero lot line subdivision, so a denial of this variance would result in the construction of a residence on the Keogh's lot, that would look out to a solid concrete lot. The Keogh's is requesting a variance beyond the 20' setback of 7 feet 8 inches, in order to construct a porch on the residence that would stand equal to the residence of lot 6.

Mr. C. Williams asked Mr. Nester, "Is it correct that the setback is actually 50 feet, instead of 20' from the OCRM critical line?"

Mr. Nester answered, "Yes". Mr. Nester stated, that he has a letter from the Windmill Harbour Architectural Review Board, agreeing to the issuance of a variance that the Keogh's has requested.

Mr. C. Williams asked Mr. Nester, "How close will the porch be from the OCRM critical line?"

Mr. Nester answered, "Approximately 12 feet; so it would be a 38-foot variance".

Mr. C. Williams asked Mr. Nester, "When was the house constructed?"

Mr. Nester answered, "To my understanding, all of the houses shown in the survey were constructed prior to the comprehensive plan".

Mr. C. Williams asked Mr. Nester, "Was it before the 50 foot setback requirement?"

Mr. Nester answered, "That's correct".

Ms. Austin stated, that lot 5 and lot 9 received a variance in 1998, but the only homes that were built after the 50 foot requirement was lot 5 and lot 9.

Mr. C. Williams asked Mr. Nester, "Will it be parking underneath the structure?"

Mr. Nester answered, "Yes; there's a garage underneath the structure". Mr. Nester stated, that two off-street parking spaces are also required under the Architectural Review Board's requirements.

Mr. Gasparini asked Ms. Austin, "Before the 50 foot setback was adopted, what was the setback from the OCRM critical line?"

Ms. Austin answered, "20 feet".

Mr. Bootle asked Mr. Nester, "Would the architectural review board place a restriction on the parking, that would cause the buyer to have to go before the ZBOA to get a variance?"

Mr. Nester answered, "Yes". The Architectural Review Board already told them that they would not allow the house to be moved back.

Ms. Austin explained to the board, that this project came to the Development Review Team for a variance, and the applicant was told to move the house further towards the front-property line, in order to get the house at least 20 feet from the OCRM critical line. Ms. Austin stated, that this house is approximately 48 feet from the front-property line. Ms. Austin stated, that staff recommends disapproval, because the house could be moved forward toward the front-property line, and the applicant has not proven a hardship.

Mr. C. Williams stated, that when he measured the house, he came up with 29 feet from the OCRM critical line.

Ms. Austin stated, that he is correct, it is approximately 29 feet from the OCRM critical line.

Mr. Gasparini asked Mr. Nester, "Are you sure that the house is not even one-foot closer to the marsh than the existing houses in the neighborhood?"

Mr. Nester stated, that his applicant is actually encroaching less than the existing houses in the neighborhood.

Mr. Gasparini asked Mr. Nester, "Is the part that's going to encroach into the setback a deck, not a screened porch?"

Mr. Nester answered, "Yes, it is an opened deck, not a screened porch".

Mr. Gasparini asked Mr. Nester, "Is the deck going to be pervious or impervious?"

Mr. Nester answered, "Impervious". Mr. Nester stated, that all of the rainwater is going to be captured, and taken to the street.

Mr. C. Williams asked Mr. Nester, "What is the rectangular structure that's in the building setback that's adjacent to lot 6?"

Mr. Nester answered, "It is a water feature that's a part of the landscaping".

Mr. C. Williams asked Mr. Nester, "Is it a swimming pool, or a spa?"

Mr. Nester answered, "It could be, but it's a water feature".

Mr. C. Williams asked Mr. Nester, "Could it be a fountain, or something decorative?"

Mr. Nester answered, "Yes".

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

**MOTION: Mr. Chester Williams made a motion to approve the variance, because this application meets the criteria for a variance set forth in Section 106-522 of the Beaufort County Zoning & Development Standards Ordinance. Mr. Williams moved that the variance application be granted subject to, no portion of the foundation in the footprint be seaward of the 20-foot setback line. The improvements that are part of the structure that are located within the 20-foot setback shall be pervious. All rainwater shall be captured and diverted away from the marsh and towards the street, and any landscaping in the buffer area shall be subject to approval by the Development Review Team. Mr. Edgar Williams seconded the motion.**

**Mr. Chester Williams amended the motion to add another condition, that the structure be no greater than that which is proposed in the application; that it's in conformance with the rest of the houses in the neighborhood, and it presents a valid case for approval for a variance. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, Mack, C. Williams, E. Williams).**

#### **RONALD & SANDRA TUCKER (SIDE-YARD SETBACK VARIANCE)**

*This case shall be heard at the next scheduled Zoning Board of Appeals meeting, due to improper notification.*

#### **LARRY & ALICE WOLFE (FRONT-YARD SETBACK VARIANCE)**

Mr. Wolfe explained to the board, that in 1992 he and his wife purchased a lot in the Lands End community for a retirement home. Mr. Wolfe stated, that when he purchased the lot, there was a power line running across the property, and they placed their current home at 25' front, 10' sides, 10 rear. Mr. Wolfe stated, that they want to place their new home on the property without taking down trees. There are numerous letters that was sent by the neighbors, in support of this variance.

Mr. Bootle stated, that as he was reviewing the packet, it appears that Mr. Wolfe owns a piece of property adjacent to this particular lot.

Mr. Wolfe stated, that Mr. Bootle's statement is correct; any home that is placed on the lot would require a removal of at least 10 trees.

Mr. C. Williams asked Mr. Wolfe, "Will the driveway come off of Lynne Boulevard or Bay Point Road?"

Mr. Wolfe answered, "Lynn Boulevard".

Ms. Austin stated, that when the lots were created, they were created for travel trailers, not for mobile homes. Ms. Austin stated, that the ordinance states, that if a lot is nonconforming, and there is an adjacent lot owned by the same property owner, the property owner shall be required to combine the lots, to minimize the nonconformity.

Mr. C. Williams asked Ms. Austin, "Does the lot have an approved sewer and water system?"

Ms. Austin answered, "Yes". Ms. Austin stated, that staff recommends disapproval, because if Lynne Boulevard is to be widened, she does not know what would happen with the setback.

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

Mr. Thomas Jarvis stated to the board, that he is the only full-time resident on Lynne Boulevard; everyone else is a weekender. Mr. Jarvis stated, that he would love to see new people and mobile homes, that would be in their favor.

Mr. Larry Hatfield stated to the board, that E-911 addressing has turned little dirt driveways into a road, that the county wants to regulate, but doesn't want to maintain. Mr. Hatfield stated, that the applicant does not want to destroy the trees; but it will be a problem in Lands End, because the county decided to turn these little driveways into roads.

Mr. Bill Foxworth stated to the board, that he is a full-time resident of Lands End, and his house fronts on Bay Point Road. Mr. Foxworth stated, that he is looking forward to Mr. Wolfe being a member of his community, and he urge the board to approve this variance request.

Mr. Jarrell Sanders stated to the board, that he lives on Bay Point Road, and he is looking forward to the Wolfe's getting their new home. Mr. Sanders stated, that he would urge the board to approve this variance request.

Mr. Don Brown explained to the board, that he lives on Bay Point Road, and he agrees with everything everyone else has said on tonight, and he totally supports this request.

**MOTION: Mr. Chester Williams made a motion, that this application is in conformance with the requirements of a variance set forth in section 106-522 of the ZDSO, and that a variance be granted to reduce the setback along Lynne Boulevard to 10', with the condition that none of the ten trees shown on the site plan are removed with connection to the construction of any new residence on the property, and all new residences conform with the existing footprint. Mr. Dinkins seconded the motion.** Mr. Gasparini explained to Mr. Wolfe, that the existing footprint would have to be used for the residence. Mr. Wolfe stated, that the new home is a little larger and a little longer down length than the original home; it would not cause the home to go any closer to Lynne Boulevard. Mrs. Wolfe stated, that she tried to consolidate the property, but the county would not let her do it; no one sent her to Ms. Austin's office for a consolidation. **Mr. Chester Williams amended the motion to remove the statement about utilizing the existing footprint. Mr. Dinkins seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, Mack, C. Williams, E. Williams).**

Mr. Gasparini explained to Mr. Wolfe, that the variance was granted along the Lynne Boulevard side; when the plans are finalized, the plans must be submitted to the county, and if the county finds that the rear lot line needs a variance, the applicant may have to consolidate the two properties.

## **RAYMOND & DIANNE MCKAY (SINGLE-SHARED ACCESS VARIANCE)**

Mr. McKay explained to the board, that they subdivided a piece of property into two lots, and sold one of the lots; when the building permit was issued they noticed that there was a requirement for a shared driveway, and the location of the shared driveway was in conjunction with the two lots. Mr. McKay stated, that there is a huge magnolia tree where the shared driveway is located. If the shared driveway is not required, it would preserve the neighborhood. Mr. McKay stated, that he is requesting each lot to have their own driveway.

Mr. Bootle asked Mr. McKay, "Why didn't you address the shared driveway prior to the plats being stamped?"

Mr. McKay answered, "We didn't know that we had a problem with the trees; once the permit was issued that's when we realized the problem with the trees".

Mr. C. Williams asked Mr. McKay, "Were you the owner of the property at the time of the subdivision?"

Mr. McKay answered, "Yes".

Mr. C. Williams stated, that his understanding is, that the driveways need to be separated by 400 feet from center line to center line; and given the approval for this subdivision, it appears that single-shared driveways were located to provide for the maximum separation distance between that driveway and the two existing driveways on either side.

Ms. Austin answered, "That is correct".

Mr. C. Williams asked Ms. Austin, "Am I correct in saying that if you get rid of the shared driveway and get two new ones, you would be reducing the distance between the existing driveways and the new proposed driveways?"

Ms. Austin answered, "Yes sir".

Mr. McKay stated, that the only problem he has with the shared driveway, is destroying the trees.

Mr. Gasparini stated, that Ms. Austin would be happy to work with the property owner on the access issue, but she is unhappy because she was not given all of the information in order to make an intelligent decision.

Mr. McKay stated, that the surveyor applied for this subdivision request.

Mr. C. Williams stated, that the surveyor did have some tree information, because they identified a 52" Live Oak tree.

Mr. Dinkins stated, that the board should give the applicant a chance to withdraw his application, and work with Ms. Austin regarding the access on his property. Mr. Dinkins stated, that he believes that the site should be visited before anyone start cutting down trees.

Mr. Gasparini stated, that it appears that Ms. Austin couldn't have approved this subdivision without a shared access, because she would have created two non-conforming lots. In order to keep the subdivision the way it is, the applicant should meet with Ms. Austin for a solution to this problem. Mr. Gasparini stated, that if the applicant requests to the board to continue this request until next month, that would be a wise decision.

*Mr. Mack left the meeting at approximately 6:50 p.m.*

Mr. McKay asked the board to defer this request until next month, or until he's able to try to work out something with the county.

**MOTION: Mr. Edgar Williams made a motion to continue this meeting until next month, or until the applicant comes up with a solution with the county. Mr. Chester Williams seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, C. Williams, E. Williams).**

*Mr. Gasparini called for a recess @ 6:54 p.m.; meeting was called back to order @ 7:00 p.m.*

#### **VERIZON WIRELESS/JOHNSON & ASSOCIATES, LLC (VARIANCE)**

Mr. Gasparini stated, that to his understanding, the applicant is asking for eight additional parking spaces.

Mr. C. Williams asked Mr. Brad Adams, "What is the total square footage of the existing structures on the property?"

Mr. Brad Adams, representative for Verizon Wireless answered, "It is less than the desired 4,500 x 400 or 600 square foot; it is smaller than the desired.

Mr. Gasparini stated, that the applicant would also be required to resubmit to the Development Review Team for approval, and they would talk about working with the people next door.

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

**MOTION: Mr. Chester Williams made a motion, that based on the recommendation from the county staff, that we find that this application is in compliance with the requirements of a variance, and the variance request is to be granted for an additional eight parking spaces, as long as the parking spaces are all pervious. Mr. Bootle seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, C. Williams, E. Williams).**

#### **ISLA DEL RIO, LLC (VARIANCE)**

Mr. Jim Maupin explained to the board, that he is requesting a variance to reduce the pavement width for the entrance roadway for his subdivision from 22 feet to 18 feet.

Mr. Gasparini asked Mr. Maupin, "How many lots are out there?"

Mr. Maupin answered, "44 lots". Mr. Maupin stated, that the fire marshal was okay with the reduction of the width for the causeway.

Mr. C. Williams asked Mr. Maupin, "Will all of the lots be on septic?"

Mr. Maupin answered, "Yes".

Mr. E. Williams asked Mr. Maupin, "Is it going to be two lanes or one lane?"

Mr. Maupin answered, "Two lanes".

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

Ms. Crystal Gilbert asked, "What access will they be using to get to Morgan Road?"

Mr. Maupin answered, "We currently have a wide access to get to Morgan Road". Mr. Maupin showed and explained to Ms. Gilbert how they will access Morgan Road.

Ms. Austin stated, that this variance is just for the width of the causeway, and nothing else.

Mr. Maupin stated, that he understands.

**MOTION: Mr. Chester Williams stated, that based on the recommendation from the county staff, and with the condition, that Ms. Austin receives a letter from the fire department consenting to the 18-foot wide pavement; considering the alternative, which is the impact of the adjacent marshes, that we find that this application is in conformance with Section 106-522 of the ZDSO, and the variance request be approved for the narrowing of the pavement of the road from 22 feet to 18 feet, for a minimum distance necessary to get the pavement across the causeway, which may be approximately 350 feet. Mr. Dinkins seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Gasparini, C. Williams, E. Williams).**

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

Mr. E. Williams stated, that due to the lateness of time, the board would like to discuss the Rules & Procedures at the next scheduled meeting.

#### **ADJOURNMENT**

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

*The meeting adjourned at approximately 7:24 p.m.*