

The scheduled meeting of the Beaufort County Zoning Board of Appeals was held on Thursday, March 27, 2008, in Council Chambers, Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT

Mr. Bill Bootle
Mr. Claude Dinkins
Mr. Chester Williams, Acting Chairman

Mr. Phillip LeRoy
Mr. Kevin Mack

MEMBERS ABSENT

Mr. Thomas Gasparini, Chairman
Mr. Edgar Williams, Vice Chairman

STAFF PRESENT

Ms. Hillary Austin, Zoning Administrator
Mrs. Lisa Glover, Zoning Analyst III
Mr. Arthur Cummings, Building Codes Director
Ms. Audra Antonacci, Codes Enforcement Supervisor

The board unanimously appointed Mr. Chester Williams to conduct this meeting; due to the absence of Mr. Thomas Gasparini, Chairman, and Mr. Edgar Williams, Vice Chairman.

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

PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE: Mr. Chester Williams led those assembled in the Pledge of Allegiance and a moment of silence.

WILBERT ROLLER (DOCK VARIANCE/APPEAL)

Mr. Goldstein, attorney for the applicant explained to the board, that they are requesting a postponement in their variance request until the April meeting, because he was informed that there are some discrepancies in the application.

MOTION: Mr. Dinkins made a motion to grant the postponement, until the next scheduled meeting. Mr. Mack seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, LeRoy, Mack, C. Williams).

REVIEW OF AGENDA: Mr. Chester Williams stated, that items #11 & 12 are deleted off of the agenda until next month, at the applicant's request.

MOTION: Mr. Chester Williams made a motion to adopt the agenda, with the noted corrections. Mr. Dinkins seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, LeRoy, Mack, C. Williams).

REVIEW OF MINUTES:

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

RONALD & SANDRA TUCKER (REVISIT/SETBACK VARIANCE)

Ms. Michelle Michael, representative for the applicant; explained to the board, that they are proposing a small addition to the existing house; to include a bathroom.

Mr. Mack asked Ms. Michael, "What is the total amount of the encroachment?"

Ms. Michael answered, "It's 2 feet 6 inches to the widest point into the setback; its total area is 18 square feet.

Mr. C. Williams stated, that staff did not have any objections to this variance request.

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

Mr. Mack asked Ms. Michael, "Does the neighbors have any objections?"

Ms. Michael answered, "No".

Ms. Austin stated, that county staff does not have a problem with this variance request, because there's nowhere else on the property they can add onto; also, they are not encroaching further into the OCRM critical line.

MOTION: Mr. Bootle made a motion to approve the variance request, based on the fact that this application meets the criteria for a variance set forth in Section 106-522 of the Beaufort County Zoning & Development Standards Ordinance. Mr. LeRoy seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, LeRoy, Mack, C. Williams).

SWEET BEGINNINGS (OUTDOOR DISPLAY VARIANCE)

Ms. Albernethy explained to the board, that she is proposing to put two racks of clothing on the front porch, outside of her store. The racks have become a part of the store, and if the racks are not on the porch, some customers do not know she is actually opened. Ms. Albernethy stated, that as she was driving to the meeting tonight, she noticed that some businesses in Port Royal had their merchandise displayed outside.

Mr. Dinkins asked Ms. Albernethy, "Are these racks, merchandise for sale?"

Ms. Albernethy answered, "Yes it's usually the sale items of the store".

Mr. Dinkins stated, that the lady in Port Royal had to go before City Council to get her merchandise display approved.

Ms. Albernethy stated, that the reason she came before the board is, because the outdoor display has become an important part of her business.

Mr. C. Williams stated, that the problem he has with this request, is that he does not think the applicant has met the requirements of Section 106-522 of the Zoning & Development Standards Ordinance.

Ms. Austin stated, that staff recommends disapproval, because the Hwy Corridor and the zoning of this property does not allow for exterior storage. Ms. Austin stated, that the applicant's location is under a Beaufort County Development Agreement, which does not allow exterior storage.

Mr. Dinkins asked Ms. Austin, "Could the Development Agreement be amended by county council?"

Ms. Austin answered, "Yes, it could be". Ms. Austin stated, that the applicant would have to speak with Mr. Godfrey, in order to amend the Development Agreement.

Mr. LeRoy stated, that when he reads the definition of exterior storage, it appears to be storage outside of the building. Mr. LeRoy stated, that the proposed exterior storage does not appear to be outside the building, but on the porch of the building.

Ms. Austin stated, that the applicant could request to have the ordinance changed to have some items listed to be stored outside of the store; but until that time, her hands are tied.

Mr. C. Williams asked Ms. Austin, "Did Ms. Albernethy have to go before the Corridor Review Board for approval for the construction?"

Ms. Austin answered, "Yes".

Mr. C. Williams asked Ms. Austin, "Could she try to go before the Corridor Review Board for approval to display the merchandise outside her store?"

Ms. Austin answered, "No, the Corridor Review Board cannot go against the zoning ordinance".

Mr. Dinkins asked Ms. Austin, "Who wrote this Development Agreement?"

Ms. Austin answered, "Steve Andrews, David Tedder, Mr. Ulmer, Mr. Godfrey, various property owners, etc." Ms. Austin stated, that she does not know if the applicant would have to get all of them to sign off on the amendment.

Mr. LeRoy asked Mr. C. Williams, "Could this board interpret the ordinance, to state that outdoor display does not apply to displaying items within the confines of the exterior walls of the porch?"

Mr. C. Williams answered, "The board could make that determination if it came to us in the proper content". Mr. C. Williams stated, that this scenario would involve a request for an interpretation from Ms. Austin; then Ms. Albernethy could appeal that interpretation if she chooses.

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

MOTION: Mr. Bootle made a motion to deny the variance request, based on the fact that this application does not meet the criteria for a variance set forth in Section 106-522 of the Beaufort County Zoning & Development Standards Ordinance. Mr. Mack seconded the motion. The motion passed (FOR: Bootle, Mack, C. Williams; OPPOSED: Dinkins, LeRoy).

DAVIS & FLOYD ENGINEERING – TEMPORARY PUG MILL (SPECIAL USE PERMIT)

Mr. C. Williams read into the record, that the board received a recommendation from the Development Review Team, stating that they recommend approval with the following conditions; the hours of operation be limited to 6:00 a.m. to 10:00 p.m., unless the time frame becomes a nuisance to the adjoining properties, then the hours of operation shall be changed to 8:00 a.m. to 8:00 p.m., and the applicant shall submit a surety bond in the amount of \$25,000.00 for the site and road restoration, prior to receiving the development permit.

Mr. Jordan, representative for the applicant explained to the board, that Phillips and Jordan is a road construction contractor, that's widening Hwy 17; this is a site off of Hwy 17 onto Kinloch Road, that would be used for part of that construction process. This is a temporary site, to prepare the base material for constructing the road. Mr. Jordan stated, that they would pave Kinloch Road and plant trees once the project is finished.

Mr. Bootle asked Mr. Jordan, "Would the construction process be done at night; would the hours of operation interfere with the construction of the road?"

Mr. Jordan stated, that in the summer time they would like to work later hours at night.

Ms. Austin stated, that when the applicant went to the Development Review Team, it was decided upon 6:00 a.m. to 10:00 p.m., instead of 8 a.m. to 8 p.m.

Mr. Jordan stated, that the hours of operation is not a problem; 6:00 a.m. to 10 p.m. is okay.

Mr. Dinkins stated, that he would hate to put a time limitation on the project.

Mr. Mack asked Mr. Jordan, "Did you plan for any night construction?"

Mr. Jordan answered, "We're hoping to avoid any night construction".

Ms. Austin read the Development Review Team's recommendation to the board, and informed the board that they could change the time standards, if they choose. Ms. Austin stated, that the applicant suggested \$25,000.00 surety bond for the road restoration process, and the county engineer had no objection to the bond amount.

Mr. Bootle asked Ms. Austin, "Could this board make a recommendation, that if there's a decision that needs to be made, the county staff can make that decision without coming back to this board?"

Ms. Austin answered, "Yes, the board can make that decision".

Mr. Bootle asked Mr. Jordan, "How long do you think the temporary pug mill is needed?"

Mr. Jordan answered, "Approximately 3 years".

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

Mr. Dinkins stated, that he would like to remove the 8:00 a.m. to 8:00 p.m. hours of operation condition off of the recommendation letter, and leave 6 a.m. to 10 p.m. Mr. Dinkins stated, that if there is a complaint, the county staff will have the authority to compromise.

MOTION: Mr. Dinkins made a motion to approve the special use request, because it meets the criteria of Section 106-522 of the Beaufort County Zoning & Development Standards Ordinance, based on the recommendation of the Development Review Team, that the special use permit be approved with two conditions; (1) The hours of operation shall be limited to 6 a.m. to 10 p.m., unless the time frame becomes a nuisance to the adjoining properties, and then the hours of operations shall be limited, as determined by the Development Review Team. (2) The applicant shall provide a surety bond in the amount of \$25, 000.00 for the site and road restoration, prior to receiving the development permit. Mr. LeRoy seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, LeRoy, Mack, C. Williams).

OLD BUSINESS (RULES & PROCEDURES)

Mr. C. Williams stated, that due to the absence of Mr. Gasparini, the board would like to discuss the Rules & Procedures at the next scheduled meeting.

ADJOURNMENT

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

The meeting adjourned at approximately 6:04 p.m.