

The scheduled meeting of the Beaufort County Zoning Board of Appeals was held on Thursday, May 22, 2008, in Council Chambers, Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT

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

Mr. Bill Bootle
Mr. Kevin Mack

MEMBERS ABSENT

Mr. Thomas Gasparini, Chairman
Mr. Phillip LeRoy

STAFF PRESENT

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

CALL TO ORDER: Mr. E. Williams called the meeting to order at 5:10 p.m.

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

REVIEW OF AGENDA:

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

REVIEW OF MINUTES:

MOTION: Mr. C. Williams made a motion to review and adopt the minutes at the next scheduled meeting. Mr. Bootle seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Mack, C. Williams, E. Williams).

HOLE IN THE WALL (SPECIAL USE)

Mr. E. Williams explained, if anyone wants to speak in reference to this special use request, they will have three minutes each; but the applicant has ten minutes to present his case.

Mr. Carl Metz, applicant explained to the board, that when he took over the Hole In The Wall, he thought he was doing something nice for the neighborhood. Mr. Metz stated, that he spoke with Mr. Hamilton, the adjacent property owner and explained to him what he was doing with the club, and Mr. Hamilton informed him that he was all right with it, as long as no one parked on his property. Mr. Metz stated, that now he was informed that Mr. Hamilton wrote a letter opposing the expansion of the club. Mr. Metz stated, that he also has partitions from people in the neighborhood.

Mr. E. Williams asked Mr. Metz, "Does all the people on the list live in the neighborhood?"

Mr. Metz answered, "No, some are from St. Helena Island and Lady's Island".

Mr. E. Williams asked Mr. Metz, "Are some of the people whose names are on the list, here today?"

Mr. Metz answered, "Yes".

Mr. Dinkins asked Mr. Metz, "What is the floor elevation of the building?"

Mr. Metz stated, that since the building was grandfathered in, he did not need the floor elevation. Mr. Metz stated that the elevation would be the same as what exists now.

Mr. Dinkins asked Mr. Metz, "Do you have a permit from Building Codes to build this addition?"

Mr. Metz answered, "Not yet".

Mr. Dinkins asked Mr. Metz, "How long ago did you start building this structure?"

Mr. Metz answered, "Approximately two to three months ago".

Ms. Austin stated, that Codes Enforcement went to the site, and told the applicant to come to Zoning to inquire about a permit; once the permit is issued, the applicant has to go to Building Codes for a permit.

Mr. Dinkins asked Mr. Metz, "Where are the people parking now?"

Mr. Metz answered, "They're parking in the rear and side of the building".

Mr. Dinkins informed Mr. Metz, that Mr. Hamilton really did not give him permission, according to the letter he wrote.

Mr. Metz stated, that Mr. Hamilton gave him permission over the telephone.

Mr. Dinkins asked Mr. Metz, "Where does Mr. Hamilton live?"

Mr. Metz answered, "He lives in New Jersey".

Mr. Mack asked Mr. Metz, "What would you be doing differently, if you expand this building?"

Mr. Metz answered, "Nothing, I just want to put some pool tables in the building". Mr. Metz stated, that he don't think that the occupancy would change with this expansion.

Ms. Austin stated, that the county's recommendation was based on no complaints from the neighbors, and that no one showed up at the Development Review Team meeting, and since the building was in operation for many years, and to get him the square footage that he requested, he needed a special use permit; so the Development Review Team granted approval.

Mr. C. Williams asked Ms. Austin, "Did the Development Review Team go over Section 106-552 of the Zoning & Development Standards Ordinance when making their recommendation?"

Ms. Austin answered, "Yes".

Mr. C. Williams asked Ms. Austin, "Would 16 parking spaces be sufficient for the square footage of the building?"

Ms. Austin answered, "Yes".

Mr. E. Williams called for public comment, and limited the comments to three minutes each.

Mrs. Lynn Metz, wife of the applicant stated to the board, that she believes that they are doing a positive thing for the community; they spent a lot of money to make it really nice; there's never been any fights, it's an old school type of environment, there's no nonsense, and no children where they had fights or police that had to be called. People really love to come to their place, and it would be very positive for this club to stay in their community; the people of Warsaw Island likes it, they have petitions that has been signed that says that it's a positive thing.

Mr. Bootle asked the audience, "Is it anyone here that's against this special use request?"

There was no one who was against this special use request.

Mr. E. Williams stated, that if they are in support and is going to say the same thing, he would like them to just state their name.

Ms. Edeanor Metz, mother of Carl Metz stated, that she is in support of this special use request.

Ms. Vickie Gardner Green stated, that she would like to know if this special use request would affect the zoning status of the area; and if it's going to affect it, she would like to know, how would it affect the property values surrounding this area.

Ms. Austin stated, that the zoning stays the same; there's no commercial zoning. Ms. Austin stated, that if the use goes away for more than 120 days, then the use goes away for good.

Ms. Alison Mull stated, that she is in support of the expansion to the club.

Mr. Lenny Green stated, that he is in support of the expansion to the club.

Ms. Corine Hamilton stated, that she's the mother of Charles Hamilton; the property next door used to belong to her and her spouse, then they gave it to their son. Ms. Hamilton stated, that she was wondering if the property value would be depreciated because of the club. Ms. Hamilton stated, that her son gave Mr. Metz permission to use the property space, and she has a letter that there were no argument or complaint about the club.

Mr. Phillip Mitchell stated, that he's in support of the expansion to the club.

Mr. Joe Culbert stated, that he's in support of the expansion to the club.

Mr. Charles Gardner stated, that he's in support of this special use request, because he feels as though it's a good thing for the community.

Mr. Bootle asked Ms. Austin, "How did the county find out about the violation?"

Ms. Austin stated, that Building Codes was doing an inspection, and informed Codes Enforcement that they were adding on to the building without a Building Permit.

Mr. C. Williams stated, that he's impressed that the Development Review Team has reviewed this application, and found that it meets all of the requirements for a special use permit.

MOTION: Mr. Chester Williams made a motion to approve the special use permit, and specifically find that the proposed use that's been there since 1953 is consistent with the comprehensive plan. Since the use is not going to change at all; the proposed use and the existing use is compatible with the character of the land in the vicinity, and the design minimizes the adverse effects. The county is requiring buffers, where there ordinarily wouldn't be any buffers required, and all of the minimum requirements used would be located on the site itself. The county did not require a traffic impact analysis or a community impact statement, and the special use approval includes the total side area,

and the calculations of the surrounding properties, setbacks, natural resources, and the end use requirements as part of the submittal package. The applicant shall ensure that any noise emitted from the operation of the night club/restaurant does not cause need for concern from the adjacent property owners. The noise level shall not exceed 60 decibels at the property line. Mr. Mack seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Mack, E. Williams, C. Williams).

OLD BUSINESS (RULES & PROCEDURES)

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

MOTION: Mr. C. Williams made a motion to postpone the Rules and Procedures until the full board has a chance to meet. Mr. Bootle seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, Mack, C. Williams, E. Williams).

ADJOURNMENT

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

The meeting adjourned at approximately 5:45 p.m.