

The regular monthly meeting of the Beaufort County Zoning Board of Appeals was held on Thursday, January 22, 2009, 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. Bill Bootle  
Mr. Chester Williams

**MEMBERS ABSENT**

Mr. Thomas Gasparini, Chairman  
Mr. Phillip LeRoy  
Mr. Kevin Mack

**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 5:15 p.m.

**PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE:** Mr. E. Williams led those assembled in the Pledge of Allegiance, and a moment of silence in honor of our country's military service members.

**REVIEW OF AGENDA:**

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

**REVIEW OF MINUTES:**

**MOTION:** Mr. Chester Williams made a motion to adopt the August 28<sup>th</sup>, 2008 minutes as submitted. Mr. Bootle seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, C. Williams, and E. Williams).

**MOTION:** Mr. Chester Williams made a motion to adopt the October 23<sup>rd</sup>, 2008 minutes as submitted. Mr. Bootle seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, C. Williams, and E. Williams).

**MOTION:** Mr. Chester Williams made a motion to defer the November 13<sup>th</sup>, 2008 minutes, until the next scheduled meeting, or until the board has a quorum. Mr.

**Bootle seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, C. Williams, and E. Williams).**

*Mr. Edgar Williams explained to the applicants and members of the public present at the meeting, that Ms. Austin will present the application without taking a position on the case, then the applicant will present his/her case to the board.*

### **WOODROW & ELIZABETH GOODINGS (SIDE-YARD SETBACK VARIANCE)**

Mrs. Elizabeth Gooding stated to the board, that she is requesting a variance. Mrs. Gooding stated, that she owns the house at 44 Pine Island Road in Bluffton, along with her husband, and they have owned the house for almost 15 years. Mrs. Gooding stated, that the reason she's requesting a variance is, because they wanted to build a new storage shed and a new boat shed; the existing structures clearly violate the setback lines. Mrs. Gooding stated, that there is a heating/air conditioning unit that sits between the closed storage building, and the units makes it almost impassable; they would like to demolish the existing building, and move the structure further away from the house, and build one single structure instead of two structures. Mrs. Gooding stated, that in order to get the proposed structure on the property, they would violate the 10' setback. The extraordinary and exceptional circumstances that exist, are that the existing structures are far more detrimental and violate the setbacks far more than what they are proposing to do. They're not planning to build anything where the old closed storage shed currently sits; they plan to leave that area as open space. Mrs. Gooding stated, that since the proposed structure would be built according to the current code, it would be a safer structure, and would look much better than what is currently on the property. Mrs. Gooding stated, that there is no other place on the property to build the storage shed.

Mr. Bootle asked Mrs. Gooding, "Do you have two air conditioning units?"

Mrs. Gooding answered, "Yes".

Mr. Dinkins asked Mrs. Gooding, "When you purchased the property 15 years ago, was the non-conforming buildings on the property?"

Mrs. Gooding answered, "Yes".

Mr. Dinkins asked Mrs. Gooding, "What year was the house built?"

Mrs. Gooding answered, "I believe in 1978".

Mr. Dinkins asked Mrs. Gooding, "Will the structure be enclosed like a garage?"

Mr. Gooding answered, "Yes, the entire structure will be enclosed".

Mr. C. Williams asked Mrs. Gooding, "Have you seen the staff's recommendation?"

Mrs. Gooding answered, “No”.

Mr. C. Williams explained to Mrs. Gooding, that staff recommended disapproval, and he doesn’t see anything in this application that would warrant a hardship for a variance.

*The board gave Mrs. Gooding a few minutes to look over the staff recommendation.*

Ms. Austin explained to the board, that the existing structures total 732 square feet, and the proposed structure is 1,000 square feet; so the proposed structure is 268 square feet larger than what exists at this time. Ms. Austin stated, that Table 106-9 of the zoning ordinance states, that nonconforming structures shall be replaced with conforming structures, if it is voluntarily removed from the site. Ms. Austin stated, that the house sits at 8 feet from the property line, and the ordinance says that you can expand, but you cannot go any further than what the nonconforming set back currently is. Ms. Austin stated, that her recommendation is, if the applicant moves the structure to the 8-foot setback line and line it up with the house, she would recommend approval for the variance request.

Mr. E. Williams asked the applicant, would she like to go back to the Zoning Office, and see if something can be worked out, as it relates to moving the structure back to where the existing house is located?

Mrs. Gooding stated, that she would like to request a continuance, so she can go to the Zoning Office to try to work out the setback issue.

*There being no further comments from the applicant or the County, and no further questions from the Board, Mr. Edgar Williams called for public comment; there was no public comment for this variance request.*

**MOTION: Mr. Chester Williams made a motion, to postpone this variance request until the next scheduled meeting, so the applicant has a chance to meet with the Zoning Administrator to work out the setback issues. Mr. Dinkins seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, C. Williams, and E. Williams).**

Ms. Austin stated, that the applicant is not over the 15% expansion, so if she can work something out with the county, she would not have to come back before the board.

### **BJWSA – BEAUFORT COUNTY SHERIFF’S DNA LAB (SPECIAL USE PERMIT)**

Mr. Klosterman – Andrews & Burgess, Inc., explained to the board, that he is requesting to build a 4,000 square foot building, that would temporarily serve as a DNA & Drug Testing Lab for the County’s Sheriff’s Office; after a few years, the building would be turned over to BJWSA for a water treatment laboratory. Mr. Klosterman stated, that they are amending the original special use permit for BJWSA, to construct the building,

because the property is zoned Rural, which limits the amount of square footage that is allowed on the property.

Ms. Austin stated, that when the original special use permit request came before the board, they focused on the front of the building; they did not pay attention to the rear buffers and setbacks. Where the proposed building is going, the board has to address the side buffers by Snake Road, and the rear buffer by the residential property.

Mr. Dinkins asked Ms. Austin, "Will the parking be in the buffer?"

Ms. Austin answered, "No, the CRB buffer is on Snake Road".

Mr. Dinkins asked Mr. Klosterman, "What is the total acreage?"

Mr. Klosterman answered, "Approximately 22 acres".

Ms. Austin stated to the board, that after review of the guidelines set forth in Sections 106-9 and Section 106-552 of the Zoning & Development Standards Ordinance, the DRT finds that the proposed uses meets the criteria for approval to amend the Special Use Permit. Therefore, the DRT recommends approval of the project, subject to the applicant submitting a revised landscape plan, which would be approved by the Corridor Review Board.

*There being no further comments from the applicant or the County, and no further questions from the Board, Mr. E. Williams called for public comment; there was no public comment for this special use request.*

**MOTION: Mr. Chester Williams made a motion, to approve the request for BJWSA special use permit amendment, based on the recommendation from the Development Review Team with two conditions; one condition is, that the applicant submit revised landscape plans, which shall be approved by the Corridor Review Board. The second condition is, that if any improvements are done within the current minimal buffer or setbacks area, the minimal buffer/setback area shall be re-established. Mr. Dinkins seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, C. Williams, and E. Williams).**

#### **BROAD RIVER BOAT LANDING RESTROOM FACILITY/UTILITIES (VARIANCE)**

Mr. C. Williams stated, that if there are no objections from the applicant and county staff, he would like to combine agenda items 9 – 12.

Mr. E. Williams asked Ms. Austin, "Do you have a problem with combining items 9 – 12 on the agenda?"

Ms. Austin answered, "No, I have no objections".

**MOTION: Mr. Chester Williams made a motion, to combine agenda items 9 – 12. Mr. Dinkins seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, C. Williams, and E. Williams).**

Mr. E. Williams asked that the motion be withdrawn and reapplied after the applicant and the county has presented their case.

Mr. C. Williams stated, that he would like to withdraw the motion, to combine items 9 – 12.

Mr. Dinkins stated, that he would like to withdraw the second to the motion.

Mr. Andrew Klosterman explained to the board, that Beaufort County Public Works is proposing to build a 900 square foot building, to serve as a public restroom for the existing community boat landing and fishing pier. Mr. Klosterman stated, that the facility is currently using Port-O-Johns to service the people who are using the facility. Mr. Klosterman stated, that they need a variance, because the entire site is less than 200 feet wide, and the critical line overlaps throughout the entire property. Mr. Klosterman stated, that the project consists of building a 900 square foot public restroom and constructing the necessary utilities required to serve the facility.

Mr. Bootle asked Mr. Klosterman, “Where exactly is the restroom going?”

Mr. Klosterman answered, “By the fishing pier”.

Ms. Austin stated to the board, that staff recommends approval, because the construction of the restroom and the required utilities would be an improvement to the site, which would benefit the public; and it would be a better public health situation, which would help stop any possible pollution to the river and marsh.

*There being no further comments from the applicant or the County, and no further questions from the Board, Mr. Edgar Williams called for public comment; there was no public comment for this variance request.*

**MOTION: Mr. Chester Williams made a motion, to consolidate the two variance applications into one case; they both meet all of the criteria set forth in Section 106-522 of the Zoning & Development Standards Ordinance. Mr. Chester Williams stated, that this is a classic case, where there are overlapping buffers on both sides of the property; and he recommends approval for the public restroom and utilities variance applications. Mr. Dinkins seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, C. Williams, and E. Williams).**

## **ADOPTION OF THE 2009 YEARLY SCHEDULE**

**MOTION:** Mr. Chester Williams made a motion, to adopt the 2009 yearly schedule as submitted. Mr. Dinkins seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, C. Williams, and E. Williams).

## **YEARLY ELECTION OF CHAIRMAN/VICE CHAIRMAN**

Mr. E. Williams stated, that due to the absence of three of the board members, he would like to postpone the election of the Chairman & Vice Chairman until the next scheduled meeting.

**MOTION:** Mr. Dinkins made a motion to postpone the election of the Chairman & Vice Chairman until the next scheduled meeting. Mr. Bootle seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, C. Williams, and E. Williams).

## **ADJOURNMENT**

**MOTION:** There being no further business to come before the Board, Mr. Chester Williams made a motion to adjourn. Mr. Bootle seconded the motion. The motion passed unanimously (FOR: Bootle, Dinkins, C. Williams, and E. Williams).

*The meeting adjourned at approximately 6:09 p.m.*