



COUNTY COUNCIL OF BEAUFORT COUNTY

Beaufort County Zoning & Development
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The regular monthly meeting of the Beaufort County Zoning Board of Appeals was held on Thursday, March 25, 2010, in the 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. Claude Dinkins
Mr. Phillip LeRoy
Mr. Timothy Rentz
Mr. Chester Williams

MEMBERS ABSENT

Mr. Kevin Mack

STAFF PRESENT

Mr. Anthony Crisciatiello, Planning Director
Mrs. Lisa Glover, Zoning Analyst III
Mrs. Tamekia Judge, Zoning Analyst I
Mrs. Amanda Flake, Natural Resource Planner

CALL TO ORDER: Mr. Gasparini called the meeting to order at 5:12 p.m.

PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE: Mr. Gasparini 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:

Item #9, Frank Anthony appeal will be moved to the April 22, 2010 agenda at the request of the applicant.

MOTION: Mr. Claude Dinkins made a motion to adopt the agenda, with a notation to move the Frank Anthony appeal to the April 22, 2010 Zoning Board of Appeals meeting. Mr. LeRoy seconded the motion. The motion passed unanimously (FOR: Gasparini, Dinkins, LeRoy, C. Williams, and E. Williams).

REVIEW OF MINUTES (JANUARY 28, 2010):

MOTION: Mr. Edgar Williams made a motion to approve the January 28th, 2010 minutes. Mr. LeRoy seconded the motion. The motion passed unanimously (FOR: Gasparini, Dinkins, LeRoy, C. Williams, and E. Williams).

REVIEW OF MINUTES (FEBRUARY 25, 2010):

Mr. Gasparini recused himself from the approval of the February 25, 2010 minutes.

MOTION: Mr. Edgar Williams made a motion to approve the February 25th, 2010 minutes. Mr. LeRoy seconded the motion. The motion passed (FOR: Dinkins, LeRoy, C. Williams, and E. Williams ABSTAINED: Gasparini).

Mr. C. Williams stated, that the minutes from last month's meeting, indicated with respect to the Donald Perry, Beachwood Mobile Home Park appeal would be carried over to next month's meeting; and it was not listed on the agenda, can the staff tell us what the status of that appeal is.

Mr. Anthony Criscietello replied, "The status of that appeal is, the applicant has asked for it to be continued.

Mr. C. Williams asked, If the Beachwood Mobile Home Park Appeal and the Frank Anthony appeal were both being continued?"

Mr. Criscietello responded, "Right."

Mr. Gasparini asked, "Do some get continued without coming to us for a continuance and some don't, or how does that work?"

Mr. Criscietello stated, "The matter in regards to Beachwood had to do with an administrative interpretation that was written, and a response that was in the process of happening, so in order for the administrative interpretation that was written to the applicant and his attorney, and not having that response back, we were just waiting for that response before bringing it back to you, because that would be to remain in the consideration that was before the board.

Mr. Gasparini explained to the applicants and members of the public present at the meeting, that the applicant has ten minutes to present his/her case to the board; the time limit for public comment is 3 minutes each, and is limited to variances and special use permits.

MARTHA DAVIS (DOCK-VARIANCE/REVISIT)

Mr. David Gasque, representative for the applicant, explained to the board, that they came to the board a couple months ago, regarding this variance request.

Mr. Gasque stated, that he would like to address the county's remarks, regarding the extraordinary conditions pertaining to this property. Mr. Gasque explained, that there are extraordinary conditions; this would be the only lot, in about 15 lots along the water that would not have a dock. The subdivision was setup originally for all the lots to have docks. The river itself, is within 300 feet of the property, but due to the angle that they are having to take, to accommodate the neighbors, they are having to put this dock at such an angle, it would go over the 300 feet.

Mr. Gasque stated, that he had a conversation with Ms. Davis, and they would like to lower the variance request to 12' feet, vice 68' feet. Ms. Davis has agreed to forego the ramp, and the float, just to get a pier head out to the edge of the marsh.

Mr. Gasque stated, that they would like to amend this request to a 12' foot variance, and then if it get passed, they will amend the dock permits accordingly.

Mr. Gasque also stated, that he wasn't able to give the Corridor Plan to Tony, because he was just given it on Monday, the Corridor Plan that was done in 1992 by the residents of Vaux Road, that showed where they would put their docks. Gasque stated, that the alignment agrees with the Corridor Plan.

Mr. Gasque explained, how the variance would prohibit or unreasonably restrict the utilization of the property, if not granted a variance. Gasque stated, that because it's reasonable for a person to expect that when they buy a piece of waterfront property, and they are being taxed as waterfront property, and they have a dock to the right and a dock to the left, that they should be able to get a dock.

Mr. David Gasque stated, that the variance would not adversely affect the other properties, because there are other docks in the water that protrude out further than this dock. Gasque also stated, they have proven by the drawing, that the neighbors have accountable area, in which they have area for their docks, and the one dock that can be built beside this dock would not require a variance, because the angle of the river is less than 300 feet.

Mr. Gasparini asked, "Is that Aulton?"

Mr. Gasque stated, "Yes, and I've shown Ms. Aulton the sketch."

Mr. Gasque explained the hardship, that the applicant hasn't done anything to the property, and she hasn't built anything, so how can it be self imposed?

Mr. Gasque explained that the lot is unique, because Ms. Davis' lot runs at such an angle, that if she could go straight to the river, it would be within 300 feet, but having to go diagonally out at an angle, she now has to go out 312 feet.

Mr. Gasque stated, that the neighbor that hasn't built a dock yet is protected, and the other neighbor has built a dock, and that this variance would not cause hurt to the public or anyone else, because they have other docks.

Mr. Gasque stated, that they are asking for a 12' foot variance from the 300 foot requirement, so Ms. Davis can build a dock that complies with both permits issued by her neighbor and hers.

Mr. Edgar Williams asked, "You're stipulating that she is the only person that has not gotten a dock under the same circumstances?"

Mr. Gasque answered, "No, I am saying that of a 14 lot subdivision where everybody lives on the water, she is the only one by this ordinance that cannot get a dock, the dock to her right that was built; permitted in 1999, the permit was amended in 2001 is around 300 and something feet long, and, the one immediately to her left is not built, but it can be built without a variance, because it is shorter than 300 feet.

Mr. E. Williams asked, "How many docks have been built after 2001?"

Mr. Gasque answered, "One".

Mr. E. Williams asked, "Do you know if it was the same requirements as the one you have here?"

Mr. Gasque stated, "There was a permit adjacently to it that was permitted on March 10, 1999, and the permit was revised February 19, 2001.

Mr. Gasque stated, that he has a letter that was issued by a dock builder, Dan Schultz, to Rocky, requesting to add some footage to the upland side of the dock; that was February 21, 2001, so the dock had to be built after that.

Mr. Dinkins asked, "That's the one that's 322 feet?"

Mr. Gasque answered, "That's the one".

Mr. Dinkins asked, "Are you asking for 11' feet or 11.38' feet."

Mr. Gasque replied, "11.36' or 12' feet".

Mr. LeRoy asked, "What would the length be, if the other existing docks did not exist and she could go out directly to the water?"

Mr. Gasque replied, "She could swing down and be well in the water at about 290' or 280', if it went straight out".

Mr. LeRoy asked, "Is her need for the extra length, because someone else has a dock in the front of her property?"

Mr. Gasque replied, "Yes, and this is common where the river comes back in, and everybody is fighting for the river, and coastal council will come in and help divide the frontage, where everyone will get equal protection to get to it.

Mr. LeRoy stated, "Now, not then."

Mr. Gasque stated, "That's what they did back then, for the older subdivisions, but now the new subdivisions, we have to do that right off the back".

Timothy Rentz arrived at the meeting at 5:25 p.m.

Mr. Crisciatiello stated, "In light of the statement of the previous presenter, the staff's position is altered, we were on the flinch theory, 368' feet is materially longer than 312' feet, given the fact that that condition has been brought to light this evening and given the fact that the masterplan for the subdivision shows docks outlined through a corridor plan, I would contend that some of the positions of the previous presenter may be in error from the staffs stand point, they are substantially reducing the length of dock requested from 368' feet to 312' feet, the county feel's comfortable in standing behind the request for a dock permit.

There being no further comments from the applicant or the County and no further questions from the Board, Mr. Gasparini called for public comment.

MARTHA DAVIS (DOCK-VARIANCE/REVISIT) (PUBLIC COMMENT)

Mrs. Aulton stated, that she objected to the dock based on the fact that she has been permitted and was less than 300 feet from the corridor, and her concerns was that Ms. Davis' dock would be so close; that if she actually built her dock it would not be approved. Mrs. Aulton stated, that

Mr. Gasque showed her the picture, which shows the docks 20' feet apart, and to her that does not seem like much ecological distance between docks, for three docks. Mrs. Aulton stated, that Mr. Reed Armstrong could not come tonight, and looking at the permits, he made the observation that Mr. Gasque shows the extended property lines of her dock corridor conflicting with the one for Ms. Davis' dock corridor.

Mr. Gasparini stated, "Well you already have a dock permit, so I can't understand why you would be concerned that you wouldn't get a dock permit".

Mrs. Aulton asked, "Will this affect my dock if the variance is permitted?"

Mr. Gasparini stated, "We are not in the business of telling people what will or won't affect their dock, and I'm not sure what you mean by affect your dock, Ms. Davis has modified her request for a variance tonight, to not have a float and to only have a pier head, it looks to me like that's behind your dock, and not having spent a certain amount of time, as my colleagues will note; in a similar situation like this, I can't make a representation to you on behalf of the Zoning board, that this dock will or won't affect your dock."

Mr. Gasparini asked, "So, you oppose the variance?"

Mrs. Aulton replied, "Yes sir."

Mr. Rentz made a motion to approve the variance for the dock.

Mr. Gasparini asked, "Is that the variance for the 12' feet?"

Mr. Rentz responded, "312' feet."

Mr. C. Williams stated, "The hardship is with the existing conditions that Ms. Davis faces with respect to the existing docks that are out there, there is an existing dock that comes across her extended property line, that OCRM probably wouldn't approve right now because of that situation, that is the current condition that she deals with, that's not a result of her own actions. I wish the county staff wouldn't take that sort of position, because I think it's a matter of law, and that's an incorrect position to take. I've said it before and I'll say it again, this is an example of imposing new restrictions on previously subdivided areas where there was no contemplation whatsoever when those subdivisions were done, that these sorts of regulations would come into affect. I think this application does meet all of the criteria in the ZDSO for a variance and I intend to vote in favor of the motion. "

MOTION: Mr. Timothy Rentz made a motion, that this application meets the criteria for a variance set forth in section 106-522 of the Beaufort County Zoning & Development Ordinance, and this variance request be approved for a 312' foot dock. Mr. LeRoy seconded the motion. The motion passed unanimously (FOR: Gasparini, Rentz, Dinkins, LeRoy, C. Williams, and E. Williams).

STEVE BILTON'S (DOCK VARIANCE)

David Haller, attorney, representative for Steve Bilton; joined by his associate Mr. Matthew Pecoy.

Mr. David Haller passed out additional information to the board members, which contained a synopsis of what Mr. Haller was going to discuss and pictures of the lot.

Mr. Gasparini stated, for the applicant to tell the board why he think his client should be getting a variance for this dock, and they'll figure out if the new information passed out will be apart of the decision.

Mr. Gasparini stated, "This board specifically denied a request for this particular dock on December 12, 2007, and I am interested in what's different today from December 12, 2007."

Mr. Haller stated, "On June 11, 2007; this board approved a 507.55' foot dock on Huspah Creek in Bull Point, and I think that is a key difference between then and today."

Mr. C. Williams responded, "We didn't have a meeting on June 11th."

Mr. Gasparini stated, "Just for the record, we had a meeting on June 27th, not June 11th."

Mr. Haller stated, "The information provided under the Freedom of Information Act by this county, shows that it was issued on June 11th, 2007, and it was signed by Lisa Glenn."

Mr. C. Williams stated, that the letter states that the ZBOA approved the variance on May 23rd, 2007".

Mr. Gasparini asked, "Who was the applicant on that project?"

Mr. Haller answered, "Eugene and Phyllis Way."

Mr. Haller stated, "Topographically, which is one of the grounds where a variance can be granted, the Bilton's property is unique to that of it's neighbors, in the way in which the high water marks comes in, you can actually see on the plat, the bend that comes in along and dips into the property line; which creates a difference in footage, which makes it difficult to reach the low water mark; the second topographic difficulty, is the marsh grass which exists to the low water mark."

Mr. Haller stated, that this dock which they are asking for approval for, goes out to the edge of the marsh grass, and they want a dock to get them to the shortest place possible, they will have the smallest possible dock they can have, given the topography area.

Mr. C. Williams asked, "How is that different from the adjoining properties?"

Mr. Haller responded, "The high water mark dips down."

Mr. C. Williams stated, "That seems to me to be the property line, not the mean high water mark; the mean high water mark is designated on Lot 11 on the survey, but not on Lots 10 or 12.

Mr. Haller responded, "If you look at the mean high water mark or the critical line, which is the dotted line on the plat; that same line continues on Lots 10 and 12.

Mr. C. Williams asked, "On Lots 10 and 12, what's the distance from the mean high water mark to the edge of the marsh grass?"

Mr. Haller responded, "I cannot tell you."

Mr. C. Williams asked, "Is it more than 300' feet on each one?"

Mr. Haller responded, "I can't say, it's to the edge of the marsh grass which is in addition to the topographical problem."

Mr. C. Williams stated, "It seems, that to the edge of the marsh grass line, according to this survey, it's straight as it relates to Lots 10 and 11."

Mr. Haller stated, that the difference is between the high water mark and the critical line as it dips down as shown on the plat, and the distance to the marsh grass. Mr. Haller stated, that you can see it comes down to the closest part to navigatable water as possible.

Mr. Haller stated, "Secondly, if someone is standing on the edge of the water from this property, looking out; they can see another dock and a wooden bridge that someone built from the highland to a marsh island, so in terms of the vista; the vista has changed substantially. Lastly, I would ask you all to consider the previous request for the dock variance that was granted in 2007. The law in South Carolina is pretty clear, that once a variance has been granted to individuals of similar situations, that this body has no choice but to grant another variance to someone of similar situations."

Mr. C. Williams asked, "Which case was that?"

Mr. Haller answered, "Weaver versus Coastal Council, 309SC-368 423 S.E. 2nd 340, it's a 1992 Supreme Court Case".

Mr. Haller stated, that they believe the hardship that the client faces is based on the topography.

Mr. C. Williams stated, that Mr. Haller just argued that his client's situation is unique based on the case of Weaver versus Coastal Council.

Mr. Haller replied, "The topography is different, but the findings of this area as defined by this board, applies to my client."

Mr. C. Williams stated, that he disagrees with that statement.

Mr. E. Williams asked, "What hardship gives the applicant the right to have this dock?"

Mr. Haller replied, "The code refers specifically to the topography of the land, the topography of the Bilton's property dips in, so there is a bend or basin in the creek bend, together with an extra long marsh grass area; and the two of those, the topography is the hardship for which we are asking for a dock variance."

Mr. E. Williams stated, "You indicated that there were three docks with similar issues; do you know for a fact that the docks that were given a variance, did they meet the same requirements as this dock being requested?"

Mr. Haller responded, "The three docks that were referred to were in the case that we were discussing."

Mr. E. Williams asked, "Not docks at Huspah Creek?"

Mr. Haller stated, that the one dock that he was aware of at Huspah Creek, the measurements were so similar, between what they are requesting and what was granted.

Mr. E. Williams asked, "Do, you know the facts that lead to the granting of the other three docks?"

Mr. Haller replied, "Do you mean the case that I cited before?"

Mr. E. Williams stated, that he was talking about the docks at Huspah Creek.

Mr. Haller stated, that the one dock that he was aware of, in which a variance was granted that met the same length of the variance that they are requesting today, he didn't have the file, but he felt that it was reasonable to believe that if you had a dock that was going well over 500' feet, and the dock they are requesting goes over 512' feet, that very similar circumstances exist.

Mr. Rentz stated, when he looked at the different plats, that shows a variance for 500 feet, there is nothing that indicates the topography difference would get them any closer to the 300 feet. If you went to the end of the dock and came in 300 feet; the topography difference would not explain the 200 extra feet, they are requesting.

Mr. Haller stated, that the measurement from the edge to the pier head is 493' feet, and if you came back in 193' it would put you right in the middle of the non navigatable marsh, which is a topographical issue.

Mr. Rentz stated, "That anything over 300 feet is a variance. If the walkway came out to 493 feet and came back from the edge of the pier head; 300 feet, which is $\frac{3}{5}$ th of the total length and they extrapolate that out; your topography is really not an issue, the variance you are requesting is greater than the topography argument.

Mr. C. Williams stated, that Lots 10 and 12 are substantially similarly situated as Lot 11, with respect to the distance that one would have to go, in order to get to the marsh, they would still be required to get a variance like your client.

Mr. Rentz stated, that Mr. Haller's topography argument is not valid, because if the line was taken between the furthest points, they would still be over 300 feet.

Mr. Haller stated, that the topography issue starts at zero, because you have to have an encroachment permit at the mean high water mark, which means the topographical problem is up to the 493' feet

Mr. Gasparini asked, "Isn't the topography problem, that the property is 500 feet from the river?"

Mr. C. Williams stated, "The topography problem is that you have to go across the marsh grass to get to the water, isn't that the case with any dock?"

Mr. Haller stated, "Not necessarily, not all properties have the marsh".

Mr. C. Williams asked, "Does all properties in this area of Huspah Creek have the marsh?"

Mr. Haller replied, "I can't say that."

Mr. C. Williams asked, "How do we know, that if you don't have any evidence to put in the records, that your property is different than the others, how do we know that the criteria or the conditions do not generally apply to the properties in the vicinity are met or not?"

Mr. Haller stated, that the dip in the high water mark comes in is different, but how far it all goes out; he is not sure where the waterway would come in.

Mr. C. Williams asked Mr. David Gasque, "Would Lots 10 and 12 have to apply for a variance if they wanted a dock?"

Mr. David Gasque replied, "Yes, they would".

Mr. LeRoy asked, "Are there any docks on lots in the immediate area of this lot?"

Mr. Haller replied, "There is a dock directly across the creek."

Mr. LeRoy responded, "In that row of lots?"

Mr. Haller stated, that when he stood on the creek side and looked, he did not see any.

Mr. LeRoy asked, "When did your client purchase the property?"

Mr. Haller replied, "Seven years ago".

Mr. C. Williams asked, "What are the extraordinary and exceptional conditions of this variance?" Mr. Haller stated, based on the topography, the Bilton's property has a bend that goes out with deep water marsh, and that's a topographical problem, which they believe entitles them to a variance.

Mr. C. Williams asked, "How do those conditions, not generally apply to other properties in the vicinity?"

Mr. Haller replied, that the plat shows, the Bilton's as to their neighbor at least are the only ones that have that bend on the property.

Mr. C. Williams stated, that maybe he could see how they could extrapolate along those lines, because it does not show where the mean high water mark is on Lots 10 nor Lot 12 nor does it show where the critical line or the edge of the marsh grass nor the distance from any of those lines; with respect to Lots 10 or 12, so he doesn't know how they can come to the a conclusion, based on the information that the conditions do not generally apply to other properties in the vicinity.

Mr. Haller stated, that the bend in the Bilton's property clearly is unique to the Bilton's property, and it shows that there is a topographical problem, as to the marsh; based on the 300' foot dock across the creek.

Mr. C. Williams asked, "Was there a dock Master Plan for Bull Point?"

Mr. Haller replied, "I believe so."

Mr. C. Williams asked, "Was the Way's dock in accordance with the Bull Point dock Master Plan?"

Mr. Haller stated, it was the same creek, and he didn't believe there should be a rush to the zoning office to obtain a permit.

Mr. C. Williams asked, "How many dock variances have we considered along Huspah Creek?"

Mr. Haller replied, "One".

Mr. C. Williams asked, "Based on that one, are you positioning that the first one gets the variance but no one else does?"

Mr. Haller stated, that once a hardship is found for one, it should be found for everyone else on the same creek.

Mr. Gasparini asked, "Are you prepared, based on the Way application; to tell us that their hardship is the same as yours?"

Mr. Haller stated, that he could make the assumption based on the length and the location that the situation was the same, and he would like to know what circumstances it is, if it is not the topography, for which a dock exemption is going to be granted to go 507' feet

Mr. C. Williams stated, as an example, Ms. Davis' variance, the hardship was not about the topography, it was the location of the other docks, and that Mr. Haller seems to be saying that the topography is the only issue to be considered, with respect to whether or not there is an extraordinary or exceptional condition, and that is incorrect.

Mr. C. Williams asked, "Is this property residential?"

Mr. Haller replied, "Yes it is."

Mr. C. Williams asked, "Is it difficult or impossible to make residential use of this property without having this variance?"

Mr. Haller stated, that it was waterfront property which the county recognized as being exceptional by virtue of it being on the water, and it was taxed as waterfront property, and in order to get the full value of the waterfront property, the answer is yes.

Mr. C. Williams asked, "Where in the code does it say you have the right to get the full value of your property?"

Mr. Haller stated, that respectfully he was not going to answer that question.

Mr. C. Williams stated, that the codes states that it makes it difficult or impossible to make reasonable use of the property, and also the code states in section 106-522(a)(3) because of these conditions; and you're saying the condition is the topography of the lot; but its not the topography of the lot you're talking about it's the topography of the area outside the boundaries of the lot, and it's because of these conditions the applications of this chapter with this particular piece of property, would effectively prohibit or unreasonably restrict the utilization of the

property; so you're arguing that if Mr. Bilton cannot get a dock, then he is prohibited from using his property or he is unreasonably restricted from the utilization of the property.

Mr. Haller stated, that people go out and buy a beach front house and they go and buy houses on the creek; the reason they pay premium prices for the water, is to get access and use of the water; in addition to that, the county recognizes and enjoy the fact that those people will pay premium prices to their water; part of that access comes when they can build a dock if they can get a permit from OCRM.

Mr. C. Williams asked, "Did you say that Mr. Bilton purchased this property seven years ago, and at that time wasn't the 300 foot restriction in place for small tidal creeks?"

Mr. Haller replied, "My understanding is, it was in place for all creeks in that area."

Mr. C. Williams asked, "When did that restriction go into place?"

Mr. Haller responded, "Some time in 2000."

Mr. C. Williams stated, prior to Mr. Bilton acquiring title to the property, he should have been aware of that information, because it is part of the law.

Mr. C. Williams asked, "Was Mr. Bilton aware of the requirements, that he had to get a variance in order to get a dock on the lot at the time that he bought it?"

Mr. Haller stated, that Mr. Bilton was aware that he would have to get a permit.

Mr. C. Williams asked, "So you don't know whether or not he had actual knowledge of the restrictions, but he is charged with constructive knowledge of it?"

Mr. Haller stated, that everyone is charged with constructive knowledge of the law.

Mr. Dinkins asked Mr. David Gasque, "Since we don't have OCRM represented here, can you explain about the tidal creeks and the bigger creeks?"

Mr. Gasque stated, that according to Beaufort County, the tidal creeks are any creeks under 300' feet wide, and from edge of grass to edge of grass that's less than 300 feet wide it falls into the tidal creeks that the county has identified, and that puts the restriction that the dock length can only be 300 feet long.

Mr. Dinkins asked, "How about the next size creeks?"

Mr. Gasque replied, "If it's greater than 300 feet wide, it's unlimited; it's up to the state standards where a dock can be up to 1000 feet long."

Mr. Gasparini asked, "Is there a map of which creeks are tidal in the county, and does it decide what is and what isn't a tidal creek?"

Mr. Gasque stated, that there was a map, but that they have gone in and seen what was a tidal creek on the map, and when they actually went out to measure the creek, it was greater than 300 feet.

Mr. Gasparini stated, then the map should be amended.

Mr. Gasque stated, it usually a borderline issue, because when the county did it, they didn't go out and delineate the creeks.

Mr. Gasparini asked, "But there is an official map in the county of the tidal creeks, right?"

Mr. Gasque replied, "Yes."

Mrs. Amanda Flake, Planning department, read the Staff report into the record.

There being no further comments from the applicant or the County and no further questions from the Board, Mr. Gasparini called for public comment and limited the comments to 3 minutes.

STEVE BILTON (DOCK VARIANCE) (PUBLIC COMMENT)

Ms. Fran Cail, 22 Huspah Court, stated that she would have to get a variance to get a dock for her property; that her property was similar to that of Mr. Bilton's property. Ms Cail is against the dock variance.

Ms. Cheryl Burnett, stated that she was opposed to the dock variance, because it would interfere with her use of the creek.

Ms. Sally Murphy, 1 Huspah Court S, stated that she oppose the dock variance and hopes the board disapproves the variance like it did in 2007.

Mr. John Smith, Sheldon; stated that he opposes this dock variance.

Mr. Ken Wise, 49 Frazier Landing; stated that he opposes the dock variance.

Mr. Dick Stancil, Huspah Plantation, stated that he opposes the dock variance.

Mr. E. Williams made a motion to deny the dock variance.

Mr. Gasparini stated, that the board should include the facts and findings of Section 106-522.

Mr. C. Willilams made a motion to amend the current motion, to include a finding that there are no extraordinary or exceptional conditions that pertain to this particular piece of property that do not generally apply to other properties in the vicinity, with respect to the requested variance and that there's been no showing that failure to the applicant to receive the variance requested would effectively prohibit utilization of the property.

Mr. E. Williams withdrew his motion.

MOTION: Mr. Chester Williams made a motion to disapprove this variance request, because it doesn't meet the criteria for granting a variance from Section 106-522 (A)(1), 106-522(A)(2), and 106-522(A)(3) of the Beaufort County Zoning & Development Standards Ordinance, and there's no extraordinary or exceptional conditions that pertains to this property. Mr. LeRoy seconded the motion. The motion passed unanimously (FOR: Gasparini, LeRoy, Rentz, C. Williams, Dinkins and E. Williams).

ADJOURNMENT

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

The meeting adjourned at approximately 6:57 p.m.