

The regular monthly meeting of the Beaufort County Zoning Board of Appeals was held on Thursday, August 26, 2010, in the Council Chambers, Beaufort County Administration Building, at 100 Ribaut Road, Beaufort, South Carolina.

**MEMBERS PRESENT**

Mr. Edgar Williams, Vice Chairman  
Mr. Claude Dinkins  
Mr. Kevin Mack  
Mr. Timothy Rentz

**MEMBERS ABSENT**

Mr. Thomas Gasparini, Chairman  
Mr. Phil LeRoy  
Mr. Chester Williams

**STAFF PRESENT**

Mr. Anthony Criscietello, Planning Director  
Mrs. Lisa Glover, Zoning Analyst III

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

**PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE:** Mr. Edgar 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. Claude Dinkins made a motion to adopt the agenda. Mr. Mack seconded the motion. The motion passed unanimously (FOR: Dinkins, Mack, Rentz and E. Williams).

**REVIEW OF MINUTES (JULY 22, 2010):**

**MOTION:** Mr. Rentz made a motion to defer the July 22, 2010 minutes until the September 23, 2010 meeting. Mr. Dinkins seconded the motion. The motion passed unanimously (FOR: Dinkins, Mack, Rentz and E. Williams).

**WILLIAM LEONARD (DOCK-VARIANCE)**

Mr. William Leonard stated, that he is requesting a variance from the 300' feet small tidal creek restriction to build a dock on his property, which is located on the North side of the Whale Branch. Mr. Leonard stated, that at the time he purchased the property, which was about five years ago, he did an aerial survey, and at that time, Mr. Leonard stated, that he spoke with a representative at OCRM to see if he could receive a dock permit, and was told that there were no problems with the property to receive a dock permit. Mr. Leonard stated, that when he went back to OCRM about three years later, he filled out the proper paperwork, and at that time he

was told he had to go to the Beaufort County offices to complete the additional paperwork for his dock permit. Mr. Leonard stated, that he didn't know he needed approval from Beaufort County for his property that has 278 feet of waterfront to access.

Mr. Criscitiello stated, that the county recants the Staff Recommendation report, and Beaufort County supports the applicant's request for a dock variance. Mr. Criscitiello stated, that new information was submitted that indicated, that the small tidal creek which affects the applicant, is unique to the applicant's property. Mr. Criscitiello stated, that the adjacent properties would be eligible for a dock directly from OCRM, because the Whale Branch is open water and not considered a small tidal creek, and the docks for those adjacent property owners will not require a variance; and the property owners could have a dock as much as 1,000 feet based on state regulations. Mr. Criscitiello stated, that consequently they should not deny this applicant a dock for 391' feet. Mr. Criscitiello stated, that adjacent to Mr. Leonard's property is a small tidal creek, and based on these unique criteria; the applicant meets the criteria for a variance.

Mr. E. Williams asked Mr. Criscitiello, "Is the Beaufort County's position being recanted?"

Mr. Criscitiello replied, "Yes."

Mr. E. Williams asked Mr. Criscitiello, "Is the reason for recanting the staff recommendation because of the requirement of the State, and the requirement of the 300 feet?"

Mr. Criscitiello stated, that Beaufort County can grant a hardship variance based on the information submitted, and the Zoning Board of Appeals would need to approve it, because the dock is over 300 feet. Mr. Criscitiello stated, that the staff recommendation was for denial, and based on the fact that they reevaluated the reasons for the staff recommendation, staff found the reasons to be in error, and Beaufort County now supports the application for a dock variance.

Mr. Mack asked Mr. Criscitiello, "Will the 391 feet stop right at the small tidal creek"?

Mr. Criscitiello replied, "Yes, that's correct".

Mr. Mack asked Mr. Criscitiello, "Are there any more docks on this creek"?

Mr. Criscitiello replied, "No".

*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 and limited the comments to 3 minutes.*

### **WILLIAM LEONARD (DOCK-VARIANCE) (PUBLIC COMMENT)**

Mr. Reed Armstrong, with the Coastal Conservation League stated, that Mr. Leonard has marsh front property that does not have nearby access to navigable waters, and according to the Zoning & Development Standards Ordinance, a dock with a boardwalk and a pier head about 400 feet in length, on a small tidal creek, is prohibited in Beaufort County, per the dock section of the Zoning & Development Standards Ordinance. Mr. Armstrong stated, that there was nothing in Mr. Leonard's argument that seems to meet the standards for a dock variance, because it is not an extraordinary or exceptional case, it is the same as any other marsh front property located on a small tidal creek within the county, and not having a dock does not

prohibit reasonable use of the property. Mr. Armstrong stated, that he is against the dock variance.

Mr. E. Williams asked Mr. Criscitiello, "Will the 391 feet dock impact anyone else"?

Mr. Criscitiello replied, "I don't believe so".

Mr. Rentz made a motion to grant the variance, due to the change from Beaufort County's staff recommendation report.

Mr. E. Williams asked Mr. Rentz, "Is that the dock variance for 391 feet?"

Mr. Rentz replied, "Yes".

**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 391' foot dock. Mr. Dinkins seconded the motion. The motion passed unanimously (FOR: Dinkins, Mack, Rentz, and E. Williams).**

#### **ADJOURNMENT**

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

*The meeting adjourned at approximately 5:29 p.m.*