

The regular monthly meeting of the Beaufort County Zoning Board of Appeals was held on Thursday, November 18, 2010, in Council Chambers, Beaufort County Administration Building, at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT

Mr. Thomas Gasparini, Chairman
Mr. Claude Dinkins
Mr. Timothy Rentz
Mr. Chester Williams

MEMBERS ABSENT

Mr. Edgar Williams, Vice Chairman
Mr. Phillip LeRoy
Mr. Kevin Mack

STAFF PRESENT

Ms. Hillary Austin, Zoning & Development Administrator
Mr. Tony Criscitiello, Planning Director
Mrs. Lisa Glover, Zoning Analyst III

CALL TO ORDER: Mr. Gasparini called the meeting to order at 5:09 p.m.

PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE: Mr. Gasparini led those assembled in the Pledge of Allegiance.

ADOPTION OF AGENDA:

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

ADOPTION OF MINUTES:

Mr. Gasparini stated, that since Mr. Rentz was absent at the October 28th, 2010 meeting, the adoption of the minutes will be deferred until the next scheduled meeting, due to a lack in quorum.

HOPWOOD MINE (SPECIAL USE)

Mr. Criscitiello explained to the board, that this matter came before the Development Review Team on October 20, 2010, and the Development Review Team recommended approval with conditions; this request is a special use in the rural zoning district. Mr. Criscitiello stated, that the issue essentially has to do with providing the necessary buffers around the property and meeting the tree mitigation requirements; 824 caliper inches of trees have to be mitigated, and 824 trees are provided in the shaded area on sheet four on the plans. The only outstanding issues is what's provided in the recommendations, which are, operational hours from 6:30 a.m.

to 6:30 p.m., signs on property indicating no trespassing, and no equipment exceeding 30-feet in height above the lowest natural grade on the site; those are the recommendations that will be attached to this application.

Mr. Ryan Lyle with Andrews & Burgess explained to the board, that they met all of the requirements and conditions, and shown them on the attached plans. Mr. Lyle stated, that they are looking to secure the special use permit for the 10 acre sand mine on Lady's Island; they met all of the requirements of conceptual DRT approval, with the exception of the three items, and they agree to all of the conditions located on the staff report.

Mr. Gasparini asked Mr. Lyle, "How many days of the week will they be in operation?"

Ms. Austin stated, that there's no limitation on the amount of days.

Mr. C. Williams asked Mr. Lyle, "Do you anticipate that there's going to be a time where the water remains on the site for more than one day?"

Mr. Lyle answered, "Yes".

Mr. C. Williams asked Mr. Lyle, "So will you put the fence up?"

Mr. Lyle answered, "Yes, the fence will be located as shown on the northern edge of the pond, to the northern property line that's on the other side of the buffer".

Mr. Gasparini asked Mr. Lyle, "How far away is the closest residence?"

Mr. Lyle answered, "To the edge of the mine is approximately 500 plus feet; the neighbors were notified per the notification requirements.

Ms. Austin stated, that the residence is approximately 200 to 300 feet away from the mine.

Mr. Gasparini asked Mr. Criscitiello, "What does the Zoning & Development Standards Ordinance say about the days of operation, especially on Sunday?"

Mr. Criscitiello stated, that the Zoning & Development Standards Ordinance doesn't specify the days of the week, but the board could certainly put a condition on the approval regarding the days of the week.

There being no further comments from the applicant or the county, and no further questions from the board, Mr. Gasparini called for public comment; there were no public comment for this application.

MOTION: Mr. Dinkins made a motion to approve the special use permit per Section 106-552 of the Zoning & Development Standards Ordinance, in regard to the three conditions set forth in the DRT's recommendations, which are, 1) The applicant shall ensure that there will be no equipment exceeding 30-feet in height above the lowest grade on the site. 2) Applicant shall be required to fence the area if water is to remain for more than one day. The fence shall be located at least 50-feet from the edge of excavation. Every 25-foot along the length of the fence, clearly legible NO TRESPASSING signs shall be installed on the fence, and in high visibility locations at all site access points. 3) Applicant's hours of operation shall

be limited to 6:30 a.m. to 6:30 p.m. Mr. Rentz seconded the motion. Mr. Gasparini asked the board, if the board should be concerned about the days of the week? Mr. Dinkins stated, that he knows that area, and he is not concerned about the days of the week. **The motion passed unanimously (FOR: Dinkins, Gasparini, Rentz, and C. Williams).**

BROCK AUTOMOTIVE (SPECIAL USE)

Mr. Gasparini stated, that Mr. Rentz recused himself from this case, so there's no quorum for this project; this project will have to be deferred until the December meeting. Mr. Gasparini apologized to Mr. Brock for not having a quorum to hear his case.

Mr. Criscitiello stated, that Mr. Brock will still be able to operate his business as it is now.

Mr. C. Williams stated, that he would like staff to be prepared next month to address the use that was generally talked about at the previous variance hearing; the affidavit from Ms. Austin that was given to the board, and the issue about whether or not there was a valid zoning permit issued.

Mr. Gasparini stated, that he would like to know at the next meeting, why wasn't this special use application addressed at the same time as the variance application.

ADJOURNMENT

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

The meeting adjourned at approximately 5:25 p.m.