



## 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 24, 2016 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. Kevin Mack

Mr. William Mitchell  
Mr. Chester Williams  
Mr. Jim Vineburgh

#### MEMBERS ABSENT

NONE

#### STAFF PRESENT

Ms. Hillary Austin, Zoning Administrator  
Ms. Allison Coppage, County Attorney  
Mrs. Tamekia Judge, Zoning Analyst III  
Mrs. Lisa Anderson, Zoning Analyst II

**CALL TO ORDER:** Mr. Gasparini called the meeting to order at 5:04 p.m.

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

#### REVIEW OF AGENDA:

*Mr. Gasparini stated that Items #7 and #9 will be combined for the Public comment.*

**MOTION:** Mr. E. Williams made a motion to adopt the agenda, with the noted changes for Item #7 and Item #9. Mr. Vineburgh seconded the motion. The motion passed unanimously (FOR: Gasparini, Mack, Mitchell Vineburgh, C. Williams and E. Williams).

#### REVIEW OF MINUTES:

**MOTION:** Mr. E. Williams made a motion to adopt the February 25, 2016 minutes as submitted. Mr. Vineburgh seconded the motion. The motion passed (FOR: Gasparini, Mack, Vineburgh, C. Williams and E. Williams (ABSTAIN: Mitchell)

## **BLUFFTON TOWNSHIP FIRE DISTRICT (BUILDING HEIGHT VARIANCE)**

Mr. Paul Boulware, Deputy Fire Chief of Bluffton Township stated, that they are requesting a Variance of ten feet for the height of the Training Tower building. Mr. Boulware stated that the Ordinance requires that the maximum height of the building be 35 feet.

Mr. C. Williams asked Mr. Boulware, "Have you seen the Staff recommendation?"

Mr. Boulware replied, "Yes."

Mr. C. Williams stated that as he read the recommendation, the application doesn't meet three of the eight criteria, and he is struggling with that because; if you don't meet the criteria then a Variance should not be granted.

Mr. John Thompson, Fire Chief of Bluffton Township stated that, "There are other buildings in the district that are over four or five stories tall; in order for the firefighters to be able to fight fires effectively in those buildings, they have to have a structure to train in. We have for years tried to use other people's businesses, but Bluffton has grown and gotten to the size that we don't have that capability anymore. This tower would allow us to train our people to effectively do their job. If we have to keep the building inside of what the zoning is the extraordinary circumstance to us is; we can't effectively train people to do what they need to do out there, especially if that community continues to grow. Mr. Thompson also stated that the Aerial lateral operations have become very important to us, we have a 105 foot aerial platform and to be able to use that piece of equipment effectively you have to have a building you can put it up to. At 30 feet the angle is so low, or 35 feet the angle is so low that it's not real effective bringing it up to that 45 feet level and letting them go off to that parapet wall that is the actual top 5 feet of the 45 feet, which is a huge advantage to us and that's how I see extraordinary to us, if we can't train with it, then the whole building isn't useful to us."

Mr. C. Williams asked Mr. Thompson, "Where have you been training before?"

Mr. Thompson replied, "That's just the problem, we've had to go over to the Air Station and Hilton Head; the County Council approved this project because of the cost savings and the time savings that we have when we go out of the District to train. To come over to one of these other buildings; we are taking an engine company or two out of service, or we have to pay overtime to cover those spots, because the truck is driving back and forth. We have come to a point where it's time for us to have our own facility and be able to train."

Mr. C. Williams asked Mr. Thompson, "Is it another location you can put the structure that it would comply with the Zoning?"

Mr. Thompson replied, "Not without a tremendous amount of cost to the District to buy another piece of property. We have 9.2 acres; we are currently under construction with a maintenance facility and for us to do that would delay the project and be a hardship".

Mr. C. Williams stated to Mr. Thompson, "I understand that, but the hardship should relate to the land; not the applicant's personal situation. I personally have a struggle with trying to justify approving a Variance application where it doesn't meet the criteria".

Mr. Gasparini asked Mr. Thompson, "When County Council approved the money to build the facility, did they know it didn't fit the Zoning?"

Mr. Thompson replied, "They knew it didn't fit the Zoning as far as the facilities that were going on the property; whether they knew about the height requirement, I can't answer that question."

Mr. Gasparini asked Mr. Thompson, "Was the height mentioned in the proposal?"

Mr. Thompson replied, "I guess it depends on how close they read the information given to them."

Mr. Gasparini asked Mr. Thompson, "Did you'll put it in there?"

Mr. Thompson replied, "It was in there somewhere. I did not formally tell them that it was 45 feet."

Ms. Hillary Austin, Beaufort County Zoning Administrator stated, that this was looked at as a point of Safety and Public Health. Ms. Austin stated, that she knew it didn't meet all of the criteria for a Variance, but the Zoning district allows 35 feet height and they are asking for 10 more feet; that's why she recommended approval.

Mr. Gasparini asked Ms. Austin, "Is there some place in the County where there is a 45 feet limit, or is it 35 feet everywhere?"

Ms. Austin replied, "The C5 Zoning district has three stories max, maybe the Industrial district would be a little bit higher, but it seems like all the Zoning districts under this standard have the maximum 35 feet, and that's normally three stories."

Mr. Gasparini stated that the Board should seek Counsel for advice on the project.

Mr. C. Williams made a motion for Executive session.

Mr. E. Williams seconded the motion.

*Recess at 5:27 p.m for Executive session*

***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 each.***

Mr. Ed Olsen, board member of the Bluffton Township Fire District stated for the record, "That the Hilton Garden Inn is five stories; I want to appeal to you that somehow we resolve this so that the Firemen don't train at 35 feet, but allow them to fight a fire up to 50 feet."

*Ms. Judy Myer submitted nine photographs into the record.*

Ms. Myer stated that she wanted to know what kind of buffer there was going to be to protect them from the sound and visual of the project. Ms. Meyer does not oppose the Variance for the building height.

*Ms. Janice McKim submitted a letter and two photos into the record.*

Ms. McKim stated that she was representing her daughter Chelsea and Zack Black that lives at 4 Ulmer Road and they do not oppose the Variance.

Mr. C. Williams asked Ms. Austin, "Are we considering this application under the provisions of the Community Development Code or under the provisions of the Zoning & Development Standards Ordinance?"

Ms. Austin replied, "The ZDSO."

Mr. C. Williams stated that, "I was not aware of that prior to coming to the meeting, so I haven't looked at the Variance from that aspect. We've also heard certain facts come out; at least I think there are facts that may have material bearing on what decision is made; considering that, I don't know that I'm in the position to make a fair and equitable decision on this application. I'd like to see a Staff report that goes over the criteria of the ZDSO and I'd like to know what other facts there are out there that we didn't know before tonight that ought to be included in the record." Mr. C. Williams made a motion to put the application over until the next meeting.

Mr. Gasparini asked Mr. C. Williams, "Are you proposing that we put this over for a revised report from the County as well as fact finding?"

Mr. C. Williams replied, "So moved."

Mr. E. Williams seconded.

Mr. Vineburgh stated that some additional facts were heard and his intention would be to not vote for the motion because he believe there is a lot of mitigation. Mr. Vineburgh stated that he believe this is purely a Public Safety issue and if the Board can't make an exception when people lives are at stake, that bothers him.

Mr. Gasparini stated, "In an effort to get this done, and also to not violate the ZDSO, which is just for the record, this is an amendment apparently to a Development permit that was issued under the old code. The new code was adopted in December of 2014 and is now called the Community Development Code. We thought we were dealing with the Community Development Code and it turns out we're dealing with the ZDSO; either we missed it, or I missed it but I don't know whether we really knew that. That has something to do with this whole conversation, so the criteria are in a way the same but the language is not the same with the codes. It could be that in the interim, the County and the Fire District can develop some facts under the old code that can make this easier for us to get to the right result." Mr. Gasparini asked Mr. Thompson, "If it takes another month, how big of a deal would that be?"

Mr. Thompson replied, "We have a contractor ready to build and this would delay it."

Mr. Gasparini stated, that "I understand, and in the mean time you have arrangements and facilities to train your firefighters. You are going to have to do that interim while your building is being built anyway. So, the motion is to put this over for a revised Staff report from the County with the hope that we can say that we can develop an approach to get this done under the old code."

**MOTION: Mr. C. Williams made a motion to table the application until the next scheduled meeting for a revised Staff report to be completed using the Zoning & Development Standards Code. Mr. E. Williams seconded the motion. The motion passed (FOR: Gasparini, Mack, Mitchell, C. Williams and E. Williams; OPPOSED: Vineburgh).**

#### **CHURCH OF THE PALMS UNITED METHODIST CHURCH (PARKING VARIANCE)**

Mr. Heath Duncan, Ward Edwards Engineering stated, that "I'm here on behalf of the Church of the Palms. The existing church building that is on the property is 7100 square feet was constructed in 2002 and has a 220 seat sanctuary. The project that is currently in design and the permitting process is a building addition which would add another 9,640 square feet. It includes fellowship space, classrooms, offices, and restrooms. The addition of that space allows them to expand the sanctuary in the existing building from 220 seats to 312 seats by moving some walls. The site currently has 106 parking spaces, this serves the sanctuary; 70% of those spaces are constructed of permeable surfaces which is gravel parking. The church has recently been experiencing a parking shortage during regular services, and in response to this problem the church has been logging parking and attendance statistics for over six months since September. During that time the average attendance has been 181 persons and 105 vehicles parked on the campus. Some services have as many as 121 vehicles, in those instances some people were parking in the wooded landscaped area, areas that were not intended for parking. Some photos of that were included in your packet of a recent Sunday where some people were parked in random areas that really weren't intended for that purpose. The statistics that they've logged over the last six



months show that on average that works out to about 1.75 persons per vehicle. The Beaufort County Development code and the ZDSO which preceded, allows for 3 persons per vehicle, which is probably fine for most churches. Based on the statistics for the last six months has shown to be inadequate for the Church of the Palms. It is believed this is largely due to the demographics of the church and its proximity to Sun City; it's kind of a unique congregation, primarily retired couples, the widowed, divorced, or single persons. There's only a small percentage of the church congregation that's comprised of families with children. I guess that's the 1.75 persons per car statistic that the data has shown. Based upon the expanded capacity of the sanctuary which is 312 seats if you apply the 1.75 persons per vehicle ratio to that we project a need 183 parking spaces, and that is what is reflected in our variance request. So the Variance request is essentially for an additional 42 spaces. The church has concerns about safety, when there isn't adequate parking; people park in places that weren't intended for that purpose. There could be hazards for falling or just general safety issues with parking in areas that are wooded or landscapes that aren't intended for parking. I want to bring to the Board's attention Stormwater as well, generally I think the code requires that any spaces in excess of the allowable amount must be permeable material and in fact, all 42 spaces are permeable and in fact 75% of all parking spaces on the campus are made of permeable material. The detention pond on the property is designed to meet all the County Stormwater regulations including peak rate control, water quality control, and volume metric controls. So as far as extraordinary and exceptional conditions we feel that the demographics of the congregation and the documented demand over the last six months are exceptional; it differs a bit from the parking calculations that are in the ordinance. This would restrict the utilization of the land; the church does not have adequate parking for a full auditorium without a Variance. A 312 person auditorium at the rate the statistics has shown over the last six months would not be enough parking without a Variance. Would it confer any special privileges to the owner that is denied to other lands that are similarly situated? To our knowledge it would not, any other church would have to demonstrate a similar need based on the specific makeup of their congregation and present similar statistics and findings to support their request. Does it have adverse effects on surrounding properties or the public welfare? One hundred percent of the extra parking spaces will be permeable, and 75% of all of the parking spaces will be permeable and the Stormwater system will have to meet all candid requirements and be approved by the Staff Review Team and the County Engineer. As it relates to additional parking, creating additional runoff is not the case in this instance."

Ms. Hillary Austin, Beaufort County Zoning & Development Administrator, stated that "When the church was built it had the same standards of one space per three seats. They ended up with 106 parking spaces, cannot say why because they were only supposed to have 73. When they came in for the expansion we normally do not grant extra parking spaces for a fellowship hall because, normally the sanctuary isn't getting bigger. In this case, I found out today that they were going to expand the sanctuary, but even with the expansion they are only permitted to have 146 parking spaces, Beaufort County allowed them to get the extra parking spaces. They are asking for an extra 42

spaces which is way above the ordinance and does not meet it; there is no hardship. I am recommending disapproval because I don't see a hardship for the extra parking."

Mr. Mitchell asked Ms. Austin, "I feel they obviously need more parking, has there been anyone to look at the County parking regulations for one per three? Is this a common problem that comes up with fellowship halls?"

Ms. Austin replied, "No."

Mr. E. Williams asked Ms. Austin, "In 2002 was the 220 seat approved?"

Ms. Austin replied, "The church was originally approved for 193 seats."

Mr. E. Williams asked Ms. Austin, "How many extra parking spaces do they want?"

Ms. Austin replied, "Beaufort County gave them an additional 35 parking spaces for the fellowship hall and now they want an additional 42 spaces."

Mr. Gasparini asked Ms. Austin, "Does the County code require us to do it one space per three seats?"

Ms. Austin replied, "Under the parking regulations."

***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 each.***

Mr. Lettingham stated that "I am not objecting to the parking or the building, the problem is when they bought the land there is a drainage problem, because the runoff from the pond goes to the land and I object to the water runoff from the parking expansion."

Mr. Mitchell made a motion to grant the Variance adding the 37 parking spaces.

Mr. Vineburgh seconded the motion.

Mr. E. Williams stated that he understood Mr. Lettingham's concern about the water problem and he would be okay with it if the church explained the water runoff being controlled.

Mr. Gasparini asked Mr. Duncan, "Are all of the parking permeable?"

Mr. Duncan replied, "Yes."

Ms. Austin stated that, "The Stormwater Management department stated that even though it is permeable that it is still hard and there is still runoff and that causes the

problem. Under the Special Use the runoff would be handled and there should be no outfall to another person's property."

Mr. Gasparini asked Mr. Duncan, "Are there mitigation plans in both of the application to deal with the water runoff to Mr. Lettingham's property?"

Mr. Duncan replied, "Yes."

Mr. C. Williams stated, that he is struggling with how the application meets the criteria.

Mr. Gasparini asked Ms. Austin, "The Special Use is to build the Fellowship Hall?"

Ms. Austin replied, "Anything over 15,000 square feet is considered a large church and needs a Special Use for the Rural Zoning, and is only approved through you guys."

*Mr. Gasparini stated that the Board will review the Special Use and then go back and review the Variance for the parking.*

#### *Church of the Palms United Methodist Parking Variance Continued*

Mr. Gasparini asked Ms. Austin, "Because the Code refers to this as a meeting facility or place of worship, it really doesn't matter how big the building is, unless there are no pews and if there are pews then it one space per every three seats or six feet of pews and if there are no pews then it's one per every 300 feet of gross area; then they are building a Fellowship Hall with no seats, are there parking allocations for the Fellowship Hall?"

Ms. Austin replied, "No, because the Fellowship Hall is normally a part of the church."

**MOTION: Mr. Mitchell made a motion to approve the Variance for the additional 37 parking spaces. Mr. E. Williams seconded the motion. The motion passed (FOR: Mack, Mitchell, Vineburgh and E. Williams; OPPOSED: Gasparini and C. Williams).**

#### **CHURCH OF THE PALMS UNITED METHODIST CHURCH (SPECIAL USE)**

Mr. Heath Duncan, Ward Edwards Engineering stated, that they are requesting a Special use because the building exceeds 15,000 square feet. The only condition is the access on an Arterial or a Collector street, and we direct access on HWY 170.

Ms. Austin stated, that the Special Use was needed because the building exceeded 15,000 square feet and could only be approved by the Board. They went through the Staff Review Team and Staff recommended approval.



***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 there were no public comments.***

Mr. C. Williams made a motion to approve the application for the Special Use as it complies with Section 7.2.130.D of the Community Development Code.

Mr. Mitchell seconded the motion.

**MOTION: Mr. C. Williams made a motion to approve the Special Use application, as it complies with Section 7.2.130.D of the Community Development Code. Mr. Mitchell seconded the motion. The motion passed unanimously (FOR: Gasparini, Mack, Mitchell, Vineburgh, C. Williams and E. Williams).**

## **206 MAY RIVER ROAD (SETBACK VARIANCE)**

Mr. Dan Keefer, Witmer, Jones, Keefer, stated that "We submitted for a Conceptual review for the development of the property located at 206 May River Road, and learned that the setback criteria for the front of the property across from Gibbett Road on Hwy 46, there is a 10' minimum setback and a 30' maximum setback; and what that does is encourages buildings, as the area is redeveloped, to be closer to the street. This a good thing in terms of the ordinance and in the case of this site based on where our entrance is, aligned with Gibbet Road there is a string of Live Oak trees and one of them happen to be a 39" Live Oak tree; we submitted a photo of that tree and want to make sure it made it into the documents; that is sort of the tree in question, we would like to push the building back within the site so we are outside of the 30' maximum setback. We are not encroaching into anyone else's site, so the tree would remain and the building would be set back on the site."

Mr. Gasparini asked Mr. Keefer, "You want a Variance on the setback to save the tree?"

Ms. Austin stated, that the tree has to be saved for Natural Resource.

***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 there were no public comments.***

Mr. Vineburgh made a motion to approve the setback Variance to increase the maximum 30' setback to plus or minus 60' in order to preserve the 39" Live Oak tree.

Mr. E. Williams seconded the motion.

**MOTION: Mr. Vineburgh made a motion to approve the Variance to increase the maximum 30' setback to plus or minus 60' in order to preserve the 39" Live Oak tree. Mr. E. Williams seconded the motion. The motion**

**passed unanimously (FOR: Gasparini, Mack, Mitchell, Vineburgh, C. Williams and E. Williams).**

#### **ADJOURNMENT**

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

The meeting adjourned at approximately 6:37 p.m.