



COUNTY COUNCIL OF BEAUFORT COUNTY
Beaufort County Community Development

Beaufort County Robert Smalls Complex
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The regular monthly meeting of the Beaufort County Zoning Board of Appeals was held on Thursday, January 25, 2018, in the Council Chambers, Beaufort County Administration Building, at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT

Mr. Thomas Gasparini, Chairman
Mr. John Chemsak
Mr. Kevin Mack
Mr. Joseph Passiment

MEMBERS ABSENT

Mr. Edgar Williams, Vice Chairman
Mr. William Cecil Mitchell, III
Mr. Chester Williams

STAFF PRESENT

Ms. Hillary Austin, Zoning Administrator
Mrs. Tamekia Judge, Zoning Analyst III
Mr. Eric Larson, Environmental Eng., Land Mgt. Director
Mr. Eric Greenway, Assistant Community Development

VACANCY

None

CALL TO ORDER: Mr. Gasparini called the meeting to order at 5:00 p.m.

PLEDGE OF ALLEGIANCE: Mr. Gasparini led those assembled with the Pledge of Allegiance.

REVIEW OF AGENDA:

Mr. Mack made a motion to adopt the agenda.

Mr. Passiment seconded the motion.

MOTION: Mr. Mack made a motion to adopt the agenda. Mr. Passiment seconded the motion. The motion passed (FOR: Chemsak, Gasparini, Mack, and Passiment; ABSENT: Mitchell, C. Williams and E. Williams).

REVIEW OF MINUTES:

Due to no quorum, the adoption of the minutes is postponed.

CUFFY MINE – (SPECIAL USE PERMIT)

Mr. Scott Sanders stated, "We are trying to expand an existing DOT mining pit that was originally started when US Group widened Hwy 21 on St. Helena. We are asking to expand the site approximately 1.6 acres. We received a general mining permit, a no discharge permit, and our Coastal Zone Consistency certificate and we are asking for a Special Use permit".

Mr. Mack asked Mr. Sanders, "Is the part you are proposing to expand near Storyteller Road?"

Mr. Sanders replied, "Yes."

Ms. Hillary Austin, Beaufort County Zoning Administrator, stated "An additional condition has been added to the Staff recommendation, that the period of mining be good for 2 years. If the applicant wishes to mine longer, he can come back to the Board and request an extension. Although the mining permit is good for 10 years, I don't think he would be mining for 10 years. Staff recommends approval."

Mr. Gasparini asked Mr. Sanders, "Is the pond going to be fenced?"

Mr. Sanders replied, "The property is a 300-acre tract. We have to have gates at every entrance because of the agricultural regulations."

Mr. Gasparini asked Ms. Austin, "Does the County require a fence?"

Ms. Austin replied, "Yes. If there will be water standing for more than a day, the site has to be fenced and posted with the no trespassing signs around the 20-acres."

Mr. Allen Patterson stated, "We don't have a gate on the main entrance but I would propose putting one up, it would secure the site".

Mr. Gasparini stated that he is concerned about safety. "I realize it is far from a home, but I am pretty sure kids can cover a half-mile pretty quickly."

Mr. Gasparini asked Mr. Sanders, "Is the land around it under cultivation?"

Mr. Sanders replied, "Where the pond is, there's a woodland tract but all the rest of it is under cultivation."

Mr. Gasparini asked Mr. Sanders, "So, it's completely surrounded by cultivation?"

Mr. Sanders replied, "Yes sir. The site is in approximately 60-acre woodland site in the middle of the woods and the rest of it is agricultural."

Mr. Gasparini asked Mr. Sanders, "Can you get to the pond through the woods from a road that is close by?"

Mr. Sanders replied, "Yes, the haul road that we use, where he is proposing to put the gate."

There being no further comments from the Applicant or the County and no further questions from the Board, Mr. Gasparini called for public comment. Public comments are limited to three minutes.

Mr. Ben Johnson stated, "The information that was sent out was misleading. The maps should be corrected. We need a definitive answer on where the pond will be. A fence should be placed around the pond. What Community are they supplying dirt for? Sand pits always seem to be in the African American Community, why? It just doesn't seem fair."

Ms. Clara Holland stated, "I have property on Cuffy Road and I am concerned about the pit. I didn't know how close it would be to my property and how it would impact the value of my property. I agree with Mr. Johnson; if we could have anything in the Community, it should be affordable housing or businesses. But a pit, I don't see how that would benefit the Community."

Ms. Beverly Brown stated, "I am in agreeance with Mr. Johnson, I don't see how this pit would benefit our Community. I was born and raised in the Community and there are no benefits with a pit. There is going to be a lot of noise."

Mr. Benjamin Toban stated, "The information given left out crucial information; how deep is the mine supposed to be? What's the ground level?"

Mr. Sanders replied, "18-20 feet deep."

Mr. Toban asked, "Will the pond be irrigated? Will there be an escrow account for the roads? What is the mindset of the County monitoring the natural resources? If the area is going to be a mining pit, will it affect the value of the land?"

Ms. Regina Peabody stated, "I am not necessarily opposed to the pit, because I have some experience living with the pit that has been there for the last 5 years. My concern is, at times the pump run at night and we hear the noise. It is my understanding that the pit is not supposed to operate after 6pm at night and to me that includes the pump. That's a concern, especially since it's being moved over closer to the open field, which is closer to my property. My other concern is if there are trees between the pit and my property. Reclamation, I did try reading through the ordinance today and I was wondering what happens with ponds. I know there are two other ponds there that are closed, but what kind of reclamation occurs when the ponds are no longer in use?"

Public comment session closed

Mr. Gasparini stated, "It is my understanding that the permit he received from SCDHEC (South Department of Health and Environmental Control) requires that when you are finished with a pit you have to do remediation. It means that you have to take some action so the site is not simply left the way that it is."

Mr. Sanders stated, "As a condition of the state permit we are required to post a \$10,000 surety bond to ensure that the reclamation work is done and that the side walls have been maintained at a 1 to 3 slope and grassed and seeded and they won't release the \$10,000 until SCDHEC comes and approves the reclamation."

Mr. Gasparini asked Mr. Sanders, "What about the hours of operation?"

Mr. Sanders stated that they can certainly address that, by running the pumps at night. Typically we leave it idling overnight when we are dewatering the pit."

Mr. Gasparini asked Mr. Sanders, "In terms of operating the pit, do you operate it 5 days or 7 days a week?"

Mr. Sanders replied, "5 days a week."

Mr. Passiment made a motion to grant the Special Use Permit request with the condition that the mining permit is good for 2 years.

Mr. Chemsak seconded the motion adding the condition that the hours of operation is conducted Monday thru Saturday from 6:30 a.m. until 6:30 p.m. Mr. Passiment agreed to the addition to the motion.

MOTION: Mr. Passiment made a motion to grant the Special Use Permit with the condition that the mining permit is good for 2 years and that the hours of operation conducted Monday thru Saturday from 6:30 am until 6:30 pm. Mr. Chemsak seconded the motion. The motion passed (FOR: Chemsak, Gasparini, Mack, and Passiment; ABSENT: Mitchell, C. Williams and E. Williams).

OLD BUSINESS

There was no old business to come before the Board.

NEW BUSINESS

Mr. Gasparini requested that the election of the 2018 Chairman and Vice Chairman be postponed until all members are present.

ADJOURNMENT

MOTION: Mr. Passiment made a motion to adjourn. Mr. Mack seconded the motion. The motion passed (FOR: Chemsak, Gasparini, Mack, and Passiment; ABSENT: Mitchell, C. Williams and E. Williams).

The meeting adjourned at approximately 5:36 p.m.