



COUNTY COUNCIL OF BEAUFORT COUNTY  
**Beaufort County Community Development**

Beaufort County Robert Smalls Complex  
Administration Building, 100 Ribaut Road, Room 115  
Post Office Drawer 1228, Beaufort SC 29901-1228  
Phone: (843) 255-2171 • FAX: (843) 255-9446

The regular monthly meeting of the Beaufort County Zoning Board of Appeals was held on Thursday, February 22, 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. Joseph Passiment  
Mr. Chester Williams

**MEMBERS ABSENT**

Mr. Edgar Williams, Vice Chairman  
Mr. Kevin Mack  
Mr. William Cecil Mitchell, III

**STAFF PRESENT**

Ms. Hillary Austin, Zoning Administrator  
Mrs. Tamekia Judge, Zoning Analyst III

**VACANCY**

**None**

**CALL TO ORDER:** Mr. Gasparini called the meeting to order at 5:01 p.m.

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

**REVIEW OF AGENDA:**

Mr. Passiment made a motion to adopt the agenda.

Mr. C. Williams seconded the motion.

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

**REVIEW OF MINUTES:**

**Due to no quorum, the adoption of the October 26, 2017 and January 25, 2018 minutes are postponed.**

**JENNIFER MORALES ACCESSORY STRUCTURE SETBACK/LOCATION - VARIANCE**

Mrs. Jennifer Morales stated, "My husband and I placed a building on our property against the zoning ordinances, as well we didn't get a permit. The reason we didn't get a permit was because we are tucked away back in the woods. We didn't realize that being where we were required permits. We weren't in a gated community or an HOA type community. Unfortunately, we are in a couple different violations; we put a lot of time, effort and money into the building so we are here to convince you to let us keep it." First of all, it was built within the setbacks of the property line. According to where we are the setbacks are to be 10-feet. There is a very prominent property line that you can see; there is a chain-link fence between us and the neighbor. So, it is very defined that we are obviously on our side. He removed a portion of the concrete from the back of the structure because it was a little bit of an excess, just so we could get a little farther in; it goes from four to five feet away from the fence. Once again we didn't realize there were such setbacks, because our neighbor next door has a garage right up against the fence, about five feet.

Their garage is in the back; we didn't realize it because we based our building on the other buildings within the Community."

Mr. Chemsak asked, "Was that slab there when you started this or did you pour the slab?"

Mrs. Morales replied, "We poured it. He first built the structure; he built the carport part of it and then he put the concrete in. Then he recently added on the storage part to it."

Mr. Gasparini asked Mrs. Morales, "Is the covered concrete slab the problem?"

Mrs. Morales replied, "Yes."

Mr. Gasparini asked Mrs. Morales, "It doesn't have walls, it only has a roof?"

Mrs. Morales replied, "Yes, that is correct."

Mr. C. Williams asked Mrs. Morales, "Are there any extraordinary or exceptional conditions that pertain to your lot?"

Mrs. Morales replied, "We do have a natural pond in the back yard, if we were to put the building back there it would block our view. There are also trees on both sides, so we wouldn't be able to drive around."

Mr. C. Williams asked Mrs. Morales, "What are your other criteria; if you don't get this Variance, are you still able to use the property as your residence?"

Mrs. Morales replied, "Yes."

Mr. Chemsak asked Mrs. Morales, "I see that you aren't in compliance with the size of the structure, is that correct?"

Mrs. Morales replied, "We have a plan to make it in compliance if we are allowed to keep the building."

Mr. Passiment asked Mrs. Morales, "When you turn into the gravel driveway, you would turn left into the carport?"

Mrs. Morales replied, "No."

Hillary Austin, Beaufort County Zoning Administrator stated, "County recommends disapproval and the structure should be moved to meet the conditions. It looks like there is enough space on the rear. I am not sure where the trees are to get around the back. Maybe if we could pull it closer to the house or to at least meet at least some of the County's requirements."

Mr. Gasparini asked Ms. Austin, "Does the ordinance permit it to be in the front at all?"

Ms. Austin replied, "Really doesn't want the accessory structure to be in the front of the building line. All of the accessory structures shall be behind the front façade of the building. "

Mr. Gasparini stated, "There looks like there are other structures in the neighborhood, are they pre-existing or non-conforming?"

Ms. Austin replied, "I don't know when they were built and I didn't do a research to see where all of this stuff was. She was the one that got the citation, so I didn't research."

Mr. Gasparini asked Ms. Austin, "When we adopted the new code, did this change?"

Ms. Austin replied, "No, when we adopted the 1999 code, it was still the same."

**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 comments.**

Mr. C. Williams stated, "Based on the application before us and the testimony and the recommendation of the County Staff, I move that the application be denied."

Mr. Chemsak seconded the motion.

Mr. Gasparini supports the motion to deny the Variance request.

**MOTION: Mr. C. Williams made a motion to deny the Variance request. The applicant shall remove the structure to the proper location and setback no later than 30 days from the Board's decision. The applicant has not proven a hardship. Mr. Chemsak seconded the motion. The motion passed (FOR: Chemsak, Gasparini, Passiment and C. Williams; ABSENT: Mack, Mitchell 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. C. Williams made a motion to adjourn. Mr. Passiment seconded the motion. The motion passed (FOR: Chemsak, Gasparini, Passiment and C. Williams; ABSENT: Mack, Mitchell and E. Williams).**

The meeting adjourned at approximately 5:23 p.m.