



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, July 26, 2018, in the Council Chambers, Beaufort County Administration Building, at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT

Mr. Thomas Gasparini, Chairman
Mr. Kevin Mack, Vice-Chairman
Mr. John Chemsak
Mr. William Cecil Mitchell, III
Mr. Joseph Passiment
Mr. Chester Williams

MEMBERS ABSENT

None

STAFF PRESENT

Ms. Hillary Austin, Zoning Administrator
Mrs. Tamekia Judge, Zoning Analyst III
Audra Antonacci, Codes Enforcement Director

VACANCY

Northern Beaufort County

CALL TO ORDER: Mr. Gasparini called the meeting to order at 5:05 p.m.

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

REVIEW OF AGENDA:

MOTION: Mr. C. Williams made a motion to adopt the agenda as written. Mr. Passiment seconded the motion. The motion passed (FOR: Chemsak, Gasparini, Mack, Mitchell, Passiment and C. Williams; VACANCY: Northern Beaufort County).

REVIEW OF MINUTES:

MOTION: Mr. C. Williams made a motion to adopt the May 24, 2018 meeting minutes as written. Mr. Passiment seconded the motion. The motion passed (FOR: Chemsak, Gasparini, Mack, Mitchell, Passiment and C. Williams; VACANCY: Northern Beaufort County).

NEW BUSINESS

PARKER FAMILY, LP AND RONNIE L. CROSBY – DEFERRAL OF DOCK VARIANCE

Mr. Gasparini read an email into the record from Mr. David Tedder, attorney for the applicant, requesting to defer the Variance request due to a scheduling conflict.

Mr. C. Williams made a motion to grant the request for deferral of the Variance, and put the project over until the next month's meeting.

Mr. Chemsak seconded the motion.

MOTION: Mr. C. Williams made a motion to grant the request for deferral of the Variance, and put the project over until the next month's meeting. Mr. Chemsak seconded the motion. The motion passed (FOR: Chemsak, Gasparini, Mack, Mitchell, Passiment and C. Williams; VACANCY: Northern Beaufort County).

MARK P. WARD AND DAVID OSTEEN, SR. – 100-FOOT BUFFER SETBACK VARIANCE

Mr. Ben Coppage representative for the applicants stated, "I represent Mark P. Ward and David Osteen, Sr. who own property at 235 Paige Point Road in the Sheldon area. This property was a campground starting in the mid 1980's. There have been septic systems built to facilitate a campground since about that time."

Mr. C. Williams asked Mr. Coppage, "Was there ever a permit issued for the use of the property as a campground?"

Mr. Coppage replied, "Not that I am aware of, however; it was used for that purpose from that time to about 2006. The property was owned by Mr. Ward's family starting in 1998 until 2006 and continued its use as a campground. Campers would come to that property and use the facility. Mr. Ward became the property owner in 2006. In 2016 he deeded one-half interest to Mr. Osteen. During the entirety of this time much of the infrastructure for the campground has remained in place. In 2013, Mr. Ward returned to the property and started improving it with the goal of returning its use to a campground. He began meeting with County officials in Zoning about using the property as a campground for 2015. His understanding based on the conversation was, that he would be able to use it as a campground. He began making improvements based on what he understood. Since 2015 he has invested about \$17,000 in the property making it a very nice campground. The only Variance these gentlemen are seeking is to the 100-foot buffer. Meeting the buffer requirement is not possible, because it is a slender piece of land."

Mr. C. Williams asked Mr. Coppage, "They are using it as a campground now?"

Mr. Coppage replied, "Yes they are."

Mr. C. Williams asked Mr. Coppage, "Did they resume that use without obtaining a permit?"

Mr. Coppage replied, "They did."

Mr. C. Williams stated to Mr. Coppage, "There is nothing in the records before us that I've seen, that has anything to do with historic or current use of the property as a campground; in fact, the County has aerial pictures going back to 2002 that consistently show only one mobile home on the property."

Mr. Coppage replied, "Certainly, the use has been seasonal, so if a picture was taken at one point during the year, there are certainly going to be times that there weren't any campers on the property. We aren't trying to have this grandfathered or anything like that; we certainly admit that it hasn't been a campground since 2006 but it did have that historical use which was seasonal."

Mr. C. Williams asked Mr. Coppage, "There wasn't anything on record except the applicant's statement to that effect?"

Mr. Coppage replied, "Yes Sir, correct."

Mr. Mack asked Mr. Coppage, "On exhibit B, you said it's pretty much seasonal where you would have campers coming in and going out, is that still happening?"

Mr. Coppage replied, "It's not anymore, they are most likely going to be having year round campers now."

Mr. Gasparini asked Mr. Coppage, "Why do your clients want to reduce the buffers?"

Mr. Coppage replied, "It is simply impossible to have a buffer on that size of a lot, the widest point is 200 feet wide."

Mr. Gasparini asked Mr. Coppage, "Do they want to do that so they can use more of the land for more camping?"

Mr. Coppage replied, "No Sir, they just want to keep what they have, they have the seven pads out there for the campsite."

Mr. Gasparini asked Mr. Coppage, "So, if they have seven pads already, are those pads inside of the buffers?"

Mr. Coppage replied, "No, it would be impossible to have the buffers on this property?"

Mr. C. Williams stated, "The pads do encroach into the buffers?"

Mr. Coppage replied, "Yes, they do."

Mr. Gasparini asked Mr. Coppage, "If you don't get the Variance, you can't use the property for a campground, is that right?"

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

Mr. Gasparini asked Mr. Coppage, "So, if you do get the Variance you can use it for a campground and that is a business, is that correct?"

Mr. Coppage replied, "Yes."

Mr. Gasparini asked Mr. Coppage, "How do we get past the Community Development Code Section 7.2.140.2.C, which reads, "The fact that land or a structure may be utilized more profitably or be more marketable with a Variance Permit."

Mr. Coppage replied, "Those aren't the grounds for which my clients are applying. It may increase the value, but that's not what they are interested in. They have lost money and probably will continue to lose money on this campground."

Mr. C. Williams asked Mr. Coppage, "What is the reason they are seeking the Variance?"

Mr. Coppage replied, "They are seeking the Variance so they can put the land to its best use, which is for this campground; it is outfitted for that, and it greatly benefits the community."

Mr. C. Williams stated, "The problem that I have is that there are all sorts of other available uses in the T2R district and my concern is, County Council made it a policy decision that substantially increased buffers are necessary in order to utilize the property as a campground; it certainly does not deny you all economically viable uses of the property if you can't get the Variance."

Mr. Coppage replied, "Certainly."

Ms. Hillary Austin, Zoning Administrator stated, "Mr. Ward did come in 2015 and we told him that the land would not be suitable for a campground. At that time he wanted to put a camper on the property for his son and himself. The property looked like it was two parcels. We told Mr. Ward to go to the surveyor and get two parcel numbers; so he would be able to put one camper on for himself and one on for his son. After that, he came back and the next thing I know is the pads were down and no permits; people were

calling and complaining saying there was a campground going on. Mr. Ward came in and we told him about the 100-foot buffer and this is what we ended up with.”

Mr. Gasparini asked Ms. Austin, “Is a campground a permitted use in this district?”

Ms. Austin replied, “It is a conditional use with the 100-foot buffer requirement. I printed all of the aerials to show, even when Mr. Ward owned it in 2006; a single mobile home has been on that piece of property. With all of the trees, I don’t see how campers could get in and out if it were a campground. Even if it was a campground in 1980’s that use is gone, it never had a permit, so as far as we can tell, it was never a campground. If you cannot meet the requirements, then we cannot issue a permit. Mr. Ward has gone out and done all of this work without a permit and he is really in violation of the Code, and Staff recommends disapproval.”

Mr. Passiment asked Ms. Austin, “If the Applicant had come to you for the permits, there would have been a drawing of what he would have wanted on the property?”

Ms. Austin replied, “Yes.”

Mr. Passiment asked Ms. Austin, “Would that permit have been granted?”

Ms. Austin replied, “No, he would have had to meet all of the requirements.”

Mr. C. Williams asked Ms. Austin, “Some of the other permitted uses in the T2R such as Single family detached, what’s the buffer requirement?”

Ms. Austin replied, “There is no buffer for single family homes.”

Mr. C. Williams asked Ms. Austin, “What about retail?”

Ms. Austin replied, “There is a 20-foot buffer along Paige Point Road, retail next to vacant land would have to have a C-buffer, which would be 20 feet or 10 feet with a 4-foot high fence and 20 feet on the rear.”

Mr. C. Williams asked Ms. Austin, “Are there other permitted uses for the lot, such as gas stations?”

Ms. Austin replied, “Yes, other smaller uses.”

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

Ms. Rebecca Spires stated she supports the Variance request.

Mr. Adam Biery stated that he opposes the Variance request.

Mr. LaCarl Seabrooks, Sr. stated that he supports the Variance request.

Mr. Thomas Kuck stated that he supports the Variance request.

Mr. Leroy Mitchell stated that he opposes the campground. Mr. Mitchell stated that there wasn’t a campground in 1987.

Mr. Dwayne Wilson stated that he supports the Variance request.

Mr. Anthony McCarden stated that he supports the Variance request.

Public comment session closed.

Mr. C. Williams stated, "These situations where it is after the fact request for a Variance, I am always leery of these and typically what I try to do is step back and take into consideration, if the Applicant had been coming in to ask for the Variance before doing the work, how would I look at it at that point. Clearly it is an unusual shape of the lot which is not the result or actions of the landowner. I feel that the 50% reduction is more than the minimum necessary to allow reasonable use of the land. There are plenty economically viable uses that can be put on the property. County Council had something in mind when they stated they would allow a campground, but in order to have a campground you have to have a 100-foot buffer. Not getting the Variance does not prohibit the use of the land or the structure. I move based on the record before us and testimony that we've heard today, and the Staff recommendations, that we find that the denial of the application would not effectively prohibit or unreasonably restrict the use on the land, and the request of the Variance is more than the minimum necessary for reasonable use of the land and deny the Variance application."

Mr. Chemsak seconded the motion.

Mr. Mack stated that he agrees with the motion. "I believe the County put the buffers in place for a reason. There are other uses for the property. I uphold the County's recommendation to deny the Variance application."

MOTION: Mr. C. Williams made a motion to deny the Variance request. Mr. Chemsak seconded the motion. The motion passed (FOR: Chemsak, Gasparini, Mack, Mitchell, Passiment and C. Williams; VACANCY: Northern Beaufort County).

OTHER BUSINESS

There was no other business to come before the Board.

OLD BUSINESS

There was no old business to come before the Board.

ADJOURNMENT

MOTION: Mr. C. Williams made a motion to adjourn the meeting. Mr. Passiment seconded the motion. The motion passed (FOR: Chemsak, Gasparini, Mack, Mitchell, Passiment and C. Williams; VACANCY: Northern Beaufort County).

The meeting adjourned at approximately 5:57 p.m.