



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 25, 2019, 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. Bernard Rivers  
Mr. Mark McGinnis

**MEMBERS ABSENT**

Mr. Cecil Mitchell, III  
Mr. Chester Williams

**VACANCY**

None

**STAFF PRESENT**

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

**CALL TO ORDER:** Mr. Gasparini called the meeting to order at 5:08 p.m.

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

**REVIEW OF AGENDA:**

The agenda was amended modifying the adoption of the October 25, 2018 meeting minutes, due to no quorum.

**MOTION: Mr. Chemsak made a motion to adopt the amended agenda. Mr. Rivers seconded the motion. The motion passed (FOR: Chemsak, Gasparini, Mack, McGinnis and Rivers; ABSENT: Mitchell and Williams; VACANCY: None).**

**REVIEW OF MINUTES:**

There was no quorum for the adoption of the October 25, 2018 minutes.

Mr. Mack made a motion to adopt the February 28, 2019 minutes.

Mr. Chemsak seconded the motion.

**MOTION: Mr. Mack made a motion to adopt the February 28, 2019 minutes as written. Mr. Chemsak seconded the motion. The motion passed (FOR: Chemsak, Gasparini, Mack and Rivers; ABSENT: Mitchell and Williams; ABSTAIN: McGinnis; VACANCY: None).**

**NEW BUSINESS**

**ARMANDO RODRIGUEZ'S – ACCESSORY STRUCTURE SETBACK VARIANCE**

Latisa Rodriguez stated that she is the daughter of Armando Rodriguez and his request was to apply for a permit for the shed that he had built.

Mr. Gasparini asked Ms. Rodriguez, "When was the shed built?"

Ms. Rodriguez replied, "May of this year."

Mr. Gasparini asked Ms. Rodriguez "Was it built with a building permit?"

Ms. Rodriguez replied, "It was not."

Ms. Hillary Austin, Zoning & Development Administrator stated, "As you can see, Mr. Rodriguez does not have a hardship for the sheds. It is actually two sheds, which are sitting almost on the rear and side property lines; with one shed extending over. There were no permits issued and there is no hardship. He is also running a business. Staff recommends disapproval of the request for a variance and the applicant shall have the sheds removed within 30 days."

Mr. McGinnis asked Ms. Austin, "Would that be the long shed that was there prior to the new open air building?"

Ms. Austin replied, "Yes. None of them received permits. Allowed on the property where the sheds are located is 30 percent of the principal structure's square footage for a shed. There is a singlewide mobile home, so those sheds are too large and do not meet the requirements of the code. So all of the sheds need to be removed."

Mr. Gasparini asked Ms. Austin, "Is the business that's being conducted there consistent with the zoning?"

Ms. Austin replied, "We gave Mr. Rodriguez a permit for a home business for where he lives and it was supposed to be a home business that he would run as a contractor's office; he would go and do the work and come back and for some reason it seems as if he has expanded the business."

Mr. Gasparini asked Ms. Austin, "That's not before us tonight, correct?"

Ms. Austin replied, "Yes, that's correct."

Mr. Chemsak asked Ms. Austin, "I see additional sheds on the property; they're not included in this tonight?"

Mr. Austin replied, "He's just asking about the big shed and I included all of them."

Mr. Rivers asked Ms. Austin, "He has 30 days?"

Ms. Austin stated that she was only requesting that.

Mr. Rivers stated, "There is no way that he can move the sheds in 30 days."

Ms. Austin stated, "There is no way that he can get these size structures on the property."

Mr. Mack asked Mr. Rodriguez, "What is your hardship?"

Ms. Rodriguez translated to Mr. Rodriguez, "The reason he built the building was because he bought a vehicle. He needed to build a shed for it, because he did not want the weather destroying the vehicle. He wanted to protect it from damage."

Mr. McGinnis asked Ms. Rodriguez "Is there a reason why this building could not have been placed on another part of the property that's within the guidelines of the Community Development Code? Is it critical to your business or to you that it be of this size and in that location?"

Ms. Rodriguez replied, "The reason he built the building where it is, was because the company vehicles had to go through it. That location was the only place because there is another mobile home in the front. Regarding the size, it needed to be that big because it is a big truck. He also stores things that he need for work; he stores wood."

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

Mr. Larry Faulkner lives in Swan Lake subdivision. Mr. Faulkner opposes the variance request.

Mr. Earl Knight opposes the variance request.

**Public Comment session closed.**

Mr. Chemsak made a motion to uphold Beaufort County's Staff recommendation and deny the variance request based on the following:

- 1) There are no extraordinary and exceptional conditions pertaining to the property. The property is large enough to accommodate an appropriate sized accessory structure and meet the required setbacks.
- 2) The request is the result of the actions of the landowner.
- 3) The granting of the variance permit would confer special privileges on this landowner. The applicant has not proven a hardship.
- 4) The code requires that the proposed shed/carport structures be located a minimum of 10 feet from the side and rear property lines.
- 5) The granting of the variance permit for the location and size of the structures is not consistent with the Comprehensive Plan.
- 6) Applicant shall bring the property into compliance with the Community Development Code, by removing and/or relocating the shed/carport within 120 days of receipt of the notice of decision.

Mr. Mack seconded the motion with the condition that the applicant remove or relocate all structures that do not comply with Beaufort County standards and have it permitted within 90 days.

Mr. Rivers stated that he would like to make a motion for the applicant to comply within 120 days instead of 90 days.

Mr. Mack amended his motion to allow the applicant to remove and/or relocate the structures bringing it into compliance within 120 days of receiving the notice of decision.

**MOTION: Mr. Chemsak made a motion to uphold Beaufort County's Staff recommendation and deny the variance request based on the following: 1) There are no extraordinary and exceptional conditions pertaining to the property. The property is large enough to accommodate an appropriate sized accessory structure and meet the required setbacks; 2) The request is the result of the actions of the landowner; 3) The granting of the variance permit would confer special privileges on this landowner. The applicant has not proven a hardship; 4) The code requires that the proposed shed/carport structures be located a minimum of 10 feet from the side and rear property lines; 5) The granting of the variance permit for the location and size of the structures is not consistent with the Comprehensive Plan. Mr. Mack seconded the motion and made a motion of remedy allowing the applicant to bring the property into compliance with the Community Development Code, by removing and/or relocating the shed/carport structures within 120 days of receipt of the notice of decision. Mr. Rivers seconded the motion. The motion passed (FOR: Chemsak, Gasparini, Mack, McGinnis and Rivers; ABSENT: Mitchell and Williams; VACANCY: None).**

#### **ADOPTION OF 2020 YEARLY MEETING SCHEDULE**

Mr. Gasparini made a motion to adopt the 2020 yearly meeting schedule.

Mr. Mack seconded the motion.

**MOTION: Mr. Gasparini made a motion to adopt the 2020 yearly meeting schedule. Mr. Mack seconded the motion. (FOR: Chemsak, Gasparini, Mack, McGinnis and Rivers; ABSENT: Mitchell and Williams; VACANCY: None).**

## **ADJOURNMENT**

**MOTION:** Mr. Chemsak made a motion to adjourn the meeting. Mr. Mack seconded the motion. The motion passed (FOR: Chemsak, Gasparini, Mack, McGinnis and Rivers; ABSENT: Mitchell and Williams; VACANCY: None).

The meeting adjourned at approximately 5:41 p.m.

Note: The video link of the July 25, 2019, Zoning Board of Appeals meeting is:  
<http://beaufort.granicus.com/player/clip/4450?>