



**COUNTY COUNCIL OF BEAUFORT COUNTY**  
**Beaufort County Planning & Zoning Department**

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, June 25, 2020, in the Council Chambers, Beaufort County Administration Building, at 100 Ribaut Road, Beaufort, South Carolina.

**MEMBERS PRESENT**

Mr. Kevin Mack, Vice Chairman  
Mr. John Chemsak  
Mr. Mark McGinnis  
Mr. William Cecil Mitchell, III

**MEMBERS ABSENT**

Mr. Bernard Rivers  
Mr. Chester Williams

**VACANCY**

Southern Beaufort County

**STAFF PRESENT**

Ms. Hillary Austin, Zoning & Development Administrator  
Mr. Eric Greenway, Community Development Director  
Mrs. Tamekia Judge, Zoning Analyst III  
Mrs. Lisa Anderson, Zoning Analyst II

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

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

**REVIEW OF AGENDA:**

**MOTION:** Mr. McGinnis made a motion to adopt the agenda as written. Mr. Chemsak seconded the motion. The motion passed (FOR: Chemsak, Mack, McGinnis and Mitchell; ABSENT: Rivers and Williams; VACANCY: Southern Beaufort County).

**REVIEW OF MINUTES:**

There was no quorum; the minutes is postponed until the next scheduled meeting.

**NEW BUSINESS**

Mr. Mack, Vice Chairman, stated that he wanted to thank Mr. Gasparini, the former Chairman for his 16 years of service on the Board.

**CAP ROCK ISLAND PARK SENIOR LIVING (SPECIAL USE)**

Mr. Tom Taylor representing CR Island Park stated, "The proposed residential facility will be built as an Assisted Living and continuation of care on Lady's Island. There is 8.9 acres at 171 Meridian Road. It will consist of 70 independent living units and 24 assisted living units. Three years ago, the Lady's Island Community Preservation District ordinance was amended by text to include a provision that would allow these types of residential units."

Mr. James Atkins, Court Atkins Architect stated, “The reason for the uniqueness of the infrastructure is that there are some magnificent Live Oaks on the property. It will act as a natural buffer. There are probably two dozen, 20 to 70 inch Live Oaks. There are three separate masses on this project; there are single-story, two-story and three-story components. We intentionally put the single-story structure to the back along Meridian Road to blend in with the residentially scaled neighborhood. We intentionally rotated it so that there was not a long linear façade along the main road. As you move up and down Meridian Road the landscape buffers is much denser. We located the two-story structure along Lady’s Island Drive. We have also incorporated some additional Lowcountry designs to fit into the Community.”

Mr. Tom Taylor stated, “An effort has been made to route as much traffic onto Hwy 21. The main entrance is on Lady’s Island Road, not on to Meridian Road.”

Mr. Mack asked Mr. Taylor, “Has a traffic study been done?”

Mr. Taylor replied, “No, Sir. The numbers are below the minimum of 50 generated trips per hour.”

Mr. Greenway, Planning and Zoning Director stated, “The traffic generation will be very small and does not require a traffic impact analysis. There is fire access all around the building and if there is any situation, the fire department can access the facility from any location and get to it. Staff recommends approval. One concern that I would have on this particular situation is there may be a historic access on Hwy 21 that folks use to get to their home and we need it protected. We would like that whatever your approval may be, would indicate that the access should be available to the property owners.”

Mr. Mack asked Mr. Taylor, “What is your plan for buffering the property? There will be two-story units that I wouldn’t want any residence behind this structure to be concerned with regarding folks on the second floor looking down on their property.”

Mr. Atkins responded, “The buffering and the positioning of this property has been thought through. During the SRT process, we have increased the buffering distance as well as the density off Meridian Road. We increased the buffer by pulling the building away from the road and maintaining the 48” trees. The existing trees will provide height buffering. We will augment that with additional street trees and lower story and ground covering for the lower level of buffering.”

Mr. McGinnis asked Mr. Atkins, “What is the minimum distance between any upper level windows to the nearest residence?”

Mr. Atkins replied, “It is over 100 feet.”

Mr. Mack asked Mr. Hoover, “Where is the historic Pope Road?”

Mr. Hoover replied, “It’s adjacent to the curb cut on Hwy 21.”

Mr. Mack asked Mr. Atkins, “What are the plans to ensure the property owners have access?”

Mr. Hoover stated, “It was determined that Pope Road, was just a private road that always had a sign. When the attorney went through and did all of the research, it was a collaboration with the County, that it was determined that Pope Road was just a private road and since this plan has been developed and going through the SRT process, they had eliminated Pope Road. They have all of the access easement

agreements with the two residents, Middleton who has access from her normal driveway and White who has access off Meridian.”

Mr. Mack asked Mr. Hoover, “Was a sign there that said Pope Road?”

Mr. Hoover replied, “Yes, there was a sign for all those years and everyone thought it was a road. When they did the research, it was determined that there was never a Right of Way for that property.”

Mr. Mack asked Mr. Hoover, “Would you have to eliminate Pope Road in order to access your property?”

Mr. Hoover replied, “Pope Road was off of our property. It was down on Middleton’s property on the triangular piece, and we are working to have it on our property instead of it going through Middleton’s property.”

Mr. Tom Taylor stated, “We would expect that this would be a condition of the approval and we will make sure that those residents have access to easily go and come from their property as they need to.”

### **PUBLIC COMMENT**

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

Ms. Margo Middleton stated, that she wanted to make sure that access to her property would remain once Pope Road was eliminated.

### **Public comment session closed.**

Mr. Chemsak made a motion to approve the Special Use request with the conditions set forth in the Staff recommendation report, 1) Fire Marshal approval prior to SRT final review; 2) Applicant shall ensure the buffer along the east side of the property is heavily planted; 3) SRT reduced the 50-foot buffer along Meridian Road to 30 feet in order to provide fire access along the east side of the property; 4) The property owners will have access after Pope Road was eliminated; and 5) Project is subject to the Design Review Board.

Mr. McGinnis seconded the motion.

**MOTION: Mr. Chemsak made a motion to approve the Special Use request with the conditions set forth in the Staff recommendations report 1) Fire Marshal approval prior to SRT final review; 2) Applicant shall ensure the buffer along the east side of the property is heavily planted; 3) SRT reduced the 50-foot buffer along Meridian Road to 30 feet in order to provide fire access along the east side of the property; 4) The property owners will have access after Pope Road was eliminated; and 5) Project is subject to the Design Review Board. Mr. McGinnis seconded the motion. The motion passed (FOR: Chemsak, Mack, McGinnis and Mitchell; ABSENT: Rivers and Williams; VACANCY: Southern Beaufort County).**

### **MIKE WEAVER – RAM PROPERTIES – ESSENTIAL ACCESS (SPECIAL USE)**

Mr. David Gasque, Gasque and Associates stated, “Mr. Weaver bought a 50-acre piece of property and off the very end of it; there is a five to six acre tract, which is separated by a 20-foot strip of marsh that

we need to get over in order to get to the five to six acres tract. We have all of the permits from DHEC. We need to penetrate the buffer to get to the bridge and cross. The County has recommended approval and we are fine with their conditions.”

Mr. Greenway, Planning and Zoning Director stated, “Staff recommends approval of this request for an essential access.”

Mr. Mack asked Mr. Gasque, “Would this bridge have any effect on high tide?”

Mr. Gasque replied, “No. The Coast Guard gave a bridge permit and it doesn’t effect navigation.”

### **PUBLIC COMMENT**

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

Mr. Mitchell made a motion to approve the Special Use request with the conditions recommended by the SRT; 1) Fire Marshal approval; 2) Plantback plan for any trees removed within the River Buffer, and any disturbed area outside of the Buffer.

Mr. Chemsak seconded the motion.

**MOTION: Mr. Mitchell made a motion to approve the Special Use request with the conditions set forth in the Staff recommendation report; 1) Fire Marshal approval; 2) Plantback plan for any trees removed within the River Buffer, and any disturbed area outside of the Buffer. Mr. Chemsak seconded the motion. The motion passed (FOR: Chemsak, Mack, McGinnis and Mitchell; ABSENT: Rivers and Williams; VACANCY: Southern Beaufort County).**

### **LYNLU INVESTMENTS LLC – WETLAND MITIGATION VARIANCE**

Mr. Tom Taylor representative of Lynlu Investments LLC stated, “This is a proposed development of a new Kia Dealership. It is going out on Cecil Reynolds Road right near the existing Tractor Supply. The property is zoned as C5 Regional Center Mixed Use. We are here today because our 3.6-acres tract, which is in the shadow of a large swale that was built by SCDOT when they built the giant intersection. It has caused a non-natural wetland to form of about .88 acres, and we are here to make request for a hardship variance to allow us to fill up to one-half of the acre of that wetland so that we can adequately have the footprint that is required for the standard Kia Dealership. This is Staff endorsed and it meets from our perspective all of the requirements for a hardship variance. The main thing is to reinforce that this is not a natural wetland whatsoever, there are no native species, where staff say we need to protect it. The proposed to fill it in comes under the Corps of Engineers precedence, where we will do alternative credits for other wetland projects in other areas and we ask that the Board move forward with the hardship Variance.”

Mr. McGinnis stated Mr. Taylor, “When you say it is not a natural wetland, my understanding is that when they built the other roads, it caused such a condition that it filled in because it was a low area.”

Mr. Taylor stated, "The giant swale that was built in order to accommodate the on ramp coming from Hwy 170 towards Hwy 278 and towards Hilton Head just throws a lot of water down in that area on that side of the road."

Mr. Mack asked Mr. Taylor, "Is the shaded area what you are proposing to back fill? Is that the ten percent?"

Mr. Taylor replied, "Yes, sir."

Ms. Reeves stated, "The blue shaded area shown on the plan would be the ten percent proposed to be filled. It is our intent to keep a 15-foot buffer from where they disturb, where the parking stalls are, then there would be the natural wetland, and no disturbance would be beyond that."

Mr. Chemsak asked Ms. Reeves, "Obviously the water has to go somewhere after you fill this in, is it going to affect any other properties?"

Ms. Reeves replied, "No, sir. The reason why the wetland formed is, along Hwy 278 there is a large ditch that goes down to the water along Hwy 278. This is actually a low spot, which formed when the ramp was built. The water will continue to go down and wouldn't back up on the other properties."

Mr. Eric Greenway, Planning and Zoning Director stated, "This is a case that meet all four requirements for a hardship. You have roads on three sides of the property and existing parcels, you have a natural occurring condition that occurred that was not the making of the applicant's fault. The disturbance and relief is minimal, it is the necessary amount to carry out the development of the property and all of these satisfy the requirements of a unique situation. The applicant did not create their own hardship and we believe it warrants relief. Staff supports the Variance request and recommends approval."

Mr. McGinnis asked Mr. Taylor, "Where will the access be to the dealership?"

Ms. Reeves replied, "We are proposing two access points along Cecil Reynolds Road."

Mr. McGinnis asked Ms. Reeves, "Has SCDOT reviewed this to make sure you are okay for an access?"

Ms. Reeves replied, "We are still in the preliminary stages, but yes, we would have to get DOT approval, when designing the access we made sure to have driveway separation requirement."

Mr. McGinnis stated, "I would make this a condition that SCDOT is okay with the layout."

### **PUBLIC COMMENT**

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

**Public comment session closed.**

Mr. Chemsak made a motion to grant the Variance request with the condition recommended by Staff, that the Army Corps of Engineers standards for wetland disturbance / mitigation complies and that SCDOT approve the access for the driveways.

Mr. McGinnis seconded the motion.

**MOTION: Mr. Chemsak made a motion to grant the Variance request with the condition recommended by the Staff, the Army Corps of Engineers standards for wetland disturbance / mitigation complies and that SCDOT approve the access for the driveways. Mr. McGinnis seconded the motion. The motion passed (FOR: Chemsak, Mack, McGinnis and Mitchell; ABSENT: Rivers and Williams; VACANCY: Southern Beaufort County).**

### **ELECTION**

The election of the Chairman and Vice-Chairman is postponed until the next meeting.

### **ADJOURNMENT**

The meeting adjourned at approximately 5:51 p.m.

Note: The video link of the June 25, 2020, Zoning Board of Appeals meeting is:  
<https://beaufortcountysc.new.swagit.com/videos/71485>