



## COUNTY COUNCIL OF BEAUFORT COUNTY

### Beaufort County Planning & Zoning

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The regular monthly meeting of the Beaufort County Zoning Board of Appeals was held on Thursday, January 28, 2021, at the Beaufort County Administration Bldg., Council Chambers, Beaufort, South Carolina.

#### **MEMBERS PRESENT**

Mr. Kevin Mack, Chairman  
Mr. Chester Williams, Vice Chairman  
Mr. John Chemsak  
Mr. Mark McGinnis  
Mr. Cecil Mitchell  
Ms. Lynne Hoos

#### **MEMBERS ABSENT**

Mr. Bernard Rivers

#### **VACANCY**

None

#### **STAFF PRESENT**

Mr. Eric Greenway, Interim County Administrator  
Ms. Hillary Austin, Zoning Administrator  
Mrs. Lisa Anderson, Zoning Analyst III  
Mrs. Caitlin Starnes, Zoning Analyst II

#### **ATTORNEY PRESENT**

None

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

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

**FOIA – PUBLICATION NOTICE:** Mr. Mack asked if all public notices were sent out, Ms. Austin verified that they were.

#### **ADOPTION OF AGENDA:**

**MOTION:** Mr. Williams made a motion to adopt the agenda. Mr. Chemsak seconded the motion. The motion passed unanimously.

**ADOPTION OF MINUTES:** November 19, 2020.

**MOTION:** Mr. Williams made a motion to adopt the November 19, 2020, minutes as written. Ms. Hoos seconded the motion. The motion passed unanimously.

#### **PEPPER HALL WETLAND CROSSINGS – SPECIAL USE**

Mr. Triplet, engineer for the applicant, stated that the Graves are seeking to develop their property, and the property has a few existing wetland crossings that are slated to be improved. The Community Development

Code requires all wetland crossings to be approved under the Special Use Permit requirements. The applicant has all the required wetland crossing permits from the Army Corp of Engineers.

Mr. Barry Johnson, attorney for the applicant, also stated that because the existing crossings are being widened and improved, the Special Use Permit is required. He stated that all wetland impact is the bare minimum needed to improve the roads. He also stated that the impact will only be about .45 acre of land. Mr. Johnson also stated that these impacts will also have water and sewer for the development.

Mr. Eric Greenway stated that the Staff Review Team reviewed the project and recommended approval.

#### **PUBLIC COMMENTS:**

Mrs. Kirk Martingale stated she lives adjacent to the property and her property floods when it rains, and she wants to know what will be done to stop the flooding.

Mr. Johnson stated that there are other properties bordering her property, and the flooding could be coming from any one of them. He also stated that this may not have anything to do with this property, but Mr. Graves will be happy to meet with her to better understand what is going on and if anything can be done to assist her. He also stated that he thinks her concerns are out of order for this discussion because her property is 50 acres away from the wetland crossings and does not have anything to do with the issue at hand.

**MOTION: Mr. Williams stated that based on the information submitted and the statements made by the applicant, the request meets the standards of the Community Development Code. He made the motion to approve the Special Use Permit as submitted, with the condition that they come back to the Board if there is any deviation from the approval. Mr. Chemsak seconded the motion. The motion passed unanimously.**

#### **EARL ENDICOTT BASELINE SETBACK VARIANCE**

Mr. Mack stated that Mr. Endicott is requesting a variance from Division 5.11.50.B – Beach Dune System.

Mr. Endicott stated he purchased the lot at 711 Red Drum and realized that with the smallest house footprint, he would need a variance from the 50-foot Baseline setback.

Mr. Mack asked what measures are being taken to minimize the impact to the beach.

Mr. Endicott stated he is asking for mercy, because he received so much different information, and this is the layout the architect gave him.

Mr. Chemsak wanted to know when the lot was purchased.

Mr. Endicott stated he purchased the lot April 2020.

Mr. Chemsak asked, “So you knew all the laws and setbacks were in effect when you bought the lot?”

Mr. Endicott stated yes and no. He stated he received a lot of misinformation.

Mr. Williams wanted to know why the house could not be moved toward the front of the lot. He also stated that there is no question that Mr. Endicott is entitled to a variance because the 50-foot setback line is to the front of the lot, and there is no way he can reasonably utilize the property for a residence. He also stated he is predisposed to grant the variance, but how much of a variance would be necessary to build the house.

The variance would have to be the minimum amount necessary, therefore, the house should be moved closer to the front of the lot which would reduce the amount of variance needed.

#### PUBLIC COMMENT

Mr. Mike Gallagher stated that their home is next door and is in compliance with the 20-foot setback.

Mr. Chemsak asked Mr. Gallagher when his house was built.

Mr. Gallagher stated in 2009.

Mr. Williams asked Hillary if the 50 feet setback was in place at that time.

Ms. Austin answered yes.

Mr. Williams asked, do you recall if the Gallagher's received a variance?

Ms. Austin answered, I will have to check.

Mrs. Gallagher stated, "Our builder was Allen Patterson and I believe he applied for a variance."

Ms. Austin stated, "Yes he did apply for and received a variance."

Mr. Mack closed the Public Comment.

**MOTION: Mr. Williams stated that the applicant met the standards for a variance and made a motion to approve the variance with the condition that the applicant move the house as far forward to the street as necessary to be at least 20-feet from the Base Line and that the footprint of the house not exceed 1,800 square feet. Ms. Hoos seconded the motion. The motion passed unanimously.**

**OLD BUSINESS:** Review and Adoption of Rules and Procedures.

**MOTION: The Board unanimously agreed to move the item to the next meeting.**

**ADJOURNMENT:**

**MOTION: Mr. Williams made a motion to adjourn. Mr. McGinnis seconded the motion. The motion passed unanimously.**

Meeting adjourned at 6:03 p.m.