



## **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, April 22, 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. Cecil Mitchell  
Ms. Lynne Hoos  
Mr. Mark McGinnis

#### **MEMBERS ABSENT**

None

#### **VACANCY**

1 Member

#### **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 5:02 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. Chemsak made a motion to adopt the agenda. Mr. Williams seconded the motion. The motion passed unanimously.

#### **ADOPTION OF MINUTES:**

**MOTION:** Mr. Williams made a motion to adopt the minutes as written. Mr. McGinnis stated that he would not be voting because he was absent. Mr. Chemsak seconded the motion and added that the minutes be amended to show Mr. McGinnis being absent. The motion passed unanimously by the members who were present at the March 25, 2021, meeting.

#### **HOPKINS FISKE – RIVER BUFFER/HOUSE SIZE VARIANCE**

Mr. Jay Carlson, agent for the applicant, stated the reason for the variance for the house size was the engineer stated that the soil on the lot was not sandy, and to build the house, the ground floor would have to have concrete, and the concrete is causing the house size to be larger than the average house size.

Mr. Mack wanted to know what the problem with the soil was.

Mr. Carlson stated that there was a letter from the engineer stating the problems with the soil and by placing concrete the entire square feet of the first floor, they would have a more stabilized footing for the house.

Mr. Williams wanted to know if there was an alternative to placing all that concrete under the house.

Mr. Fiske stated that there was no alternative, and that is the hardship that is making the house size larger than the average.

Mr. Williams asked if the proposed house was in the buffer further than Lot 3.

Mr. Fiske stated that we were not able to see the deck on Lot 2 or Lot 3, but the proposed house was in line with the existing houses.

Mr. Williams wanted to know if the existing houses had swimming pools.

Mr. Fiske stated no.

Mr. Williams recommended the applicant remove the swimming pool, which would help to reduce the first floor footprint.

Mr. Fiske stated he wanted to keep the pool, and it would not reduce the footprint/size.

Mr. Chemsak stated it seems that the area that juts out at the master bedroom could be removed, and house moved up closer to the street, which would get the house out of the 50-foot buffer.

Mr. Carlson stated that they already received the waiver from the Staff Review Team so this variance is just for the house size.

Mr. Greenway stated that the Director had not granted a waiver, because he is not allowed to grant a waiver if all of the criteria is not met. He is not allowed to grant the waiver if the house size is larger than the average house size, 5 left and 5 right.

Mr. Mitchell wanted to know if the lot was grandfathered.

Mr. Greenway stated that the lot is not grandfathered, and they have to meet the 50-foot buffer and the 60-foot setback.

Mr. Greenway suggested that the applicant request a deferral so that they can meet with staff and get a full understanding of what is needed, then come back to the Board in 30 days.

Mr. Fiske stated that they are requesting a deferral so that they can meet with staff. They will come back to the Board in 30 days.

#### **PUBLIC COMMENT:**

Mr. Mack asked if there was any public comment.

Ms. Austin stated there was no public comment.

Mr. Mack asked for a motion to defer the request until the next scheduled meeting.

**MOTION: Mr. Williams made a motion to defer the request for a variance so that the applicant can meet with Staff and come back to the Board at the next scheduled meeting. Mr. Chemsak seconded the motion. The motion passed unanimously.**

#### **JAMES WARE DOCK LENGTH VARIANCE**

Mr. Taylor, attorney for the applicant, stated the applicant received an OCRM Dock Permit in 2019 for a dock that is 365-feet in length. The Community Development Code requires the docks on small tidal creeks to be no more than 300-feet. He stated per OCRM because of the large oyster bed in front of Mr. Ware's property, the dock has to be long enough to pass them, which is what is causing the need for a 365-foot dock.

Mr. Greenway stated that per the dock permit issued by OCRM, the dock is more than 365-feet. He stated that the walkway is 365', the pierhead is 13', the ramp is 24', the boat lifts is 8' and the other boat lift is 12' for a total of 422-feet.

Mr. Ware stated that it is OCRM's practice to approve docks larger than needed to ensure the applicants have enough dock to get to the water. Mr. Ware also stated that he marked the area himself and the dock will be no more than 365-feet from start to finish.

Mr. Taylor continued to state that the maximum length of dock they are requesting a variance for is 365 feet.

Mr. Greenway stated he wanted to see an updated permit from OCRM showing the dock to be no more than 365-feet.

Mr. Chemsak stated that the dock will be a maximum of 365-feet.

Mr. Williams stated that he should have spoken up previously that Mr. Ware approached him to be his attorney for the case, he stated he told Mr. Ware no, he would not represent him and recommended that he speak to Mr. Taylor. He stated that he did not feel there would be a conflict of interest so he would not recuse himself from the deliberations.

#### **PUBLIC COMMENTS:**

Mr. Mack asked for public comments, and stated that they received the letters and email sent in by the neighbors.

**MOTION: Mr. Chemsak made a motion to approve the dock with a walkway, floats, pier head, ramps, boat lift to be no more than 365-feet. Mr. Mitchell seconded the motion.**

**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. Ms. Hoos seconded the motion. The motion passed unanimously.**

Meeting adjourned at 6:15 p.m.