



## 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 27, 2022 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  
Mrs. Jane Frederick  
Ms. Lynne Hoos

#### **MEMBERS ABSENT**

Mr. Cecil Mitchell

#### **VACANCY**

1 Member

#### **STAFF PRESENT**

Mr. Robert Merchant, Planning/Zoning Director  
Ms. Hillary Austin, Zoning Administrator  
Mrs. Lisa Anderson, Zoning Analyst III

#### **ATTORNEY PRESENT**

None

**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.

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

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

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

#### **ADOPTION OF MINUTES: December 15, 2021**

**MOTION:** Mrs. Frederick made a motion to adopt the minutes for December 15, 2021. Mr. Williams seconded the motion. The motion passed unanimously.

#### **GRAHAM TRASK – DRIVE THRU RESTAURANT SPECIAL USE (REVISIT)**

Mr. Trask stated that at the last meeting, the Board deferred the application and required a Traffic Impact Analysis. He stated that the study has been completed and it concluded SCDOT did not require turn lanes but agreed to having 2 lanes egress and a right turn lane. He also stated that he agrees to put the turn lanes in per the Traffic Impact Analysis. He requested that the Board approve the Special Use based on the new traffic information.

Mr. Williams asked if an updated site plan will be available for review?

Mr. Trask stated that the updated site plan is being done and it will be based on the two-lane egress.

Mr. Williams stated he was reluctant to approve the special use without a final site plan.

Mr. Trask stated that he will be happy to come back to the Board with the updated site plan.

Mr. Merchant stated that he received the Traffic Impact Analysis and the County's Consultant has reviewed the information and submitted her comments. He stated that the comments are based on a revised plan that the staff has not seen so we don't know how the site would be laid out to show the queuing on the site and how the cars leaving would affect the parking on the site.

## **PUBLIC COMMENTS**

Mr. Mike Spalding stated the traffic impact study is speculative and he is against this location being used for this use.

Ms. Annette Baker opposed the Special Use.

Ms. Vicki McGahee opposed the Special Use.

Mr. Chuck Newton opposed the Special Use.

Mr. Stephen Murray opposed the Special Use.

Mr. Mack closed the Public Comment.

Mrs. Frederick stated that this request is not in keeping with the Comprehensive Plan. If you look at the Comprehensive Plan Page 115 it talks about the Ladys Island Village Center as a focus planning area and the five (5) principles in the focus area. She also stated that the county believes in allowing the local communities to determine their vision and define their growth. She went on to state that so far today and last month, the local community is opposed to this use and they have demonstrated so according to our Comprehensive Plan, and we the Board should be listening to the local community for their vision for Ladys Island.

**MOTION: Mrs. Fredrick made a motion to deny the Special Use based on the Comprehensive Plan that allows our local communities to determine their vision and define their growth. Ms. Hoos seconded the motion. FOR: Fredrick, Hoos. AGAINST: Williams, Mack, Chemsak. The motion failed.**

## **DISCUSSION ON THE MOTION:**

Mr. Williams stated that the Board has not heard from everyone on Ladys Island. He stated that we have heard from a handful and while they represent a majority, he is not sure he is willing to accept the position of three or six residents or people who aren't even residents about what they think should be built on this property.

Mrs. Frederick stated that the Ladys Island Plan which was worked on over numerous months had a large input from the Ladys Island residents. The residents are saying that this area is the Village Center of Ladys Island and is the focal point of Ladys Island and no one wants to see it end up being a generic automobile dependent suburban commercial strip. The Ladys Island Plan is the vision of the people that live on Ladys Island.

**MOTION: Mr. Williams made a motion to carry the project over to the next meeting, so that we will have in front of us an accurate site plan that reflects what the Traffic Impact Analysis is based on. Mr. Chemsak seconded the motion. The motion passed: FOR: Williams, Mack, Chemsak. AGAINST: Frederick, Hoos.**

#### **SHANE OLSEN’S – SHORT TERM RENTAL – SPECIAL USE**

Mr. Olsen stated that for the last 2 years he has operated a Short-Term Rental Unit at his residence. He stated he has paid his accommodations taxes. It was brought to his attention that a Special Use Permit is required for Short-Term Rental. He also stated that he has never had a problem where the police were called, and they have never had any public complaint. He has shown of his site plan three (3) parking spaces, and no one will park on the street.

Ms. Austin stated that this regulation was just adopted by Council, so we are trying to get everyone who is operating a short-term rental to be in compliance with the Code. The Code did not list short-term rental as a specific use, it only listed bed and breakfasts and hotels/motels. Short-term rental is listed as a form of lodging and is considered a transient use. County Council made it a special use, so that is why we are here.

Mr. Mack called for Public Comment:

Mrs. Patricia Youmans stated she and the other residents on Edith Lane oppose the Special Use.

**MOTION: Mr. Williams made a motion to approve the Special Use Permit for the Short-Term Rental because it meets the requirements. Ms. Hoos seconded the motion. The motion passed unanimously.**

#### **CRAIG & CHRISTINE HENRY’S – SHORT TERM RENTAL – SPECIAL USE**

Mr. Henry stated that he is seeking approval for a Short-Term Rental unit on St. Helena. He stated he lives on an island, and no one will be close enough to be disturbed. They are new to this, and they will ensure that all accommodation taxes are paid. They have enough land to accommodate all parking requirements.

Ms. Austin stated that the staff recommends approval for the Short-Term Rental.

Mr. Mack called for Public Comment.

No Public Comment.

**MOTION: Mr. Williams made a motion to approve the Special Use Permit for the Short-Term Rental because it meets the requirements. Ms. Hoos seconded the motion. The motion passed unanimously.**

#### **SAMUEL MCNULTY’S – RIVER BUFFER VARIANCE**

Mr. John Carroll stated that the McNulty’s are requesting a variance to construct their home 40-feet from the OCRM Critical Line. He continued to state that the McNulty’s wanted to be treated fairly and equitable as their neighbors on either side of the property.

Mrs. Frederick stated that the zoning ordinance allows for situations like this and requires the proposed house to be of an average size of the houses five left and five right of the property. She also stated that she did the calculations and the average house size for either direction is 3,770 square feet. She also stated that the proposed house size is about 6,030 square feet.

Mr. Mack asked the applicant if they have had the opportunity to review the County's recommendations.

Mr. Carroll stated no.

Mr. Mack stated the County has recommended approval with the condition that the applicant install gutters along the roof and trap the runoff and discharge it at a minimum of 50-feet from the OCRM Critical Line. He asked the applicant if they had a problem with the conditions.

Mr. Carroll stated the applicants would be happy to install the gutters and meet the conditions.

Mrs. Frederick stated that item three of the report stated that the structure would not prohibit the use of the parcel, but the County is still recommending approval and they aren't meeting the requirements.

Ms. Austin stated that when they came to the Staff Review Team, they would have gotten the waiver, but the house size was larger than the average size, so they recommended the applicant to the ZBOA.

Mr. Mack called for Public Comment.

No Public comment.

**MOTION: Mr. Williams made a motion to approve the variance based on the following: Based on the application, the testimony and the Staff's report, the Board finds that there are extraordinary, exceptional condition that apply to the property in question, and those conditions are not the result of the landowner and that the imposition of the strict requirements of the code on the property would unreasonably restrict the utilization of the property.**

**He also stated that the Board found that the variance permit would not confer any special privilege on the landowner and that it is the minimum necessary to allow a reasonable use of the structure and that it is in harmony with the general purpose and intent of the Development Code and preserve the spirit of the Code.**

**Also, the Board found that the variance would not adversely affect the health or safety of persons residing or working with the neighbors.**

**He also stated that the Board approve the application with the condition that gutters are installed along the rear of the house to trap the roof runoff and discharge at a minimum of 50-feet away from the OCRM Critical Line. Mr. Chemsak seconded the motion. The motion passed unanimously.**

**ADJOURNMENT:**

**Mr. Williams made a motion to adjourn. Ms. Hoos seconded the motion. The Motion passed unanimously.**

The meeting adjourned at 6:36 p.m.