



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, July 25, 2024, at the Beaufort County Administration Bldg., Council Chambers, Beaufort, South Carolina.

MEMBERS PRESENT

Mr. Kevin Mack, Chairman

Mrs. Jane Frederick, Vice Chairwoman

Mr. John Chemsak

Ms. Lynn Hoos

Mr. Evan Bromley

Mr. Dennis Nielsen

Mr. Cecil Mitchell

MEMBERS ABSENT

VACANCY

None

STAFF PRESENT

Mr. Charles Atkinson, Assistant Deputy Administrator

Mr. Robert Merchant, Planning & Zoning Director

Ms. Hillary Austin, Zoning Administrator

Mrs. Lisa Anderson, Asst. Zoning Administrator

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: Mrs. Frederick made a motion to adopt the agenda with the correction that #8 was withdrawn by the applicant. Mr. Chemsak seconded the motion. The motion passed unanimously.

ADOPTION OF MINUTES: June 27, 2024

MOTION: Ms. Hoos made a motion to approve the minutes. Mr. Nielsen seconded the motion. The motion passed unanimously by the members present at the June 27, 2024 meeting. Mr. Mitchell abstained.

Mr. Mack stated that Mr. Mitchell will not participate in Items 6 and 10. Item 6 because he did not have the information to participate, and he is also recusing himself from Item #10 because he wishes to speak as a citizen.

LISA PRUTSMAN SPECIAL USE, LODGING SHORT-TERM RENTAL

Mr. Chester Williams, attorney for the applicant stated they are requesting approval for a short-term rental unit. He stated that there are no covenants and restrictions that would prohibit the short-term rental unit use.

Ms. Austin for the County stated that staff recommends approval with the condition that the applicant inform the renters of the beach requirements for the lights out during the months of May through October to prevent disturbance to the turtle nesting.

Mr. Williams stated that the applicants have no problems with the conditions.

PUBLIC COMMENT – Mr. Mack opens public comments.

Mr. Martin Hupka stated he is against the special use.

Mr. Arnold Hollis stated he is against the special use.

Mrs. Carol Miller stated she is for the special use.

Mrs. Alexandra Lanza stated she and her husband is against the special use.

Mr. Richard Neill stated he is against the special use. He submitted letters from Mrs. Linda Strossner and Mr. Martin Linder stating their opposition to the special use.

Mr. Craig Crosson stated he is against the special use.

Mr. Mack closed **PUBLIC COMMENTS**.

Mr. Williams stated that many of the speakers refer to the request as an exception, and he wanted to clarify that this is not an exception, this use has been in the code for four (4) years now and it is a use that requires a special use permit and is allowed per the code.

Mrs. Frederick stated that hearing from the neighbors she agrees that the request is not compatible with the land in the immediate vicinity. She stated that they do not meet the requirements for the special use.

Ms. Hoos stated that she agrees that it changes the character of the neighborhood, and it is a variation for a commercial use. That is how it is defined and written in the Code.

MOTION: Mrs. Frederick made a motion to deny the special use because the applicant failed to prove that the proposed lodging, short-term rental is compatible with the character of the surrounding residential neighborhood environment. Ms. Hoos seconded the motion. The motion failed. FOR: Frederick, Hoos, Bromley. AGAINST: Neilsen, Chemsak, Mack.

Mr. Mack called for a second motion.

MOTION: Mr. Chemsak made a motion to approve the special use with the condition that the property owner ensure that they comply with the restrictions during the turtle season. Mr. Neilsen seconded the motion. The motion failed. FOR: Chemsak, Neilsen, Mack. AGAINST: Frederick, Hoos, Bromley.

Mr. Mack stated that the project is denied

Mr. Williams stated that in his opinion the Board has taken no action. He also wanted to know why Mr. Mitchell recused himself from the project.

Ms. Austin stated that Mr. Mitchell was not officially a member of the Board since he had not requested to be reappointed to the Board since February. She stated that she stopped sending him packages for the meetings until after he had submitted his request for reappointment, which he submitted June 28, 2024. She also explained that he would not be able to hear the Camp Jubilee project because he did not receive the package, and that project was discussed at the last meeting.

It was decided that the staff would reach out to the County Attorney for a decision to the vote and how it affects the project.

Mr. Charles Atkinson stated that he oversees all the staff that is present, and it is his understanding that when there is a tie vote, the motion fails, it is a denied application.

REVEREND LEWIS SPECIAL USE PERMIT– CAMP JUBILEE

Mr. Walter Nester, attorney for the applicant stated that they are seeking a special use permit approval for an Inn up to 24 rooms, an Assembly, Place of Worship over 15,000 square feet which will form the campus for a retreat/summer camp for the Anglican Diocese. He stated that they were present at the last meeting, and used the comments received to make changes to the plan. He also stated that a week ago the applicant held a public meeting with the neighbors to explain the concept of Camp Jubilee.

He continued to state that there are four (4) criteria that must be met. 1) The use must be consistent with the Comprehensive Plans purposes, goals, objectives and policies and applicable standards of the Community Development Code. Staff agreed that the application met those criteria and that the plan ensures that Beaufort County's high quality of life, unique landscape, access to nature, the low country aesthetic and expands economic opportunities are met. 2) The

use must be compatible with the character of land and the immediate facility. Camp Jubilee is in fact compatible with the surrounding development. 3) The third element is that the design minimizes adverse effects, to include visual impact to the adjacent lands. The plan was amended to ensure that there will be a 750-foot buffer along Brickyard Point Road and all other buffers and setbacks have been maintained. He continued to explain that this is a low intense use so there will be no adverse impact on the adjacent lands. 4) Camp Jubilee is designed to minimize adverse effects and impacts on the environment, traffic and congestion. The Traffic Analysis is a condition of the Staff's approval, this will be submitted at final review. There were other conditions recommended by staff and they will be submitted at final SRT review. He finished with the statement that it is his belief that the applicant meets the criteria for approval of the Special Use.

Mr. Keefer stated that this updated plan has reduced the original square footage and number of rooms.

Mr. Weldon stated that the vision for Camp Jubilee is to be a summer camp and a small retreat center. He stated that they have been doing this in different places for the past 90 years. They are good neighbors, and they are seeking a new place. He stated the heaviest use would be for eight (8) weeks in the summer. The Diocese is currently serving 70 to 75 children a week at the existing location, and they are hoping this will be their forever home. He continued to state that the ministry exposes children to nature, the gospel and the natural beauty of the world. This is a ministry that builds Christian leaders for the future.

Mr. Robrt Merchant stated that the staff report recommends approval, but wants to address two aspects of the approval, 1) Staff believes that this submittal is eligible for the special use permit. 2) The substance of the application. He continued to state that the applicant came to the staff asking for an interpretation of the Code to determine whether the use would be permitted. The staff worked together to make that determination, since the code does not have a specific that deals with summer camps, but we do have the component uses so we determined that the meeting facility greater than 15,000 square feet and the inn up to 24 rooms would be the two components that could be used in the Rural district to allow the use. We then directed the applicant to pursue this route.

The request went through the Staff Review Team and received input from the Planning & Zoning Department, Stormwater Department, the Traffic Engineering Department, and the Fire District before making the recommendation for approval. He continued to state that unfortunately, the Code does not provide direction to the sizes of hotel rooms other than the definition.

He stated that from his experience, hotel rooms come in all shapes and sizes, from a single bed in a single room with a bathroom to a suite.

Mrs. Frederick questioned the definition of a room, she stated that if you go to any hotel and there is a suite, or even a two-bedroom suite, there is always a connecting door. They would count those sleeping rooms as two separate rooms. She stated that this request is going down a slippery slope to count separate sleeping rooms as one sleeping room.

Mr. Chemsak wanted to know why are we using the inn for the rooms?

Mr. Merchant stated that the Code has other institutional uses like nursing homes, but that would not work for this development, that is why we are using the inn provision of the Code.

Mr. Chemsak wanted to know if someone wanted to build houses, how many could they build?

Mr. Merchant stated about 26 houses.

Mr. Mack called for **PUBLIC COMMENT**

Mr. Cecil Mitchell stated that he is a member of the Zoning Board of Appeals, and he recused himself so that he could speak as a citizen. He stated that he is for the Special Use.

Mr. John Holbrook stated he is against the Special Use because of the eagle's nest and the 200 children proposed to visit/occupy/utilize the camp facility.

Mrs. Katherine Pringle stated she is for the Special Use.

Mr. Stephen Manguzzo stated he is for the Special Use.

Ms. Jane Manos stated she is for the Special Use.

Mr. Keith Nicholson stated he is for the Special Use.

Mrs. Cathy Prince stated she is against the Special Use. She stated she has collected 179 signatures against the special use.

Mr. Keith Nicholson stated he is for the Special Use.

Mrs. Barbara Lempereur stated she against the Special Use.

Mr. Camden Windham stated he is for the Special Use.

Mr. Bruce Szelenia stated he is against the Special Use.

Mrs. Debbie Shurr stated she is against the Special Use.

Mr. Garrett Wreden stated he is for the Special Use.

Mrs. Janice Swiencki stated she is against the Special Use.

Mr. Erl Swierkowski stated he is against the Special Use.

Mr. Patrick Rowell stated he is for the Special Use.

Mrs. Shay Gaillard stated she is for the Special Use.

Mr. Bo Mitchell stated he is for the Special Use.

Mr. Frank Gibson stated he is for the Special Use.

Mr. Jeff Heatley stated he is against the Special Use.

Mr. Frampton Harper stated he is for the Special Use.

Mr. John Sanford stated he is for the Special Use.

Mr. Jan Malinowski stated he is for the Special Use.

Mrs. Shellie Schlenz stated she is for the Special Use.

Mr. Mack closed **PUBLIC COMMENT**.

MOTION: Mrs. Frederick made a motion to approve the Special Use for the Inn up to 24 rooms, Meeting Facility/Assembly greater than 15, 000 square feet with the following conditions, 1) Buildings 13-24 are limited to two sleeping rooms with one bathroom. 2) 100-foot buffer from OCRM Critical Line with limited vista pruning. 3) Accessory structures shall be subordinate to principal uses along with the Staff's recommendations, 4) Traffic Analysis requirements shall be met at final review. 5) Septic System permits required at final review. 6) Wetland Delineation required at final review. 7) Community Impact Statement required at final review. 8) Phasing plan required at final review. Any major changes to the site layout shall require review by the ZBOA. 9) All Stormwater requirements are due at final review. 10) All conditions by Fire Marshal shall be addressed at final review.

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

FOR: Frederick, Hoos, Mack, Chemsak, Bromley, Neilsen.

ASHLEY TIMMONS SPECIAL USE PERMIT – LODGING, SHORT-TERM RENTAL

Mrs. Timmons stated she is seeking approval for a lodging, short-term rental unit for house they bought in the Coffin Point area. She stated the family's goal is to move to the area full time in the near future. She also stated that the house will not always be rented, because the family will be using it.

Ms. Austin stated that staff did not give an opinion as to approval or disapproval and let the decision rest entirely to the Board.

Mr. Mack call for **PUBLIC COMMENT**.

Mrs. Lillian Hollis stated she is against the Special Use.

Mrs. Carol Miller stated she is for the Special Use.

Mrs. Alexandra Lanza allowed her husband to speak, and he stated he is against the Special Use.

Mrs. Ann Moyer stated she is against the Special Use.

Mr. Mack closed **PUBLIC COMMENT**.

MOTION: Mr. Chemsak made a motion to approve the Special Use Permit. Mr. Neilsen seconded the motion. The motion passed. FOR: Chemsak, Neilsen, Hoos, Mitchell, Mack. AGAINST: Frederick, Bromley.

TIMOTHY SHIRTCLIFF SPECIAL USE-LODGING, SHORT-TERM RENTAL

Mr. Shirtcliff did not stay for his hearing. The Board agreed to hear the case.

Ms. Austin stated that after a brief conversation with Mr. Bromley concerning the deed restrictions that was presented, she is changing the Staff's recommendation from disapproval to approval of the Special Use.

Mr. Mack called for **PUBLIC COMMENT**.

Mr. Charles Bell stated that he is the Chairman of the Paulkie Island Homeowners Association, and he wanted to let the Board know that the HOA has had problems with Mr. Shirtcliff renting the property for short-term rental. He stated that the HOA was never informed of this use. He also stated that the applicant has been operating the short-term rental without permits from the County. He continued to state that last week someone showed up with a large Harley Davidson motorcycle and at 10:00 p.m. he was in the yard revving the motorcycle, which had the neighbors complaining about the noise. He also stated that last year, there were renters shooting firecrackers and fireworks, and when told to stop the renters used foul language. He also stated that another renter had a large 30-foot-long boat that could barely fit on the subdivision streets, and he had to get permission from the Gray's Hill Baptist Church to have them park it there. He stated that there are 50 homes on the island, and this short-term rental has negatively impacted them all one way or another.

Mr. Bromley asked if there were covenants and restrictions in the community.

Mr. Bell stated no, there were none, the HOA only has control over the park and boat ramp.

Mr. Wendell Crews stated his mother lives at 17 Frame Street, and they share the dock. He stated that the agreement was the dock would never become a commercial dock, but since the short-term rental, there has been different people showing up to use the dock. He asked the Board to deny the Special Use until the issue with the dock is resolved.

Mrs. Christine Cook stated that Mr. Crews is her brother and the people next to the applicant is their parents. She stated her main concern is the safety of her mother who lives there full-time and having different people there all the time. She also stated that these people have small children who run up and down the dock. She explained that the dock does not have any side

railings, so it is quite dangerous for the children to be there without supervision. She continued to state that if someone passes away or gets severely hurt on the dock, being that it is a shared dock, there is an assumption of liability that is going to fall on her mother and that is not fair. She stated that she is against the Special Use.

Mrs. Anne Crews stated she is against the Special Use. She stated she has seen the small children playing on the dock, and when she speaks to them, they are disrespectful. She stated that the renters are taking over her half of the dock, and the Shirtcliff's are making a profit. Mr. James Dreyfuss stated that it was he and his sister's parents who bought the home, and they grew up there and it means a lot to them. He asked the Board to deny the Special Use Permit.

Mrs. Lynda Tuten stated that she is very opposed to the short-term rental.

Mr. Mack closed **PUBLIC COMMENT**

Mrs. Frederick stated that this project has special circumstances as it relates to the dock, and that is one reason why it should not be approved for the special use. She stated that because the shared dock is in front of the neighbor's house, it makes it a confusing situation with renters going on to the neighbor's property.

Mr. Chemsak stated that one of the requirements for the special use is that there should be minimum adverse effect including visual impact to the adjacent land.

MOTION: Mr. Chemsak made a motion to deny the Special Use Permit because it will have negative effect on the adjacent lands and the adjacent neighbors. Mrs. Frederick seconded the motion. The motion passed unanimously. FOR: Chemsak, Frederick, Mack, Hoos, Bromley, Neilsen, Mitchell.

OLD BUSINESS: None

NEW BUSINESS: None

ADJOURNMENT:

MOTION: Mrs. Frederick made a motion to adjourn. Mr. Chemsak seconded the motion. The motion passed unanimously. FOR: Frederick, Chemsak, Mack, Hoos, Bromley, Neilsen, Mitchell.

Meeting adjourned at 7:59 pm.