



## **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 24, 2025, at the Beaufort County Disabilities & Special Needs, Meeting Room, Beaufort, South Carolina.

#### **MEMBERS PRESENT**

Mr. Kevin Mack, Chairman

Mrs. Jane Frederick, Vice Chairman

Mr. John Chemsak

Ms. Lynn Hoos

Mr. Dennis Nielsen

Mr. Cecil Mitchell

Mr. Evan Bromley

#### **MEMBERS ABSENT**

#### **VACANCY**

None

#### **STAFF PRESENT**

Mr. Robert Merchant, Planning & Zoning Director

Ms. Hillary Austin, Zoning Administrator

Mrs. Lisa Anderson, Asst. Zoning Administrator

#### **ATTORNEY PRESENT**

Mr. Brian Hulbert, County Staff Attorney

Mr. Brad Hill, Attorney for the Board

Mr. Dylan Kidd, County Staff Attorney

Mr. Thomas Taylor

Mr. Harrison Williams

Ms. Julie Franklin

**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.

Mr. Mack stated that the applicants will have the opportunity to present their project, then the County will state their views of the project, and then there will be public comments.

## **ADOPTION OF AGENDA:**

**MOTION:** Mrs. Frederick made a motion to adopt the agenda and to remove Items 9 & 10 per the applicant's request. Mr. Bromley seconded the motion. The motion passed unanimously. **FOR:** Frederick, Chemsak, Hoos, Mack, Mitchell, Nielsen, Bromley.

## **ADOPTION OF MINUTES: March 27, 2025**

**MOTION:** Mr. Chemsak made a motion to approve the minutes of March 27, 2025 with the correction on Page 5 to change Mrs. Frederick called for Public Comment and replace with Mr. Chemsak called for Public Comment. Dr. Nielsen seconded the motion. The motion passed. **FOR:** Nielsen, Hoos, Chemsak, Frederick, Mitchell, Bromley. **ABSTAINED:** Mack (was not present at the March meeting.)

## **LISA PRUTSMAN SPECIAL USE LODGING, SHORT-TERM RENTAL (REHEARING)**

Mr. Thomas Taylor, agent for the applicant stated that this request has been lingering for a while, and he hopes that it can be resolved at this meeting. He explained that the applicant came before the Board in June of 2024 and the verdict was a tied vote to approve and deny the request. The case is being reheard today because of a decision agreed on by everyone at the mediation.

Mr. Mack stated that at the mediation he agreed to have the case reheard because of the tied vote of the Board which sort of left the decision unclear.

Ms. Austin stated that the Staff's decision has not changed, the recommendation is for the request to be approved with the condition that the applicant adhere to the Lighting standards of Division 5.11.50.C.1.2. of the Community Development Code.

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

Mr. Craig Crosson stated that the community is against the Short-Term Rental. He also stated that he believes Mr. Mack should recuse himself from the project.

Mr. Marty Linder stated that he is against the Short-Term Rental.

Mrs. Anne Kennedy stated that she is for the Short-Term Rental.

Mr. Martin Hupka stated that he is against the Short-Term Rental.

Mr. Richard Neill stated that he and his wife are against the Short-Term Rental.

Mr. Arnold Hollis stated that he is against the Short-Term Rental.

Mr. Mack stated that he would not recuse himself from the project. He also stated that he has no conflict of Interest.

Mr. Mack closed **PUBLIC COMMENT**.

Mr. Mack stated that the Board would go into Executive Session and called for a motion.

**MOTION: Mr. Chemsak made the motion for the Board to go into executive session. Mrs. Frederick seconded the motion. The motion passed unanimously. FOR: Chemsak, Frederick, Mack, Hoos, Bromley, Neilsen, Mitchell.**

The Board went into Executive Session with Attorney Brad Mitchell at 5:30 p.m.

Mr. Mack called the meeting back to order at 5:45 p.m.

Mr. Chemsak asked who will manage the property.

Mr. Taylor responded that the property will be managed by Mr. Prutsman who lives on Lady's Island.

Mr. Mack asked if the property was up for sale.

Mr. Taylor stated yes.

**MOTION: Mr. Chemsak made a motion to approve the Special Use Permit with the conditions that the applicant adheres to the Lighting requirements of Division 5.11.50.C.1.2. of the Community Development Code. Finding of Facts:**

- 1) The plan is consistent with the Comprehensive Plan's purposes, goals, objectives and policies and applicable standards of the Development Code, including standards of building and structural intensities and densities of use.**
- 2) The plan is compatible with the character of the land in the immediate vicinity.**
- 3) Is designed to minimize adverse effects, including visual impact of the proposed use on adjacent lands.**
- 4) Is designed to minimize adverse impacts on the environment, traffic and congestion, infrastructure, or governmental services.**

**Mr. Mitchell seconded the motion. The motion passed. FOR: Chemsak, Mitchell, Mack, Neilsen. AGAINST: Frederick, Hoos, Bromley.**

## **CINDA ROUDEBUSH'S BASELINE VARIANCE – RECONSIDERATION**

**Mrs. Frederick recused herself from the meeting.**

Mr. Frederick, agent for the applicant stated that he is requesting a variance from the OCRM Baseline. The County requires a 50-foot setback which is located at the front of the property. He stated that he received approval from the Fripp Island ARB and the State's DES for the location of the house. He also stated that the Fripp Island ARB will not allow the house to be moved closer to the street.

Mr. Mack stated that he mistakenly allowed the project without first calling for a vote to reconsider.

**MOTION: Mr. Williams made a motion to reconsider the project. Dr. Nielsen seconded the motion. The motion passed unanimously. FOR: Mitchell, Nielsen, Hoos, Bromley, Mack, Chemsak.**

Ms. Austin stated that the Staff's recommendation and conditions are the same, this is clearly a hardship and without the variance the property would be unbuildable.

## **BEAUFORT COUNTY – VARIANCE RIVER BUFFER TRAIL/WALKWAY WIDTH**

Mrs. Frederick came back to the meeting.

Laura Bullock stated she is the agent for the County, and the County is seeking a variance to construct a trail/walkway wider than 5-feet within the River Buffer. She stated that the project is a proposed public park, and the wider 8-foot walkway is needed to accommodate two-way traffic for handicap/bicycle riders and pedestrians to pass comfortably.

Mr. Chemsak asked if we did not do the same type of variance at the Okatie Park a couple of years ago.

Mrs. Nagid stated that yes, a request was made to widen the trail/walkway at the Okatie Park to accommodate the citizens being able to pass comfortably.

Ms. Austin stated the staff recommends approval since this is a County Park and the variance would benefit the citizens of the County.

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

Mr. Tom Miller stated that he is not against the park but had concerns about fire protection and how would the Fire Officials be able to get to the river portion of the property with just a trail/walkway. He also had concerns about the buffer portion of the property that touches his property and whether he will have privacy from the park.

Mrs. Nagid stated that there will be an opaque buffer and there should be no issue concerning privacy. She also stated that there will be water at the bathrooms and there will be the capability to pump water to the rear of the property if it is needed.

Mr. Mack closed Public Comment.

**MOTION: Mrs. Frederick made a motion to approve the variance to widen the walkway/trail from 5-feet to 8-feet. She stated that the variance is for the benefit of the citizens of the County. Ms. Hoos seconded the motion. The motion passed unanimously. FOR: Frederick, Hoos, Mack, Chemsak, Bromley, Nielsen, Mitchell.**

### **BEAUFORT COUNTY VARIANCE – SIDE YARD BUFFER REDUCTION**

Ms. Laura Bullock stated that the County is seeking a variance to construct a driveway seven (7) feet within the perimeter buffer. She stated that the location of the driveway within the buffer will help to save trees on the other side of the property. She also stated that the adjacent property has given consent for the buffer to be reduced.

Ms. Austin stated that this is a county project, and the location of the driveway can be moved to get at least a ten (10) foot buffer. She stated that the Code allows for the buffer to be reduced but a solid fence would be required. She also stated that this request has not proven a hardship, and the County should be held to the standards of the Code.

Mrs. Nagid stated that the solid fence is the problem, the County would like for the entire fence around the property to be a split rail fence. She also stated that this driveway would not be used by the public, it will only be used by the maintenance staff.

Ms. Austin stated that the variance request should be changed to allow a split rail fence instead of the solid fence. She stated that staff would agree if the buffer were reduced to 10 feet and the split rail fence.

Mrs. Frederick asked if an analysis of the existing trees were conducted.

Mrs. Nagid stated that no, an analysis was not conducted.

**MOTION: Mrs. Frederick made a motion to approve the variance as modified to allow the split rail fence instead of the solid wall, and that the driveway be moved 10-feet from the property line. Mr. Bromley seconded the motion. The motion passed unanimously. FOR: Frederick, Bromley, Mack, Chemsak, Hoos, Nielsen, Mitchell.**

### **ROBERT & GINGER CARMICHAEL'S SPECIAL USE, LODGING, SHORT-TERM RENTAL**

Mr. Carmichael stated that he is seeking a Special Use Permit for Lodging, Short-Term Rental.

Mrs. Frederick asked who would manage the property.

Mr. Carmichael stated that a Stinger Home Management, Brian Stinger, would manage the property.

Mr. Mack asked if there were any covenants and restrictions.

Mr. Carmichael answered no.

Mrs. Frederick stated that she thought it was a bit excessive to have nine (9) cars there.

Mr. Bromley asked how many bedrooms, and how many guests.

Mr. Carmichael stated there are five (5) bedrooms and 15 guests.

Mrs. Frederick stated that she would be more comfortable with five (5) cars.

Ms. Austin stated that staff recommended approval.

**PUBLIC COMMENT: Mr. Mack called for Public Comment.**

**No Public Comment.**

**MOTION: Mr. Mitchell made a motion to approve the Special Use Permit for Lodging, Short-Term Rental and reduced the parking to five (5) spaces. Mr. Chemsak seconded the motion. The motion passed unanimously. FOR: Mitchell, Chemsak, Frederick, Mack, Hoos, Neilsen, Bromley.**

## **ROBERT DAVIS' VARIANCE REMOVE RIVER BUFFER**

Ms. Julie Franklin stated that she represents the property owner and is asking for a variance from the Code to not have a river buffer, and to not have to get permits to construct in the river buffer. She stated that the property has been reduced by the marsh/buffer and it is not the same size as it was back when it was first acquired. She also stated that the survey submitted was not the current survey.

Ms. Austin stated she is not sure what the applicant is requesting, but she gathers that she does not want to have a buffer, and she does not want the County to tell her what she can and cannot do in the river buffer. She stated that Ms. Franklin went into the buffer and installed rip-rap without approval from OCRM and the County. This was the main reason why the Codes Enforcement Officers were called to her property. The County had a meeting with Ms. Franklyn in September of last year and she was told that the buffer would have to be replanted. She left the meeting stating that she would submit a landscape plan. To date, that plan has not been submitted and today here she is requesting that the county has no jurisdiction over the river buffer. Ms. Austin also stated that there is no hardship for this request and recommends the request be denied.

Mr. Dylan Kidd, Beaufort County Staff Attorney stated that there was a court case with Ms. Franklin, and the County prevailed, therefore, the buffer shall be reestablished.

Mrs. Tracy Goucher, Beaufort County Codes Enforcement Officer stated that this issue has been going on for a couple of years and Ms. Franklin refuses to abide by the Code.

**PUBLIC COMMENT: Mr. Mack called for Public Comment.**

No Public Comment.

**MOTION: Mrs. Frederick made a motion to deny the variance request and stated that the buffer is required and there should be no special exception. Mr. Chemsak seconded the motion. The motion passed unanimously. FOR: Frederick, Chemsak, Mack, Hoos, Mitchell, Bromley, Neilsen.**

**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, Mitchell, Neilsen.**

Meeting adjourned at 7:20 p.m.