



COUNTY COUNCIL OF BEAUFORT COUNTY

Beaufort County Zoning & Development

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The regular monthly meeting of the Beaufort County Zoning Board of Appeals was held on Thursday, April 28, 2016 in the Council Chambers, Beaufort County Administration Building, at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT

Mr. Thomas Gasparini, Chairman
Mr. Edgar Williams, Vice Chairman
Mr. John Chemsak
Mr. Kevin Mack

MEMBERS ABSENT

Mr. William Mitchell
Mr. Chester Williams

STAFF PRESENT

Ms. Hillary Austin, Zoning Administrator
Mrs. Tamekia Judge, Zoning Analyst III

CALL TO ORDER: Mr. Gasparini called the meeting to order at 5:07 p.m.

PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE: Mr. Gasparini led those assembled with the Pledge of Allegiance.

Mr. Gasparini welcomed Mr. John Chemsak to the Zoning Board.

Mr. Gasparini stated that Mr. Jim Vineburgh has resigned as a member of the board.

REVIEW OF AGENDA:

MOTION: Mr. E. Williams made a motion to adopt the agenda as submitted. Mr. Mack seconded the motion. The motion passed unanimously (FOR: Chemsak, Gasparini, Mack and E. Williams).

REVIEW OF MINUTES:

The adoption of the March 24, 2016 minutes will be postponed until the next scheduled meeting.

MOTION: Mr. E. Williams made a motion to postpone the adoption of the March 24, 2016 minutes until the next scheduled meeting. Mr. Mack seconded the motion. The motion passed unanimously (FOR: Chemsak, Gasparini, Mack and E. Williams).

JOHN MARSHALL – LOT 44 – COLONY GARDENS (SETBACK VARIANCE)

Mr. John Marshall stated, "I would like to rescind my request for a variance for the screened porch. After reviewing the plans and talking to my Architect we were able to come up with a plan that stays within the variance request by moving things back and making the screened porch smaller. My second request is to build a carport. The carport is essentially on my property in the only place it can be. I've taken my plans and shown where the 20' setback is from the street, where the OCRM line is and where the proposed deck is, and essentially what lies within the center triangle is what I have to build with if I don't have a variance. It is very small and it encompasses my septic system. The problem is there is no other place to put a carport on this property. From the street to the corner of the proposed carport is about 18', and there is also a line of trees that exist between the street and the setbacks for utility which is almost right on the property line. My point in saying that is, as far as the building causing a danger or being somehow visible or objectionable to a passerby point of view, it would be secluded by the line of trees. The property that I have now is smaller than the property left on the other side. I spoke with my neighbor Mr. Kenner about what I was thinking about doing and he posed no issues; I like the idea and he does too. So, my proposal is to be able to come in and make a quick right and park my cars there."

Mr. Mack asked Mr. Marshall, "So, basically where the green jeep is in the picture, is where you want the garage?"

Mr. Marshall replied, "Yes." I have two vehicles now and I would like to not have a storage shed on my property. Mr. Marshall stated, "The standard carport is 576 sq. ft and I am asking for the structure to be 460 sq. ft.; it will be 18' from the road way, so the chances for it being a public hazard will not be. If this particular drawing doesn't meet what the appeal board requires, then I am happy to go back to my Architect. I want to be able to store my stuff like everyone else and protect my cars; it's just no other place to put it."

Mr. Mack asked Mr. Marshall, "Just to confirm, the buffer of trees in the front, you stated that you will not be tampering with, is that correct?"

Mr. Marshall replied, "Yes, that is correct; those trees are like a living fence and the structure will be 3.9' away from that area."

Mr. Gasparini asked Mr. Marshall, "Looking at the plans, it looks like the carport is going to be big enough not only to shield your automobile, but also storage for a motorcycle." Mr. Gasparini stated that, "If you put the carport without the storage space, you get 6' further away from the property line and then you have almost a 10' setback instead of a 4' setback."

Ms. Hillary Austin, Zoning Administrator for Beaufort County explained, "The Lady's Island CP district requires a 20' setback from the property line. Because the property is small doesn't mean that he gets to put the carport 3.9' away from the property line that

is too close to the road. There is a 50' R-O-W, and everyone is required to setback 20' from the property line and 3' is too close to the R-O-W; the County is recommending disapproval. The land is shaped funny and the carport is too big for this property; he doesn't have enough land to place the carport and be at least 15' from the property line. The ordinance allows us to modulate the front property line, 3' or 20 percent, whichever is greater. I cannot in good faith and safety reasons recommend approval to be 3' from the front property line. I went through the requirements and I just could not find anything that extraordinary with this property."

Mr. E. Williams asked Ms. Austin, "Is the carport too large to be built? If he reduces the carport would that be in compliance?"

Ms. Austin replied, "The structure is attached to the house. We don't have a square footage problem; the issue is how close it is to the R-O-W."

Mr. Gasparini asked Ms. Austin, "Whose road is it?"

Ms. Austin replied, "It's a State road."

Mr. Gasparini asked Ms. Austin, "Does the DOT have anything to say?"

Ms. Austin replied, "No, I don't think they know that he is proposing this and as long as he is outside of their R-O-W, it doesn't matter".

Mr. Gasparini asked Ms. Austin, "How much space is it between his property line and the R-O-W?"

Ms. Austin replied, "The property line and the R-O-W is the same line, so he is 3.9' away from the property line."

Mr. Gasparini asked Ms. Austin, "How much space is within the R-O-W before you get to the road, how far is that from the property line?"

Mr. Marshall stated that it was 18' from the edge of the road.

Ms. Austin stated, "It's about 15'."

Mr. Gasparini asked Ms. Austin, "The DOT doesn't care if someone places a structure at the edge of the roadway? I certainly would hate to do something and have DOT drive up and say you guys can't do that. Is it someday someone can check on that?"

Ms. Austin replied, "I can check on that tomorrow."

Mr. Gasparini asked Mr. Marshall, "What if we put this off for a month to find out if DOT is going to come in?"

Mr. Marshall replied, "This has not been a short process and even just the process of getting this done, I am willing to look at getting this further off of the road instead of bringing another part of Government into the decision making process which could delay it further. If you guys had the right to grant the approval for construction, I'd be willing to look at moving it a little further from the road."

Mr. Gasparini stated to Mr. Marshall, "I would be reluctant to agree to put something that close to the property line not knowing what the DOT would be saying and getting into a situation where they said you couldn't do it. Looking at the plan it looks like you could add some space to the carport to the northwest for your storage piece and that would get you almost where the County could agree. If you moved it to the 10' line then you would only need a 5' Variance".

Mr. Marshall asked the board, "If I reduce the size of the carport to not have the storage area and bring it in to the line where the storage area starts on the plans, would the County be okay?"

Mr. Gasparini stated that he would be comfortable with the carport meeting the 10' setback.

There being no further comments from the applicant or the County and no further questions from the Board, Mr. Gasparini called for public comment and limited the comments to 3 minutes each. There was no public comment.

Mr. Chemsak made a motion to approve the variance, with the condition that the carport meets the 10' setback in the front.

Mr. E. Williams seconded the motion.

MOTION: Mr. Chemsak made a motion to approve the variance with the condition that the carport meets the 10' front setback. Mr. E. Williams seconded the motion. The motion passed unanimously (FOR: Chemsak, Gasparini, Mack and E. Williams).

ADJOURNMENT

MOTION: There being no further business to come before the Board, Mr. E. Williams made a motion to adjourn. Mr. Chemsak seconded the motion. The motion passed unanimously (FOR: Chemsak, Gasparini, Mack and E. Williams).

The meeting adjourned at approximately 5:36 p.m.