



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, March 24, 2022, at the Beaufort County Administration Bldg., Council Chambers, Beaufort, South Carolina.

MEMBERS PRESENT

Mr. Kevin Mack, Chairman
Mr. John Chemsak
Mrs. Jane Frederick
Ms. Lynne Hoos
Mr. Evan Bromley

MEMBERS ABSENT

Mr. Cecil Mitchell

VACANCY

1 Member

STAFF PRESENT

Mr. Eric Greenway, County Administrator
Mr. Robert Merchant, Planning/Zoning Director
Ms. Hillary Austin, Zoning Administrator

ATTORNEY PRESENT

None

CALL TO ORDER: Mr. Mack called the meeting to order at 5:04 p.m.

PLEDGE OF ALLEGIANCE: Mr. Mack led those assembled with the Pledge of Allegiance.

Mr. Mack welcomed the new member of the Board, Mr. Evan Bromley, and he bid farewell to Mr. Chet Williams.

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

ADOPTION OF AGENDA:

MOTION: Mrs. Fredrick made a motion to adopt the agenda. Mr. Chemsak seconded the motion. The motion passed: **FOR:** Fredrick, Chemsak, Mack, Hoos. **ABSTAIN:** Bromley.

ADOPTION OF MINUTES:

January 27, 2022 **MOTION:** Ms. Hoos made a motion to adopt the minutes. Mrs. Fredrick seconded the motion. The motion passed: **FOR:** Hoos, Fredrick, Chemsak, Mack. **ABSTAIN:** Bromley.

February 24, 2022 **MOTION:** Mr. Chemsak made a motion to adopt the minutes. Ms. Hoos seconded the motion. The motion passed: **FOR:** Hoos, Fredrick, Chemsak, Mack. **ABSTAIN:** Bromley.

MARTIN SNODDY’S SIDE YARD VARIANCE (Revisit from February 24, 2022 meeting)

At the last meeting Mr. Snoddy was advised to try to find a 10-feet by 20-feet carport, which would require a lesser side yard setback from what he is requesting.

Mr. Snoddy stated to the Board that he was unable to find a suitable 10-feet carport that was sturdy enough for his liking. He also stated that since he was unable to find one, and he does not think he will be able to find one, he is requesting the Board to make a decision on the variance.

Ms. Austin stated that the County’s recommendation remains the same, to disapprove the variance.

MOTION: Mr. Chemsak made a motion to disapprove the variance because it exceeds the five (5) feet requirement. The motion did not get a second, the motion failed.

MOTION: Mrs. Fredrick made a motion to approve the variance since the carport is a temporary structure and can be removed easily at a later date. Ms. Hoos seconded the motion. The motion passed. FOR: Fredrick, Hoos, Mack. AGAINST: Chemsak. ABSTAINED: Bromley.

ALLEN PATTERSON SPECIAL USE – CUFFY MINE-PHASE 2

Mrs. Fredrick recused herself from this request.

Mr. Karlyk stated that they are requesting a Special Use Permit to construct a 4.5 acre pond with a depth of 12-feet on the property.

Mr. Mack stated that Page 4 of the DHEC Permit stated that fencing is required, he wanted to know if the plan was to fence around the pond.

Mr. Karlyk stated that the property has a perimeter fence and that fence will help them to meet the requirement for fencing.

Ms. Austin stated that the Staff Review Team reviewed the Special Use application and recommended approval with 12 conditions:

1. Mine depth shall be limited to 12-feet.
2. Fencing shall be required – Minimum 6-feet in height.
3. 100-feet perimeter buffers are required.
4. Applicant shall be required to place a Reclamation Bond with the County. (Existing DHEC bond will not be appropriate.) This bond shall address any road improvements needed.
5. Applicant has stated the reclamation use of the pond will be recreational.
6. Hours of Operation: Monday–Friday 7:30 a.m.–6:30 p.m. and Saturdays 8:00 a.m.–5:00 p.m.
7. Approval is subject to all General Standards and Specific Standards for Projects Five Acres or less. (Division 4.1.160. A. & B.)
8. Applicant shall use the existing haul road and perform daily sweeping of the curb cut to ensure the Seaside Road is kept free from debris.
9. Applicant shall submit the dewatering information to Stormwater at Final Review.
10. Applicant shall research to determine if the monitoring well is testing the salt level in the water.

11. Applicant shall submit quarterly reports to ensure the depth of the pond is not more than 12 feet.
12. Drainage narrative and calculations should confirm that the proposed mine has the capacity to sustain a 100-year storm event.

Mr. Mack asked if the trucks will be using Seaside Road or Lands End Road.

Mr. Karlyk answered the trucks will be using Lands End Road.

Ms. Austin stated she would change the recommendation from Seaside Road to Lands End Road.

Mr. Mack asked for Public Comments.

No Public Comments.

MOTION: Ms. Hoos made a motion to approve the Special Use with the County's Conditions. Mr. Chemsak seconded the motion. FOR: Hoos, Chemsak, Mack. ABSTAIN: Bromley.

MICHAEL DELUCA RIVER BUFFER WAIVER

Mr. Deluca stated that he is requesting a variance to place his house 5-feet from the Critical Line. He also stated that the front setback is normally 25-feet, but Fripp Island ARB has allowed him to place the house at 19-feet from the front property line. He also stated that the Staff recommends the house be 15-feet from the critical line, but he would have to redesign the entire house.

Mrs. Fredrick asked why this particular house, and why can't the house be redesigned. She asked since the rear portion of the house is a porch, why couldn't that porch be placed on the side of the house.

Mr. Deluca stated that he would not be able to have the view of the marsh.

Mr. Mack stated if the porch was moved there would still be a view of the marsh.

Ms. Austin stated that Mr. Deluca came to the Staff Review Team, and they were unable to approve the waiver because they can only approve up to 20-feet from the critical line, and the house was larger than the average house size left and right. Staff is recommending that he uses some of the open area on both sides of the house, which would allow the house to be as far away from the critical line. That would enable the lot to have a planted buffer which would help to stop the runoff from going directly into the marsh.

No Public Comment except for the emails received.

MOTION: Mrs. Fredrick made a motion to allow the Staff to approve the redesign if the house is a minimum of 14-feet from the critical line, along with the conditions recommended by Staff. The applicant will not have to come back to the Board. Mr. Chemsak seconded the motion. FOR: Fredrick, Chemsak, Mack, Hoos, Bromley.

MELANIE WEITZEL'S SPECIAL USE – SHORT-TERM RENTAL

Mrs. Weitzel stated that she is requesting approval for a Short-Term Rental unit. The house has three (3) bedrooms, two (2) bathrooms, and a driveway that can park three (3) cars. The house is located in the T3-Hamlet Neighborhood that allows the use.

Ms. Austin stated Mrs. Weitzel came before the Staff Review Team and the Team recommended approval.

Mr. Mack called for Public Comment. There was none.

MOTION: Mr. Chemsak made a motion to approve the Special Use Permit for the Short-Term Rental. Ms. Hoos seconded the motion. FOR: Chemsak, Hoos, Mack, Fredrick, Bromley.

BARBARA ALLEN'S SPECIAL USE – SHORT-TERM RENTAL

Mrs. Allen stated that she is requesting approval for a Short-Term Rental unit. The property is located on St. Helena Island and is zoned T2-Rural. She has provided the required parking for the use.

Ms. Austin stated Mrs. Allen came before the Staff Review Team and the Team recommended approval.

Mr. Mack called for Public Comment. There was none.

MOTION: Ms. Hoos made a motion to approve the Special Use Permit for the Short-Term Rental. Mrs. Fredrick seconded the motion. FOR: Hoos, Fredrick, Mack, Chemsak, Bromley.

GRAYE MARK'S VARIANCE – SIZE OF ACCESSORY STRUCTURE

Ms. Graye stated that she receive a permit to place her home, but she did not know she needed a permit to place the shed on the property.

Mr. Mack asked Ms. Mark if she understood that the size of the building is why she is before the Board.

Ms. Mark stated yes, after the fact. She understands, but she cannot afford the cost to move the shed.

Mr. Chemsak asked if someone was living in the shed?

Ms. Mark stated no, she allowed her grandchildren to stay in it for a night or so. She also stated that the shed came completed with electrical hookups, drywalls, washer, dryer hook-ups. She stated it was cheaper for her to purchase this type of shed.

Ms. Austin stated that the shed was too big, and the County is unable to recommend approval, and she does not see any relief at this time.

Mrs. Fredrick wanted to know if there was anyway the shed could be attached to the mobile home.

Ms. Austin stated Ms. Mark could speak to the Building Codes Official to see if there is anyway they could allow the shed to be attached with an enclosed breezeway.

Mr. Mack asked Ms. Mark if she would like for the Board to continue her request until the next meeting, and would she be willing to add the breezeway?

Ms. Mark stated yes, and she requested the continuance.

Mr. Mack call for Public Comment, no public comments except for emails received for and against the request.

MOTION: Mrs. Fredrick made a motion to continue the request for the variance until the next meeting. Ms. Hoos seconded the motion. FOR: Fredrick, Hoos, Mack, Chemsak, Bromley.

ADJOURNMENT

MOTION: Mrs. Fredrick made a motion to adjourn. Ms. Hoos seconded the motion. FOR: Fredrick, Hoos, Mack, Chemsak, Bromley.

Meeting adjourned at 5:55 p.m.