



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 27, 2023, at the Beaufort County Administration Bldg., Council Chambers, Beaufort, South Carolina.

MEMBERS PRESENT

Mrs. Jane Frederick, Vice Chairwoman

Mr. John Chemsak

Mr. Evan Bromley

Ms. Lynn Hoos

Mr. Dennis Nielsen

Mr. Cecil Mitchell

MEMBERS ABSENT

Mr. Kevin Mack, Chairman

VACANCY

None

STAFF PRESENT

Mr. Robert Merchant, Planning/Zoning Director

Ms. Hillary Austin, Zoning Administrator

ATTORNEY PRESENT

Mr. Brian Hulbert, Deputy County Attorney, for Staff

Mr. Chester Williams, for the Appellants

CALL TO ORDER: Mrs. Frederick called the meeting to order at 5:00 p.m.

PLEDGE OF ALLEGIANCE: Mrs. Frederick those assembled with the Pledge of Allegiance.

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

ADOPTION OF AGENDA:

MOTION: Mr. Chemsak made a motion to adopt the agenda. Mr. Bromley seconded the motion. The motion passed unanimously.

ADOPTION OF MINUTES: March 23, 2023

MOTION: Mr. Chemsak made a motion to adopt the minutes of March 23, 2023. Mr. Bromley seconded the motion. The motion passed. (FOR) Chemsak, Bromley, Nielsen, Hoos, Frederick. (ABSTAINED) Mitchell.

Mrs. Frederick instructed the public that anyone who wishes to speak on an agenda item will have 3 minutes and they should sign up to speak. She also stated no public comment will be held for the Appeal items.

Mrs. Frederick stated the Attorney for the appeal cases has requested that both appeals be discussed together since they are related.

LORI VAN ROSSEM/CHARLES REPLOGLE'S – ADMINISTRATIVE APPEAL

Mr. Williams, attorney for the appellants stated the Van Rossem's purchased their house September 2012 and the Replogle's purchased their house September 2013. He stated that they have used the houses as Short-Term Rentals since then. He continued to show the Board the different areas of the Coffin Point Plantation that have covenants and restrictions that do not cover the area in which the appellants have their homes.

He continued to state that the covenants and restrictions that govern the appellant's properties state that the lots are residential lots. The second paragraph states that "No noxious or offensive trade or activity shall be carried on upon any lot..." He went on to state that the word trade would mean commercial would be allowed, therefore, short-term rental would be allowed.

He went on to explain that the appellants received their zoning permit in 2022 and there was no problem, he does not know what changed to allow Ms. Austin to not issue the renewal for the entire year. He also stated that he believes Ms. Austin erred and the Board should overturn the decision and allow the appellants to have their permits for the entire year.

Mr. Hulbert, attorney for staff stated that

STEVE & PAMELA KING – SPECIAL USE – LODGING SHORT-TERM RENTAL

Mr. King stated that he is requesting approval to use his residence for lodging, short-term rental. He stated that he had filled out the application and had done the research for covenants and restrictions and was unable to find any.

Ms. Austin stated that she also did her research for covenants and restrictions and could not find any for this property, therefore, the staff recommends approval.

MOTION: Ms. Hoos made a motion to approve the special use permit to allow lodging, short-term rental. Mr. Chemsak seconded the motion. The motion passed unanimously.

ZACHARY SMOOT’S RIVER BUFFER VARIANCE

Mr. Smoot stated that the lot is so small that a variance is required. He stated that in this neighborhood of Fripp Island, this is the only style house that will be approved. He also states that instead of placing gutters on the roof, he would install drains to capture the discharge. He also stated that he is trying to save the specimen pine on the property.

Mrs. Frederick asked if the deck could be redesigned, and the house moved over to get further away from the critical line.

Ms. Austin stated that the intent of the river buffer is to be as far from the OCRM Critical Line as possible, this structure will be 4-feet from the critical line, and staff recommends that the applicant redesign the house and move it further away from the critical line.

Mr. Smoot stated that he is willing to replant the vegetation if required.

MOTION: Mr. Chemsak made a motion to approve the variance. Mr. Mitchell seconded the motion. The motion passed unanimously.

KERRY ARNHOLT’S SPECIAL USE PERMIT – LODGING, SHORT-TERM RENTAL

Mrs. Arnholt stated that she is requesting approval to use her garage apartment for lodging, short-term rental. She stated that she would reside in the main house. She stated that there are no covenants and restrictions for her property.

Mr. Chemsak stated that the application stated that 5 people would be able to stay, and wanted to know how big the apartment was.

Mrs. Arnholt stated that it is a one (1) bedroom, but she has enough sleeping area for up to five people.

Ms. Austin stated that the staff recommends approval.

MOTION: Mr. Nielsen made a motion to approve the Special Use Permit to allow Lodging, short-term rental. Mr. Mitchell seconded the motion. The motion passed unanimously.

NEW BUSINESS

None

OLD BUSINESS

None

ADJOURNMENT

MOTION: Ms. Hoos made a motion to adjourn the meeting. Mr. Chemsak seconded the motion. The motion passed unanimously.

The meeting adjourned at 6:20 p.m.