



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, October 24, 2024, at the Beaufort County Administration Bldg., Council Chambers, Beaufort, South Carolina.

MEMBERS PRESENT

Mr. Kevin Mack, Chairman

Mr. John Chemsak

Ms. Lynn Hoos

Mr. Evan Bromley

Mr. Dennis Nielsen

Mr. Cecil Mitchell

MEMBERS ABSENT

Mrs. Jane Frederick, Vice Chairwoman

VACANCY

None

STAFF PRESENT

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: Ms. Hoos made a motion to adopt the agenda, with the removal of Item #10. Mr. Bromley seconded the motion. The motion passed unanimously.

ADOPTION OF MINUTES: August 22, 2024

MOTION: Mr. Bromley made a motion to approve the minutes. Mr. Chemsak seconded the motion. The motion passed unanimously.

Mr. Mack stated that anyone who would like to make Public Comment, that they complete the form. He also stated that Public Comment will be limited to three (3) minutes.

WALTER GUNTER'S VARIANCE – FENCE IN RIVER BUFFER

Mr. Taylor from Superior Fence stated that he is the agent for the Gunter's. He stated that the fence is needed to protect the applicant's property from trespassers, deer, and the neighbor's rottweiler dog coming into the back yard. He also stated that the neighbor has a four (4) feet fence that the dog can easily jump over. He continued to state that the fence would only be about 15 feet into the buffer and would be minimal invasion into the buffer.

Mr. Chemsak asked if the original reason for the fence is to keep the deer out.

Mr. Taylor stated that yes that was one of the reasons, but the deer come into the property from the front of the property. He also stated that they are not planning to go past the existing fence line that the neighbors have.

Ms. Austin stated that this variance does not meet the qualifications for a variance, she stated that there is no hardship pertaining to the property. She also stated that the River Buffer does not permit those types of structures, therefore, the variance should be denied.

She also stated that if the neighbor has a fence in the river buffer, that is an illegal fence, because one would not be permitted by the office.

Mr. Walter Gunter the property owner stated that he just wants to add a fence like the neighbor has to keep the dog from coming over onto his property. He stated that they are unable to go to the fruit trees without the dog going crazy. He stated that it will only be a matter of time before the dog goes over the fence. He also stated that the fence has been there for the past 40 years.

PUBLIC COMMENT: Mr. Mack called for Public Comment. No Public Comment.

MOTION: Mr. Bromley made a motion to deny the variance due to the lack of meeting the hardship requirements. Mr. Chemsak seconded the motion. The motion passed unanimously. FOR: Bromley, Chemsak, Hoos, Mitchell, Mack, Nielsen.

DEAN FREEMAN'S VARIANCE – FRONT YARD SETBACK

Mr. Freeman stated that this request can be a side or a front yard setback. He stated that he purchased the property a couple of years ago. The problem is there is this Live Oak that they are trying to save. So that is the reason why he is not able to meet the front setback of 50-feet. He continued to state that he has spent several thousand dollars changing the way the house faces the lot as was told by the County. He continued to state that his main goal is to build his house and save the tree.

The Board Members tried to get Mr. Freeman to consider turning/moving the house, he stated, that this is where he wants the house to be, and this is the layout he wants.

Ms. Austin stated that the lot was platted in 2020 with the front of the lot is where the access easement is shown. The Code requires this zoning district to have front setbacks at 50-feet, rear setbacks at 50-feet and side setbacks at 18-feet. Mr. Freeman wants the variance to make the side property line the front but does not want to meet the 50-feet requirement. She went on to explain that the staff does not approve structures to be that close to a tree, because eventually the tree will die. If the tree is to remain, the county would require an Arborist Report indicating how the tree would be protected during and after construction to ensure it survives the disturbance. She also stated that Staff recommends disapproval, because the applicant has not shown a hardship that warrants a variance.

PUBLIC COMMENT: Mr. Mack called for Public Comment. No Public Comment.

MOTION: Mr. Mitchell made a motion to approve the variance because the applicant wants to save the tree. Also, because the lot is too narrow and creates a hardship in meeting the setbacks. Ms. Hoos seconded the motion. The motion failed, and the variance was denied. FOR: Mitchell, Hoos. AGAINST: Mack, Bromley, Chemsak, Neilsen.

FRANK ROBERTS VARIANCE – PARKING SETBACK

Mrs. Julie Davis spoke on behalf of the property owner. She stated that this property is a part of a working oyster farm. The owner has decided to open up the property as a event venue which would allow weddings, etc. She stated that the Code requires the parking to be in the rear of lot behind the structures. The problem with that requirement is that it would be detrimental to the oyster beds. They would like to keep runoff contamination to a limited extent. By having the parking in the front, there would be no tree removal and there would be enough distance to treat the parking runoff before any discharge to the creek.

Ms. Austin stated that the property is zoned Seabrook/Stuart Point Community Preservation and a condition of that zoning district for this use is to have the parking in the rear or side of the structures. Staff did not see a hardship pertaining to the parcel that would warrant a variance; therefore, staff recommends disapproval.

PUBLIC COMMENT: Mr. Mack called for Public Comment.

Mr. Jack Volkerts stated that he is an adjacent property owner and presently there is a lot of flooding on his property, and he wanted to be assured that there would not be any additional flooding to his property. He stated that he would like to know when the project would be submitted and reviewed by the County.

Ms. Austin told him that the staff can place him of the email list for the agendas of the Staff Review Team.

Mr. Mack closed the **PUBLIC COMMENT**.

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

New Business: None

Old Business: None

ADJOURNMENT

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

Meeting adjourned at 6:43 P.M.