



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, January 30, 2025, at the Beaufort County Administration Bldg., Council Chambers, 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

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 5:01 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 and remove Items 6 and 7, project removed per applicant's request. Mrs. Frederick seconded the motion. The motion passed unanimously. **FOR:** Frederick, Hoos, Mack, Nielsen, Chemsak, Mitchell, Bromley.

ADOPTION OF MINUTES: October 24, 2024 –

MOTION: Dr. Nielsen made a motion to approve the minutes of October 24, 2024. Mr. Chemsak seconded the motion. The motion passed unanimously. **FOR:** Nielsen, Chemsak, Frederick, Mack, Hoos, Mitchell, Bromley.

ADOPTION OF MINUTES: November 21, 2024

MOTION: Mrs. Frederick made a motion to approve the minutes of November 21, 2024. Mr. Mitchell seconded the motion. The motion passed unanimously. FOR: Nielsen, Chemsak, Frederick, Mack, Hoos, Mitchell, Bromley.

SECESSION LI DEVELOPMENT RIVER BUFFER VARIANCE

Mr. Troy Bogan stated he represents the owner of the lot, and they are requesting a variance to construct a house on an existing lot of record in the Gibbes Island PUD.

Mrs. Frederick asked why the house is pushed back so close to the rear of the lot. She stated that the rear marsh area seems to be the greater marsh area, and why not bring the house closer to the front of the lot.

Mr. Bogan stated that it was pushed back so that the house would not be too close to the critical line areas that is on the front of the lot.

Mrs. Frederick stated that she believes the house should be pulled forward to the 25-foot front setback which will give them room to park.

Ms. Austin stated that the house was pulled back to the rear so that the house and driveway would be at least 4-foot from the critical line. The applicant was told to build a pervious driveway to help with the closeness to the critical. She also stated that if the house was pulled to the 25-foot setback, the house and driveway would be on top of the critical line.

Mrs. Frederick suggested that the applicant move the house over to the side setback approximately 2-3 feet and then pull the house forward.

Ms. Austin stated that she would have to see how it looks when it is drawn up. She asked the applicant if he could do that.

Mr. Bogan stated that he would do as suggested.

Mrs. Frederick stated that they could make a motion to grant a side yard variance of 3 feet, so that the house can be moved over, then pull the house forward to see how far they can get from the critical line. If the house and driveway are too close to the front critical line, then the requested variance stands.

PUBLIC COMMENT: Mr. Mack called for **PUBLIC COMMENT**. No public comment.

MOTION: Mrs. Frederick made a motion to approve the variance for a 3-foot side yard setback, so that the applicant can move the house over to the three (3) foot, then pull the house toward the front of the lot. This change will be reviewed by the director. Mr.

Bromley added that the three (3) conditions recommended by staff. 1) The placement of gutters on the roof to divert all runoff as far from the critical line possible before discharging. 2) Applicant shall submit a planting plan for the entire remaining buffer area if there is no vegetation in the buffer area. 3) Applicant shall adhere to all other requirements for approval of a single-family home. Mr. Chemsak seconded the motion. The motion passed unanimously.

MICHEAL & HEATHER MCCLURG RIVER BUFFER VARIANCE

Mr. John Griffin stated that they are seeking a variance from the 50-foot river buffer. He stated that the placement of the house at 30 feet has been approved by the Dataw Island ARB. He also stated that the house was designed to save as many specimen trees as possible. He stated that adjacent homes are placed some at 20 feet and some at 30-foot from the critical line. He also stated that the owners have agreed to the conditions recommended by staff to place gutters on the roof. To submit a plant back plan showing a total of 25 trees being replanted, or payment to the County's Tree Reforestation Fund. And to adhere to all other requirements for approval of a single-family home.

Mr. Nathan Schoen stated that he designed the house and took it to the Dataw Island ARB to make sure that it was in keeping with the other houses in the area. He apologized for not bringing it to the Zoning Department first.

Ms. Austin stated that the applicant came to the Staff Review Team but was disapproved because the house was too large compared to the average houses in the neighborhood. The applicant is proposing a 4,566 square foot house, while the average house size is 3,626 square feet. This house is 940 square feet larger than the other houses in the neighborhood. Staff recommend disapproval because of the house size.

Mr. Chemsak asked if the total house size was calculated with the heating and cooling.

Ms. Austin replied that that yes, the total house size.

Mr. Mack asked if by pulling the house forward 6 feet they would meet the 50 feet.

Ms. Austin stated that they would not, but it would be further from the critical than they were asking.

Mrs. Frederick stated that the house could be redesigned and be much closer to the 50-foot.

PUBLIC COMMENT: Mr. Mack called for **PUBLIC COMMENT**. No public comment.

MOTION: Mr. Williams made a motion to grant the variance with the condition that the applicant moves the house to the front 6-feet and that they comply with the staff's recommendations. Mr. Bromley seconded the motion. The motion passed. FOR: Mack Williams, Bromley, Nielsen, Hoos, Chemsak. AGAINST: Frederick.

ARMADA ACQUISITIONS – LENGTH OF CUL-DE-SAC VARIANCE

Mr. Tripp West with Cypress Engineering stated that he is the engineer for the project. He stated that he had a couple of questions, he explained that they are seeking a variance for the street length and a Special Use Permit for the wetland filling. He wanted to know if they would be dealt with together or separately. He also wanted to know if there were outstanding items or disagreements, if they would be able to come back to the next meeting.

Mr. Mack explained that if there are items that need to be worked out, they could come back to the next meeting.

Mrs. Frederick stated that if the project is disapproved, they would not be able to come back for a year.

Mr. Williams stated that if the project is withdrawn, they can come back next month.

Mr. Ross Callaghan stated that they have been working on the project for a couple of years. The site is 41 acres and has jurisdiction wetlands. After a couple of visits to the SRT, they were told that a variance would be needed because the dead-end road was too long and could only be 300 feet. He also stated that he was disappointed when he received the staff's recommendation of disapproval he was taken aback.

Mr. Mack explained that the staff's recommendation is based on the 300-foot requirement, but at the end of the day, it will be up to the Board to approve or disapprove the variance.

Mr. Chemsak asked if when the property was purchased, did they not know the codes about dead-end streets and the length of dead-end streets.

Mr. West stated that this requirement is buried in the code and coming to the SRT for pre-applications it was never brought up and we did not know about the 300-foot minimum.

Ms. Austin stated that the SRT looked at the project and he is right, the 300-foot requirement is tucked in the Code, and we did not see it during the pre-application meeting. Ms. Austin stated that granting a variance for a subdivision is creating a non-conforming subdivision before it is even approved. Staff recommended disapproval because the applicant can make reasonable use of the property without a variance. The property is constrained by an existing tower with guy wires that fans out into the property. There is a large jurisdictional wetland, and existing borrow pit on the site. The owner of the property has been going back and forth with the County on the purchasing of the property by the Rural & Critical Land Preservation but withdrew the request. Staff felt that the applicant has not proven a hardship and therefore, recommends disapproval.

Ms. Austin continued to state that the subdivision will also need a Special Use Permit for the essential access to fill the wetland. Also, the tower is required to have a 50-foot perimeter buffer, the site is so tight, there will be no buffer, and once the trees are cleared and the underbrush removed, the tower will be visible from all streets, thus, creating a visual impact to the neighborhood. The entire site will be nonconforming.

Dr. Nielsen stated that all of the trees will be removed and therefore, leaving the site wide open.

Mr. Bromley stated that he has an office in the area, and he does not see 80+ cars coming into the area working. The removal of the tree will have an adverse effect on the property owners on Confederate Road.

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

Tony Isbell stated that his property backs up to this property and the problem he has is with the tree removal. The lots are so small that all the trees will have to be removed, and he will be looking at the rear of someone's house. He is against the variance and the filling of the wetland.

Karen Just stated she is against the variance and the filling of the wetland.

Carolyn Smith stated she is against the variance and the filling of the wetland.

Allen Hale stated he is against the variance and the filling of the wetland.

Jane Hester stated she is against the variance and the filling of the wetland.

Jennifer Banks stated she is against the variance and the filling of the wetland.

Jessica Palladino stated she is against the variance and the filling of the wetland.

Jeffrey Dubois stated he is against the variance and the filling of the wetland.

Matthew Shoemaker stated he is against the variance and the filling of the wetland.

E. Hessler stated he is against the variance and the filling of the wetland.

James Lawton stated he is against the variance and the filling of the wetland.

Mr. Mack closed **PUBLIC COMMENT**.

The applicant stated that they would like to withdraw the applications and schedule a meeting with the community.

Mr. Mack accepted the request to withdraw the application.

PAMELA BROWN – FENCE VARIANCE

Pamela Brown stated that because of the animosity between her and the neighbor, the fence was built with the unfinished side facing the neighbor's side. She is requesting a variance to keep the fence as it is built.

Ms. Austin stated that Pamela Brown was given a zoning permit to build the fence and had the requirements that the finished side should be facing the neighbor. Ms. Brown chose to build the

fence incorrectly. Staff recommend disapproval because there is no hardship. The animosity between her and her neighbor is not a hardship and should not allow her to violate the Code.

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

Ralph Filipowicz stated that he is the next-door neighbor and requests that the Board denies the variance.

Mr. Mack closed **PUBLIC COMMENT**.

MOTION: Mr. Bromley made a motion to deny the variance because there is no hardship. Ms. Hoos seconded the motion. The motion passed.
FOR: Bromley, Hoos, Mack, Nielsen, Frederick, Williams.
AGAINST: Chemsak.

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT

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

Meeting adjourned at 6:40 p.m.