

# Board of Zoning Appeals

Theodore D. Washington Municipal Building, 20 Bridge Street, Henry "Emmett" McCracken Jr.  
Council Chambers

June 28, 2022

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## I. CALL TO ORDER

Chairman Halpern called the meeting to order at 6:00pm.

## II. ROLL CALL

PRESENT

Board Member Daniel Grove

Board Member Gerry Workman

Board Member Larry Garrison

Board Member Steve Wallace

Board Member Stephen Halpern

## III. NOTICE REGARDING ADJOURNMENT

The Board of Zoning Appeals will not hear new items after 9:30 p.m. unless authorized by a majority vote of the Board Members present. Items which have not been heard before 9:30 p.m. may be continued to the next regular meeting or a special meeting date as determined by the Board Members.

## IV. NOTICE REGARDING PUBLIC COMMENTS\*

Every member of the public who is recognized to speak shall address the Chairman and in speaking, avoid disrespect to the Board, Staff or other members of the Meeting. State your name and address when speaking for the record. COMMENTS ARE LIMITED TO THREE (3) MINUTES.

## V. ADOPTION OF THE AGENDA

Board Member Garrison made a motion to adopt the agenda as written.

Seconded by Board Member Grove.

Voting Yea: Board Member Grove, Board Member Workman, Board Member Garrison, Board Member Wallace, Board Member Halpern

All were in favor and the motion passed.

## VI. ADOPTION OF MINUTES

A. June 7, 2022 Minutes

Board Member Garrison made a motion to adopt the minutes as written.

Seconded by Board Member Wallace.

Voting Yea: Board Member Grove, Board Member Garrison, Board Member Wallace, Board Member Halpern

All were in favor and the motion passed.

Board Member Workman did not vote since he did not attend the June 7 meeting.

**VII. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA\*****VIII. OLD BUSINESS****IX. NEW BUSINESS**

- A. Administrator Appeal:** A request by Walter Nester of Burr & Furman, LLP, on behalf of the property owner Charlie and Brown, LLC, for an Administrative Appeal of the Unified Development Ordinance Administrator's determination that the proposed use of a Car Village facility for an automotive enthusiasts club where storage areas will be sold to club members is interpreted to be a 'Mini-Warehouse or Self-service Storage Facility' which is not permitted in the zoning district. The property is comprised of 5.00 acres, and is identified as Beaufort County Tax Map Number R610 021 000 0808 0000. The property is zoned Village at Verdier Planned Unit Development (ZONE-05-22-16797). (Staff - Dan Frazier)

Staff presented. Applicant was in attendance. The applicant, Mr. Nester, spoke about the allowed use of the social club. There was discussion about the units only being available to club members, having an HOA type system to regulate the area, and what will consist of the clubhouse and its area. The applicant referenced golf and yacht membership and slips to the proposed car membership and units. The Board asked about unsold units. The applicant stated that they can only be rented out to other club members. There was discussion about what the clubhouse would be used for and the size of the lot. The applicant stated that currently the drawings are about 40 units and a 10,000 sq. ft. clubhouse on a 5 acre lot. The Board questioned how large the units would be since the drawings show multiple cars in one unit. Those drawings were done for illustration purposes only and to show that it wouldn't look like garage storage units. There was a discussion as to how to have the rules and regulations enforced to what was kept in the unit. Mr. Nester stated that it would be a violation of the master deed and the HOA and members would have the right under South Carolina law to enforce and prohibit that type of use.

The Board asked if there were any of these clubs located in South Carolina. Mr. Biebel, owner of the property, stated there are some in the Darlington area and they are common around racetracks and affluent wealth. The façade will look like Old Town Bluffton with each unit looking different. Each unit will be able to order a loft that goes above the unit. The doors to the units will be either barn or farm doors. The Board asked if someone would be able to live in one of these units. Mr. Biebel stated no, that would be a restriction of the master deed. There was discussion on how many units a person may buy and if they could combine them into one large unit. The answer was no the separating wall couldn't be knocked down as it would violate buildings codes. The Board asked for the cost of the club membership and the cost of a unit. The applicant stated that the membership fee is to be determined based on the amenities offered but an initial fee would be about \$5,000 - \$10,000 and then a yearly fee after that. The cost of a unit would be around \$240 a square foot, about \$400,000 a unit.

Town Attorney LaBruce discussed commercial condominium ownership structure. Each is independently owned and the shell is a common element. The master deeds for those structures are required and recorded. This structure is fairly common in the Beaufort County, Bluffton area. Mr. Nester stated another form of condominium is a marina. The slips are the

units and the gangways are common elements. The Board asked Staff if this type of UDO question has been brought up before. Staff answered it has not.

The Board asked Staff if the request were to be granted, are there still steps the applicant would need to take to build the structure. Staff stated that this property is subject to the highway corridor overlay. There is a standard set of rules. They have not submitted a development plan yet.

There was discussion about the UDO definitions, what the applicant is asking for and what the UDO administrator was reviewing in regard to the two principal uses. The applicant contended that a) it's not mini warehouse or self storage and b) even if it was, it's not an independent use. Mr. Nester stated that the social club cannot survive without the units and the garage condominiums cannot survive alone. It is an accessory use. The condominiums support the club and the clubhouse overall use.

Board Member Garrison moved to reverse the decision of the Town of Bluffton UDO Administrator's interpretation as presented and based on the Findings of Facts subject to the following two conditions on the use of the property 1) there be no public use of the storage facility aspects of the proposed project and 2) the covenants be recorded as a part of the master deed that prohibit the condominium units or the property from being used for the storage of any items or personal property other than classic, historic, or collector automobiles and automobilia.

Board Member Wallace seconded.

There was discussion about how close the residential homes would be to this property. If the plan moves forward, the applicant would still have to follow the master plan of the area.

Board Member Garrison moved to amend the previous motion to include a third condition that the Town of Bluffton review and approve the proposed covenants before final development plan approval.

Board Member Wallace seconded.

Voting Yea on the amendment: Board Member Grove, Board Member Halpern, Board Member Garrison, Board Member Wallace, Board Member Workman

The vote to amend the motion was unanimous and passed 5-0.

Voting Yea to reverse the decision but impose conditions: Board Member Grove, Board Member Garrison, Board Member Wallace, Board Member Workman.

Voting Nay: Board Member Halpern

The vote passed 4-1.

**X. DISCUSSION**

**XI. ADJOURNMENT**

Board Member Garrison made a motion to adjourn the meeting.

Seconded by Board Member Wallace.

Voting Yea: Board Member Grove, Board Member Workman, Board Member Garrison, Board Member Wallace, Board Member Halpern

All were in favor and the motion passed.

The meeting was adjourned at 7:14 pm.

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