Present: Sam Brusco, Vice-Chair; Carletha Frazier; Jackson Steele; Stephen Halpern

Absent: Julie O’Donnell, Chair

Staff: Heather Colin, Director Growth Management, Kevin Icard, Planning & Community Development Manager; Katie Peterson, Planner; Marcia Hunter, Growth Management Coordinator, Richardson LaBruce, Lawyer with Finger, Melnick & Brooks, P.A.

I. CALL TO ORDER

Brusco called the meeting to order at 6:02 P.M.

II. ROLL CALL

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 and any personalities. State your name and address when speaking for the record. COMMENTS ARE LIMITED TO THREE (3) MINUTES.

V. ADOPTION OF AGENDA

Frazier made a motion to adopt the June 20, 2017, Board of Zoning Appeals Agenda. Halpern seconded the motion. All were in favor and the motion passed.

VI. ADOPTION OF MINUTES

Steele made a motion to adopt the May 2, 2017 meeting minutes. Frazier seconded the motion. All were in favor and the motion passed.

VII. PUBLIC COMMENTS

There were no public comments unrelated to action items.

VIII. OLD BUSINESS

There was no old business.
IX. NEW BUSINESS

1. PUBLIC HEARING - FOR ACTION

A. Administrative Appeal: A request by Charles Wallace with Sign Pro Plus, to overrule the administrative interpretation for the definition of sign types based on Section 5.15.6.Q.3 of the Unified Development Ordinance, that a projecting sign should be classified as a wall sign. This interpretation should be reviewed based upon the requirements set forth in the Town of Bluffton Unified Development Ordinance. (ZONE 05-17-10961) (Staff Presenting – Kevin Icard)

Kevin Icard presented the information to the Board which is incorporated into these minutes.

Charles Wallace, with Sign Pro Plus – Applicant presented to the Board requesting an appeal of the Unified Development Ordinance (UDO) Administrator’s determination that a Projecting Sign is an ‘all other sign type’ (UDO Section 5.15.6.Q.3) based on precedent of previous approved signs of the same sign type.

Steele made the motion to deny the administrative appeal and to uphold the UDO Administrator’s decision that the proposed sign was considered a projecting sign and was classified as an ‘all other sign type’, which limited it to five (5) square feet based on Section 5.15.6.Q Sign Guidelines of the UDO.

Halpern seconded the motion. An approval was granted by unanimous vote and the motion was passed.

B. 7 Lawton Street (Variance Request): Bret Pruehs, with McNair Law Firm, on behalf of Chris & Sherry Johnston, is requesting a variance authorizing the sale of coffee, tea, scoopable ice cream, shaved ice, and comparable items prepared on site. The property is identified by tax map number R610 039 00A 0091 0000 and is located at 7 Lawton Street. The property is zoned Neighborhood Center – Historic District and therefore, shall be reviewed by the Board of Zoning Appeals based on the requirements set forth in the Unified Development Ordinance. (Plan Number: ZONE 05-17-11001) (Staff Presenting – Heather Colin)

Heather Colin, Kevin Icard and Richardson LaBruce presented the information to the Board which is incorporated into these minutes.

Bret Pruehs, with McNair Law Firm, on behalf of Chris & Sherry Johnston - Applicant presented to the Board requesting a variance authorizing the sale of coffee, tea, scoopable ice cream, shaved ice, and comparable items prepared on site.

PUBLIC COMMENTS: Public Comments were received from Paige Camp residing at 41 Calhoun Street, Bluffton, SC.
First Motion:
Steele made a motion that the Board of Zoning Appeals does not have the authority to hear the variance request based on Section 3.7.1 & 3.7.2 of the Unified Development Ordinance.

Brusco seconded the motion.

The Board voted 2-2, the motion died.

Second Motion:
Halpern made the motion to deny the application as submitted, because the Board cannot grant a variance for provisions located in Article 4, Zoning Districts of the Unified Development Ordinance.

Frasier seconded the motion.

The Board voted unanimously to deny the application.

X. DISCUSSION
Staff made a recommendation to the Board to reschedule the meeting date of July 11 to July 18, 2017 due to a scheduling conflict of the Town Council Meeting being scheduled for July 11, 2017. The Board members discussed the date change and have agreed to hold the next BZA Meeting July 18, 2017 at 6:00 P.M.

XI. ADJOURNMENT
Halpern made a motion to adjourn. Frazier seconded the motion. All were in favor and the June 20, 2017, Board of Zoning Appeals meeting adjourned at 7:19 P.M.