

Town of Hilton Head Island

Board of Zoning Appeals Meeting Monday, November 28, 2022 – 2:30 p.m. AGENDA

The Board of Zoning Appeals meeting will be held in-person at Town Hall in the Benjamin M. Racusin Council Chambers.

- 1. Call to Order
- 2. FOIA Compliance Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.
- 3. Roll Call
- 4. Welcome and Introduction to Board Procedures
- 5. Approval of Agenda
- 6. Approval of Minutes
 - a. October 24, 2022 Meeting

7. Appearance by Citizens

Citizens may submit written comments via the <u>Town's Open Town Hall Portal</u>. The portal will close at 4:30 p.m. on Friday, November 25, 2022. Comments submitted through the portal will be provided to the Board of Zoning Appeals and made part of the official record.

- 8. Unfinished Business None
- 9. New Business
 - a. Public Hearing

VAR-002628-2022 – Request from Willie Young for a Variance from LMO Sections 16-5-102, Setback Standards, and 16-5-103, Buffer Standards, to allow three existing manufactured homes to remain in the adjacent street and adjacent use setbacks and buffers to be able to subdivide the property. The property is addressed as 5, 7 and 9 Palm Tree Place with a parcel number of R510 004 000 0418 0000.

b. Public Hearing

VAR-002641-2022 – Request from Jay Nelson of May River Custom Homes, on behalf of Dawn and Craig Lamb, for a Variance from LMO Section 16-5-102.D Adjacent Use Setback Requirements, to allow a proposed utility room, HVAC and garage to encroach within the setback. The property is located at 9 Mossy Oaks Lane, with a parcel number of R510 012 000 0487 0000.

10. Board Business

a. Election of new Chair and Vice Chair

11. Staff Reports

- **a.** Status of VAR-00245-2022 (33 Corine Lane)
- **b.** Status of Appeals to Circuit Court
- c. Status of LMO Amendments

12. Adjournment

Please note that a quorum of Town Council may result if four (4) or more of their members attend this meeting.



Town of Hilton Head Island

Board of Zoning Appeals Meeting

October 24, 2022, at 2:30 p.m.

Benjamin M. Racusin Council Chambers

MEETING MINUTES

Present from the Board: Chair Patsy Brison, Peter Kristian, Kay Bayless, David Fingerhut, Robert

Johnson

Absent from the Board: Anna Ponder, Charles Walczak

Present from Town Council: Glenn Stanford

Present from Town Staff: Nicole Dixon, Development Review Program Manager; Chris Yates, Development Services Manager; Shea Farrar, Senior Planner; Michael Connolly, Senior Planner; Yazmin Winston Black, Community Development Coordinator; Karen Knox, Senior Administrative Assistant; Brian Glover, Administrative Assistant

Other's Present:

1. Call to Order

Chair Brison called the meeting to order at 2:30 p.m.

2. FOIA Compliance

Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

3. Roll Call

As noted above.

4. Welcome and Introduction to Board Procedures

Chair Brison welcomed all in attendance and explained the Board's procedures for conducting the meeting.

5. Approval of Agenda

Chair Brison asked for a motion to approve the agenda as presented. Mr. Kristian moved to approve. Ms. Bayless seconded. By way of roll call, the motion passed with a vote of 5-0-0.

6. Approval of Minutes

a. September 26, 2022 Meeting

Chair Brison asked for a motion to approve the minutes of the September 26, 2022, meeting. Ms. Bayless moved to approve. Mr. Johnson seconded. By way of roll call, the motion passed with a vote of 4-0-1. Mr. Fingerhut abstained as he was not present at the meeting.

7. Appearance by Citizens

No citizens spoke and no comments were received to the Town Hall Portal.

8. Unfinished Business

None

9. New Business

a. Public Hearing

VAR-002402-2022 – Request from Patricia Bourgoin for a Variance from LMO Section 16-5-102.D, Adjacent Use Setbacks and LMO Section 16-5-103.E, Adjacent Use Buffers, to allow a pool to encroach into the setback and buffer. The property is located at 1 Hammock Breeze Way, with a parcel number of R510 005 000 0435 0000. *Presented by Shea Farrar*

Ms. Farrar provided staff's presentation as included in the packet. Staff found the application to be inconsistent with the LMO. Staff recommended denial. The Board asked about the purpose of setbacks and the amount of the setback occupied by the pool. The Board also asked about the comparison of the subject lot to the others in the subdivision.

The applicant provided a presentation also included in the packet. The Board asked about pools in the community, the plat condition when purchased, and if the applicant was told they could build a pool when purchasing. Additionally, the Board asked about the comparison of the subject lot to other lots in the subdivision.

The applicants offered emails into evidence. Chair Brison asked the public if any of the people included in the emails where present. One person was in attendance. Chair Brison asked if there were any objections to the emails being added to the record. Hearing none, the emails were added to the record.

Staff did not provide a rebuttal.

Chair Brison asked for public comment on the subject. Susanne Wheatly, neighbor of the applicant, spoke about the lots in the subdivision. She stated that during purchasing many of the buyers were told in writing they could build pools. Additionally, she stated the developer is working to reduce the setbacks in the subdivision. Last, she spoke about other subdivisions built with different setback requirements.

Following all the presentations, Chair Brison asked if there were any objections to including all evidence provided into the record. Hearing none, all evidence was included, the public meeting was close, and the Board moved to discussion. The Board voiced various concerns they had with the application.

The applicant withdrew their application.

b. Public Hearing

VAR-002405-2022 – Request from Julia and Fred Rummans for a Variance from LMO Section 16-5-102.D, Adjacent Use Setbacks, to allow a proposed deck, pool, and stairs to encroach within the setback. The property is located at 33 Corine Lane, with a parcel number of R510 012 000 0561 0000 – *Presented by Michael Connolly*

The applicant informed staff that they would like to change their application. There was discussion about the required public notice. Staff found that because the applicant was reducing their requests, the revised application was contained within the public notice.

The Board asked staff if the presentation would include updated information for the revised application. Staff stated that the presentation did not include updated information for the revisions. The Board discussed how the issue could be handled. Mr. Kristain moved that the item be moved to the November meeting with revised information and without further

advertisement or notice. Mr. Johnson seconded the motion. The motion was approved with a vote of 5-0-0.

10. Board Business

Chair Brison requested that an attorney is present at all future meetings. The board agreed with the chair. Mr. Gruber explained that it is standard practice for an attorney to be present.

11. Staff Reports

a. Status of Appeals to Circuit Court

Curtis Coltrane was not in attendance to report on the item.

b. Status of LMO Amendments

There were no updates on the status of the amendments. Ms. Dixon confirmed that the suggestions by the board were included in the amendments.

c. Waiver Summary Report

Ms. Dixon proved an overview of the included report. She stated that the removal of waivers would have cause five additional requests to come before the board over the last 2 years. Ms. Dixon answered several questions from the board.

12. Adjournment

Mr. Kristian moved to adjourn. Mr. Johnson seconded. Motion approved with a vote of 5-0-0. The meeting adjourned at 3:48 p.m.

Submitted by: Brian Glover, Administrative Assistant

Approved: [DATE]



TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court

Hilton Head Island, SC 29928

843-341-4757 FAX 843-842-8908

STAFF REPORT **VARIANCE**

Case #:	Public Hearing Date:
VAR-002628-2022	November 28, 2022

Parcel Data:	Applicant and Owner:
Parcel#: R510 004 000 0418 0000 Address: 5, 7 and 9 Palm Tree Place Parcel size: .67 acres Zoning: RM-4 (Low to Moderate Density Residential District) Overlay: Historic Neighborhood	Willie Young 149 William Hilton Parkway Hilton Head Island, SC 29926

Application Summary:

Request for a variance from LMO Sections 16-5-102, Setback Standards, and 16-5-103, Buffer Standards, to allow three existing manufactured homes to remain in the adjacent street and adjacent use setbacks and buffers to subdivide the property.

Staff Recommendation:

Staff recommends the Board of Zoning Appeals find this application to be consistent with the Town's Our Plan and does serve to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein. Staff recommends that the Board of Zoning Appeals *approve* this application.

Background:

The subject property is located mid-island off Baygall Road in the Baygall Historic Neighborhood. The property is surrounded on three sides by single family residential homes and on one side by vacant property. The lot is currently developed with three manufactured homes, a car port, and a shed. There is an existing 30-foot-wide access easement that runs through the side of the property, providing access to the property behind it. The lot was part of 34 Baygall Road and is a potential future phase of the subdivision that was approved in July of this year.

In December 2015, the applicant submitted a Small Residential Development Plan Review application to add three manufactured homes to his property, which contained a single family residence. The application was approved in error as the plan depicted 5-foot setbacks on the sides rather than the required 10-foot setbacks and buffers, and it did not depict the required 20-foot setback and buffer from the access easement. The applicant relied on the approved plan when placing the structures (Attachment D).

Per the LMO, a multi-family use is defined as containing three or more dwelling units on one parcel. Per LMO Section 16-5-102.D, Adjacent Use Setback Requirements, a multi-family use adjacent to a single-family use and other multi-family uses requires a 20-foot setback. Per LMO Section 16-5-103.E, Adjacent Use Buffer Requirements, a multi-family use adjacent to a single-family use requires a Type A buffer (Option 1- 20 feet or Option 2- 10 feet); there is no buffer required between multi-family uses. Per LMO Section 16-5-102.D, the adjacent use setback for the boundary of the development can be reduced by 50% for Minor Subdivisions and Small Residential Developments. Per LMO Section 16-5-102.C, Adjacent Street Setback Requirements, there is a 20-foot setback from an access easement. Per LMO Section 16-5-103.D, Adjacent Street Buffer Requirements, there is a Type A buffer required from an access easement.

In June 2022, the applicant submitted a Minor Subdivision application (SUB-001590-2022) to subdivide 34 Baygall Road into four lots. During review of that application, the applicant was informed he couldn't subdivide because once the setbacks and buffers were applied to the property for a Minor Subdivision, the existing homes would be considered non-conforming as they encroached into the setback and buffer. Staff was unable to approve an application that created a non-conformity.

After discussions with the applicant, it was decided that Staff would approve a subdivision for the lot fronting Baygall Road, as that home was not encroaching into any required setback or buffer (Attachment E). Staff let the applicant know we would consider that phase one of the subdivision and that he would need to apply for a variance in order keep the existing structures within the setbacks and buffers. If the variance is approved, then the applicant can proceed with the second phase of the subdivision, which is to divide the remaining portion of the property into three lots (Attachment C).

The applicant is proposing to upgrade the 30-foot access easement to a platted 30-foot right-of-way, which will benefit the property behind his if that property owner ever wished to subdivide his property in the future.

Applicant's Grounds for Variance, Summary of Facts and Conclusions of Law:

Grounds for Variance:

The applicant is requesting a variance from the adjacent use and adjacent street setback and buffer requirements to allow the three existing manufactured homes to remain in the setbacks and buffers to be able to subdivide the property. The applicant states the variance is needed because the parcel cannot be subdivided without relocating the homes to bring them into compliance with the standards of the LMO.

The applicant states the homes were placed on the property after the sewer connection was put in more than six years ago. At that time, they didn't know they would want to further subdivide the property- they could have gotten shorter homes or placed them differently on site. They believe by establishing a right of way it will benefit the public good and provide better access to the property behind theirs using the current access easement.

Summary of Fact:

The applicant seeks a variance as set forth in LMO Section 16-2-103.S.

Conclusion of Law:

o The applicant may seek a variance as set forth in LMO Section 16-2-103.S.

Summary of Facts and Conclusions of Law:

Summary of Facts:

- Application was submitted on October 26, 2022 as set forth in LMO Section 16-2-102.C and Appendix D-23.
- o Notice of the Application was published in the Island Packet on October 30, 2022 as set forth in LMO Section 16-2-102.E.2.
- o Notice of the Application was posted on November 4, 2022 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on November 9, 2022 as set forth in LMO Section 16-2-102.E.2.
- The Board has authority to render the decision reached here under LMO Section 16-2-102.G.

Conclusions of Law:

- The application is in compliance with the submittal requirements established in LMO Section 16-2-102.C.
- The application and notice requirements comply with the legal requirements established in LMO Section 16-2-102.E.2.

As provided in LMO <u>Section 16-2-103.S.4</u>, <u>Variance Review Standards</u>, a variance may be granted in an individual case of unnecessary hardship if the Board determines and expresses in writing all of the following findings of fact.

Summary of Facts and Conclusions of Law:

Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property (LMO Section 16-2-103.S.4.a.i.01):

Findings of Fact:

o The site plan associated with the Small Residential Development Plan Review application

- was approved with incorrect setback and buffers depicted on the plan. The plan also did not depict the setback and buffer required from the access easement.
- When the correct setbacks and buffers are now applied to the property, the homes are encroaching and are considered legally non-conforming.

Conclusions of Law:

- This application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.01 because there are extraordinary and exceptional conditions that pertain to this particular property.
- O The applicant relied on the setbacks and buffers that were depicted on the approved plan and purchased and placed the homes accordingly. While the homes weren't the exact same shape and size as shown on the approved plan, they were placed meeting the setbacks and buffers shown on the plan.

Summary of Facts and Conclusions of Law:

Criteria 2: These conditions do not generally apply to other properties in the vicinity (LMO Section 16-2-103.S.4.a.i.02):

Finding of Fact:

 No other Small Residential Development Plan Review applications were issued with incorrect setbacks and buffers making the property non-conforming in the vicinity that staff is aware of.

Conclusion of Law:

This application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.02 because the extraordinary and exceptional conditions that apply to the subject property do not also apply to other properties in the vicinity.

Summary of Facts and Conclusions of Law:

Criteria 3: Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property (LMO Section 16-2-103.S.4.a.i.03):

Findings of Fact:

- LMO Section 16-5-102.D, Adjacent Use Setbacks, requires a 20-foot setback for the boundary of a single-family subdivision. This can be reduced by 50% for Minor Subdivisions.
- o LMO Section 16-5-103.E, Adjacent Use Buffers, requires a Type A buffer, which could be

- either 10 or 20 feet depending on the option chosen and vegetation planted, for the boundary of a single-family subdivision.
- o LMO Section 16-5-102.C, Adjacent Street Setbacks, requires a 20-foot setback from an access easement or a road classified as an Other Street.
- o LMO Section 16-5-103.D, Adjacent Street Buffers, requires a Type A buffer, which could be either 10 or 20 feet depending on the option chosen and vegetation planted, from an access easement or a road classified as an Other Street.
- o The applicant relied on a plan that was incorrectly approved by staff when developing the property.
- o The site contains three existing homes and a shed, which are considered legally non-conforming structures as they are located within the setbacks and buffers.
- The applicant is not proposing to add additional homes to the site or further develop the property, he is wishing to subdivide the property so he can sell each home with its own individual lot.
- O Staff cannot approve an application to subdivide the property unless the variance is granted to allow the existing homes to remain in the setbacks and buffers.

Conclusions of Law:

- o This application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.03 because the extraordinary and exceptional conditions that apply to the subject property would prohibit or unreasonably restrict the utilization of the property as the property cannot be subdivided with the existing encroachments.
- Requiring the property owner to relocate the homes or move them elsewhere on the property would unreasonably restrict the applicant's ability to subdivide the property and sell each lot.

Summary of Facts and Conclusions of Law:

Criteria 4: The authorization of the Variance will not be of substantial detriment to adjacent property or the public good, and the character of the zoning district where the property is located will not be harmed by the granting of the Variance (LMO Section 16-2-103.S.4.a.i.04):

Findings of Facts:

- O Staff has received no letters of opposition to this variance request at the time this Staff Report was completed.
- The encroachment of the homes within the setbacks and buffers will have a minimal effect on the public as the homes exist this way currently.
- o Staff did not identify any detriment to the adjacent property, the public good or the character of the district that would be caused by granting the variance.
- The applicant is proposing to upgrade the 30-foot access easement to a platted 30-foot right-of-way, which is a benefit to the adjacent property.

Conclusion of Law:

This application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.04 because the variance will not be of substantial detriment to the adjacent property or the public good.

LMO Official Determination:

Based on the above Findings of Facts and Conclusions of Law, the LMO Official determines that the request for a variance should be approved.

BZA Determination and Motion:

Development - LMO Official

The "powers" of the BZA over variances are defined by the South Carolina Code, Section 6-29-800, and in exercising the power, the BZA may grant a variance "in an individual case of unnecessary hardship if the board makes and explains in writing ..." their decisions based on certain findings or "may remand a matter to an administrative official, upon motion by a party or the board's own motion, if the board determines the record is insufficient for review."

This State law is implemented by the Hilton Head Island Land Management Ordinance, Chapter 2, Article 103 and the Rules of Procedure for the BZA.

A written Notice of Action is prepared for each decision made by the BZA based on findings of fact and conclusions of law.

The BZA can either Approve the application, Disapprove the application, or Approve with Modifications. Findings of Fact and Conclusions of Law must be stated in the motion.

November 9, 2022 Nicole Dixon, AICP, CFM Development Review Program Manager REVIEWED BY: Shawn Colin, AICP Assistant Town Manager – Community

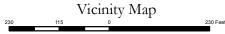
ATTACHMENTS:

- A) Vicinity Map
 B) Applicant's Narrative
 C) Proposed Subdivision Plat
 D) Approved Site Plan
 E) Approved Phase 1 Subdivision Plat
 F) Pictures



One Town Center Court Hilton Head Island, SC 29928 (843) 341-4600

VAR-002628-2022





This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.

NARRATIVE TO BOARD OF ZONING APPEAL C & k BLUFF, 34 BAYGALL ROAD OCTOBER 3, 2022

We are requesting a variance from LMO Sections 16-5-102 & 16-5-103 to be able to subdivide the property and have the existing structures encroach into the setbacks and buffers:

1) There are extraordinary and exceptional conditions pertaining to the particular piece of property.

The homes were placed on the property after the sewer connection was put in. We didn't know at the time we would want to further subdivide and weren't aware of the setbacks and buffets. We would have gotten shorter homes.

- 2) These conditions do not generally apply to other properties in the vicinity.
 - If the variance is granted, the subdivision does not affect any other property in the vicinity.
- Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

The homes were existing for at least 6 years, nothing added, just subdivision would create a detriment to the LMO rules. The LMO has subdivision requirements and the right of way would create a non-conformity.

4) The authorization of the Variance will not be of substantial detriment to adjacent property or the public good, and the character of the zoning district where the property is located will not be harmed by the granting of the Variance.

Authorization of the variance would be a benefit to the public good, approving will benefit the property right away to lots around my property.

REFERENCE PLATS

- A PLAT OF PROPERTY OF SOLOMON GRANT JR., A SECTION OF THE BAYGALL AREA, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA. DRAWN: 02/07/84
- RECORDED IN BOOK 32, PAGE 2 , DATED 02/14/84 RMC. BEAUFORT COUNTY, SC
- A SUBDIVISIONPLAT OF 1.12 ACRE TRACT, BAYGALL AREA, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA. DRAWN: 11/6/90

RECORDED IN BOOK 40, PAGE 181, DATED 3/22/91 RMC. BEAUFORT COUNTY, SC

BY: FORREST F. BAUGHMAN S.C.R.L.S. # 4922

BY: JERRY L. RICHARDSON S.C.R.L.S. # 4784

NOTES:

- 1). THIS PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH BY SEA ISLAND LAND SURVEY, LLC.
- 2). SUBJECT PROPERTY DOES NOT APPEAR TO BE AFFECTED BY THE BEACHFRONT SETBACK REQUIREMENTS OF THE S.C. BEACH PROTECTION
- 3). BUILDING SETBÁCKS, WHETHER SHOWN OR NOT, SHOULD BE VERIFIED BY THE LOCAL BUILDING AUTHORITY
- 4). THIS PROPERTY LIES EITHER PARTIALLY OR WHOLLY WITHIN THE HILTON HEAD ISLAND AIRPORT OVERLAY DISTRICT AND IS SUBJECT TO NOISE THAT MAY BE OBJECTIONABLE,
- 5). THE ONLY ACTIVITIES PERMITTED IN THE EXTERIOR SUBDIVISION BUFFER AS LABELLED ON THIS PLAN SHALL BE THOSE LISTED IN PERMITTED ACTIVITY IN OTHER BUFFER AREAS AS PER THE L.M.O.

ATTACHMENT C

POR LOT 6

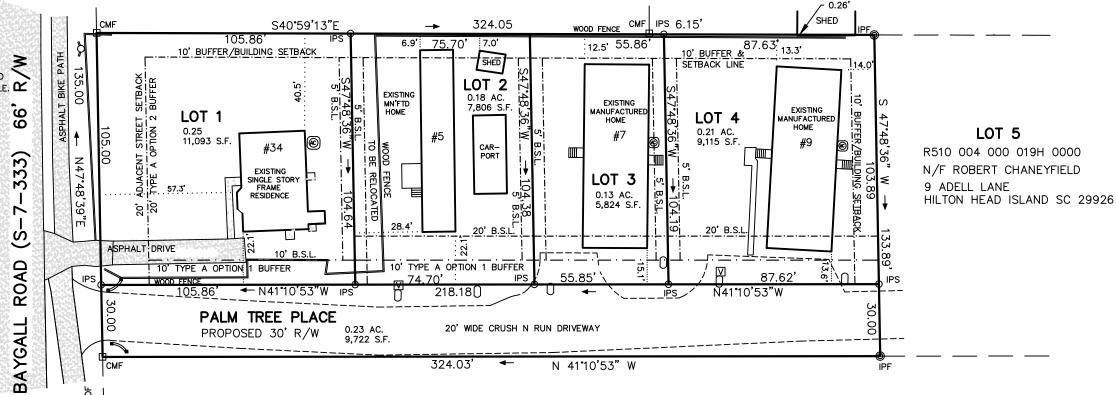
R510 004 000 019I 0000 N/F BALZOLA & COMPANY RENTAL, LLC 42 POINTE SOUTH TRACE BLUFFTON SC 29910

LOT 3

SHED PROJECTS

R510 004 000 019K 0000 N/F WALTER YOUNG, JR. PO BOX 21515

HILTON HEAD ISLAND SC 29925



LOT 4

R510 004 000 019D 0000 N/F CORNELL GRANT 3780 MISTY LAKE

ELLENWOOD GA 30049

OWNERS CERTIFICATION

ARE THE OWNER(S) OF THE HEREON DESCRIBED PROPERTY AND THAT I (WE) STATE THAT THIS PLAN IS BEING PUT FORTH AS REQUESTED.

_____ DATE ____ SIGNATURE ____

PROPERTY AREA = 1.00 Ac. 43.560 S.F. TOTAL

ADDRESS: 34 BAYGALL ROAD AND 5, 7 AND 9 PALM TREE PLACE

DISTRICT: R510, MAP 4, PARCEL: 19C

THIS PROPERTY LIES IN F.E.M.A. ZONE X & X SHADED - N/A COMMUNITY NO. 450250, PANEL: 0452G, DATED: 3/23/2021

SYMBOLS

- 3" CONCRETE MONUMENT FOUND

OWNERS CERTIFICATION

PLAN IS BEING PUT FORTH AS REQUESTED.

CMS □ - 3" CONCRETE MONUMENT SET

IPF ○ - 1/2" IRON PIN FOUND

SIGNATURE _

♥ - FIRE HYDRANT

양의

B.S.L. - BUILDING SETBACK LINE

IPS O - 1/2" IRON PIN SET

SOME OR ALL AREAS ON THIS PLAT ARE FLOOD HAZARD AREAS AND HAVE BEEN IDENTIFIED AS HAVING AT LEAST A ONE PERCENT CHANCE OF BEING FLOODED IN ANY GIVEN YEAR BY RISING TIDAL WATERS ASSOCIATED WITH POSSIBLE HURRICANES. LOCAL REGULATIONS REQUIRE THAT CERTAIN FLOOD HAZARD PROTECTIVE MEASURES BE INCORPORATED IN THE DESIGN AND CONSTRUCTION OF STRUCTURES IN THESE DESIGNATED AREAS. REFERENCE SHALL BE MADE TO THE DEVELOPMENT COVENANTS AND RESTRICTIONS OF THIS DEVELOPMENT AND REQUIREMENTS OF THE TOWN BUILDING OFFICIAL. IN ADDITION, FEDERAL LAW REQUIRES MANDATORY PURCHASE OF FLOOD
INSURANCE AS A PREREQUISITE TO FEDERALLY INSURED MORTGAGE FINANCING
IN THESE DESIGNATED FLOOD HAZARD AREAS.

PRELIMINARY

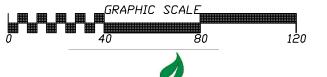
AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER





SUBDIVISION PLAT OF PARCEL 19C, A PORTION OF LOT 5. WILLIAM BROWN ESTATE, HILTON HEAD ISLAND. BEAUFORT COUNTY, SOUTH CAROLINA PREPARED FOR: WILLIE YOUNG

DATE: 6/5/2019 REVISED: 11/08/2022 SCALE: 1" = 40'





Tel (843) 681-3248 Fax (843) 689-3871 E-mail: admin@nandinainc.com

FILE No: 07221.6

SC 29926

DWG No.: 4-2211 REVISED

COPYRIGHT (C) BY NANDINA, INC. CAD: BA

ARE THE OWNER(S) OF

THE HEREON DESCRIBED PROPERTY AND THAT I (WE) STATE THAT THIS

REFERENCE PLATS

A PLAT OF PROPERTY OF SOLOMON GRANT JR., A SECTION OF THE BAYGALL AREA, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA. DRAWN: 02/07/84

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RECORDED IN BOOK 40, PAGE 181, DATED 3/22/91 RMC. BEAUFORT COUNTY, SC

BY: FORREST F. BAUGHMAN S.C.R.L.S. # 4922

NOTES:

- 1). THIS PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH BY SEA ISLAND LAND SURVEY, LLC.
- 2). THIS PROPERTY MAY BE SUBJECT TO EASEMENTS OF RECORD AND COVENANT RESTRICTIONS AS RECORDED IN THE OFFICE OF THE RMC FOR BEAUFORT COUNTY. 3). SUBJECT PROPERTY DOES NOT APPEAR TO BE AFFECTED BY THE
- BEACHFRONT SETBACK REQUIREMENTS OF THE S.C. BEACH PROTECTION ACT OF JULY 1, 1988.
- 4). BUILDING SETBACKS, WHETHER SHOWN OR NOT, SHOULD BE VERIFIED BY THE LOCAL BUILDING AUTHORITY OR ARCHITECTURAL REVIEW BOARD.
- 5). USE OF THIS PROPERTY MAY BE AFFECTED BY THE TERMS OF COVENENTS RELATING TO THIS PLANNED RESIDENTIAL COMMUNITY.

SOME OR ALL AREAS ON THIS PLAT ARE FLOOD HAZARD AREAS AND HAVE BEEN IDENTIFIED AS HAVING AT LEAST A ONE PERCENT CHANCE OF BEING FLOODED IN ANY GIVEN YEAR BY RISING TIDAL WATERS ASSOCIATED WITH POSSIBLE HURRICANES. LOCAL REGULATIONS REQUIRE THAT CERTAIN FLOOD HAZARD PROTECTIVE MEASURES BE INCORPORATED IN THE DESIGN AND CONSTRUCTION OF STRUCTURES IN THESE DESIGNATED AREAS. REFERENCE SHALL BE MADE TO THE DEVELOPMENT COVENANTS AND RESTRICTIONS OF THIS DEVELOPMENT AND REQUIREMENTS OF THE TOWN BUILDING OFFICIAL. IN ADDITION, FEDERAL LAW REQUIRES MANDATORY PURCHASE OF FLOOD INSURANCE AS A PREREQUISITE TO FEDERALLY INSURED MORTGAGE FINANCING IN THESE DESIGNATED FLOOD HAZARD AREAS.

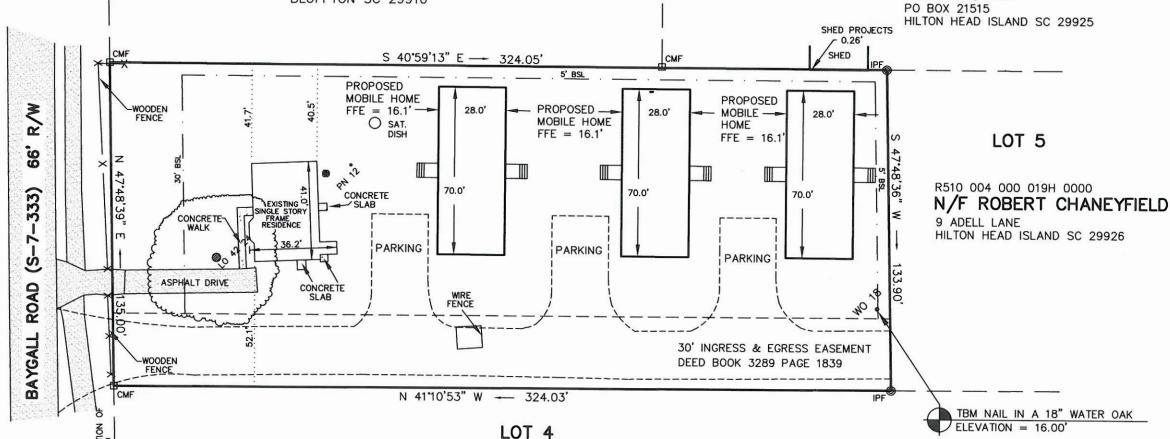
PROPERTY AREA = 1.00 Ac. (43560 Sq. Ft.) ADDRESS: #34 BAYGALL ROAD DISTRICT: 510, MAP 4, PARCEL: 19C

THIS PROPERTY LIES IN F.E.M.A. ZONE A7 - 14.0' COMMUNITY NO. 450250, PANEL: 0009D, DATED: 9/29/86

POR LOT 6

ATTACHMENT D

R510 004 000 019I 0000 N/F BALZOLA & COMPANY RENTAL, LLC 42 POINTE SOUTH TRACE BLUFFTON SC 29910



R510 004 000 019D 0000

N/F CORNELL GRANT 3780 MISTY LAKE ELLENWOOD GA 30049

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THERIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS





NOT VALID UNLESS EMBOSSED.

MANUFACTURED HOME SITE SURVEY OF: A PORTION OF LOT 5, BAYGALL ROAD. WILLIAM BROWN ESTATE, HILTON HEAD ISLAND BEAUFORT, SOUTH CAROLINA

LOT 3

N/F WALTER

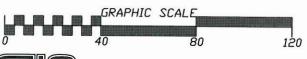
YOUNG, JR.

R510 004 000 019K 0000

LOT 5

PREPARED FOR: WILLIE YOUNG

SCALE: 1" = 40'



Sea Island Land Survey, LLC.

4D Mathews Court. Hilton Head Island. SC 29926

DATE: 11/24/2015

Tel (843) 681-3248 Fax (843) 689-3871 E-mail: sils@sprynet.com

FILE No: 07221/3

DWG No.: 4-1843

COPYRIGHT (C) BY SEA ISLAND LAND SURVEY, LLC.

REFERENCE PLATS) A PLAT OF PROPERTY OF SOLOMON GRANT JR., A SECTION OF THE BAYGALL AREA, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA. DRAWN: 02/07/84 RECORDED IN BOOK 32, PAGE 2, DATED 02/14/84 RMC. BEAUFORT COUNTY, SC BY: JERRY L. RICHARDSON S.C.R.L.S. # 4784 A SUBDIVISIONPLAT OF 1.12 ACRE TRACT, BAYGALL AREA, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA. DRAWN: 11/6/90 RECORDED IN BOOK 40, PAGE 181, DATED 3/22/91 RMC. BEAUFORT COUNTY, SC BY: FORREST F. BAUGHMAN S.C.R.L.S. # 4922 NOTES:

POR LOT 6

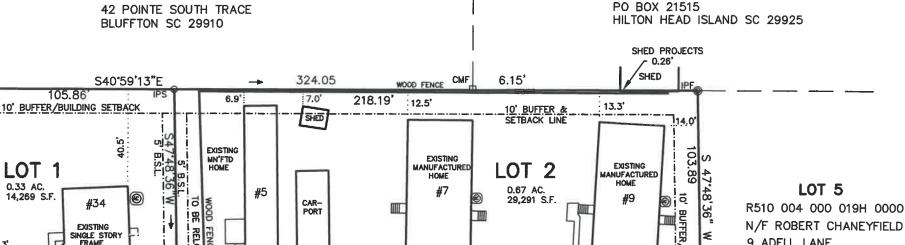
R510 004 000 019I 0000 N/F BALZOLA & COMPANY RENTAL, LLC 42 POINTE SOUTH TRACE BLUFFTON SC 29910

28.4

324.03

ATTACHMENT E

LOT 3 R510 004 000 019K 0000 N/F WALTER YOUNG, JR.



15.1

N 41'10'53" W

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION

AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE

PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR

TH CARO

WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE

ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER

EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN;

WINDLY CAROL

N/F ROBERT CHANEYFIELD 9 ADELL LANE HILTON HEAD ISLAND SC 29926

TOWN OF HILTON HEAD ISLAND, SC SUBDIVISION APPROVAL

The Town has found this plan to be in compliance with the Town's Land Management Ordinance and has authorized this approval

Manager

1). THIS PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE

3). BUILDING SETBACKS, WHETHER SHOWN OR NOT, SHOULD BE VERIFIED

6). LOT 2 SETBACKS AND BUFFERS FROM EASEMENT NOT SHOWN UNTIL

BEACHFRONT SETBACK REQUIREMENTS OF THE S.C. BEACH PROTECTION

5). THE ONLY ACTIVITIES PERMITTED IN THE EXTERIOR SUBDIVISION BUFFER AS

LABELLED ON THIS PLAN SHALL BE THOSE LISTED IN PERMITTED ACTIVITY IN

4). THIS PROPERTY LIES EITHER PARTIALLY OR WHOLLY WITHIN THE HILTON HEAD ISLAND AIRPORT OVERLAY DISTRICT AND IS SUBJECT TO NOISE THAT MAY BE OBJECTIONABLE.

2). SUBJECT PROPERTY DOES NOT APPEAR TO BE AFFECTED BY THE

TITLE SEARCH BY SEA ISLAND LAND SURVEY, LLC.

ACT OF JULY 1, 1988.

BY THE LOCAL BUILDING AUTHORITY

FURTHER SUBDIVISION OF LOT 2.

OTHER BUFFER AREAS AS PER THE L.M.O.

vested right is established for two (2) years upon the final approval of a site specific development or phased development plan.

of 1990 at the distance makes an expressed declaration of policy that the public regulation of the expression and independent of private restrictions. This approval in no was implies that at is in conformance with any restrictive covenants, private cascillents or need

LOT 4

R510 004 000 019D 0000 N/F CORNELL GRANT 3780 MISTY LAKE ELLENWOOD GA 30049

20' WIDE CRUSH N RUN DRIVEWAY

SUBDIVISION PLAT OF PARCEL 19C. A PORTION OF LOT 5, WILLIAM BROWN ESTATE, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 6/5/2019

REVISED:7/26/2022

PREPARED FOR: WILLIE YOUNG

SCALE: 1" = 40'

GRAPHIC SCALE



d.b.a Sea Island Land Survey, Inc. 10 Oak Park Drive, Unit C-1, Hilton Head Island, SC 29926

FILE No: 07221.6

Tel (843) 681-3248 Fax (843) 689-3871 E-mail: admin@nandinainc.com

DWG No.: 4-2211 COPYRIGHT (C) BY SEA ISLAND LAND SURVEY, LLC. CAD: BA

OWNERS CERTIFICATION

ARE THE OWNER(S) OF THE HEREON DESCRIBED PROPERTY AND THAT I (WE) STATE THAT THIS PLAN IS BEING PUT FORTH AS REQUESTED

SIGNATURE 🗸

2

.99

333)

~

S

ROAD

BAYGALL

48'39"E

626' TO INTERSECTION FISH HAUL ROAD

PROPERTY AREA = 1.00 Ac. 43,560 S.F. TOTAL

ADDRESS: 34 BAYGALL ROAD AND 5, 7 AND 9 PALM TREE PLACE

DISTRICT: R510, MAP 4, PARCEL: 19C

THIS PROPERTY LIES IN F.E.M.A. ZONE X & X SHADED - N/A COMMUNITY NO. 450250, PANEL: 0452G, DATED: 3/23/2021

SYMBOLS

CMF □ - 3" CONCRETE MONUMENT FOUND CMS □ - 3" CONCRETE MONUMENT SET

IPF O - 1/2" IRON PIN FOUND

T - FIRE HYDRANT

B.S.L. - BUILDING SETBACK LINE

SOME OR ALL AREAS ON THIS PLAT ARE FLOOD HAZARD AREAS AND HAVE BEEN IDENTIFIED AS HAVING AT LEAST A ONE PERCENT CHANCE OF BEING FLOODED IN ANY GIVEN YEAR BY RISING TIDAL WATERS ASSOCIATED WITH POSSIBLE HURRICANES. LOCAL REGULATIONS REQUIRE THAT CERTAIN FLOOD HAZARD PROTECTIVE MEASURES BE INCORPORATED IN THE DESIGN AND CONSTRUCTION OF STRUCTURES IN THESE DESIGNATED AREAS. REFERENCE SHALL BE MADE TO THE DEVELOPMENT COVENANTS AND RESTRICTIONS OF THIS DEVELOPMENT AND REQUIREMENTS OF THE TOWN BUILDING OFFICIAL. IN ADDITION, FEDERAL LAW REQUIRES MANDATORY PURCHASE OF FLOOD INSURANCE AS A PREREQUISITE TO FEDERALLY INSURED MORTGAGE FINANCING IN THESE DESIGNATED FLOOD HAZARD AREAS.

22.1

PALM TREE PLACE

30' ACCESS EASEMENT

105.86' N41'10'53"W

10' TYPE A OPTION 1 BUFFER

WOOD FENCE

GIE OF MINO

NOT VALID UNLESS EMBOSSED



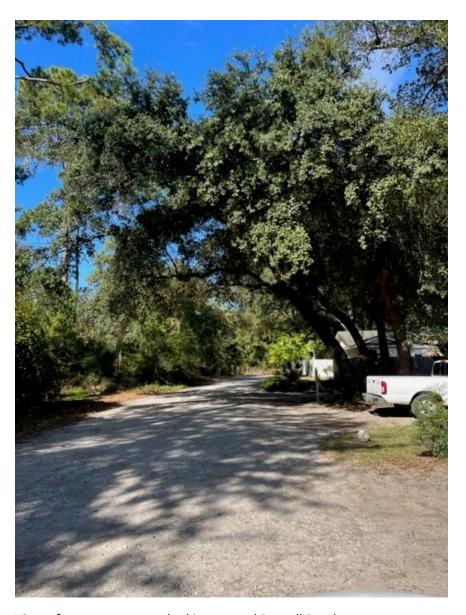
The home at the corner of Baygall and Palm Tree Place



Two of the homes subject to variance request, view of access easement looking down Palm Tree Place



Homes subject to variance request



View of access easement looking toward Baygall Road



TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court

Hilton Head Island, SC 29928

843-341-4757

FAX 843-842-8908

STAFF REPORT VARIANCE

Case #:	Public Hearing Date:
VAR-002641-2022	Nov. 28, 2022

Parcel Data:	Applicant and Owners:
Parcel#: R510 012 000 0487 0000 Address: 9 Mossy Oaks Lane Parcel size: 0.17 acres Zoning: PD-1 Overlay: Corridor Overlay District (COR)	Applicant: Jay Nelson of May River Custom Homes 6 Shults Road, Unit D Bluffton, SC 29910
	Owners: Craig R. Lamb and Dawn F. Lamb 2654 Kinsley Ave NW Concord, NC 28077

Application Summary:

Request from Jay Nelson of May River Custom Homes, on behalf of Dawn and Craig Lamb, for a variance from LMO Section 16-5-102.D, Adjacent Use Setback Requirements, to allow a proposed utility room, HVAC and garage to encroach within the setback. The property is located at 9 Mossy Oaks Lane, with a parcel number of R510 012 000 0487 0000.

Staff Recommendations:

Staff recommends the Board of Zoning Appeals find this application to be inconsistent with the Town's Our Plan and does not serve to carry out the purposes of the Town's Land Management Ordinance (LMO), based on those Findings of Fact and Conclusions of Law as determined by the LMO Official and enclosed herein. Staff recommends that the Board of Zoning Appeals deny this application.

Background:

The subject parcel is located mid-island in the Crosswinds subdivision community at 9 Mossy Oaks Lane. It is adjacent to a residential property, an empty lot and Mossy Oaks Lane. (See

Exhibit A.) The parcel is located in a Planned Development Mixed-Use District (PD-1) Zoning District and resides within the Corridor Overlay.

The 0.17-acre parcel is undeveloped. The owners have hired the applicant, Jay Nelson of May River Custom Homes, to design a Single-Family home to be built on the lot. The applicant submitted a building permit application to the Town in July of 2022. After reviewing the proposed site plan, Town Staff informed the applicant that the proposal did not meet the LMO requirements. The proposed site plan showed encroachments into the Adjacent Street Setback. The applicant applied to the Board of Zoning Appeals for a variance, which was withdrawn during the September 2022 BZA meeting, see Exhibit B.

The applicant submitted a revised site plan in October 2022 that does not show encroachments into the Adjacent Street Setback; however, the revised plan still shows an encroachment into the 15-foot Adjacent Use Setback, see Exhibit C.

The applicant proposes to build a utility room, HVAC and garage which are not included as allowable encroachments listed in Table 16-5-102.E. The applicant has decided to seek a variance from LMO Section 16-5-102.D, Adjacent Use Setback Requirements, to allow a proposed utility room, HVAC, and garage to encroach within the setback.

A similar variance request, VAR140001, was made by the previous landowners, Frank and Cheri Sloan of 12 Harbour Passage Patio, Hilton Head Island, SC 29926, in April 2014. (See Exhibit E.) They sought relief from the same section of the LMO and the request was granted. The Notice of Action was signed, provided and has since expired. The current applicant is seeking similar relief with a different site-specific plan.

Applicant's Grounds for Variance, Summary of Facts and Conclusions of Law:

Grounds for Variance:

The applicant is applying for a variance from LMO Section 16-5-102.D, Adjacent Use Setback, to allow a proposed utility room, HVAC and garage to encroach within the setback. The applicant states in their narrative that the variance is needed due to the radius of the Adjacent Street Setback, which prohibits the placement of a structure on the lot. After working diligently with the parcel owners and the architect to propose a design that would be cohesive with the existing community and work within the given setbacks, the applicant is seeking relief from the LMO.

Summary of Fact:

o The applicant seeks a variance as set forth in LMO Section 16-2-103.S.

Conclusion of Law:

o The applicant may seek a variance as set forth in LMO Section 16-2-103.S.

Summary of Facts and Conclusions of Law:

Summary of Facts:

- o The Variance Application was submitted on Oct. 28, 2022 as set forth in LMO Section 16-2-102.C and Appendix D-23.
- Notice of the Application was published in the Island Packet on Nov. 6, 2022 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on Nov. 3, 2022 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on Nov. 10, 2022 as set forth in LMO Section 16-2-102 F. 2.
- The Board has authority to render the decision reached here under LMO Section 16-2-102.G.

Conclusions of Law:

- The application is in compliance with the submittal requirements established in LMO Section 16-2-102.C.
- The application and notice requirements comply with the legal requirements established in LMO Section 16-2-102.E.2.

As provided in LMO <u>Section 16-2-103.S.4</u>, <u>Variance Review Standards</u>, a variance may be granted in an individual case of unnecessary hardship if the Board determines and expresses in writing all of the following findings of fact.

Summary of Facts and Conclusions of Law:

Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property (LMO Section 16-2-103.S.4.a.i.01):

Findings of Fact:

- There is a 15-foot setback from the property line adjacent to another lot on the south side of the parcel. (See Exhibit D.)
- There is a 15-foot setback from the property line adjacent to another lot on the northeast side of the parcel. (See Exhibit D.)
- o LMO Section 16-5-102.D.5 currently requires a five-foot setback from another lot within the same subdivision.
- o The plat was recorded with a 15-foot adjacent use setback for this property.
- It is unknown why the Crosswinds subdivision was designed with larger than required setbacks along internal property lines and less than required adjacent street setbacks for many of the lots.

Conclusion of Law:

o This application meets the criteria as set forth in LMO Section 16-2-103.S.4.a.i.01 because there are extraordinary or exceptional conditions that pertain to this lot.

Summary of Facts and Conclusions of Law:

Criteria 2: These conditions do not generally apply to other properties in the vicinity (LMO Section 16-2-103.S.4.a.i.02):

Findings of Fact:

- There are adjacent parcels along this section of Mossy Oaks Lane that also have a 15-foot setback from the rear property line on the northeast side of the parcel. (See Exhibit D.)
- Nearly all adjacent parcels along this section of Mossy Oaks Lane have a seven-foot setback from the property line adjacent to another lot to the north or south.

Conclusions of Law:

- This application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.02 because there are extraordinary and exceptional conditions that apply to the subject property that do not also generally apply to other properties in the vicinity.
- The majority of the lots in the subdivision do not have a 15-foot adjacent use setback on two sides of the property.

Summary of Facts and Conclusions of Law:

Criteria 3: Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property (LMO Section 16-2-103.S.4.a.i.03):

Findings of Fact:

- Since the Adjacent Use Setbacks on the subdivision plat are larger than the setbacks required by the LMO, any restriction of the utilization of the property the applicant claims are the result of the subdivision plat, not the standards of the LMO and do not prohibit the use of the land.
- The applicant provided a plan showing a proposed utility room, HVAC and garage encroaching into the required Adjacent Use Setback.
- The applicant does not demonstrate why a home cannot be designed to meet all of the required setbacks.

Conclusions of Law:

- This application does not meet the criteria set forth in LMO Section 16-2-103.S.4.a.i.03 because the extraordinary conditions that pertain to the property do not restrict the utilization of the property.
- Even though the subject parcel has greater setback requirements than some adjacent parcels, the applicant has not demonstrated why a home cannot be designed so that it doesn't encroach into the setbacks.

Summary of Facts and Conclusions of Law:

Criteria 4: The authorization of the Variance will not be of substantial detriment to adjacent property or the public good, and the character of the zoning district where the property is located will not be harmed by the granting of the Variance (LMO Section 16-2-103.S.4.a.i.04):

Findings of Fact:

- A member of the public reached out to Town Staff to express concern of a possible noise nuisance created by the location of HVAC.
- o The request is to encroach 8 feet into the required 15-foot setback. A 7-foot setback is still provided, which is the standard setback for this subdivision. No development, including the HVAC, will be closer than 7 feet from the adjacent property line.
- The Crosswinds Architectural Review Board has granted a variance for the property allowing 7 feet on the side and 15 feet into the back. (Included in Exhibit B.)

Conclusion of Law:

- This application meets the criteria set forth in LMO Section 16-2-103.S.4.a.i.04 because the variance will not substantially detriment the adjacent property or public good.
- Staff did not identify any substantial detriment to the adjacent property caused by granting the variance of the proposed utility room, HVAC and garage to encroach within the setback.

LMO Official Determination:

Staff recommends the Board of Zoning Appeals find this application to be inconsistent with the Town's Our Plan and does not serve to carry out the purposes of the LMO, based on those Findings of Fact and Conclusions of Law as determined by the LMO Official and enclosed herein. Staff recommends that the Board of Zoning Appeals deny this application because all four of the required criteria are not met.

BZA Determination and Motion:

The "powers" of the BZA over variances are defined by the South Carolina Code, Section 6-29-800, and in exercising the power, the BZA may grant a variance "in an individual case of unnecessary hardship if the board makes and explains in writing ..." their decisions based on certain findings or "may remand a matter to an administrative official, upon motion by a party or the board's own motion, if the board determines the record is insufficient for review."

This State law is implemented by the Hilton Head Island Land Management Ordinance, Chapter 2, Article 103 and the Rules of Procedure for the BZA.

A written Notice of Action is prepared for each decision made by the BZA based on findings of fact and conclusions of law.

The BZA can either Approve the application, Disapprove the application, or Approve with Modifications. Findings of Fact and Conclusions of Law must be stated in the motion.

PREPARED BY	
Michalamally	Nov. 15, 2022
Michael Connolly	DATE
Senior Planner	
REVIEWED BY:	
Micole Quian	November 21, 2022
Nicole Dixon, AICP, CFM, Development Review Program Manager	DATE
REVIEWED BY:	
Shill	November 19, 2022
Shawn Colin, AICP,	DATE
Assistant Town Manager – Community	

ATTACHMENTS:

Development – LMO Official

- A) Location MapB) Applicant's NarrativeC) Proposed Site Plan
- D) Recorded Plat
- E) Previous Variance from 2014, VAR140001
- F) Previous Variance from 2022, VAR-002173-2022

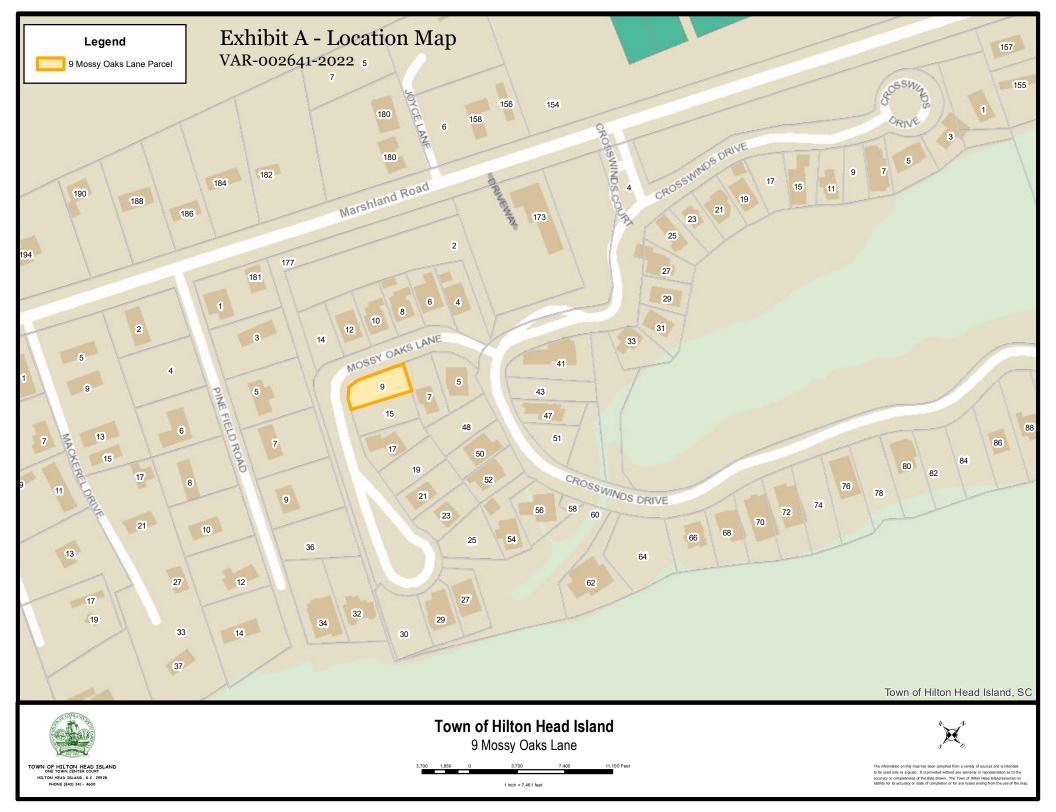


Exhibit B - Applicant's Narrative

VAR-002641-2022



To: Hilton Head Island Zoning Board of Appeals

From: Jay Nelson, May River Custom Homes

6 Shults Road, Suite D Bluffton, SC 29910

RE: Variance Request for 9 Mossy Oaks Lane Crosswinds Subdivision

Variance Criteria:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.

RESPONSE: The existing property is only 0.167 acres. It is a corner lot in Crosswinds subdivision. The entire front of the lot is a radius that follows the street therefore creates a setback that follows the same radius of the street which greatly prohibits the placement of the structure on the lot.

2. These conditions do not generally apply to other properties in the vicinity;

RESPONSE: Again, a corner lot that is not square with a vast radius setback that effect the corner of the proposed structure.

3. Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

RESPONSE: Due to the small size of the lot and the radius this greatly diminishes the flexibility of the design that can be proposed on the lot. Myself, my clients, and the architect have worked diligently to propose a design that will be cohesive with the existing community and work within the given setbacks. We have attached the garage to the structure in a community where breezeways and detached garage are the norm.

4. The authorization of the Variance will not be of substantial detriment to the adjacent property or the public good, and the character of the zoning district where the property is located will not be harmed by the granting of the Variance.

RESPONSE: Since the requested variance is still reflecting a much larger setback to the property lines to current structures built in the development.

Thank you for your time and consideration. Please let me know if you have any questions or need anything else.

Respectfully Submitted,

Jay Nelson,

May River Custom Homes

Dawn and Craig Lamb 2654 Kinsley Avenue NW Concord, NC 28027 980.781.7385 dawnlamb2942@gmail.com

Town of Hilton Head
Community Development Department
One Town Center Court
Hilton Head Island, SC 29928

November 8, 2022

To Whom it May Concern,

Based on input from the Board of Zoning Appeals at its September meeting, we are submitting a revised variance request for construction of a residential structure at 9 Mossy Oaks Lane in the Crosswinds development.

The Board and Planning Department staff clearly stated that they were more concerned with encroachments into street setbacks than they were with property line setbacks. They also noted that our lot was platted with unusually large setbacks to adjoining properties when compared to others in the development (15' on our lot and 7' on neighboring properties). This property was approved for a setback variance in 2014 to allow a 5' encroachment into both the east and south setbacks. These variances have since expired, but they demonstrate the town's recognition of the challenges for development of this site with the platted setbacks.

The lot presents design challenges because it is a lot with a radiused corner, presenting problems placing a rectangular design within a curved corner.

Our revised approach for complying with the board's recommendation is to move the structure 8' south, preserving the 7' setback to lot 49. This variance would not encroach into the street setback and would still leave 15' of setback to the property lines of lot 64.

The Crosswinds ARB and board have reviewed and approved this plan.

South)

We believe this is a reasonable solution that respects the integrity of the neighborhood's theme, preserves the street setbacks, presents a beautiful facade throughout the turn on Mossy Oaks Drive, and maintains distances between neighboring properties consistent with the rest of the Crosswinds development.

Thank you,

Dawn and Craig Lamb

CROSSWINDS COMMUNITY

November 11, 2022

A variance has been granted for this property allowing for 7 feet on the side and 15 feet into the back as shown in the final approved plans dated 10/20/22. This is consistent with the other homes on the street.

Barbara Grimes Chairperson Crosswinds ARB

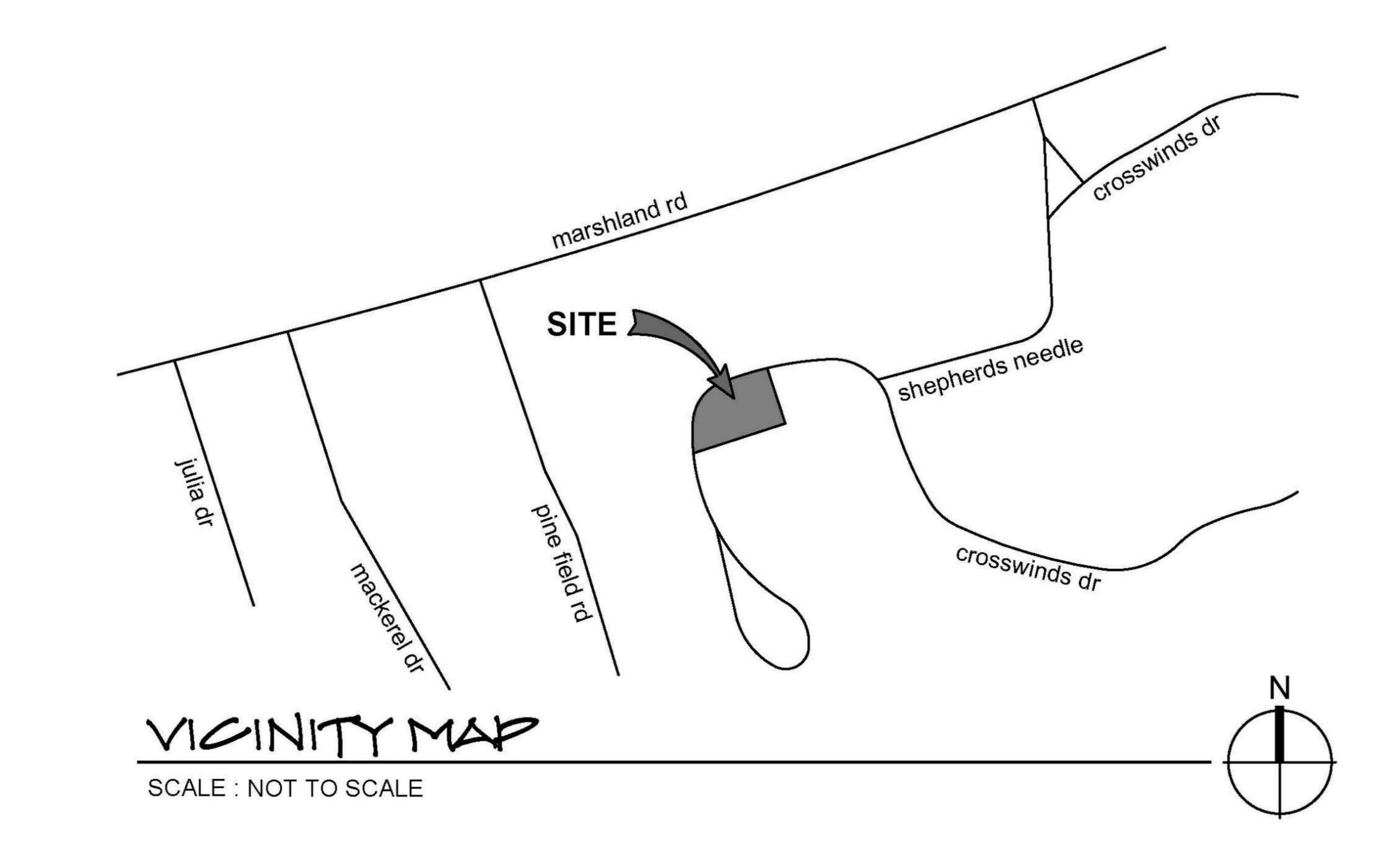
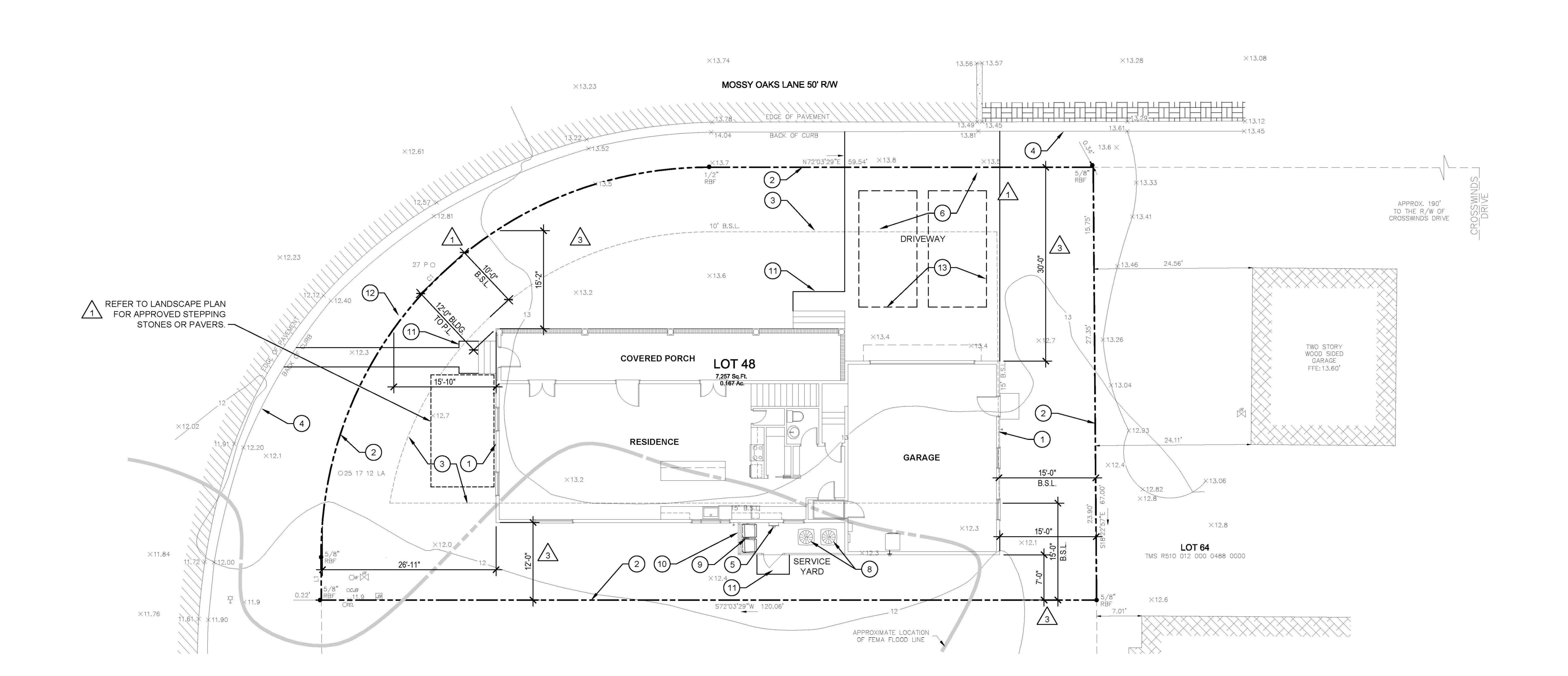
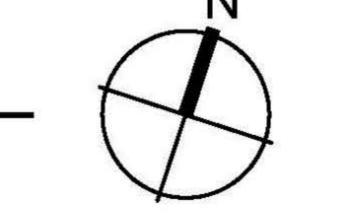


Exhibit C - Proposed Site Plan VAR-002641-2022



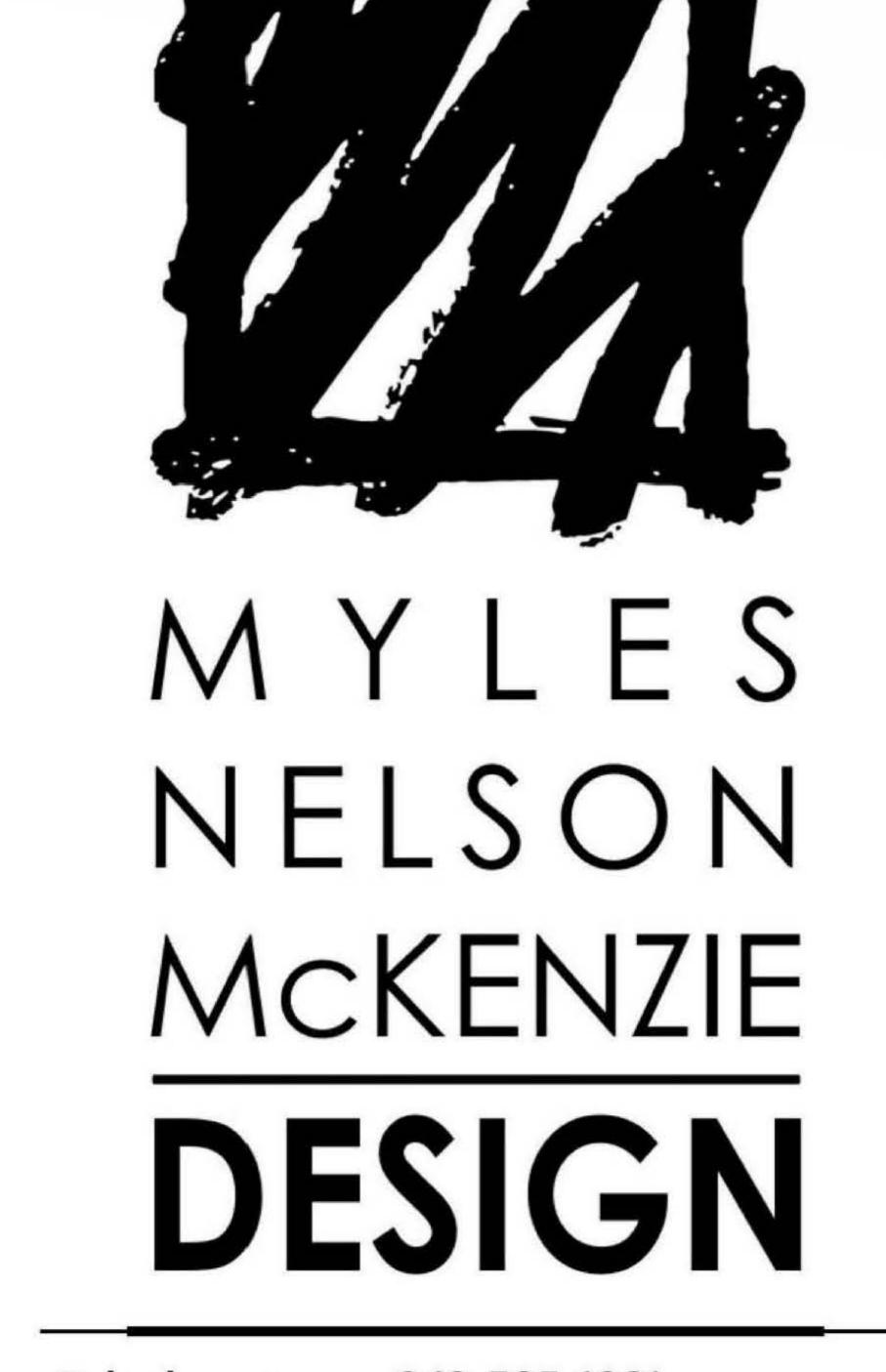




KEYNOTES:

- 1. BOLD LINE INDICATES LINE OF RESIDENCE.
- 2. PROPERTY LINE.
- BUILDING SETBACK LINE.
- EXISTING CURB AND GUTTER TO REMAIN.
 ELECTRICAL SERVICE ENTRANCE AND METER SOCKET.
- 6. TABBY CONCRETE DRIVEWAY.
- 7. TABBY CONCRETE SIDEWALK.
- 8. AIR CONDITIONING CONDENSING UNIT ON 4"
- CONCRETE SLAB.

 TRASH / RECYCLE RECEPTACLES.
- 10. 4 FOOT HIGH SCREEN FENCE.
- 11. 3' DEEP TABBY CONCRETE STOOP.
- 12. 3' WIDE TABBY CONCRETE SIDEWALK.
- 13. DASHED LINES INDICATE 9'x18' EXTERIOR PARKING SPACES.



Telephone: Email:

843-505-1031 info@mylesmckenzie.com www.mylesmckenzie.com

These drawings documents and specifications are an instrument of service, copyright and the property of MYLES NELSON McKENZIE DESIGN and shall not be used or reproduce in any part or whole, except by written agreement with the Architect or Designer of MYLES NELSON McKENZIE DESIGN. Their use for publication shall be restricted to the original project in which they are designed for.

Written dimensions shall be verified on the job site. Any discrepancy shall be brought to notice of the Architect or Designer of MYLES NELSON McKENZIE DESIGN prior to the commencement of any construction.

hese plans have been reviewed and approved by:

A New Custom Home Design For:

NR. A NRS. LAND

MOSSY OAKS LANE, CROSSWINDS

COMMUNITY

HILTON HEAD, SO 20026

Proie

Number Date Description
1 8/19/22 ARB DESIGN RE

Revision

Issue Date 4/25/22

Plot Date 11/7/22

SITE PLAN



Exhibit E - Previous Variance Request (VAR140001) VAR-002641-2022



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals

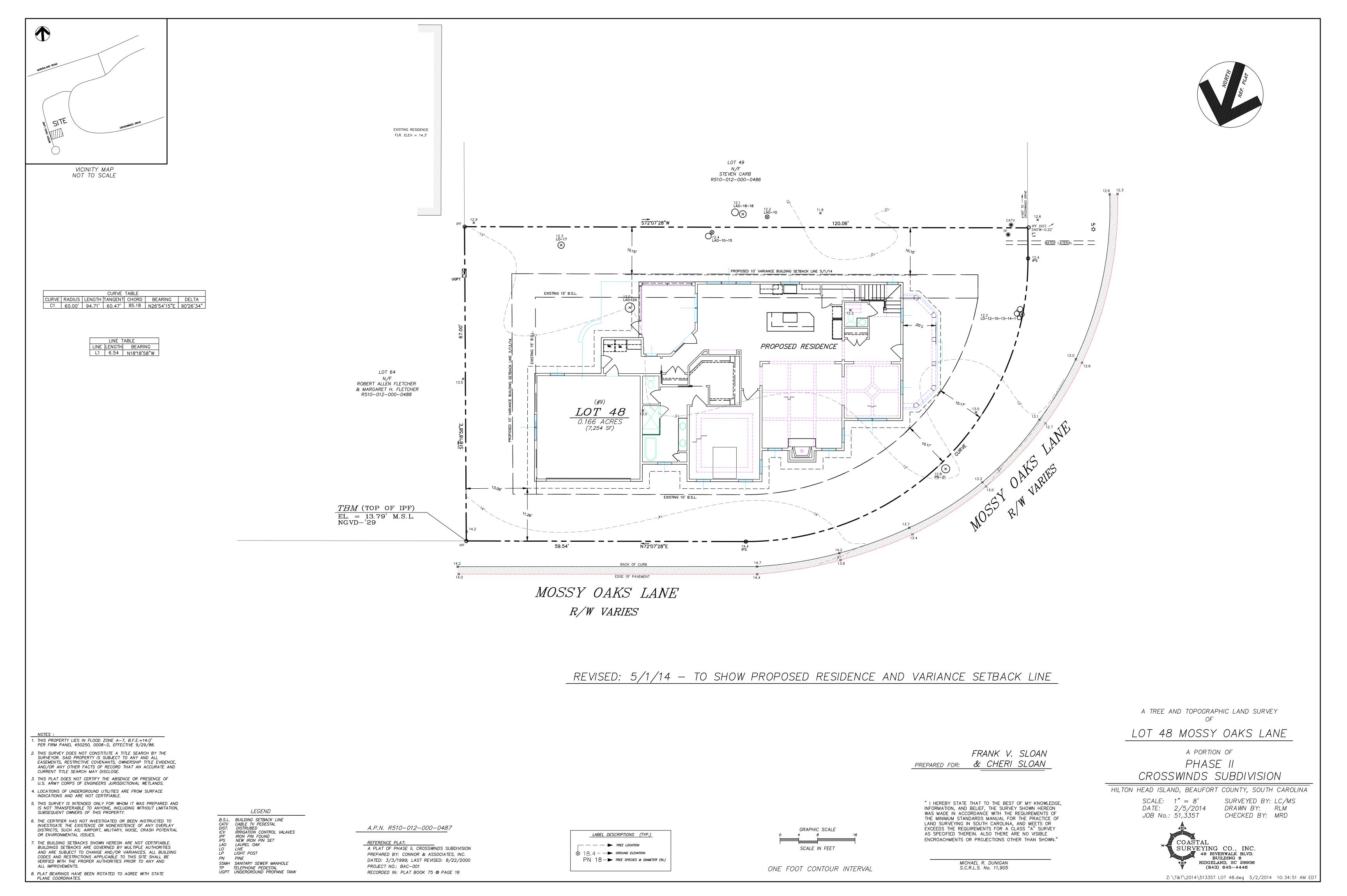
VIA: Nicole Dixon, AICP, Senior Planner & Board Coordinator

FROM: Anne Cyran, AICP, Senior Planner

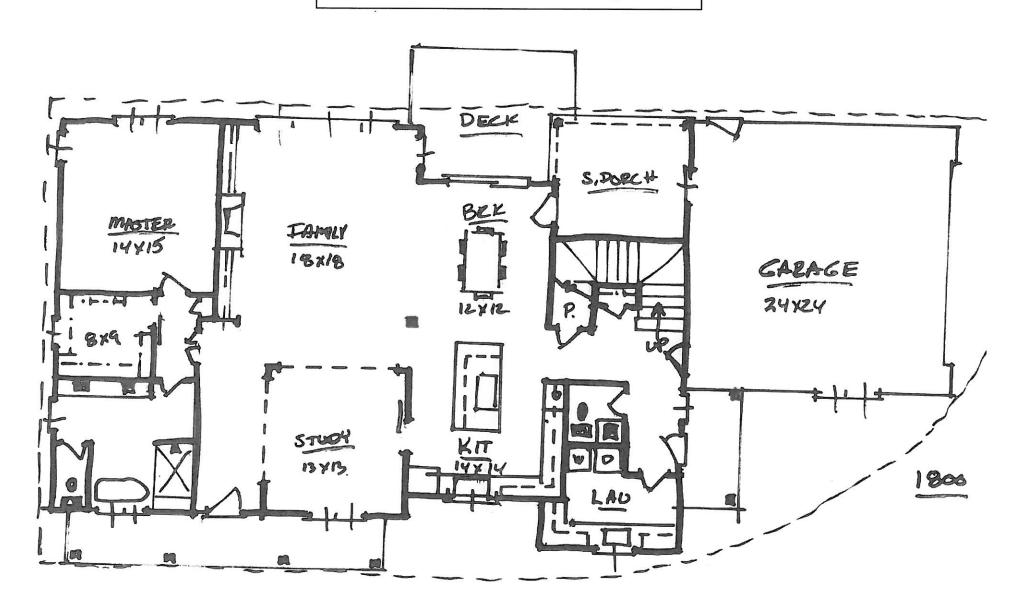
DATE: May 5, 2014

SUBJECT: VAR140001 9 Mossy Oaks Lane – Revised Site Plan

During the April 28, 2014 meeting, the Board of Zoning Appeals postponed making a determination about this application and requested that the applicant provide a revised site plan showing the footprint of the house moved out of the adjacent use setbacks and toward Mossy Oaks Lane. The applicant has submitted the attached site plan for the Board's review.



VAR140001, 9 Mossy Oaks Lane Sketch given to BZA by Joel Lewis at the April 28, 2014 meeting.





TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court

Hilton Head Island SC 29928

843-341-4757

FAX 843-842-8908

STAFF REPORT VARIANCE

Case #	Address of Development	Public Hearing Date
VAR#140001	9 Mossy Oaks Lane	April 28, 2014

Parcel Data	Owners	Applicant & Agent			
Tax Map ID: Map 12, Parcel 487					
Address: 9 Mossy Oaks Lane	Frank & Cheri Sloan	Joel Lewis			
Zoning District: Residential Low	12 Harbour Passage Patio	The Castle Point Group			
Density (RM-4)	Hilton Head Island SC 29926	PO Box 245			
Overlay District: Corridor		Bluffton SC 29910			
Overlay (COR)					

Application Summary

The Community Development Department received a variance request from Joel Lewis, on behalf of Frank and Cheri Sloan, for the following Section of the Land Management Ordinance (LMO):

16-5-704, Minimum Required Setback Area

The applicant is requesting the variance to build a house that would encroach into adjacent use setbacks.

Background

The subject parcel is located at 9 Mossy Oaks Lane in the RM-4 Zoning District. As shown on the Vicinity Map (Attachment A), the subject parcel is a corner lot, bound by Mossy Oaks Lane on the north and west, a single family house on the east, and an undeveloped lot on the south. The subject parcel is undeveloped.

The property owners hired the applicant, Joel Lewis of Castle Point Construction, to design a house with the primary living space on the ground floor with guest rooms on the second floor. The Crosswinds Property Owners' Association and Architectural Review Board require that homes are built with a minimum of 2,400 heated square feet. Mr. Lewis designed the house based on plat notes stating that the parcel's setbacks are 10 feet from Mossy Oaks Lane, 15 feet behind the lot and seven feet from the adjacent lot to the south.

The applicant approached Town staff for a variance to allow the garage to encroach four feet into the 15 foot setback behind the lot. (See Attachment E). Town staff informed the applicant that the setback on the south side of the parcel is 15 feet wide, not seven feet wide, and that the house is shown encroaching four feet into that setback as well.

The Crosswinds Phase II subdivision plat shows the subject parcel has a 10 foot setback from Mossy Oaks Lane, a 15 foot setback from the adjacent lot to the south and a 15 foot setback behind the lot to the northeast. (See Attachment C). All of the parcels along that section of Mossy Oaks Lane have a 10 foot setback from Mossy Oaks Lane and a 15 foot setback on the northeast side of the parcel. However, all of the other parcels along that section of Mossy Oaks Lane have a seven foot setback from the adjacent lot to the north or south instead of a 15 foot setback like the subject parcel.

The Town of Hilton Head Island Land Management Ordinance (LMO) Section 16-5-205. A requires a five foot setback along all internal property lines for lots divided into single family detached homes. Further, LMO Sections 16-5-704.B and 16-5-806.B require a 20 foot setback and buffer along all non-arterial streets. It is unknown why the Crosswinds subdivision was designed with larger than required setbacks along internal property lines and a smaller than required adjacent street setback and buffer.

The subject parcel is located in the Low Density Residential (RM-4) Zoning District. Thirteen lots in the Crosswinds subdivision are located in the RM-4 Zoning District, while the remaining 53 lots are located in the Planned Unit Development (PD-1) Zoning District in Indigo Run. (See Attachment D). The fact that the subject parcel is located in the RM-4 Zoning District means that that parcel is subject to the design standards in Chapter 5 of the LMO. Any deviations from the approved subdivision plat must be approved by the Town of Hilton Head Island Board of Zoning Appeals as a variance and the request must meet all six criteria in LMO Section 16-3-1906.A. If the subject parcel was located in the PD-1 Zoning District, the parcel would be exempt from site specific design standards and the applicant's request to build in the setback would only require approval by the Indigo Run Property Owners' Association and the Crosswinds Property Owners' Association, which do not use the six criteria in LMO Section 16-3-1906.A when reviewing such deviations.

Applicant's Grounds for Variance, Summary of Facts and Conclusion

Grounds for Variance

The applicant is applying for a variance from LMO Section 16-5-704, Minimum Required Setback Area, to build a single family house in the adjacent use setback. The applicant states the variance is needed because the required setbacks, combined with the Crosswinds' Property Owners' Association requirement to build a 2,400 heated square foot home and the owners' desire for a two-car garage, requires that the house encroach into the setbacks.

Summary of Facts

- 1. Applicant seeks a variance from LMO Section 16-65-704, Minimum Required Setback Area.
- 2. The applicant is proposing to build a single family house in adjacent use setback areas.

Conclusion

1. Applicant may seek a variance from the requested LMO sections as set forth in 16-3-1901.A.

Staff Determination

Staff recommends that the Board of Zoning Appeals **disapprove** the application based on the Findings of Facts and Conclusions of Law.

Staff Summary of Facts and Conclusions

Summary of Facts

- 1. Application was submitted as set forth in LMO Section 16-3-1903.
- 2. Notice of the Application was published in the Island Packet on Sunday, March 23, 2014, as set forth in LMO Sections 16-3-110 and 16-3-111.
- 3. Notice of the Application was posted as set forth in LMO Sections 16-3-110 and 16-3-111.
- 4. Notice of the Application met the mailing criteria in LMO Sections 16-3-110 and 16-3-111.
- 5. Staff received an affidavit of compliance from the applicant as set forth in LMO Section 16-3-111.
- 6. The Board has authority to render the decision reached here under LMO Section 16-3-1905.

Conclusions

- 1. The application is in compliance with the submittal requirements established in LMO Section 16-3-1903.
- 2. The application and notice requirements comply with the legal requirements established in LMO Sections 16-3-110 and 16-3-111.

As provided in Section 16-3-1906, Criteria for Approval of Variances, staff has based its recommendation on analysis of the following criteria:

Staff Summary of Facts and Conclusions

Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property. (LMO 16-3-1906.A.1)

Findings of Fact

- 1. There is a 15 foot setback from the property line adjacent to another lot on the south side of the parcel.
- 2. There is a 15 foot setback from the property line adjacent to another lot on the northeast side of the parcel.
- 3. LMO Section 16-5-205. A requires a five foot setback from a parcel line adjacent to another single family lot.

Conclusions

- 1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.1.
- 2. The subject parcel has two, 15 foot setbacks along property lines where the LMO only requires five foot setbacks.

Staff Summary of Facts and Conclusions

Criteria 2: These conditions do not generally apply to other properties in the vicinity. (LMO 16-3-1906.A.2)

Findings of Fact

- 1. Adjacent parcels along that section of Mossy Oaks Lane also have a 15 foot setback from the property line on the northeast side of the parcel.
- 2. Adjacent parcels along that section of Mossy Oaks Lane only have a seven foot setback from the property line adjacent to another lot to the north or south.

Conclusions

- 1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.2.
- 2. The parcel is the only one in the vicinity that has a 15 foot setback along an internal property line on the side of the parcel.

Staff Summary of Facts and Conclusions

Criteria 3: Because of these conditions, the application of the LMO to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property. (LMO 16-3-1906.A.3)

Findings of Fact

- 1. Since the setbacks on the subdivision plat are larger than the setbacks required by the LMO, any restriction of the utilization of the property the applicant claims is the result of the subdivision plat, not the standards of the LMO.
- 2. The applicant's narrative states that, "Given the current BSL of 10' front, 15' side and rear, designing a house that will fit the lot and size requirement along with a two car garage have proven undoable."
- 3. The applicant does not specify why a 2,400 heated square foot house and a two car garage could not be built within the required setbacks.
- 4. The applicant provided a sketch showing the footprint of a single story, 1,900 square foot house without a garage within the required setbacks. (See Attachment E).
- 5. The applicant's sketch shows a single story house instead of a two story house.
- 6. The applicant's sketch shows a large buildable area along Mossy Oaks Lane that is not being utilized for the house.

Conclusions

- 1. This application **does not meet** the variance criteria as set forth in LMO 16-3-1906.A.3.
- 2. Even though the subject parcel has greater setback requirements than adjacent parcels, the applicant failed to describe how or demonstrate that a 2,400 heated square foot house with a two car garage could not be built without encroaching into the setbacks.

Staff Summary of Facts and Conclusions

Criteria 4: This hardship is not the result of the applicant's own actions. (LMO 16-3-1906.A.4).

Findings of Fact

- 1. The applicant designed the house using incorrect notes regarding the required setbacks
- 2. The applicant did not explain why or demonstrate how the house could not be redesigned to meet the owners' requests and the Crosswinds POA criteria without encroaching into the setbacks.

Conclusions

- This application does not meet the variance criteria as set forth in LMO 16-3-1906.A.4.
- 2. Although the applicant did not use accurate information when designing the house, he failed to provide evidence that the application of the setbacks to the subject parcel will cause a hardship.

Staff Summary of Facts and Conclusions

Criteria 5: Granting of the variance does not substantially conflict with the Comprehensive Plan and the purposes of the LMO. (LMO 16-3-1906.A.5)

Findings of Fact

- 1. The Comprehensive Plan does not speak to the issues in this application.
- 2. Since the setbacks on the subdivision plat are larger than the setbacks required by the LMO, any restriction of the utilization of the property the applicant claims is the result of the subdivision plat, not the standards of the LMO.
- 3. LMO Section 16-5-205. A requires a five foot setback along all internal property lines for lots divided into single family detached homes.
- 4. The proposed encroachment of the garage will leave a 12 foot setback along the adjacent property line to the northwest.
- 5. The proposed encroachment of the house will leave an 11 foot setback along the adjacent property line to the south.

Conclusions

- 1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.5.
- 2. The approval of the application would not conflict with the Comprehensive Plan.
- 3. The approval of the application would not conflict with the purposes of the LMO because the encroachments would leave more than the required five foot setbacks along the internal property lines.

Staff Summary of Facts and Conclusions

Criteria 6: The authorization of the variance will not be of substantial detriment of adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance. (LMO 16-3-1906.A.6).

Findings of Fact

- 1. Staff did not identify any substantial detriment to the adjacent property that would be caused by granting the variance.
- 2. The proposed encroachments would result in setbacks larger than 10 feet along both adjacent property lines.
- 3. Staff has not received any feedback regarding this application.

Conclusions

- 1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.6.
- 2. The approval of the application would have no detriment to the adjacent property, the public good or the character of the district.

PREPARED BY:

AC	April 14, 2014
Anne Cyran, AICP Senior Planner	DATE
REVIEWED BY:	
ND	April 15, 2014

April 15, 2014

DATE

Nicole Dixon, CFM

Senior Planner & BZA Coordinator

ATTACHMENTS

- A) Vicinity Map
- B) Aerial Photo
- C) Crosswinds Subdivision Phase II Plat
- D) Zoning MapE) Applicant's SubmittalF) Site Photo





Town of Hilton Head Island One Town Center Court Hilton Head Island, SC 29928 (843) 341-6000 9 Mossy Oaks Lane VAR140001

Staff Report Attachment A - Vicinity Map





This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.





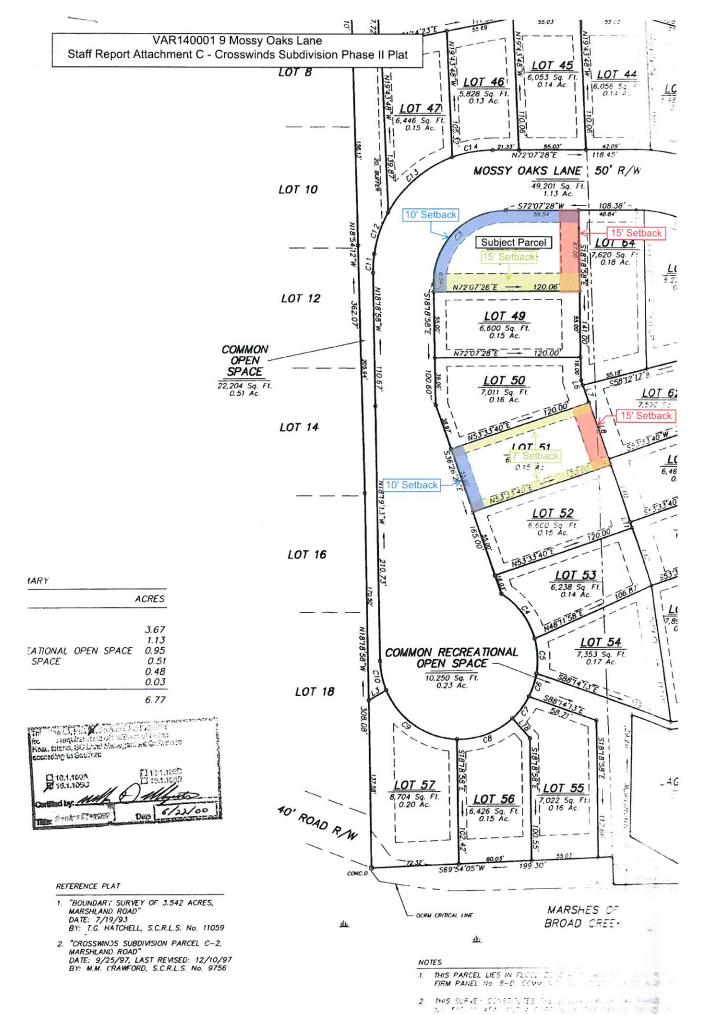
Town of Hilton Head Island One Town Center Court Hilton Head Island, SC 29928 (843) 341-6000 9 Mossy Oaks Lane VAR140001

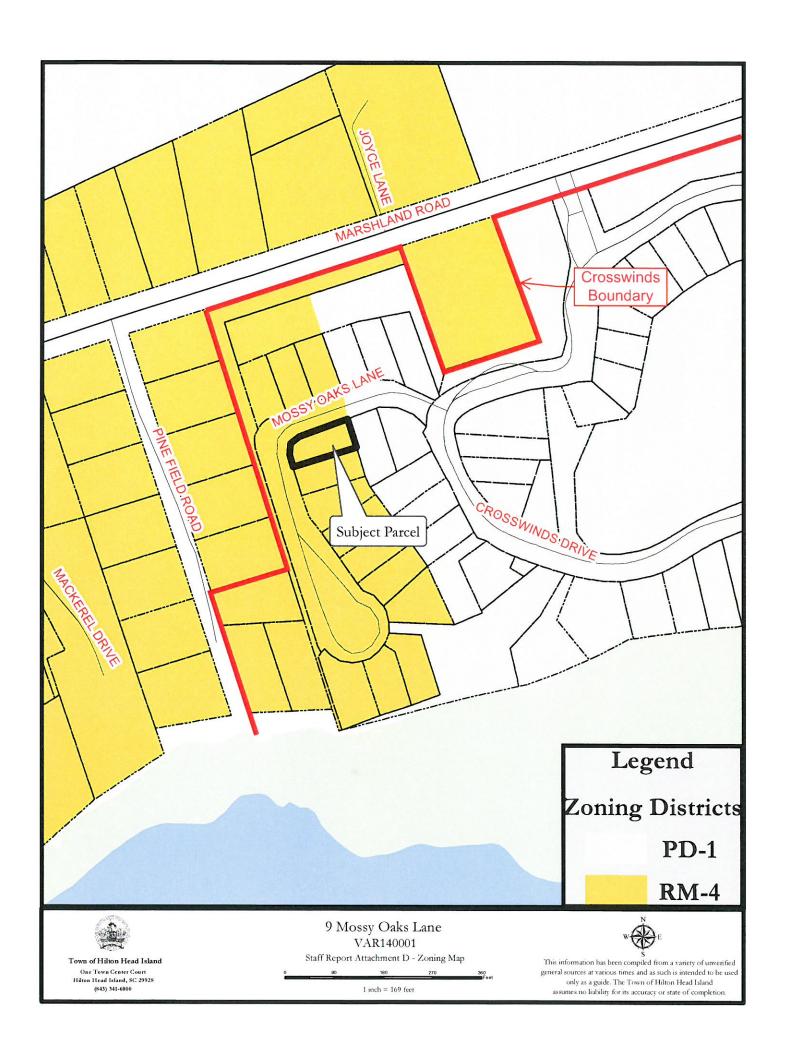
Staff Report Attachment B - Aerial Photo





This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.





Lot 48 Crosswinds

9 Mossy Oaks, HHI

Variance Criteria:

-There are extraordinary and exceptional conditions pertaining to the particular piece of property.

Yes, this property falls under Crosswinds POA and ARB. The guidelines for receiving approval for new construction require a minimum of 2400 heated square feet. Given the current BSL of 10' front, 15' side and rear, designing a house that will fit the lot and size requirement along with a two car garage have proven undoable. The Crosswinds ARB has agreed to allow the Town of Hilton Head decision for variance to be there final decision as well.

-These conditions do not generally apply to other properties in the vicinity.

No, the vast majority of the lots in this community do not require the Town of Hilton Heads approval for variance. The Tree and Topo survey was done off the recorded plat notes, stating a 7' side and 10' rear BSL. Only the scalable plat shows this individual lot to have larger than normal setbacks. We have also not been able to find another lot on the recorded plat that shows an adjoining property BSL of 15'.

-Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Yes, as stated above, the requirements for new construction in this community demand a minimum of 2400 heated square feet. Of the 28 homes that have sold since 2001 in Crosswinds, all of them have had garages. The Market Rate for having a two car garage could impact the value at a minimum of 50K dollars, along with the amount of time it may sit on the market due to a smaller buying pool. As the BLS sits, this lot has 3447 sq ft of buildable land compared to 4155 sq ft requested in this Variance. The difference of 708 sq ft is what is lost from adjoining properties with the BSL's that match the plat notes.

-Is not the result of the applicant's own actions.

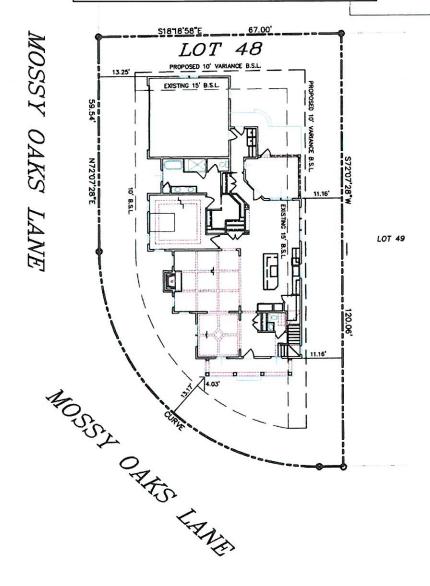
No. The plat was recorded in 2000. As the survey was done using the recorded plat notes, it was not brought to the owner's attention that this particular lot had 15' BSL.

-Granting of the variance does not substantially conflict with the Comprehensive Plan and the purposes of the LMO.

We do not feel it will conflict at all, in fact by granting the variance it will make it more uniform.

-The authorization of the variance will not be of substantial detriment to adjacent property of the public good, and the character of the district will not be harmed by the granting of the variance.

No, we do not see any situation that allowing this variance could do any harm. In fact, it will move towards filling the community towards build out.





CONSTAL SURVEYING COMPANY INC. No. COSSOT

SCALE: 1"=20' DATE: 3/13/2014 FIELD CK:

DRAWN BY: JEI
OFFICE CK: MRD
JOB# : 51,335

PREPARED FOR:

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO WISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

MICHAEL R. DUNIGAN S.C.P.L.S. No. 11,905 A VARIANCE

LOT 48

MOSSY OAK LANE

A PORTION OF
PHASE 2
CROSSWINDS



Cyran Anne

From: joel@thecastlepointgroup.com
Sent: Wednesday, April 09, 2014 2:48 PM

To: Cyran Anne
Cc: Frank Slone
Subject: 9 Mossy Oaks Ln

Anne, Please review and include this as part of the Variance request. Thank You.

Joel Lewis
The Castle Point Group
843-505-0368
joel@thecastlepointgroup.com

----- Original Message ------ Subject: Crosswinds Neighborhood

From: "Sheree" <shereebinder@gmail.com>

Date: Wed, April 09, 2014 2:17 pm To: <joel@thecastlepointgroup.com>

Mr. Lewis,

With regard to your question, "Does not having a garage (whether it be under or attached or detached) create an unneccesary hardship for a property located in the Crosswinds neighborhood on Hilton Head Island", I respectfully submit this answer.

I completed a market analysis for Crosswinds and included all homes sold since 2001. According to the MLS, none of the properties that sold since 2001 were void of a garage. The majority of homes had at least 2 and several had 3 or 4 car garages. To build a home in Crosswinds **without a garage** would be completely unlogical and I would strongly recommend that you reconsider. You will immediately incur functional obsolescence which is almost impossible to overcome with buyers and you must give a large monetary compensation. There are covenants and restrictions in place which prohibit a home from being out of place. It would seem to me that you would not be allowed to build a home in a neighborhood without a garage if every other home has a garage. Please double check your covenants, as I am sure you are required to have one in place.

Not only will building a home without a garage hurt the value of your home but it will decrease the value of your surrounding neighbors.

Mr. Lewis, I have been a Realtor since 2004 and regardless of the market, a home must conform to the neighborhood "norm". The hardship will be created for the surrounding neighbors. It is not an economically valid use of the property to build something that is non conforming.

Good luck to you, and I would urge you to encourage your client to include a 2 or more car garage on the property.

Respectfully, Sheree

Sheree Binder (843) 298-7062 Broker In Charge

Calhoun Street Promenade Real Estate 1 Promenade Street, Suite 101 Bluffton, SC 29910 www.CoastalRealEstateSC.com

Custom	

#	ML#	Status	St#	St Name	Ar	Legal#	Lgl Addr	Lst Pr	View	Type	Beds	FB	HB	Yr Blt	ApHtd SF	Prkg	P Date
1	200273	CLOSD	12	MOSSY OAKS DRIVE	14	46	CROSSWINDS	385,000	VAOOW	FSIZE	3	3	0	2003		1GARG	04/02/2003
2	259696	CLOSD	12	Mossy Oaks Drive	14	46	CROSSWINDS	299,000	WOODV	PATIO	4	3	0	2003	2280	1GARG	01/15/2010
3	318449	CLOSD	50	Crosswinds Dr	14	61	CROSSWINDS	399,000	LNDSC,WOODV	FSIZE	3	3	1	2005	2887	1GARG	10/29/2013
4	214239	CLOSD	76	Crosswinds Drive	14	14	CROSSWINDS	1,150,000	CREEK, DEEPW	FSIZE	4	4	1	2000		2CARP	11/23/2004
5	214027	CLOSD	11	CROSSWINDS DRIVE	14	36	CROSSWINDS	585,000	LAGON,MARSH	FSIZE	3	3	1	2002		2CARP	06/24/2005
6	84085	CLOSD	31	CROSSWINDS DRIVE	14	27	CROSSWINDS	439,900	MARSH	FSIZE	3	3		2000		2GARG	03/22/2001
7	101238	CLOSD	56	CROSSWINDS	14	58	CROSSWINDS	730,000	CREEK, LAGON	FSIZE	4	4	1	2001		2GARG	11/13/2002
8	202490	CLOSD	31	CROSSWINDS DRIVE	14	27	CROSSWINDS	489,000	LAGON, MARSH	FSIZE	3	3	0	2000		2GARG	05/29/2003
9	204368	CLOSD	11	Crosswinds Drive	14	36	CROSSWINDS	479,000	MARSH	FSIZE	3	3	1	2002		2GARG	09/02/2003
10	212843	CLOSD	3	Crosswinds Drive	14	40	CROSSWINDS	579,000	CREEK,MARSH	FSIZE	3	3	1	2000		2GARG	11/30/2004
11	224089	CLOSD	21	CROSSWINDS DR	14	32	CROSSWINDS	612,000	LAGON, MARSH	FSIZE	3	2	1	2004		2GARG	04/04/2006
12	228334	CLOSD	25	Crosswinds Drive	14	30	CROSSWINDS	674,900	CREEK, LAGON	FSIZE	4	3	1	2005	2771	2GARG	05/26/2006
13	224749	CLOSD	5	Mossy Oaks Lane	14	63	CROSSWINDS	599,500	WOODV	FSIZE	4	3	1	2003	3040	2GARG	07/05/2006
14	233474	CLOSD	11	CROSSWINDS	14	36	CROSSWINDS	619,000	MARSH	FSIZE	3	3	1	2002	2800	2GARG	06/15/2007
15	242460	CLOSD	21	MOSSY OAKS LANE	14	52	CROSSWINDS	599,000	CREEK,LNDSC	FSIZE	4	2	1	2003	2340	2GARG	05/22/2008
16	321098	CLOSD	92	Crosswinds Dr	14	6	CROSSWINDS	489,000	MARSH, DEEPW	FSIZE	3	3		2005		2GARG	03/08/2013
17	321538	CLOSD	21	Crosswinds Dr	14	32	CROSSWINDS	425,000	LAGON, MARSH	FSIZE	3	2	1	2004	2738	2GARG	07/16/2013
18	212782	CLOSD	8	MOSSY OAK	14	44	CROSSWINDS	489,000	LNDSC	FSIZE	3	2	1	2004		2GARG.DETGR	04/02/2005
19	226111	CLOSD	92	Crosswinds Dr	14	6	CROSSWINDS	949,000	DEEPW	FSIZE	4	3		2005		2GARG,UNDER	08/30/2006
20	90944	CLOSD	72	CROSSWINDS DRIVE	14	16	CROSSWINDS	879,000	CREEK,MARSH	FSIZE	4	4	1	2000		3GARG	03/04/2002
21	257817	CLOSD	68	Crosswinds Drive	14	18	CROSSWINDS	750,000	DEEPW,MARSH	FSIZE	4	4	1	2006	3223	3GARG	08/01/2009
22	307325	CLOSD	62	CROSSWINDS DR	14	21	CROSSWINDS 4	949,000	CREEK,MARSH	FSIZE	4	4	2	2006	5286	3GARP	12/01/2011
23	320384	CLOSD	52	Crosswinds Dr	14	60	CROSSWINDS 4	,529,000	LNDSC	FSIZE	4	3	1	2007	3336	3GARP	08/26/2013
24	262723	CLOSD	76	Crosswinds Dr.	14	14	CROSSWINDS 4	,563,000	MARSH, DEEPW	FSIZE	4	4	2	2000	4000	4GARG,UNDER	05/21/2012
25	208518	CLOSD	7	Mossy Oaks	14	64	CROSSWINDS	489,000	WOODV	FSIZE	4	3	1	2004		DETGR	08/25/2004
26	207098	CLOSD	23	Mossy Oaks Drive	14	53	CROSSWINDS	525,000	DEEPW	FSIZE	4	3	0	2003		UNDER	03/22/2004
27	218269	CLOSD	1	Crosswinds	14	41	CROSSWINDS	659,000	CREEK	FSIZE	4	4	1	2002		arage	04/28/2005
28	242111	CLOSD	4	Mossy Oaks Lane	14	42	CROSSWINDS	475,000	LNDSC	PATIO	3	3		2002	2214	crosse	07/17/2007

Confirmed - Sheri Bine

Calhoun Street Promenade "Local" Real Estate www.FindYourPlaceInTheLowcountry.com

Shereé Binder Broker In Charge

843.298.7062 Direct ShereeBinder@Hargray.com

1 Promenade Street, Suite 101 Bluffton, SC 29910



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Cyran Anne

From: joel@thecastlepointgroup.com

Sent: Wednesday, April 09, 2014 2:49 PM

To: Cyran Anne Cc: Frank Slone

Subject: [FWD: Sloans 9 Mossy Oakx]

Anne, This is the letter from Allied Management, stating they are on board with the towns decision. Thank you.

Joel Lewis The Castle Point Group 843-505-0368

joel@thecastlepointgroup.com

----- Original Message -------Subject: Sloans 9 Mossy Oakx

From: "Stacy Kaeding" <kaeding@alliedhiltonhead.com>

Date: Fri, March 14, 2014 3:58 pm To: <joel@thecastlepointgroup.com>

Hi Joel - The Crosswinds ARB will approve the variance request as submitted for the Sloans at 9 Mossy Oaks Lane, providing that this is also approve by the Town of Hilton Head, as required.

Please let me know if you require anything further on this matter.

Best regards,

Stacy Kaeding

Property Manager

Allied Management Group

(843) 785-3278 ext 224

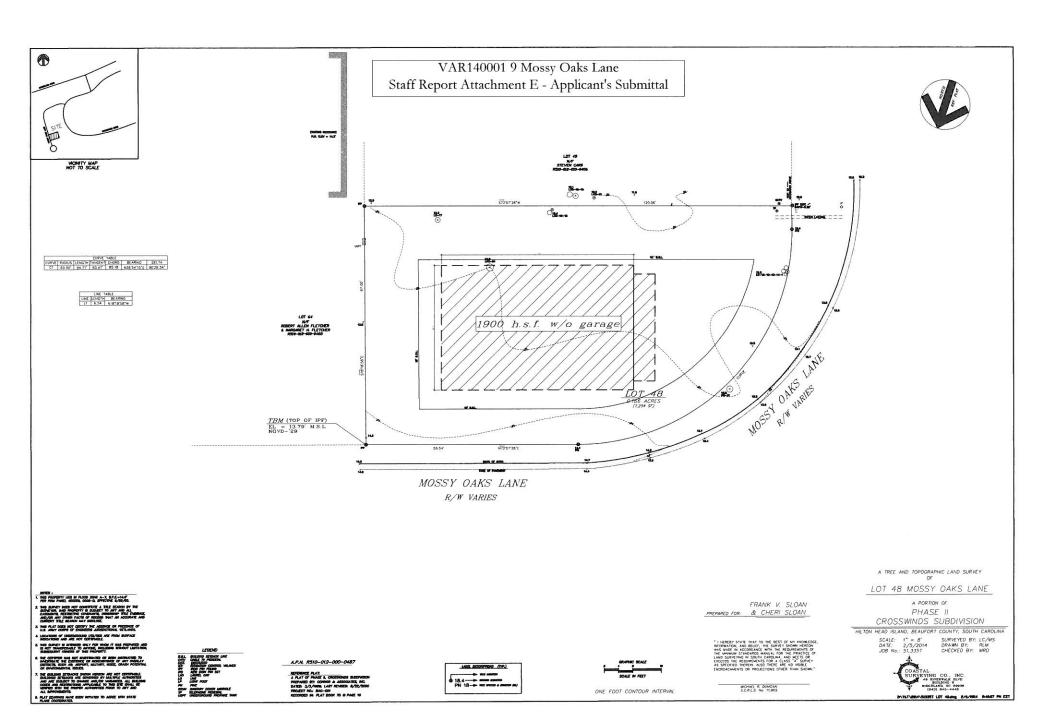
(843) 785-3381 Fax

kaeding@alliedhiltonhead.com

www.alliedhiltonhead.com

Voted Best Property Management Company in the Island Packet's Reader's Choice Awards **Again**!

This electronic transmission and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you received this email in error please notify the sender and delete and destroy this message and its attachments.



VAR140001 9 Mossy Oaks Lane Staff Report Attachment F – Site Photo



Exhibit F - Previous Variance Request (VAR-002173-2022) VAR-002641-2022



Town of Hilton Head Island

Community Development Department One Town Center Court Hilton Head Island, SC 29928

Phone: 843-341-4757 Fax: 843-842-8908

www.hiltonheadislandsc.gov

FOR OFFIC	TAL USE ONLY
Date Received:	8-26-22
Accepted by:	Sow
App. #: VAR	
Meeting Date:	

Applicant/Agent Name: Jay Nolsan Mailing Address: U shults und ste D Telephone: Gys-290 auffax; Project Name: Lamb Pro Parcel Number [PIN]: R5 10 0 (2 000) Zoning District;	Company: May River Confan Hours City: Obfffen State: SC Zip: 79910 E-mail: iave may reverse hours co oject Address: 9 Mcsr/ Cahs Lave 0427 0000 Overlay District(s):
VARIANCE (VAR) SUBMIT	TTAL REQUIREMENTS
Digital Submissions may be accepted via e-mail by calling order for this application to be complete: A narrative that lists what Sections of the LMO you a WHY the variance is requested and HOW the requested 103.S.4.a. Variance Review Standards	are requesting a variance from and explain
mailed by first class mail fifteen days (15) prior to the 16-2-102.E.2.e.ii. Mailed Notices. A sample letter c	ic hearing to all land owners of record within three (s) being considered for a variance. Such notice shall be the Board of Zoning Appeals meeting per LMO Section can be obtained at the time of submittal. Also provide a Town can assist in providing this listing by calling 843-
Affidavit of Ownership and Hold Harmless Permission	on to Enter Property
A site plan to scale of 1"=30' that clearly shows the raffected site and surrounding parcels and uses. Submi	
Filing Fee - \$250.00 cash or check made payable to the	he Town of Hilton Head Island
Are there recorded private covenants and/or restrictions that are If yes, a copy of the private covenants and/or restrictions must be To the best of my knowledge, the information on this application complete. I hereby agree to abide by all conditions of any understand that such conditions shall apply to the subject proper I further understand that in the event of a State of Emergency of the Land Management Ordinance may be suspended. Applicant/Agent Signature:	submitted with this application. TYES TO ation and all additional documentation is true, factual, and approvals granted by the Town of Hilton Head Island. I erty only and are a right or obligation transferable by sale.

mid.



Town of Hilton Head Island

Community Development Department
One Town Center Court
Hilton Head Island, SC 29928

Phone: 843-341-4757 Fax: 843-341-2087

www.hiltonheadislandsc.gov

FOR OFFICIAL	use only
Date Received:	
App. #:	
Form revised 10-2012	

AFFIDAVIT OF OWNERSHIP AND HOLD HARMLESS PERMISSION TO ENTER PROPERTY

The undersigned being duly sworn and upon oath states as follows:

1.	I am the current owner of the property which is the subject of this application.
2. 2	I hereby authorize Jay Nelsa- to act as my agent for this application only.
3.	All statements contained in this application have been prepared by me or my agents and are true and correct to the best of my knowledge.
4.	The application is being submitted with my knowledge and consent.
5.	Owner grants the Town, its employees, agents, engineers, contractors or other representatives the right to enter upon Owner's real property, located at 9 Mossy Occurs Carre (address),
	R5/00/2000 0487000 (parcel ID) for the purpose of application review,
	for the limited time necessary to complete that purpose.
_	Description of Work: New Persons for any loss of demand to persons of property occurring on the private
6.	Owner agrees to hold the Town harmless for any loss or damage to persons or property occurring on the private
	property during the Town's entry upon the property, unless the loss or damage is the result of the sole negligence of
	the Town.
7.	I acknowledge that the Town of Hilton Head Island Municipal Code requires that all construction in a Special Flood
	Hazard Zone be constructed in accordance with the following provisions that:
	a. any enclosed area below the base flood elevation will be used solely for parking of vehicles, limited storage
	or access to the building. This space will never be used for human habitation without first becoming fully
	compliant with the Town's Flood Damage Controls Ordinance in effect at the time of conversion.
	b. all interior walls, ceilings and floors below the base flood elevation will be constructed of flood resistant
	materials.
	c. all mechanical, electrical and plumbing devices will be installed above base flood elevation.
	d. walls of the enclosed area below base flood elevation will be equipped with at least two openings which
	allow automatic entry and exit of flood water. Openings will be on two different walls with at least one
	square inch of free area for every square foot of enclosed space and have the bottom of openings no more
	then a foot above grade.
	e. the structure may be subject to increased premium rates for flood insurance from the National Floor
	Indirence Program
•	I understand that failure to abide by Town permits, any conditions, and all codes adopted by the Town of Hilton Hea
8	Island deems me subject to enforcement action and/or fines.
	Print Name: Day N Lunds Owner Signature: Owner Signature:
	是是一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一
	Phone No.: 980 781 7385 Email: Obsanland 2980 pmil.com
	Phone No.: 980 781 7385 Email: 06 worksub 2960 296011.0011
1	,我们是我们的一个人,我们就是一个人的,我们就是一个人的,我们就是一个人的,我们就是一个人的,我们就是一个人的,我们就是一个人的,我们就是一个人的,我们就是一个 第一个人的,我们就是一个人的,我们就是一个人的,我们就是一个人的,我们就是一个人的,我们就是一个人的,我们就是一个人的,我们就是一个人的,我们就是一个人的,我们
	Dute: 8/24/2022
	The foregoing instrument was acknowledged before me by (a.u.) who is personally known to me or has produced i COV) C as identification and who did not take an oath.
	produced i CEV IC as identification and who did not take an oath.
	WITNESS my hand and official seal this 20th day or Angust, AD. 2022.
	MacCommission with 12/3/25

Dawn and Craig Lamb 2654 Kinsley Avenue NW Concord, NC 28027 980.781.7385

dawnlamb2942@gmail.com

Town of Hilton Head Community Development Department One Town Center Court Hilton Head Island, SC 29928

To Whom it May Concern,

The purchase of this property included a full set of approved plans (approved by both the Crosswinds ARB and the Town of Hilton Head). Those previous plans did not fulfil our interpretation of a "Charleston Low country style home which led us to the house plan we have currently designed.

The previously approved plan did include reducing the setback along the East and South property lines by five feet. The new home design respects the full 15 foot setback on the East and South property lines.

The current plan moved the house 5 feet North and 5 feet West. Locating the house in this manner leaves a very small triangle of the westernmost corner of the porch beyond the setback line (approximately ten square feet total), but still approximately 14 feet from the back of the curb at its furthest extension. This plan allows us to site the house as designed and has no impact on abutting properties.

We believe this is a workable solution that respects the integrity of the neighborhood's theme, presents a beautiful façade throughout the turn on Mossy Oaks Drive, and preserves the lot line separation with abutting properties.

Thank you,

Dawn and Craig Lamb



To: Hilton Head Island Zoning Board of Appeals

From: Jay Nelson, May River Custom Homes

6 Shults Road, Suite D Bluffton, SC 29910

RE: Variance Request for 9 Mossy Oaks Lane Crosswinds Subdivision

Variance Criteria:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.

RESPONSE: The existing property is only 0.167 acres. It is a corner lot in Crosswinds subdivision. The entire front of the lot is a radius that follows the street therefore creates a setback that follows the same radius of the street which greatly prohibits the placement of the structure on the lot.

2. These conditions do not generally apply to other properties in the vicinity;

RESPONSE: Again, a corner lot that is not square with a vast radius setback that effect the corner of the proposed structure. Which is a porch corner and front steps.

3. Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

RESPONSE: Due to the small size of the lot and the radius this greatly diminishes the flexibility of the design that can be proposed on the lot. Myself, my clients, and the architect have worked diligently to propose a design that will be cohesive with the existing community and work within the given setbacks. We have attached the garage to the structure in a community where breezeways and detached garage are the norm.

4. The authorization of the Variance will not be of substantial detriment to the adjacent property or the public good, and the character of the zoning district where the property is located will not be harmed by the granting of the Variance.

RESPONSE: Since the requested variance is facing the street there is no effect on the neighboring properties and there is no residence across the street or a sidewalk to content with. There is only a small portion of the front porch and steps that encroaches into the setback.

Thank you for your time and consideration. Please let me know if you have any questions or need anything else.

Respectfully Submitted,

Jay Nelson,

May River Custom Homes

From: Jay Nelson jay@mayrivercustomhomes.com

Subject: Fwd: Crosswinds

Date: Aug 25, 2022 at 4:22:18 PM

To: Jenny Nelson jenny@mayrivercustomhomes.com

Please print

Jay Nelson
May River Custom Homes
6 Shults Road
Suite D
Bluffton, SC 29910

O: 843-815-9010

www.mayrivercustomhomes.com

Begin forwarded message:

From: Wilson Gardner < wgardner@atlanticstatesmanagement.com >

Date: August 25, 2022 at 4:20:41 PM EDT

To: Jay Nelson < jay@mayrivercustomhomes.com >

Subject: Crosswinds

7 MOSSY OAKS LANE WILLIAM CHARLES PULLEN, 619-806-0044

8 MOSSY OAKS LANE DAGNY CHIAPPETTA

843-422-5010

10 MOSSY OAKS LANE WILLIAM G. VAN 843.671.4912

12 MOSSY OAKS LANE

Stephen J. Donlon III <u>508-339-7200</u>

CROSSWINDS COMMUNITY

August 25, 2022

A variance has been granted for the front corner of the porch for 9 Mossy Oaks Lane in the Crosswinds Community as is shown in the final approved plans dated 8/22/22.

Barbara Grimes Chairperson Crosswinds ARB parcel is located in a Planned Development Mixed-Use District (PD-1) Zoning District and resides within the Corridor Overlay.

The 0.17-acre parcel is undeveloped. The owners have hired the applicant, Jay Nelson of May River Custom Homes, to design a Single-Family home to be built on the lot. The applicant submitted a Building Permit application (BLDR-003025-2022) to the Town on July 13, 2022. After reviewing the proposed site plan, Town Staff informed the applicant that the proposal did not meet the LMO requirements. The proposed site plan showed encroachments into the Adjacent Street Setback.

Per LMO Section 16-5-102.C, a 20-foot setback is required from adjacent streets for Single-Family uses. The LMO provides provisions for allowable encroachments in Table 16-5-102.E; uncovered porches, stoops, decks, patios or terraces may encroach up to 5 feet. The applicant proposes to develop stairs and a covered porch beyond the permissible encroachments defined in the table. The applicant has decided to seek a variance from LMO Section 16-5-102.C, Adjacent Street Setback, to allow a proposed porch and stairs to encroach within the setback.

In the variance application package, the property owners, Craig and Dawn Lamb reference an approved variance request from 2014, VAR140001. (See Exhibit B.) The applicant's narrative reads, "The purchase of this property included a full set of approved plans (approved by both the Crosswinds ARB and the Town of Hilton Head)."

A similar, but not the same, variance was requested by the previous landowners, Frank and Cheri Sloan of 12 Harbour Passage Patio, Hilton Head Island, SC 29926, in April 2014. (See Exhibit E.) They sought relief from Adjacent Use Setbacks (not Adjacent Street Setback as the current applicant) on the south and northeast side of the parcel.

The request for the variance was granted by the Town's Board of Zoning Appeals and the Notice of Action was signed and provided. The Notice of Action issued 2014 has since expired. The current applicant is seeking relief from a different section of the LMO.

Applicant's Grounds for Variance, Summary of Facts and Conclusions of Law:

Grounds for Variance:

The applicant is applying for a variance from LMO Section 16-5-102.C, Adjacent Street Setback, to allow a proposed porch and stairs to encroach within the setback. The applicant states in their narrative that the variance is needed due to the radius of the Adjacent Street Setback, which prohibits the placement of a structure on the lot. After working diligently with the parcel owners and the architect to propose a design that would be cohesive with the existing community and work within the given setbacks, the applicant is seeking relief from the LMO.

Summary of Fact:

o The applicant seeks a variance as set forth in LMO Section 16-2-103.S.

Conclusion of Law:

o The applicant may seek a variance as set forth in LMO Section 16-2-103.S.

Summary of Facts and Conclusions of Law:

Summary of Facts:

- The Variance Application was submitted on Aug. 26, 2022 as set forth in LMO Section 16-2-102.C and Appendix D-23.
- o Notice of the Application was published in the Island Packet on Sept. 4, 2022 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on Sept. 1, 2022 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on Sept. 9, 2022 as set forth in LMO Section 16-2-102.E.2.
- The Board has authority to render the decision reached here under LMO Section 16-2-102.G.

Conclusions of Law:

- The application is in compliance with the submittal requirements established in LMO Section 16-2-102.C.
- The application and notice requirements comply with the legal requirements established in LMO Section 16-2-102.E.2.

As provided in LMO <u>Section 16-2-103.S.4</u>, Variance Review Standards, a variance may be granted in an individual case of unnecessary hardship if the Board determines and expresses in writing all of the following findings of fact.

Summary of Facts and Conclusions of Law:

Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property (LMO Section 16-2-103.S.4.a.i.01):

Findings of Fact:

- There is a 15-foot setback from the property line adjacent to another lot on the south side of the parcel. (See Exhibit D.)
- There is a 15-foot setback from the property line adjacent to another lot on the northeast side of the parcel. (See Exhibit D.)
- o LMO Section 16-5-102.D.5 currently requires a five-foot setback from another lot within the same subdivision.
- LMO Sections 16-5-704.B and 16-5-806.B currently requires a 20-foot setback and buffer along all non-arterial streets. The plat was recorded with only a 10-foot street setback for this section of Mossy Oaks Lane.
- It is unknown why the Crosswinds subdivision was designed with larger than required setbacks along internal property lines and less than required adjacent street setbacks for many of the lots.

Conclusion of Law:

This application meets the criteria as set forth in LMO Section 16-2-103.S.4.a.i.01 because there are extraordinary or exceptional conditions that pertain to this lot.

Summary of Facts and Conclusions of Law:

Criteria 2: These conditions do not generally apply to other properties in the vicinity (LMO Section 16-2-103.S.4.a.i.02):

Findings of Fact:

- There are adjacent parcels along this section of Mossy Oaks Lane that also have a 15-foot setback from the rear property line on the northeast side of the parcel. (See Exhibit D.)
- There are several adjacent parcels along this section of Mossy Oaks Lane that only have a seven-foot setback from the property line adjacent to another lot to the north or south.

Conclusions of Law:

- o This application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.02 because there are extraordinary and exceptional conditions that apply to the subject property that do not also generally apply to other properties in the vicinity.
- o The majority of the lots in the subdivision do not have a 15-foot setback on both sides of the property.

Summary of Facts and Conclusions of Law:

Criteria 3: Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property (LMO Section 16-2-103.S.4.a.i.03):

Findings of Fact:

- Since the Adjacent Use Setbacks on the subdivision plat are larger than the setbacks required by the LMO, any restriction of the utilization of the property the applicant claims are the result of the subdivision plat, not the standards of the LMO.
- The applicant provided a plan showing the stairs and porch encroaching into the required Adjacent Street Setback.
- The applicant does not demonstrate why a home cannot be designed to meet all of the required setbacks.

Conclusions of Law:

This application does not meet the criteria set forth in LMO Section 16-2-103.S.4.a.i.03 because the extraordinary conditions that pertain to the property do not restrict the utilization of the property.

 Even though the subject parcel has greater setback requirements than some adjacent parcels, the applicant has not demonstrated why a home cannot be designed so that it doesn't encroach into the setbacks.

Summary of Facts and Conclusions of Law:

Criteria 4: The authorization of the Variance will not be of substantial detriment to adjacent property or the public good, and the character of the zoning district where the property is located will not be harmed by the granting of the Variance (LMO Section 16-2-103.S.4.a.i.04):

Findings of Fact:

- o Staff did not identify any substantial detriment to the adjacent property caused by granting the variance for the stairs and porch encroachment.
- o The Crosswinds Architectural Review Board has granted a variance for the front corner of the porch. (Included in Exhibit B.)

Conclusion of Law:

• This application meets the criteria set forth in LMO Section 16-2-103.S.4.a.i.04 because the variance will not substantially detriment the adjacent property or public good.

LMO Official Determination:

Staff recommends the Board of Zoning Appeals find this application to be inconsistent with the Town's Our Plan and does not serve to carry out the purposes of the LMO, based on those Findings of Fact and Conclusions of Law as determined by the LMO Official and enclosed herein. Staff recommends that the Board of Zoning Appeals deny this application because all four of the required criteria are not met.

BZA Determination and Motion:

The "powers" of the BZA over variances are defined by the South Carolina Code, Section 6-29-800, and in exercising the power, the BZA may grant a variance "in an individual case of unnecessary hardship if the board makes and explains in writing ..." their decisions based on certain findings or "may remand a matter to an administrative official, upon motion by a party or the board's own motion, if the board determines the record is insufficient for review."

This State law is implemented by the Hilton Head Island Land Management Ordinance, Chapter 2, Article 103 and the Rules of Procedure for the BZA.

A written Notice of Action is prepared for each decision made by the BZA based on findings of fact and conclusions of law.

The BZA can either Approve the application, Disapprove the application, or Approve with Modifications. Findings of Fact and Conclusions of Law must be stated in the motion.

PREPARED BY		
michalamoly	Sept. 12, 2022	
Michael Connolly	DATE	
Senior Planner		
REVIEWED BY:		
Ricole Quian	Sept. 13, 2022	
Nicole Dixon, AICP, CFM, Development	DATE	
Review Program Manager		
REVIEWED BY:		
July	9/15/2022	
Shawn Colin, AICP,	DATE	
Assistant Town Manager – Community		

ATTACHMENTS:

Development

- A) Location Map
- B) Applicant's Narrative
- C) Proposed Site Plan
- D) Recorded Plat
- E) Previous Variance

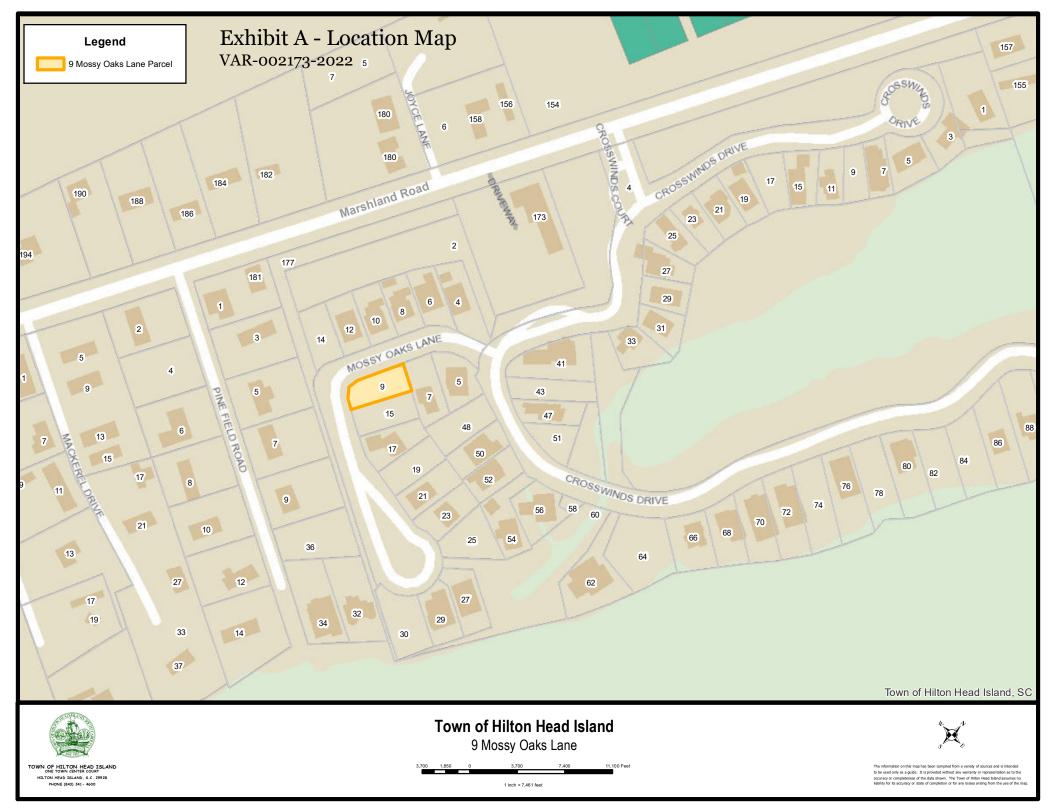


Exhibit B - Applicant's Narrative

VAR-002173-2022

Dawn and Craig Lamb 2654 Kinsley Avenue NW Concord, NC 28027 980.781.7385

dawnlamb2942@gmail.com

Town of Hilton Head Community Development Department One Town Center Court Hilton Head Island, SC 29928

To Whom it May Concern,

The purchase of this property included a full set of approved plans (approved by both the Crosswinds ARB and the Town of Hilton Head). Those previous plans did not fulfil our interpretation of a "Charleston Low country style home which led us to the house plan we have currently designed.

The previously approved plan did include reducing the setback along the East and South property lines by five feet. The new home design respects the full 15 foot setback on the East and South property lines.

The current plan moved the house 5 feet North and 5 feet West. Locating the house in this manner leaves a very small triangle of the westernmost corner of the porch beyond the setback line (approximately ten square feet total), but still approximately 14 feet from the back of the curb at its furthest extension. This plan allows us to site the house as designed and has no impact on abutting properties.

We believe this is a workable solution that respects the integrity of the neighborhood's theme, presents a beautiful façade throughout the turn on Mossy Oaks Drive, and preserves the lot line separation with abutting properties.

Thank you,

Dawn and Craig Lamb



To: Hilton Head Island Zoning Board of Appeals

From: Jay Nelson, May River Custom Homes

6 Shults Road, Suite D Bluffton, SC 29910

RE: Variance Request for 9 Mossy Oaks Lane Crosswinds Subdivision

Variance Criteria:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.

RESPONSE: The existing property is only 0.167 acres. It is a corner lot in Crosswinds subdivision. The entire front of the lot is a radius that follows the street therefore creates a setback that follows the same radius of the street which greatly prohibits the placement of the structure on the lot.

2. These conditions do not generally apply to other properties in the vicinity;

RESPONSE: Again, a corner lot that is not square with a vast radius setback that effect the corner of the proposed structure. Which is a porch corner and front steps.

3. Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

RESPONSE: Due to the small size of the lot and the radius this greatly diminishes the flexibility of the design that can be proposed on the lot. Myself, my clients, and the architect have worked diligently to propose a design that will be cohesive with the existing community and work within the given setbacks. We have attached the garage to the structure in a community where breezeways and detached garage are the norm.

4. The authorization of the Variance will not be of substantial detriment to the adjacent property or the public good, and the character of the zoning district where the property is located will not be harmed by the granting of the Variance.

RESPONSE: Since the requested variance is facing the street there is no effect on the neighboring properties and there is no residence across the street or a sidewalk to content with. There is only a small portion of the front porch and steps that encroaches into the setback.

Thank you for your time and consideration. Please let me know if you have any questions or need anything else.

Respectfully Submitted,

Jay Nelson,

May River Custom Homes

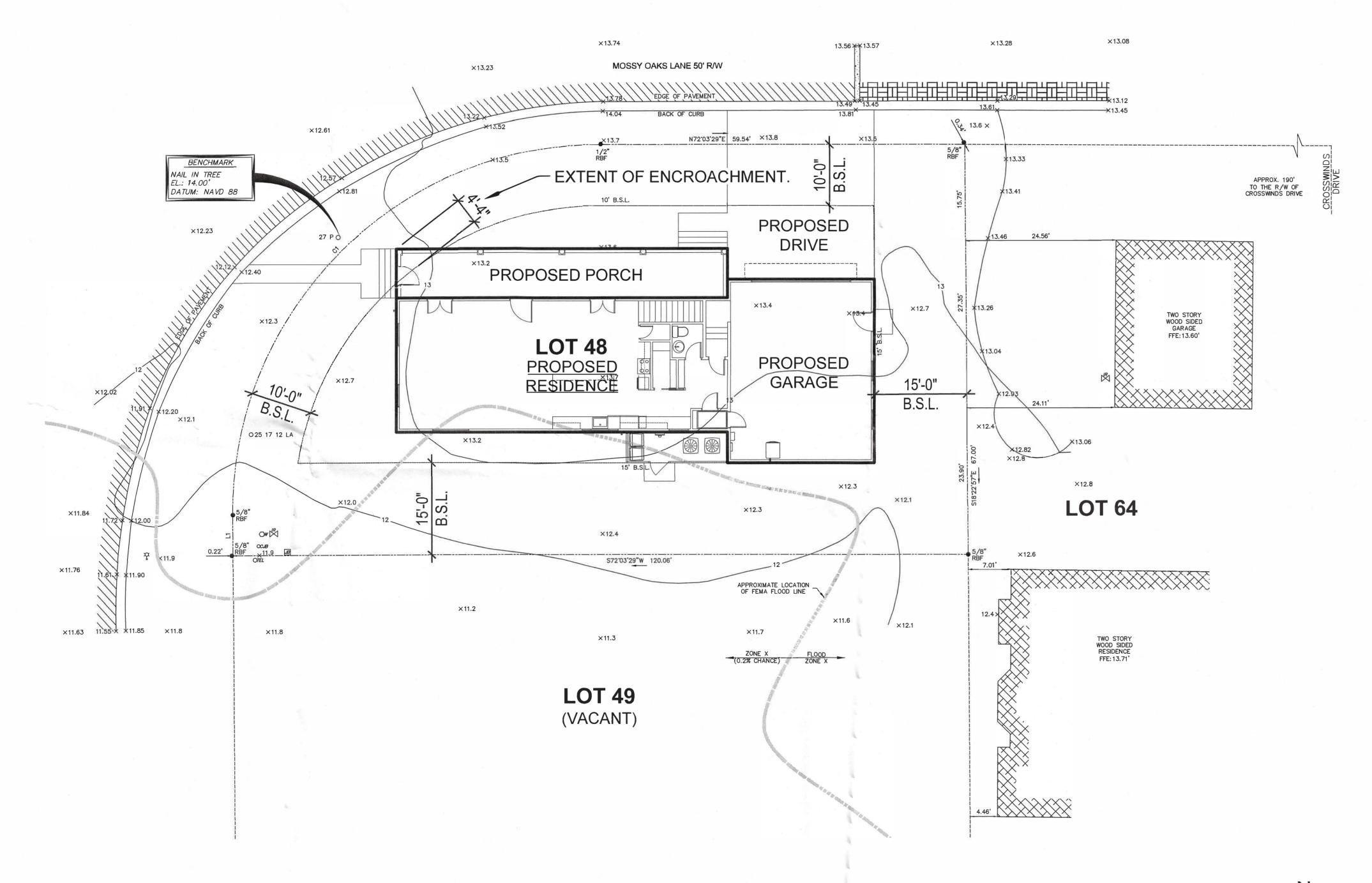
CROSSWINDS COMMUNITY

August 25, 2022

A variance has been granted for the front corner of the porch for 9 Mossy Oaks Lane in the Crosswinds Community as is shown in the final approved plans dated 8/22/22.

Barbara Grimes Chairperson Crosswinds ARB

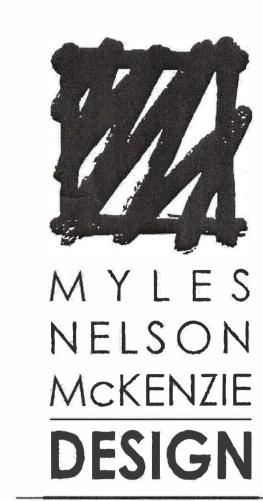
Exhibit C - Proposed Site Plan VAR-002173-2022



SITEPLAN

SCALE : 1" = 20'



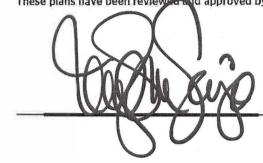


949-683-6895

843-505-1031 info@mylesmckenzie.com www.mylesmckenzie.com

These drawings documents and specifications are an instrument of service, copyright and the property of MYLES NELSON MCKENZIE DESIGN and shall not be used or reproduce in any part or whole, except by written agreement with the Architect or Designer of MYLES NELSON McKENZIE DESIGN. Their use for publication shall be restricted to the original project in which they are designed for.

Written dimensions shall be verified on the job site. Any discrepancy shall be brought to notice of the Architect or Designer of MYLES NELSON McKENZIE DESIGN prior to the commencement of any construction.



PROJECT INFORMATION:

PROJECT SCOPE:

A new custom home located in the community of Crosswinds on Hilton Head Island.

PROJECT OWNER:

Mr. & Mrs Lamb 9 Mossy Oaks Lane, Crosswinds Community Hilton Head, SC 29926

Exhibit E - Previous Variance Request (VAR140001) VAR-002173-2022



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals

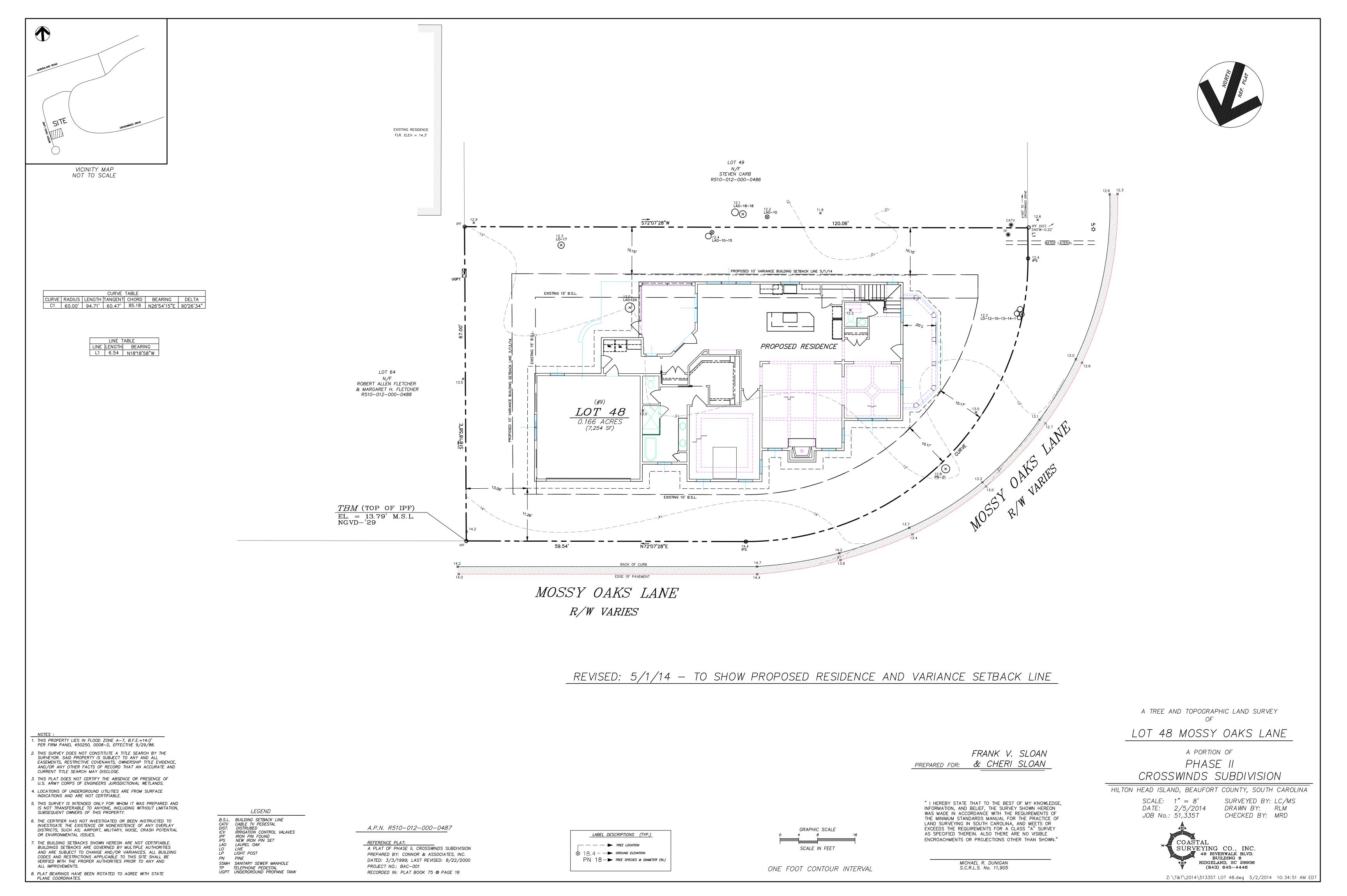
VIA: Nicole Dixon, AICP, Senior Planner & Board Coordinator

FROM: Anne Cyran, AICP, Senior Planner

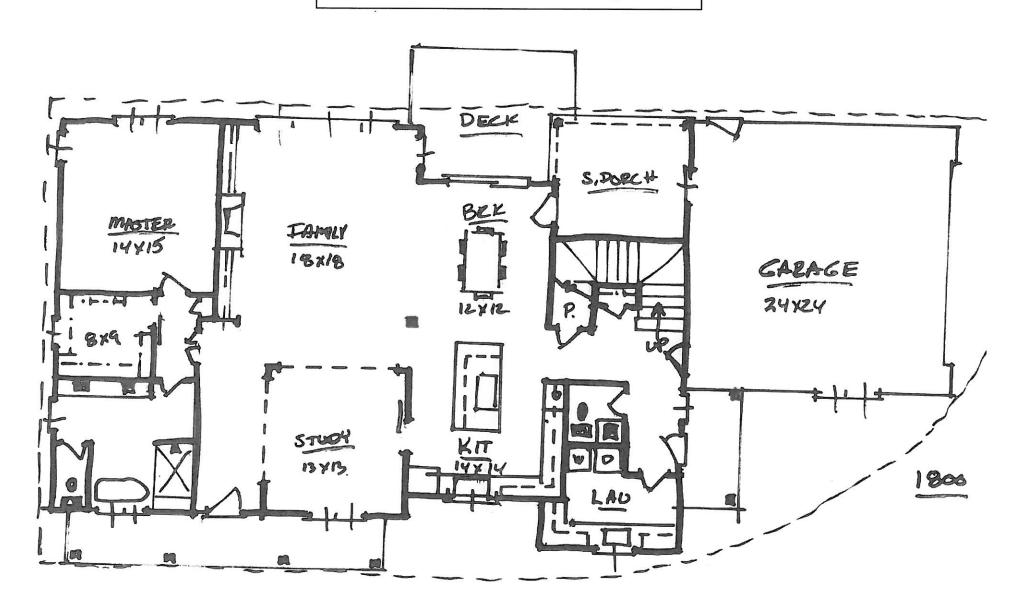
DATE: May 5, 2014

SUBJECT: VAR140001 9 Mossy Oaks Lane – Revised Site Plan

During the April 28, 2014 meeting, the Board of Zoning Appeals postponed making a determination about this application and requested that the applicant provide a revised site plan showing the footprint of the house moved out of the adjacent use setbacks and toward Mossy Oaks Lane. The applicant has submitted the attached site plan for the Board's review.



VAR140001, 9 Mossy Oaks Lane Sketch given to BZA by Joel Lewis at the April 28, 2014 meeting.





TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court

Hilton Head Island SC 29928

843-341-4757

FAX 843-842-8908

STAFF REPORT VARIANCE

Case #	Address of Development	Public Hearing Date
VAR#140001	9 Mossy Oaks Lane	April 28, 2014

Parcel Data	Owners	Applicant & Agent
Tax Map ID: Map 12, Parcel 487		
Address: 9 Mossy Oaks Lane	Frank & Cheri Sloan	Joel Lewis
Zoning District: Residential Low	12 Harbour Passage Patio	The Castle Point Group
Density (RM-4)	Hilton Head Island SC 29926	PO Box 245
Overlay District: Corridor		Bluffton SC 29910
Overlay (COR)		

Application Summary

The Community Development Department received a variance request from Joel Lewis, on behalf of Frank and Cheri Sloan, for the following Section of the Land Management Ordinance (LMO):

16-5-704, Minimum Required Setback Area

The applicant is requesting the variance to build a house that would encroach into adjacent use setbacks.

Background

The subject parcel is located at 9 Mossy Oaks Lane in the RM-4 Zoning District. As shown on the Vicinity Map (Attachment A), the subject parcel is a corner lot, bound by Mossy Oaks Lane on the north and west, a single family house on the east, and an undeveloped lot on the south. The subject parcel is undeveloped.

The property owners hired the applicant, Joel Lewis of Castle Point Construction, to design a house with the primary living space on the ground floor with guest rooms on the second floor. The Crosswinds Property Owners' Association and Architectural Review Board require that homes are built with a minimum of 2,400 heated square feet. Mr. Lewis designed the house based on plat notes stating that the parcel's setbacks are 10 feet from Mossy Oaks Lane, 15 feet behind the lot and seven feet from the adjacent lot to the south.

The applicant approached Town staff for a variance to allow the garage to encroach four feet into the 15 foot setback behind the lot. (See Attachment E). Town staff informed the applicant that the setback on the south side of the parcel is 15 feet wide, not seven feet wide, and that the house is shown encroaching four feet into that setback as well.

The Crosswinds Phase II subdivision plat shows the subject parcel has a 10 foot setback from Mossy Oaks Lane, a 15 foot setback from the adjacent lot to the south and a 15 foot setback behind the lot to the northeast. (See Attachment C). All of the parcels along that section of Mossy Oaks Lane have a 10 foot setback from Mossy Oaks Lane and a 15 foot setback on the northeast side of the parcel. However, all of the other parcels along that section of Mossy Oaks Lane have a seven foot setback from the adjacent lot to the north or south instead of a 15 foot setback like the subject parcel.

The Town of Hilton Head Island Land Management Ordinance (LMO) Section 16-5-205. A requires a five foot setback along all internal property lines for lots divided into single family detached homes. Further, LMO Sections 16-5-704.B and 16-5-806.B require a 20 foot setback and buffer along all non-arterial streets. It is unknown why the Crosswinds subdivision was designed with larger than required setbacks along internal property lines and a smaller than required adjacent street setback and buffer.

The subject parcel is located in the Low Density Residential (RM-4) Zoning District. Thirteen lots in the Crosswinds subdivision are located in the RM-4 Zoning District, while the remaining 53 lots are located in the Planned Unit Development (PD-1) Zoning District in Indigo Run. (See Attachment D). The fact that the subject parcel is located in the RM-4 Zoning District means that that parcel is subject to the design standards in Chapter 5 of the LMO. Any deviations from the approved subdivision plat must be approved by the Town of Hilton Head Island Board of Zoning Appeals as a variance and the request must meet all six criteria in LMO Section 16-3-1906.A. If the subject parcel was located in the PD-1 Zoning District, the parcel would be exempt from site specific design standards and the applicant's request to build in the setback would only require approval by the Indigo Run Property Owners' Association and the Crosswinds Property Owners' Association, which do not use the six criteria in LMO Section 16-3-1906.A when reviewing such deviations.

Applicant's Grounds for Variance, Summary of Facts and Conclusion

Grounds for Variance

The applicant is applying for a variance from LMO Section 16-5-704, Minimum Required Setback Area, to build a single family house in the adjacent use setback. The applicant states the variance is needed because the required setbacks, combined with the Crosswinds' Property Owners' Association requirement to build a 2,400 heated square foot home and the owners' desire for a two-car garage, requires that the house encroach into the setbacks.

Summary of Facts

- 1. Applicant seeks a variance from LMO Section 16-65-704, Minimum Required Setback Area.
- 2. The applicant is proposing to build a single family house in adjacent use setback areas.

Conclusion

1. Applicant may seek a variance from the requested LMO sections as set forth in 16-3-1901.A.

Staff Determination

Staff recommends that the Board of Zoning Appeals **disapprove** the application based on the Findings of Facts and Conclusions of Law.

Staff Summary of Facts and Conclusions

Summary of Facts

- 1. Application was submitted as set forth in LMO Section 16-3-1903.
- 2. Notice of the Application was published in the Island Packet on Sunday, March 23, 2014, as set forth in LMO Sections 16-3-110 and 16-3-111.
- 3. Notice of the Application was posted as set forth in LMO Sections 16-3-110 and 16-3-111.
- 4. Notice of the Application met the mailing criteria in LMO Sections 16-3-110 and 16-3-111.
- 5. Staff received an affidavit of compliance from the applicant as set forth in LMO Section 16-3-111.
- 6. The Board has authority to render the decision reached here under LMO Section 16-3-1905.

Conclusions

- 1. The application is in compliance with the submittal requirements established in LMO Section 16-3-1903.
- 2. The application and notice requirements comply with the legal requirements established in LMO Sections 16-3-110 and 16-3-111.

As provided in Section 16-3-1906, Criteria for Approval of Variances, staff has based its recommendation on analysis of the following criteria:

Staff Summary of Facts and Conclusions

Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property. (LMO 16-3-1906.A.1)

Findings of Fact

- 1. There is a 15 foot setback from the property line adjacent to another lot on the south side of the parcel.
- 2. There is a 15 foot setback from the property line adjacent to another lot on the northeast side of the parcel.
- 3. LMO Section 16-5-205. A requires a five foot setback from a parcel line adjacent to another single family lot.

Conclusions

- 1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.1.
- 2. The subject parcel has two, 15 foot setbacks along property lines where the LMO only requires five foot setbacks.

Staff Summary of Facts and Conclusions

Criteria 2: These conditions do not generally apply to other properties in the vicinity. (LMO 16-3-1906.A.2)

Findings of Fact

- 1. Adjacent parcels along that section of Mossy Oaks Lane also have a 15 foot setback from the property line on the northeast side of the parcel.
- 2. Adjacent parcels along that section of Mossy Oaks Lane only have a seven foot setback from the property line adjacent to another lot to the north or south.

Conclusions

- 1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.2.
- 2. The parcel is the only one in the vicinity that has a 15 foot setback along an internal property line on the side of the parcel.

Staff Summary of Facts and Conclusions

Criteria 3: Because of these conditions, the application of the LMO to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property. (LMO 16-3-1906.A.3)

Findings of Fact

- 1. Since the setbacks on the subdivision plat are larger than the setbacks required by the LMO, any restriction of the utilization of the property the applicant claims is the result of the subdivision plat, not the standards of the LMO.
- 2. The applicant's narrative states that, "Given the current BSL of 10' front, 15' side and rear, designing a house that will fit the lot and size requirement along with a two car garage have proven undoable."
- 3. The applicant does not specify why a 2,400 heated square foot house and a two car garage could not be built within the required setbacks.
- 4. The applicant provided a sketch showing the footprint of a single story, 1,900 square foot house without a garage within the required setbacks. (See Attachment E).
- 5. The applicant's sketch shows a single story house instead of a two story house.
- 6. The applicant's sketch shows a large buildable area along Mossy Oaks Lane that is not being utilized for the house.

Conclusions

- 1. This application **does not meet** the variance criteria as set forth in LMO 16-3-1906.A.3.
- 2. Even though the subject parcel has greater setback requirements than adjacent parcels, the applicant failed to describe how or demonstrate that a 2,400 heated square foot house with a two car garage could not be built without encroaching into the setbacks.

Staff Summary of Facts and Conclusions

Criteria 4: This hardship is not the result of the applicant's own actions. (LMO 16-3-1906.A.4).

Findings of Fact

- 1. The applicant designed the house using incorrect notes regarding the required setbacks
- 2. The applicant did not explain why or demonstrate how the house could not be redesigned to meet the owners' requests and the Crosswinds POA criteria without encroaching into the setbacks.

Conclusions

- This application does not meet the variance criteria as set forth in LMO 16-3-1906.A.4.
- 2. Although the applicant did not use accurate information when designing the house, he failed to provide evidence that the application of the setbacks to the subject parcel will cause a hardship.

Staff Summary of Facts and Conclusions

Criteria 5: Granting of the variance does not substantially conflict with the Comprehensive Plan and the purposes of the LMO. (LMO 16-3-1906.A.5)

Findings of Fact

- 1. The Comprehensive Plan does not speak to the issues in this application.
- 2. Since the setbacks on the subdivision plat are larger than the setbacks required by the LMO, any restriction of the utilization of the property the applicant claims is the result of the subdivision plat, not the standards of the LMO.
- 3. LMO Section 16-5-205. A requires a five foot setback along all internal property lines for lots divided into single family detached homes.
- 4. The proposed encroachment of the garage will leave a 12 foot setback along the adjacent property line to the northwest.
- 5. The proposed encroachment of the house will leave an 11 foot setback along the adjacent property line to the south.

Conclusions

- 1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.5.
- 2. The approval of the application would not conflict with the Comprehensive Plan.
- 3. The approval of the application would not conflict with the purposes of the LMO because the encroachments would leave more than the required five foot setbacks along the internal property lines.

Staff Summary of Facts and Conclusions

Criteria 6: The authorization of the variance will not be of substantial detriment of adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance. (LMO 16-3-1906.A.6).

Findings of Fact

- 1. Staff did not identify any substantial detriment to the adjacent property that would be caused by granting the variance.
- 2. The proposed encroachments would result in setbacks larger than 10 feet along both adjacent property lines.
- 3. Staff has not received any feedback regarding this application.

Conclusions

- 1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.6.
- 2. The approval of the application would have no detriment to the adjacent property, the public good or the character of the district.

PREPARED BY:

AC	April 14, 2014
Anne Cyran, AICP Senior Planner	DATE
REVIEWED BY:	
ND	April 15, 2014

April 15, 2014

DATE

Nicole Dixon, CFM

Senior Planner & BZA Coordinator

ATTACHMENTS

- A) Vicinity Map
- B) Aerial Photo
- C) Crosswinds Subdivision Phase II Plat
- D) Zoning MapE) Applicant's SubmittalF) Site Photo





Town of Hilton Head Island One Town Center Court Hilton Head Island, SC 29928 (843) 341-6000 9 Mossy Oaks Lane VAR140001

Staff Report Attachment A - Vicinity Map





This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.





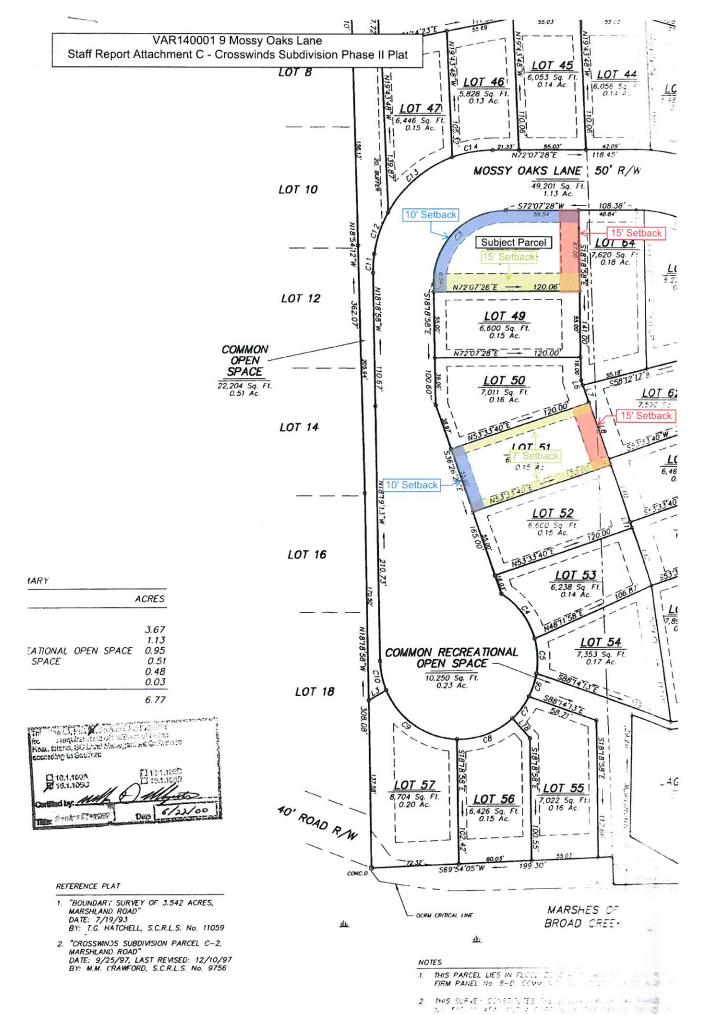
Town of Hilton Head Island One Town Center Court Hilton Head Island, SC 29928 (843) 341-6000 9 Mossy Oaks Lane VAR140001

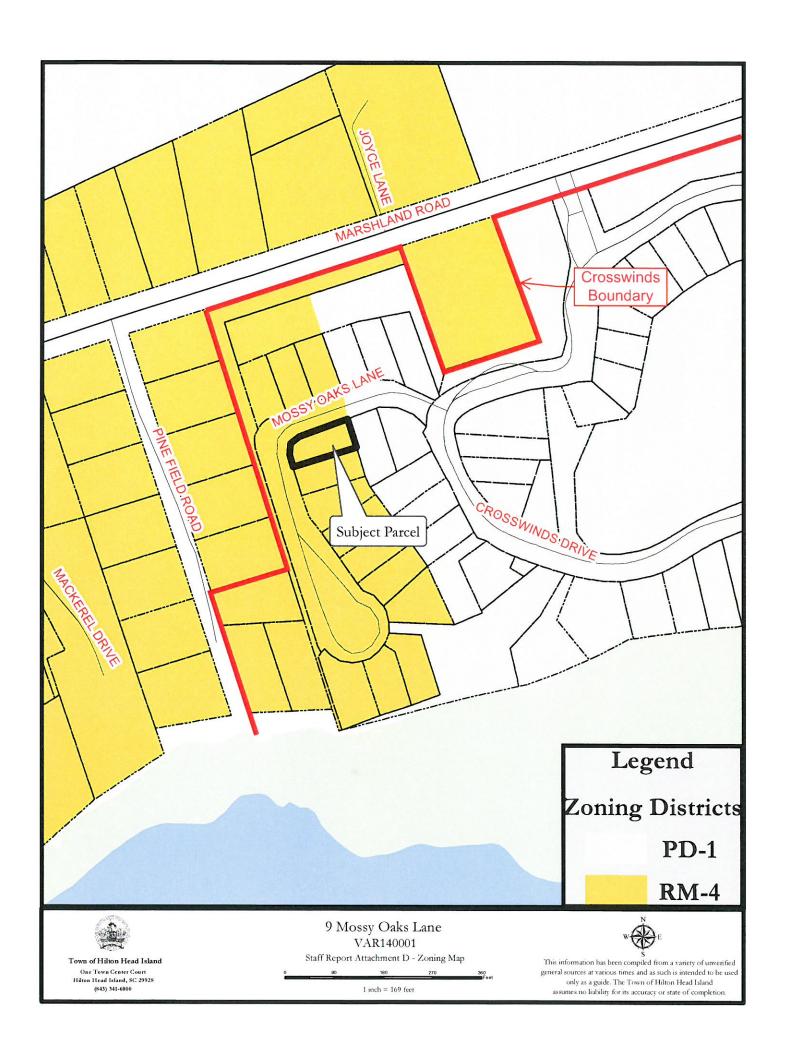
Staff Report Attachment B - Aerial Photo





This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.





Lot 48 Crosswinds

9 Mossy Oaks, HHI

Variance Criteria:

-There are extraordinary and exceptional conditions pertaining to the particular piece of property.

Yes, this property falls under Crosswinds POA and ARB. The guidelines for receiving approval for new construction require a minimum of 2400 heated square feet. Given the current BSL of 10' front, 15' side and rear, designing a house that will fit the lot and size requirement along with a two car garage have proven undoable. The Crosswinds ARB has agreed to allow the Town of Hilton Head decision for variance to be there final decision as well.

-These conditions do not generally apply to other properties in the vicinity.

No, the vast majority of the lots in this community do not require the Town of Hilton Heads approval for variance. The Tree and Topo survey was done off the recorded plat notes, stating a 7' side and 10' rear BSL. Only the scalable plat shows this individual lot to have larger than normal setbacks. We have also not been able to find another lot on the recorded plat that shows an adjoining property BSL of 15'.

-Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Yes, as stated above, the requirements for new construction in this community demand a minimum of 2400 heated square feet. Of the 28 homes that have sold since 2001 in Crosswinds, all of them have had garages. The Market Rate for having a two car garage could impact the value at a minimum of 50K dollars, along with the amount of time it may sit on the market due to a smaller buying pool. As the BLS sits, this lot has 3447 sq ft of buildable land compared to 4155 sq ft requested in this Variance. The difference of 708 sq ft is what is lost from adjoining properties with the BSL's that match the plat notes.

-Is not the result of the applicant's own actions.

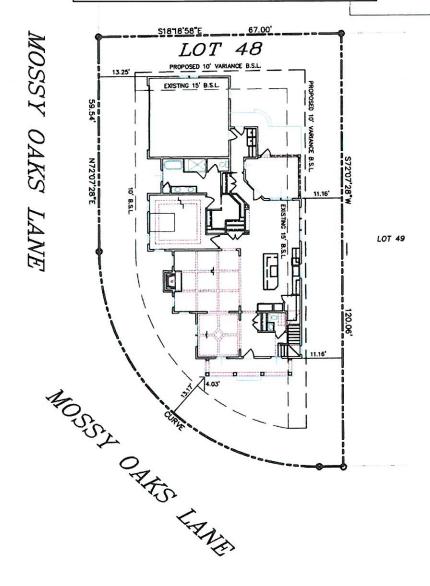
No. The plat was recorded in 2000. As the survey was done using the recorded plat notes, it was not brought to the owner's attention that this particular lot had 15' BSL.

-Granting of the variance does not substantially conflict with the Comprehensive Plan and the purposes of the LMO.

We do not feel it will conflict at all, in fact by granting the variance it will make it more uniform.

-The authorization of the variance will not be of substantial detriment to adjacent property of the public good, and the character of the district will not be harmed by the granting of the variance.

No, we do not see any situation that allowing this variance could do any harm. In fact, it will move towards filling the community towards build out.





CONSTAL SURVEYING COMPANY INC. No. COSSOT

SCALE: 1"=20' DATE: 3/13/2014 FIELD CK:

DRAWN BY: JEI
OFFICE CK: MRD
JOB# : 51,335

PREPARED FOR:

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO WISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

MICHAEL R. DUNIGAN S.C.P.L.S. No. 11,905 A VARIANCE

LOT 48

MOSSY OAK LANE

A PORTION OF
PHASE 2
CROSSWINDS



Cyran Anne

From: joel@thecastlepointgroup.com
Sent: Wednesday, April 09, 2014 2:48 PM

To: Cyran Anne
Cc: Frank Slone
Subject: 9 Mossy Oaks Ln

Anne, Please review and include this as part of the Variance request. Thank You.

Joel Lewis
The Castle Point Group
843-505-0368
joel@thecastlepointgroup.com

----- Original Message ------ Subject: Crosswinds Neighborhood

From: "Sheree" <shereebinder@gmail.com>

Date: Wed, April 09, 2014 2:17 pm To: <joel@thecastlepointgroup.com>

Mr. Lewis,

With regard to your question, "Does not having a garage (whether it be under or attached or detached) create an unneccesary hardship for a property located in the Crosswinds neighborhood on Hilton Head Island", I respectfully submit this answer.

I completed a market analysis for Crosswinds and included all homes sold since 2001. According to the MLS, none of the properties that sold since 2001 were void of a garage. The majority of homes had at least 2 and several had 3 or 4 car garages. To build a home in Crosswinds **without a garage** would be completely unlogical and I would strongly recommend that you reconsider. You will immediately incur functional obsolescence which is almost impossible to overcome with buyers and you must give a large monetary compensation. There are covenants and restrictions in place which prohibit a home from being out of place. It would seem to me that you would not be allowed to build a home in a neighborhood without a garage if every other home has a garage. Please double check your covenants, as I am sure you are required to have one in place.

Not only will building a home without a garage hurt the value of your home but it will decrease the value of your surrounding neighbors.

Mr. Lewis, I have been a Realtor since 2004 and regardless of the market, a home must conform to the neighborhood "norm". The hardship will be created for the surrounding neighbors. It is not an economically valid use of the property to build something that is non conforming.

Good luck to you, and I would urge you to encourage your client to include a 2 or more car garage on the property.

Respectfully, Sheree

Sheree Binder (843) 298-7062 Broker In Charge

Calhoun Street Promenade Real Estate 1 Promenade Street, Suite 101 Bluffton, SC 29910 www.CoastalRealEstateSC.com

Custom	

#	ML#	Status	St#	St Name	Ar	Legal#	Lgl Addr	Lst Pr	View	Type	Beds	FB	HB	Yr Blt	ApHtd SF	Prkg	P Date
1	200273	CLOSD	12	MOSSY OAKS DRIVE	14	46	CROSSWINDS	385,000	VAOOM	FSIZE	3	3	0	2003		1GARG	04/02/2003
2	259696	CLOSD	12	Mossy Oaks Drive	14	46	CROSSWINDS	299,000	WOODV	PATIO	4	3	0	2003	2280	1GARG	01/15/2010
3	318449	CLOSD	50	Crosswinds Dr	14	61	CROSSWINDS	399,000	LNDSC,WOODV	FSIZE	3	3	1	2005	2887	1GARG	10/29/2013
4	214239	CLOSD	76	Crosswinds Drive	14	14	CROSSWINDS	1,150,000	CREEK, DEEPW	FSIZE	4	4	1	2000		2CARP	11/23/2004
5	214027	CLOSD	11	CROSSWINDS DRIVE	14	36	CROSSWINDS	585,000	LAGON,MARSH	FSIZE	3	3	1	2002		2CARP	06/24/2005
6	84085	CLOSD	31	CROSSWINDS DRIVE	14	27	CROSSWINDS	439,900	MARSH	FSIZE	3	3		2000		2GARG	03/22/2001
7	101238	CLOSD	56	CROSSWINDS	14	58	CROSSWINDS	730,000	CREEK,LAGON	FSIZE	4	4	1	2001		2GARG	11/13/2002
8	202490	CLOSD	31	CROSSWINDS DRIVE	14	27	CROSSWINDS	489,000	LAGON, MARSH	FSIZE	3	3	0	2000		2GARG	05/29/2003
9	204368	CLOSD	11	Crosswinds Drive	14	36	CROSSWINDS	479,000	MARSH	FSIZE	3	3	1	2002		2GARG	09/02/2003
10	212843	CLOSD	3	Crosswinds Drive	14	40	CROSSWINDS	579,000	CREEK,MARSH	FSIZE	3	3	1	2000		2GARG	11/30/2004
11	224089	CLOSD	21	CROSSWINDS DR	14	32	CROSSWINDS	612,000	LAGON, MARSH	FSIZE	3	2	1	2004	2800	2GARG	04/04/2006
12	228334	CLOSD	25	Crosswinds Drive	14	30	CROSSWINDS	674,900	CREEK, LAGON	FSIZE	4	3	1	2005	2771	2GARG	05/26/2006
13	224749	CLOSD	5	Mossy Oaks Lane	14	63	CROSSWINDS	599,500	WOODV	FSIZE	4	3	1	2003	3040	2GARG	07/05/2006
14	233474	CLOSD	11	CROSSWINDS	14	36	CROSSWINDS	619,000	MARSH	FSIZE	3	3	1	2002	2800	2GARG	06/15/2007
15	242460	CLOSD	21	MOSSY OAKS LANE	14	52	CROSSWINDS	599,000	CREEK,LNDSC	FSIZE	4	2	1	2003	2340	2GARG	05/22/2008
16	321098	CLOSD	92	Crosswinds Dr	14	6	CROSSWINDS	489,000	MARSH, DEEPW	FSIZE	3	3		2005	3280	2GARG	03/08/2013
17	321538	CLOSD	21	Crosswinds Dr	14	32	CROSSWINDS	425,000	LAGON, MARSH	FSIZE	3	2	1	2004	2738	2GARG	07/16/2013
18	212782	CLOSD	8	MOSSY OAK	14	44	CROSSWINDS	489,000	LNDSC	FSIZE	3	2	1	2004		2GARG.DETGR	04/02/2005
19		CLOSD		Crosswinds Dr	14	6	CROSSWINDS	949,000	DEEPW	FSIZE	4	3		2005		2GARG,UNDER	08/30/2006
20	90944	CLOSD	72	CROSSWINDS DRIVE	14	16	CROSSWINDS	879,000	CREEK,MARSH	FSIZE	4	4	1	2000		3GARG	03/04/2002
21	257817	CLOSD	68	Crosswinds Drive	14	18	CROSSWINDS	750,000	DEEPW,MARSH	FSIZE	4	4	1	2006	3223	3GARG	08/01/2009
22	307325	CLOSD	62	CROSSWINDS DR	14	21	CROSSWINDS 4	949,000	CREEK,MARSH	FSIZE	4	4	2	2006	5286	3GARP	12/01/2011
23	320384	CLOSD	52	Crosswinds Dr	14	60	CROSSWINDS 4	,529,000	LNDSC	FSIZE	4	3	1	2007	3336	3GARP	08/26/2013
24	262723	CLOSD	76	Crosswinds Dr.	14	14	CROSSWINDS 4	563,000	MARSH, DEEPW	FSIZE	4	4	2	2000	4000	4GARG,UNDER	05/21/2012
25	208518	CLOSD	7	Mossy Oaks	14	64	CROSSWINDS	489,000	WOODV	FSIZE	4	3	1	2004		DETGR	08/25/2004
26		CLOSD		Mossy Oaks Drive	14	53	CROSSWINDS	525,000	DEEPW	FSIZE	4	3	0	2003		UNDER	03/22/2004
27	218269	CLOSD	1	Crosswinds	14	41	CROSSWINDS	659,000	CREEK	FSIZE	4	4	1	2002	-	arage	04/28/2005
28	242111	CLOSD	4	Mossy Oaks Lane	14	42	CROSSWINDS	475,000	LNDSC	PATIO	3	3		2002	2214 G	avoige	07/17/2007
																2000	100000000000000000000000000000000000000

Confirmed - Sheri Bine

Calhoun Street Promenade "Local" Real Estate www.FindYourPlaceInTheLowcountry.com

Shereé Binder Broker In Charge

843.298.7062 Direct ShereeBinder@Hargray.com

1 Promenade Street, Suite 101 Bluffton, SC 29910



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Cyran Anne

From: joel@thecastlepointgroup.com

Sent: Wednesday, April 09, 2014 2:49 PM

To: Cyran Anne Cc: Frank Slone

Subject: [FWD: Sloans 9 Mossy Oakx]

Anne, This is the letter from Allied Management, stating they are on board with the towns decision. Thank you.

Joel Lewis The Castle Point Group 843-505-0368

joel@thecastlepointgroup.com

----- Original Message -------Subject: Sloans 9 Mossy Oakx

From: "Stacy Kaeding" <kaeding@alliedhiltonhead.com>

Date: Fri, March 14, 2014 3:58 pm To: <joel@thecastlepointgroup.com>

Hi Joel - The Crosswinds ARB will approve the variance request as submitted for the Sloans at 9 Mossy Oaks Lane, providing that this is also approve by the Town of Hilton Head, as required.

Please let me know if you require anything further on this matter.

Best regards,

Stacy Kaeding

Property Manager

Allied Management Group

(843) 785-3278 ext 224

(843) 785-3381 Fax

kaeding@alliedhiltonhead.com

www.alliedhiltonhead.com

Voted Best Property Management Company in the Island Packet's Reader's Choice Awards **Again**!

This electronic transmission and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you received this email in error please notify the sender and delete and destroy this message and its attachments.

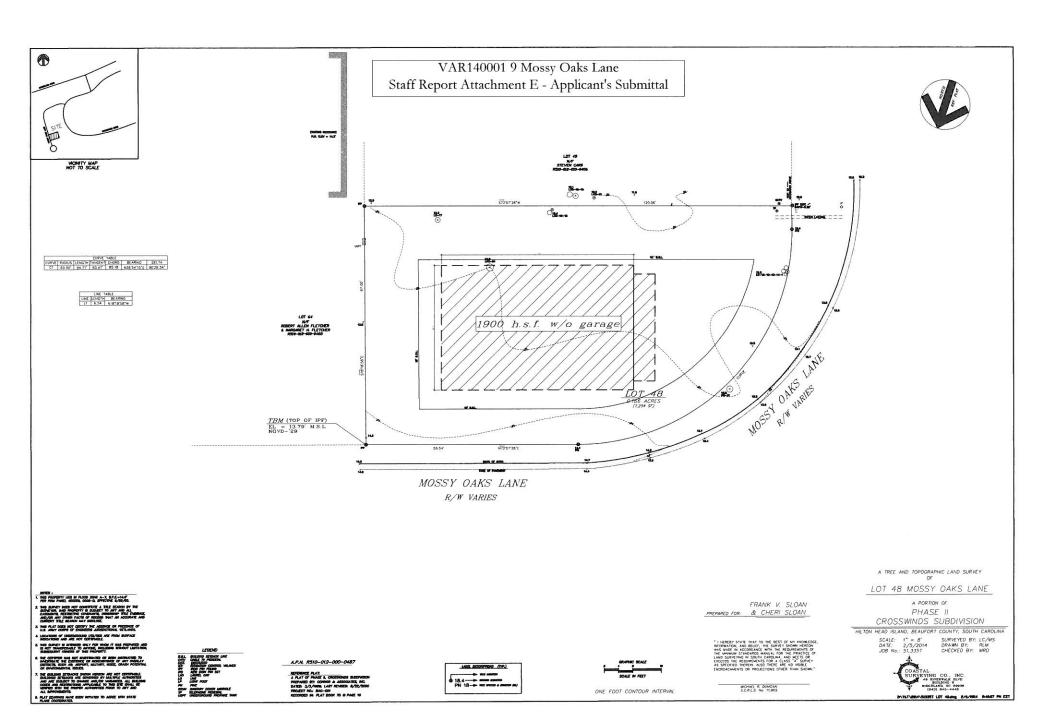


Exhibit F - Previous Variance Request (VAR-002173-2022) VAR-002641-2022



Town of Hilton Head Island

Community Development Department One Town Center Court Hilton Head Island, SC 29928

Phone: 843-341-4757 Fax: 843-842-8908

www.hiltonheadislandsc.gov

FOR OFFIC	TAL USE ONLY
Date Received:	8-26-22
Accepted by:	Sow
App. #: VAR	
Meeting Date:	

Company: May River Confan Hours City: Obfffen State: SC Zip: 29910 E-mail: Jave may river confan hours .c. Dject Address: 9 Wassy Cales Care 0427 0000 Overlay District(s):
TTAL REQUIREMENTS
are requesting a variance from and explain at meets all of the criteria of LMO Section 16-2-
ic hearing to all land owners of record within three l(s) being considered for a variance. Such notice shall be the Board of Zoning Appeals meeting per LMO Section can be obtained at the time of submittal. Also provide a flown can assist in providing this listing by calling 843-
on to Enter Property
requested variance in relation to the it an 11"X17" (or smaller) copy of the plan.
he Town of Hilton Head Island
e contrary to, conflict with, or prohibit the proposed request? submitted with this application. TYES NO ation and all additional documentation is true, factual, and approvals granted by the Town of Hilton Head Island. I certy only and are a right or obligation transferable by sale. due to a Disaster, the review and approval times set forth in Date:

mid.



Town of Hilton Head Island

Community Development Department
One Town Center Court
Hilton Head Island, SC 29928

Phone: 843-341-4757 Fax: 843-341-2087

www.hiltonheadislandsc.gov

FOR OFFICIAL	use only
Date Received:	
App. #:	
Form revised 10-2012	

AFFIDAVIT OF OWNERSHIP AND HOLD HARMLESS PERMISSION TO ENTER PROPERTY

The undersigned being duly sworn and upon oath states as follows:

1.	I am the current owner of the property which is the subject of this application.
2.	I hereby authorize Tay Nolse to act as my agent for this application only.
3.	All statements contained in this application have been prepared by me or my agents and are true and correct to the best of my knowledge.
4.	The application is being submitted with my knowledge and consent.
5.	Owner grants the Town, its employees, agents, engineers, contractors or other representatives the right to enter upon Owner's real property, located at 9 Mossy Occurs Care (address),
	R5/00/2000 0487000 (parcel ID) for the purpose of application review,
	for the limited time necessary to complete that purpose.
,	Description of Work: New President for any loss of demand to persons of property occurring on the private
6.	Owner agrees to hold the Town harmless for any loss or damage to persons or property occurring on the private
	property during the Town's entry upon the property, unless the loss or damage is the result of the sole negligence of
	the Town.
7.	I acknowledge that the Town of Hilton Head Island Municipal Code requires that all construction in a Special Flood
	Hazard Zone be constructed in accordance with the following provisions that:
	a. any enclosed area below the base flood elevation will be used solely for parking of vehicles, limited storage
	or access to the building. This space will never be used for human habitation without first becoming fully
	compliant with the Town's Flood Damage Controls Ordinance in effect at the time of conversion.
	b. all interior walls, ceilings and floors below the base flood elevation will be constructed of flood resistant
	materials.
	c. all mechanical, electrical and plumbing devices will be installed above base flood elevation.
	d walls of the enclosed area below base flood elevation will be equipped with at least two openings which
	allow automatic entry and exit of flood water. Openings will be on two different walls with at least one
	square inch of free area for every square foot of enclosed space and have the bottom of openings no more
	than a foot above grade.
	e. the structure may be subject to increased premium rates for flood insurance from the National Floor
	Therese Decorate
	Insurance Program. I understand that failure to abide by Town permits, any conditions, and all codes adopted by the Town of Hilton Hea
. 8	junderstand that lanure to able by Lovin pointing, my fines
No.	Island deems me subject to enforcement action and/or fines.
	Print Name: DAWN LUMB Owner Signature: I does 7 / Bels
	,一个大大大大大大大大大大大大大大大大大大大大大大大大大大大大大大大大大大大大
	Phone No.: 980 781 7585 Email: Obsonland 2960 posil. com
	Dete: 8/21/2022
	The seminar transment was acknowledged before me by // Curs Cause who is personally known to me or has
	The foregoing instrument was acknowledged before me by (a.u.) who is personally known to me or has produced (a.u.) who is personally known to me or has produced (a.u.)
	WITNESS my hand and official seed this 20th day or Angust, AD, 2022.
	12/3/25

Dawn and Craig Lamb 2654 Kinsley Avenue NW Concord, NC 28027 980.781.7385

dawnlamb2942@gmail.com

Town of Hilton Head Community Development Department One Town Center Court Hilton Head Island, SC 29928

To Whom it May Concern,

The purchase of this property included a full set of approved plans (approved by both the Crosswinds ARB and the Town of Hilton Head). Those previous plans did not fulfil our interpretation of a "Charleston Low country style home which led us to the house plan we have currently designed.

The previously approved plan did include reducing the setback along the East and South property lines by five feet. The new home design respects the full 15 foot setback on the East and South property lines.

The current plan moved the house 5 feet North and 5 feet West. Locating the house in this manner leaves a very small triangle of the westernmost corner of the porch beyond the setback line (approximately ten square feet total), but still approximately 14 feet from the back of the curb at its furthest extension. This plan allows us to site the house as designed and has no impact on abutting properties.

We believe this is a workable solution that respects the integrity of the neighborhood's theme, presents a beautiful façade throughout the turn on Mossy Oaks Drive, and preserves the lot line separation with abutting properties.

Thank you,

Dawn and Craig Lamb



To: Hilton Head Island Zoning Board of Appeals

From: Jay Nelson, May River Custom Homes

6 Shults Road, Suite D Bluffton, SC 29910

RE: Variance Request for 9 Mossy Oaks Lane Crosswinds Subdivision

Variance Criteria:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.

RESPONSE: The existing property is only 0.167 acres. It is a corner lot in Crosswinds subdivision. The entire front of the lot is a radius that follows the street therefore creates a setback that follows the same radius of the street which greatly prohibits the placement of the structure on the lot.

2. These conditions do not generally apply to other properties in the vicinity;

RESPONSE: Again, a corner lot that is not square with a vast radius setback that effect the corner of the proposed structure. Which is a porch corner and front steps.

3. Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

RESPONSE: Due to the small size of the lot and the radius this greatly diminishes the flexibility of the design that can be proposed on the lot. Myself, my clients, and the architect have worked diligently to propose a design that will be cohesive with the existing community and work within the given setbacks. We have attached the garage to the structure in a community where breezeways and detached garage are the norm.

4. The authorization of the Variance will not be of substantial detriment to the adjacent property or the public good, and the character of the zoning district where the property is located will not be harmed by the granting of the Variance.

RESPONSE: Since the requested variance is facing the street there is no effect on the neighboring properties and there is no residence across the street or a sidewalk to content with. There is only a small portion of the front porch and steps that encroaches into the setback.

Thank you for your time and consideration. Please let me know if you have any questions or need anything else.

Respectfully Submitted,

Jay Nelson,

May River Custom Homes

From: Jay Nelson jay@mayrivercustomhomes.com

Subject: Fwd: Crosswinds

Date: Aug 25, 2022 at 4:22:18 PM

To: Jenny Nelson jenny@mayrivercustomhomes.com

Please print

Jay Nelson
May River Custom Homes
6 Shults Road
Suite D
Bluffton, SC 29910

O: 843-815-9010

www.mayrivercustomhomes.com

Begin forwarded message:

From: Wilson Gardner < wgardner@atlanticstatesmanagement.com >

Date: August 25, 2022 at 4:20:41 PM EDT

To: Jay Nelson < jay@mayrivercustomhomes.com >

Subject: Crosswinds

7 MOSSY OAKS LANE WILLIAM CHARLES PULLEN, 619-806-0044

8 MOSSY OAKS LANE DAGNY CHIAPPETTA

843-422-5010

10 MOSSY OAKS LANE WILLIAM G. VAN 843.671.4912

12 MOSSY OAKS LANE

Stephen J. Donlon III <u>508-339-7200</u>

CROSSWINDS COMMUNITY

August 25, 2022

A variance has been granted for the front corner of the porch for 9 Mossy Oaks Lane in the Crosswinds Community as is shown in the final approved plans dated 8/22/22.

Barbara Grimes Chairperson Crosswinds ARB



TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court

Hilton Head Island, SC 29928

843-341-4757

FAX 843-842-8908

STAFF REPORT VARIANCE

Case #:	Public Hearing Date:
VAR-002173-2022	Sept. 26, 2022

Parcel Data:	Applicant and Owners:
Parcel#: R510 012 000 0487 0000 Address: 9 Mossy Oaks Lane Parcel size: 0.17 acres Zoning: PD-1 Overlay: Corridor Overlay District (COR)	Applicant: Jay Nelson of May River Custom Homes 6 Shults Road, Unit D Bluffton, SC 29910
	Owners: Craig R. Lamb and Dawn F. Lamb 2654 Kinsley Ave NW Concord, NC 28077

Application Summary:

Request from Jay Nelson of May River Custom Homes, on behalf of Dawn and Craig Lamb, for a variance from LMO Section 16-5-102.C, Adjacent Street Setback, to allow a proposed porch and stairs to encroach within the setback. The property is located at 9 Mossy Oaks Lane, with a parcel number of R510 012 000 0487 0000.

Staff Recommendations:

Staff recommends the Board of Zoning Appeals find this application to be inconsistent with the Town's Our Plan and does not serve to carry out the purposes of the Town's Land Management Ordinance (LMO), based on those Findings of Fact and Conclusions of Law as determined by the LMO Official and enclosed herein. Staff recommends that the Board of Zoning Appeals deny this application.

Background:

The subject parcel is located mid-island in the Crosswinds subdivision community at 9 Mossy Oaks Lane. It is adjacent to two residential properties and Mossy Oaks Lane. (See Exhibit A.) The

parcel is located in a Planned Development Mixed-Use District (PD-1) Zoning District and resides within the Corridor Overlay.

The 0.17-acre parcel is undeveloped. The owners have hired the applicant, Jay Nelson of May River Custom Homes, to design a Single-Family home to be built on the lot. The applicant submitted a Building Permit application (BLDR-003025-2022) to the Town on July 13, 2022. After reviewing the proposed site plan, Town Staff informed the applicant that the proposal did not meet the LMO requirements. The proposed site plan showed encroachments into the Adjacent Street Setback.

Per LMO Section 16-5-102.C, a 20-foot setback is required from adjacent streets for Single-Family uses. The LMO provides provisions for allowable encroachments in Table 16-5-102.E; uncovered porches, stoops, decks, patios or terraces may encroach up to 5 feet. The applicant proposes to develop stairs and a covered porch beyond the permissible encroachments defined in the table. The applicant has decided to seek a variance from LMO Section 16-5-102.C, Adjacent Street Setback, to allow a proposed porch and stairs to encroach within the setback.

In the variance application package, the property owners, Craig and Dawn Lamb reference an approved variance request from 2014, VAR140001. (See Exhibit B.) The applicant's narrative reads, "The purchase of this property included a full set of approved plans (approved by both the Crosswinds ARB and the Town of Hilton Head)."

A similar, but not the same, variance was requested by the previous landowners, Frank and Cheri Sloan of 12 Harbour Passage Patio, Hilton Head Island, SC 29926, in April 2014. (See Exhibit E.) They sought relief from Adjacent Use Setbacks (not Adjacent Street Setback as the current applicant) on the south and northeast side of the parcel.

The request for the variance was granted by the Town's Board of Zoning Appeals and the Notice of Action was signed and provided. The Notice of Action issued 2014 has since expired. The current applicant is seeking relief from a different section of the LMO.

Applicant's Grounds for Variance, Summary of Facts and Conclusions of Law:

Grounds for Variance:

The applicant is applying for a variance from LMO Section 16-5-102.C, Adjacent Street Setback, to allow a proposed porch and stairs to encroach within the setback. The applicant states in their narrative that the variance is needed due to the radius of the Adjacent Street Setback, which prohibits the placement of a structure on the lot. After working diligently with the parcel owners and the architect to propose a design that would be cohesive with the existing community and work within the given setbacks, the applicant is seeking relief from the LMO.

Summary of Fact:

o The applicant seeks a variance as set forth in LMO Section 16-2-103.S.

Conclusion of Law:

o The applicant may seek a variance as set forth in LMO Section 16-2-103.S.

Summary of Facts and Conclusions of Law:

Summary of Facts:

- The Variance Application was submitted on Aug. 26, 2022 as set forth in LMO Section 16-2-102.C and Appendix D-23.
- o Notice of the Application was published in the Island Packet on Sept. 4, 2022 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on Sept. 1, 2022 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on Sept. 9, 2022 as set forth in LMO Section 16-2-102.E.2.
- The Board has authority to render the decision reached here under LMO Section 16-2-102.G.

Conclusions of Law:

- The application is in compliance with the submittal requirements established in LMO Section 16-2-102.C.
- The application and notice requirements comply with the legal requirements established in LMO Section 16-2-102.E.2.

As provided in LMO <u>Section 16-2-103.S.4</u>, Variance Review Standards, a variance may be granted in an individual case of unnecessary hardship if the Board determines and expresses in writing all of the following findings of fact.

Summary of Facts and Conclusions of Law:

Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property (LMO Section 16-2-103.S.4.a.i.01):

Findings of Fact:

- There is a 15-foot setback from the property line adjacent to another lot on the south side of the parcel. (See Exhibit D.)
- There is a 15-foot setback from the property line adjacent to another lot on the northeast side of the parcel. (See Exhibit D.)
- o LMO Section 16-5-102.D.5 currently requires a five-foot setback from another lot within the same subdivision.
- LMO Sections 16-5-704.B and 16-5-806.B currently requires a 20-foot setback and buffer along all non-arterial streets. The plat was recorded with only a 10-foot street setback for this section of Mossy Oaks Lane.
- It is unknown why the Crosswinds subdivision was designed with larger than required setbacks along internal property lines and less than required adjacent street setbacks for many of the lots.

Conclusion of Law:

This application meets the criteria as set forth in LMO Section 16-2-103.S.4.a.i.01 because there are extraordinary or exceptional conditions that pertain to this lot.

Summary of Facts and Conclusions of Law:

Criteria 2: These conditions do not generally apply to other properties in the vicinity (LMO Section 16-2-103.S.4.a.i.02):

Findings of Fact:

- There are adjacent parcels along this section of Mossy Oaks Lane that also have a 15-foot setback from the rear property line on the northeast side of the parcel. (See Exhibit D.)
- There are several adjacent parcels along this section of Mossy Oaks Lane that only have a seven-foot setback from the property line adjacent to another lot to the north or south.

Conclusions of Law:

- o This application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.02 because there are extraordinary and exceptional conditions that apply to the subject property that do not also generally apply to other properties in the vicinity.
- o The majority of the lots in the subdivision do not have a 15-foot setback on both sides of the property.

Summary of Facts and Conclusions of Law:

Criteria 3: Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property (LMO Section 16-2-103.S.4.a.i.03):

Findings of Fact:

- Since the Adjacent Use Setbacks on the subdivision plat are larger than the setbacks required by the LMO, any restriction of the utilization of the property the applicant claims are the result of the subdivision plat, not the standards of the LMO.
- The applicant provided a plan showing the stairs and porch encroaching into the required Adjacent Street Setback.
- The applicant does not demonstrate why a home cannot be designed to meet all of the required setbacks.

Conclusions of Law:

This application does not meet the criteria set forth in LMO Section 16-2-103.S.4.a.i.03 because the extraordinary conditions that pertain to the property do not restrict the utilization of the property.

 Even though the subject parcel has greater setback requirements than some adjacent parcels, the applicant has not demonstrated why a home cannot be designed so that it doesn't encroach into the setbacks.

Summary of Facts and Conclusions of Law:

Criteria 4: The authorization of the Variance will not be of substantial detriment to adjacent property or the public good, and the character of the zoning district where the property is located will not be harmed by the granting of the Variance (LMO Section 16-2-103.S.4.a.i.04):

Findings of Fact:

- o Staff did not identify any substantial detriment to the adjacent property caused by granting the variance for the stairs and porch encroachment.
- o The Crosswinds Architectural Review Board has granted a variance for the front corner of the porch. (Included in Exhibit B.)

Conclusion of Law:

• This application meets the criteria set forth in LMO Section 16-2-103.S.4.a.i.04 because the variance will not substantially detriment the adjacent property or public good.

LMO Official Determination:

Staff recommends the Board of Zoning Appeals find this application to be inconsistent with the Town's Our Plan and does not serve to carry out the purposes of the LMO, based on those Findings of Fact and Conclusions of Law as determined by the LMO Official and enclosed herein. Staff recommends that the Board of Zoning Appeals deny this application because all four of the required criteria are not met.

BZA Determination and Motion:

The "powers" of the BZA over variances are defined by the South Carolina Code, Section 6-29-800, and in exercising the power, the BZA may grant a variance "in an individual case of unnecessary hardship if the board makes and explains in writing ..." their decisions based on certain findings or "may remand a matter to an administrative official, upon motion by a party or the board's own motion, if the board determines the record is insufficient for review."

This State law is implemented by the Hilton Head Island Land Management Ordinance, Chapter 2, Article 103 and the Rules of Procedure for the BZA.

A written Notice of Action is prepared for each decision made by the BZA based on findings of fact and conclusions of law.

The BZA can either Approve the application, Disapprove the application, or Approve with Modifications. Findings of Fact and Conclusions of Law must be stated in the motion.

PREPARED BY		
michalamally	Sept. 12, 2022	
Michael Connolly	DATE	
Senior Planner		
REVIEWED BY:		
Recole Quan	Sept. 13, 2022	
Nicole Dixon, AICP, CFM, Development	DATE	
Review Program Manager		
REVIEWED BY:		
furl_	9/15/2022	
Shawn Colin, AICP,	DATE	
Assistant Town Manager – Community		

ATTACHMENTS:

Development

- A) Location Map
- B) Applicant's Narrative
- C) Proposed Site Plan
- D) Recorded Plat
- E) Previous Variance

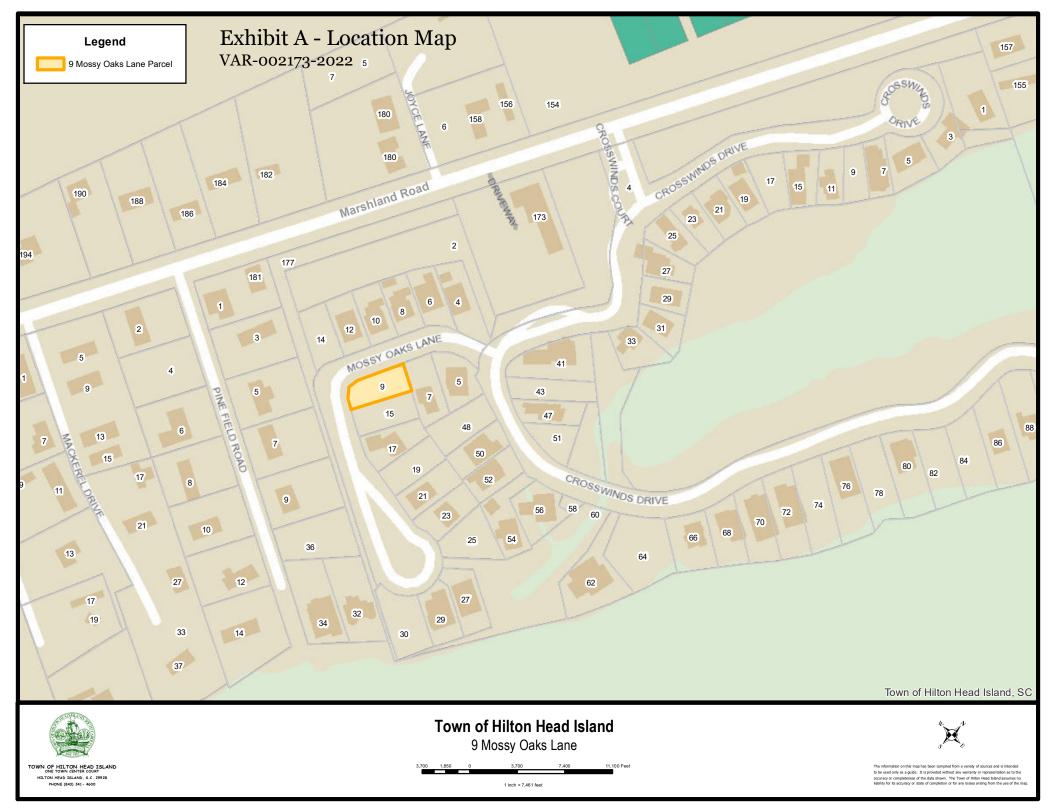


Exhibit B - Applicant's Narrative

VAR-002173-2022

Dawn and Craig Lamb 2654 Kinsley Avenue NW Concord, NC 28027 980.781.7385

dawnlamb2942@gmail.com

Town of Hilton Head Community Development Department One Town Center Court Hilton Head Island, SC 29928

To Whom it May Concern,

The purchase of this property included a full set of approved plans (approved by both the Crosswinds ARB and the Town of Hilton Head). Those previous plans did not fulfil our interpretation of a "Charleston Low country style home which led us to the house plan we have currently designed.

The previously approved plan did include reducing the setback along the East and South property lines by five feet. The new home design respects the full 15 foot setback on the East and South property lines.

The current plan moved the house 5 feet North and 5 feet West. Locating the house in this manner leaves a very small triangle of the westernmost corner of the porch beyond the setback line (approximately ten square feet total), but still approximately 14 feet from the back of the curb at its furthest extension. This plan allows us to site the house as designed and has no impact on abutting properties.

We believe this is a workable solution that respects the integrity of the neighborhood's theme, presents a beautiful façade throughout the turn on Mossy Oaks Drive, and preserves the lot line separation with abutting properties.

Thank you,

Dawn and Craig Lamb



To: Hilton Head Island Zoning Board of Appeals

From: Jay Nelson, May River Custom Homes

6 Shults Road, Suite D Bluffton, SC 29910

RE: Variance Request for 9 Mossy Oaks Lane Crosswinds Subdivision

Variance Criteria:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.

RESPONSE: The existing property is only 0.167 acres. It is a corner lot in Crosswinds subdivision. The entire front of the lot is a radius that follows the street therefore creates a setback that follows the same radius of the street which greatly prohibits the placement of the structure on the lot.

2. These conditions do not generally apply to other properties in the vicinity;

RESPONSE: Again, a corner lot that is not square with a vast radius setback that effect the corner of the proposed structure. Which is a porch corner and front steps.

3. Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

RESPONSE: Due to the small size of the lot and the radius this greatly diminishes the flexibility of the design that can be proposed on the lot. Myself, my clients, and the architect have worked diligently to propose a design that will be cohesive with the existing community and work within the given setbacks. We have attached the garage to the structure in a community where breezeways and detached garage are the norm.

4. The authorization of the Variance will not be of substantial detriment to the adjacent property or the public good, and the character of the zoning district where the property is located will not be harmed by the granting of the Variance.

RESPONSE: Since the requested variance is facing the street there is no effect on the neighboring properties and there is no residence across the street or a sidewalk to content with. There is only a small portion of the front porch and steps that encroaches into the setback.

Thank you for your time and consideration. Please let me know if you have any questions or need anything else.

Respectfully Submitted,

Jay Nelson,

May River Custom Homes

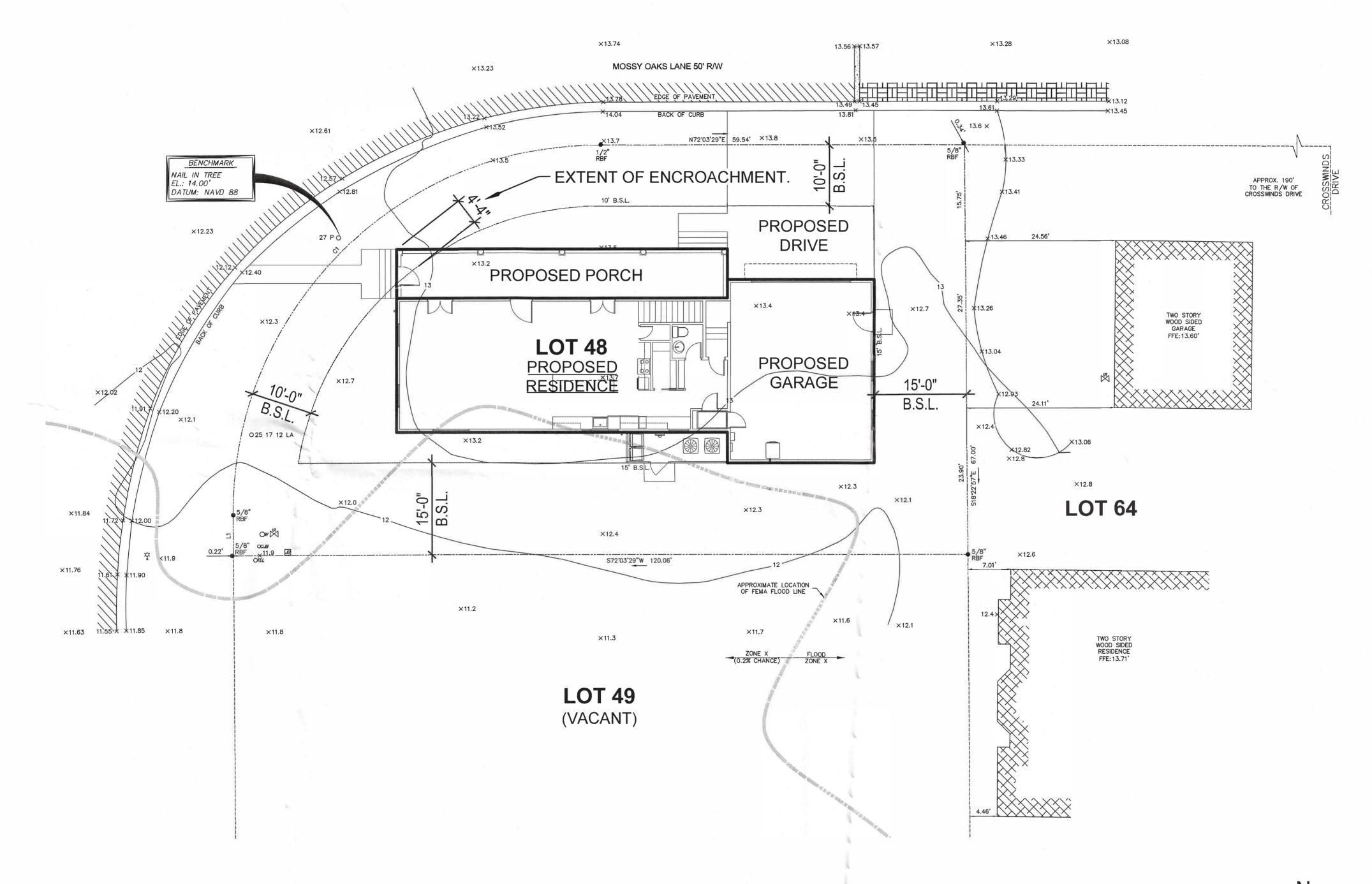
CROSSWINDS COMMUNITY

August 25, 2022

A variance has been granted for the front corner of the porch for 9 Mossy Oaks Lane in the Crosswinds Community as is shown in the final approved plans dated 8/22/22.

Barbara Grimes Chairperson Crosswinds ARB

Exhibit C - Proposed Site Plan VAR-002173-2022



SITEPLAN

SCALE : 1" = 20'

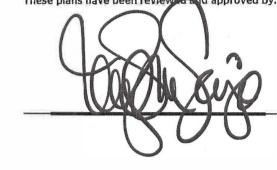




949-683-6895 843-505-1031 info@mylesmckenzie.com www.mylesmckenzie.com

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Written dimensions shall be verified on the job site. Any discrepancy shall be brought to notice of the Architect or Designer of MYLES NELSON McKENZIE DESIGN prior to the commencement of any construction.



PROJECT INFORMATION:

PROJECT SCOPE:

A new custom home located in the community of Crosswinds on Hilton Head Island.

PROJECT OWNER:

Mr. & Mrs Lamb 9 Mossy Oaks Lane, Crosswinds Community Hilton Head, SC 29926

Exhibit E - Previous Variance Request (VAR140001) VAR-002173-2022



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals

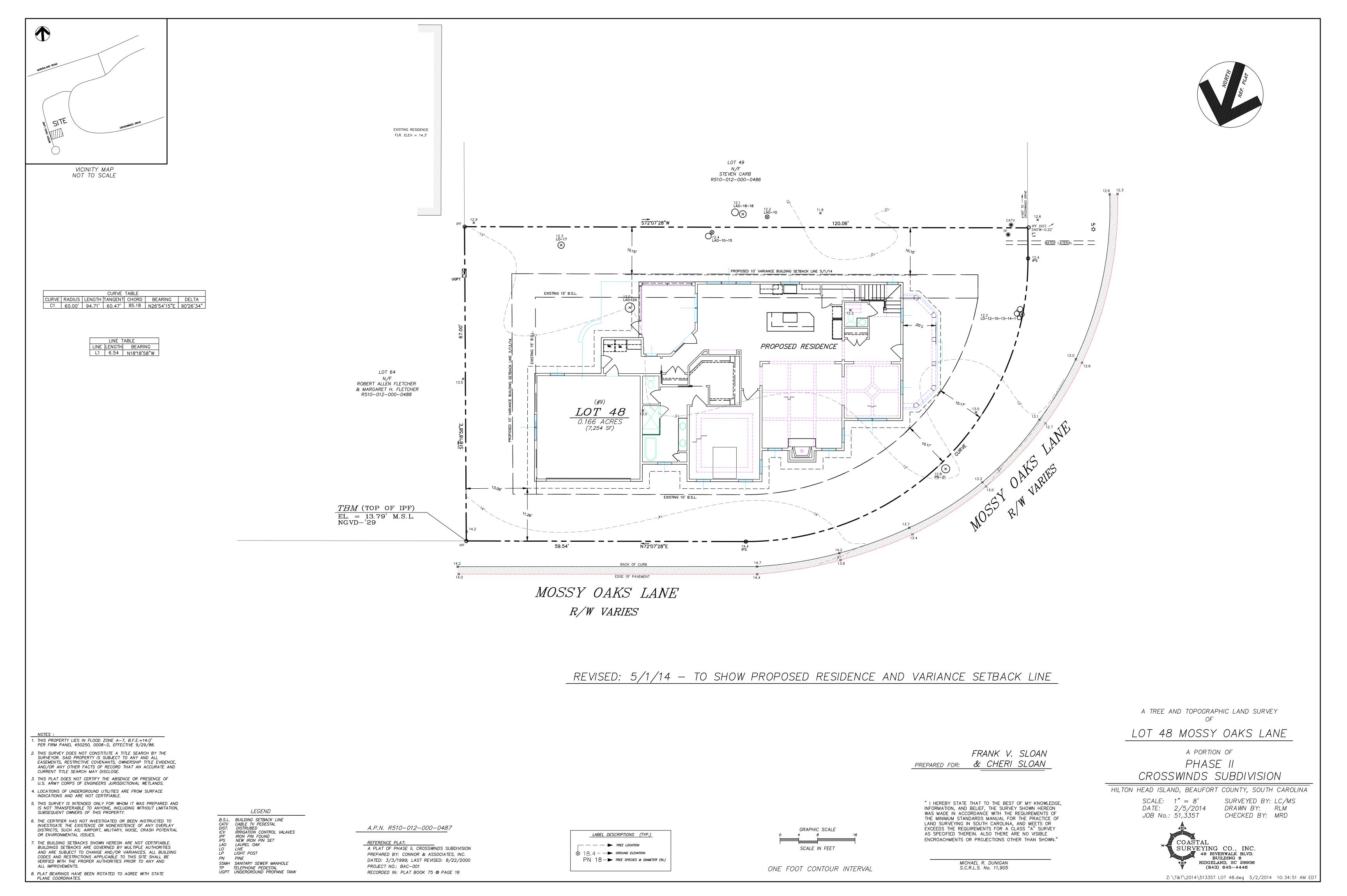
VIA: Nicole Dixon, AICP, Senior Planner & Board Coordinator

FROM: Anne Cyran, AICP, Senior Planner

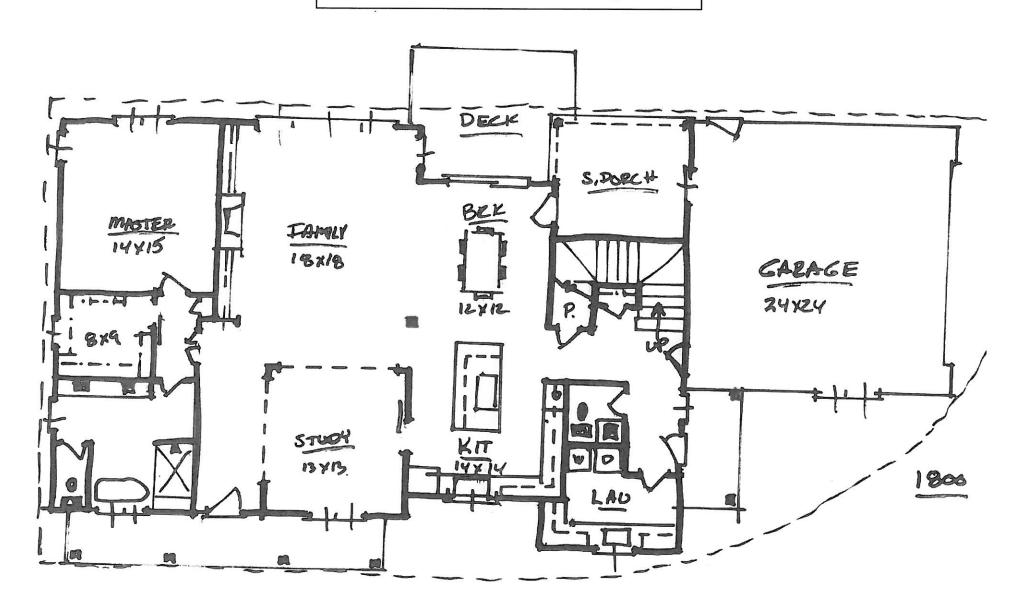
DATE: May 5, 2014

SUBJECT: VAR140001 9 Mossy Oaks Lane – Revised Site Plan

During the April 28, 2014 meeting, the Board of Zoning Appeals postponed making a determination about this application and requested that the applicant provide a revised site plan showing the footprint of the house moved out of the adjacent use setbacks and toward Mossy Oaks Lane. The applicant has submitted the attached site plan for the Board's review.



VAR140001, 9 Mossy Oaks Lane Sketch given to BZA by Joel Lewis at the April 28, 2014 meeting.





TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court

Hilton Head Island SC 29928

843-341-4757

FAX 843-842-8908

STAFF REPORT VARIANCE

Case #	Address of Development	Public Hearing Date
VAR#140001	9 Mossy Oaks Lane	April 28, 2014

Parcel Data	Owners	Applicant & Agent					
Tax Map ID: Map 12, Parcel 487							
Address: 9 Mossy Oaks Lane	Frank & Cheri Sloan	Joel Lewis					
Zoning District: Residential Low	12 Harbour Passage Patio	The Castle Point Group					
Density (RM-4)	Hilton Head Island SC 29926	PO Box 245					
Overlay District: Corridor		Bluffton SC 29910					
Overlay (COR)							

Application Summary

The Community Development Department received a variance request from Joel Lewis, on behalf of Frank and Cheri Sloan, for the following Section of the Land Management Ordinance (LMO):

16-5-704, Minimum Required Setback Area

The applicant is requesting the variance to build a house that would encroach into adjacent use setbacks.

Background

The subject parcel is located at 9 Mossy Oaks Lane in the RM-4 Zoning District. As shown on the Vicinity Map (Attachment A), the subject parcel is a corner lot, bound by Mossy Oaks Lane on the north and west, a single family house on the east, and an undeveloped lot on the south. The subject parcel is undeveloped.

The property owners hired the applicant, Joel Lewis of Castle Point Construction, to design a house with the primary living space on the ground floor with guest rooms on the second floor. The Crosswinds Property Owners' Association and Architectural Review Board require that homes are built with a minimum of 2,400 heated square feet. Mr. Lewis designed the house based on plat notes stating that the parcel's setbacks are 10 feet from Mossy Oaks Lane, 15 feet behind the lot and seven feet from the adjacent lot to the south.

The applicant approached Town staff for a variance to allow the garage to encroach four feet into the 15 foot setback behind the lot. (See Attachment E). Town staff informed the applicant that the setback on the south side of the parcel is 15 feet wide, not seven feet wide, and that the house is shown encroaching four feet into that setback as well.

The Crosswinds Phase II subdivision plat shows the subject parcel has a 10 foot setback from Mossy Oaks Lane, a 15 foot setback from the adjacent lot to the south and a 15 foot setback behind the lot to the northeast. (See Attachment C). All of the parcels along that section of Mossy Oaks Lane have a 10 foot setback from Mossy Oaks Lane and a 15 foot setback on the northeast side of the parcel. However, all of the other parcels along that section of Mossy Oaks Lane have a seven foot setback from the adjacent lot to the north or south instead of a 15 foot setback like the subject parcel.

The Town of Hilton Head Island Land Management Ordinance (LMO) Section 16-5-205. A requires a five foot setback along all internal property lines for lots divided into single family detached homes. Further, LMO Sections 16-5-704.B and 16-5-806.B require a 20 foot setback and buffer along all non-arterial streets. It is unknown why the Crosswinds subdivision was designed with larger than required setbacks along internal property lines and a smaller than required adjacent street setback and buffer.

The subject parcel is located in the Low Density Residential (RM-4) Zoning District. Thirteen lots in the Crosswinds subdivision are located in the RM-4 Zoning District, while the remaining 53 lots are located in the Planned Unit Development (PD-1) Zoning District in Indigo Run. (See Attachment D). The fact that the subject parcel is located in the RM-4 Zoning District means that that parcel is subject to the design standards in Chapter 5 of the LMO. Any deviations from the approved subdivision plat must be approved by the Town of Hilton Head Island Board of Zoning Appeals as a variance and the request must meet all six criteria in LMO Section 16-3-1906.A. If the subject parcel was located in the PD-1 Zoning District, the parcel would be exempt from site specific design standards and the applicant's request to build in the setback would only require approval by the Indigo Run Property Owners' Association and the Crosswinds Property Owners' Association, which do not use the six criteria in LMO Section 16-3-1906.A when reviewing such deviations.

Applicant's Grounds for Variance, Summary of Facts and Conclusion

Grounds for Variance

The applicant is applying for a variance from LMO Section 16-5-704, Minimum Required Setback Area, to build a single family house in the adjacent use setback. The applicant states the variance is needed because the required setbacks, combined with the Crosswinds' Property Owners' Association requirement to build a 2,400 heated square foot home and the owners' desire for a two-car garage, requires that the house encroach into the setbacks.

Summary of Facts

- 1. Applicant seeks a variance from LMO Section 16-65-704, Minimum Required Setback Area.
- 2. The applicant is proposing to build a single family house in adjacent use setback areas.

Conclusion

1. Applicant may seek a variance from the requested LMO sections as set forth in 16-3-1901.A.

Staff Determination

Staff recommends that the Board of Zoning Appeals **disapprove** the application based on the Findings of Facts and Conclusions of Law.

Staff Summary of Facts and Conclusions

Summary of Facts

- 1. Application was submitted as set forth in LMO Section 16-3-1903.
- 2. Notice of the Application was published in the Island Packet on Sunday, March 23, 2014, as set forth in LMO Sections 16-3-110 and 16-3-111.
- 3. Notice of the Application was posted as set forth in LMO Sections 16-3-110 and 16-3-111.
- 4. Notice of the Application met the mailing criteria in LMO Sections 16-3-110 and 16-3-111.
- 5. Staff received an affidavit of compliance from the applicant as set forth in LMO Section 16-3-111.
- 6. The Board has authority to render the decision reached here under LMO Section 16-3-1905.

Conclusions

- 1. The application is in compliance with the submittal requirements established in LMO Section 16-3-1903.
- 2. The application and notice requirements comply with the legal requirements established in LMO Sections 16-3-110 and 16-3-111.

As provided in Section 16-3-1906, Criteria for Approval of Variances, staff has based its recommendation on analysis of the following criteria:

Staff Summary of Facts and Conclusions

Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property. (LMO 16-3-1906.A.1)

Findings of Fact

- 1. There is a 15 foot setback from the property line adjacent to another lot on the south side of the parcel.
- 2. There is a 15 foot setback from the property line adjacent to another lot on the northeast side of the parcel.
- 3. LMO Section 16-5-205. A requires a five foot setback from a parcel line adjacent to another single family lot.

Conclusions

- 1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.1.
- 2. The subject parcel has two, 15 foot setbacks along property lines where the LMO only requires five foot setbacks.

Staff Summary of Facts and Conclusions

Criteria 2: These conditions do not generally apply to other properties in the vicinity. (LMO 16-3-1906.A.2)

Findings of Fact

- 1. Adjacent parcels along that section of Mossy Oaks Lane also have a 15 foot setback from the property line on the northeast side of the parcel.
- 2. Adjacent parcels along that section of Mossy Oaks Lane only have a seven foot setback from the property line adjacent to another lot to the north or south.

Conclusions

- 1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.2.
- 2. The parcel is the only one in the vicinity that has a 15 foot setback along an internal property line on the side of the parcel.

Staff Summary of Facts and Conclusions

Criteria 3: Because of these conditions, the application of the LMO to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property. (LMO 16-3-1906.A.3)

Findings of Fact

- 1. Since the setbacks on the subdivision plat are larger than the setbacks required by the LMO, any restriction of the utilization of the property the applicant claims is the result of the subdivision plat, not the standards of the LMO.
- 2. The applicant's narrative states that, "Given the current BSL of 10' front, 15' side and rear, designing a house that will fit the lot and size requirement along with a two car garage have proven undoable."
- 3. The applicant does not specify why a 2,400 heated square foot house and a two car garage could not be built within the required setbacks.
- 4. The applicant provided a sketch showing the footprint of a single story, 1,900 square foot house without a garage within the required setbacks. (See Attachment E).
- 5. The applicant's sketch shows a single story house instead of a two story house.
- 6. The applicant's sketch shows a large buildable area along Mossy Oaks Lane that is not being utilized for the house.

Conclusions

- 1. This application **does not meet** the variance criteria as set forth in LMO 16-3-1906.A.3.
- 2. Even though the subject parcel has greater setback requirements than adjacent parcels, the applicant failed to describe how or demonstrate that a 2,400 heated square foot house with a two car garage could not be built without encroaching into the setbacks.

Staff Summary of Facts and Conclusions

Criteria 4: This hardship is not the result of the applicant's own actions. (LMO 16-3-1906.A.4).

Findings of Fact

- 1. The applicant designed the house using incorrect notes regarding the required setbacks
- 2. The applicant did not explain why or demonstrate how the house could not be redesigned to meet the owners' requests and the Crosswinds POA criteria without encroaching into the setbacks.

Conclusions

- This application does not meet the variance criteria as set forth in LMO 16-3-1906.A.4.
- 2. Although the applicant did not use accurate information when designing the house, he failed to provide evidence that the application of the setbacks to the subject parcel will cause a hardship.

Staff Summary of Facts and Conclusions

Criteria 5: Granting of the variance does not substantially conflict with the Comprehensive Plan and the purposes of the LMO. (LMO 16-3-1906.A.5)

Findings of Fact

- 1. The Comprehensive Plan does not speak to the issues in this application.
- 2. Since the setbacks on the subdivision plat are larger than the setbacks required by the LMO, any restriction of the utilization of the property the applicant claims is the result of the subdivision plat, not the standards of the LMO.
- 3. LMO Section 16-5-205. A requires a five foot setback along all internal property lines for lots divided into single family detached homes.
- 4. The proposed encroachment of the garage will leave a 12 foot setback along the adjacent property line to the northwest.
- 5. The proposed encroachment of the house will leave an 11 foot setback along the adjacent property line to the south.

Conclusions

- 1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.5.
- 2. The approval of the application would not conflict with the Comprehensive Plan.
- 3. The approval of the application would not conflict with the purposes of the LMO because the encroachments would leave more than the required five foot setbacks along the internal property lines.

Staff Summary of Facts and Conclusions

Criteria 6: The authorization of the variance will not be of substantial detriment of adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance. (LMO 16-3-1906.A.6).

Findings of Fact

- 1. Staff did not identify any substantial detriment to the adjacent property that would be caused by granting the variance.
- 2. The proposed encroachments would result in setbacks larger than 10 feet along both adjacent property lines.
- 3. Staff has not received any feedback regarding this application.

Conclusions

- 1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.6.
- 2. The approval of the application would have no detriment to the adjacent property, the public good or the character of the district.

PREPARED BY:

AC	April 14, 2014
Anne Cyran, AICP Senior Planner	DATE
REVIEWED BY:	
ND	April 15, 2014

April 15, 2014

DATE

Nicole Dixon, CFM

Senior Planner & BZA Coordinator

ATTACHMENTS

- A) Vicinity Map
- B) Aerial Photo
- C) Crosswinds Subdivision Phase II Plat
- D) Zoning MapE) Applicant's SubmittalF) Site Photo





Town of Hilton Head Island One Town Center Court Hilton Head Island, SC 29928 (843) 341-6000 9 Mossy Oaks Lane VAR140001

Staff Report Attachment A - Vicinity Map





This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.





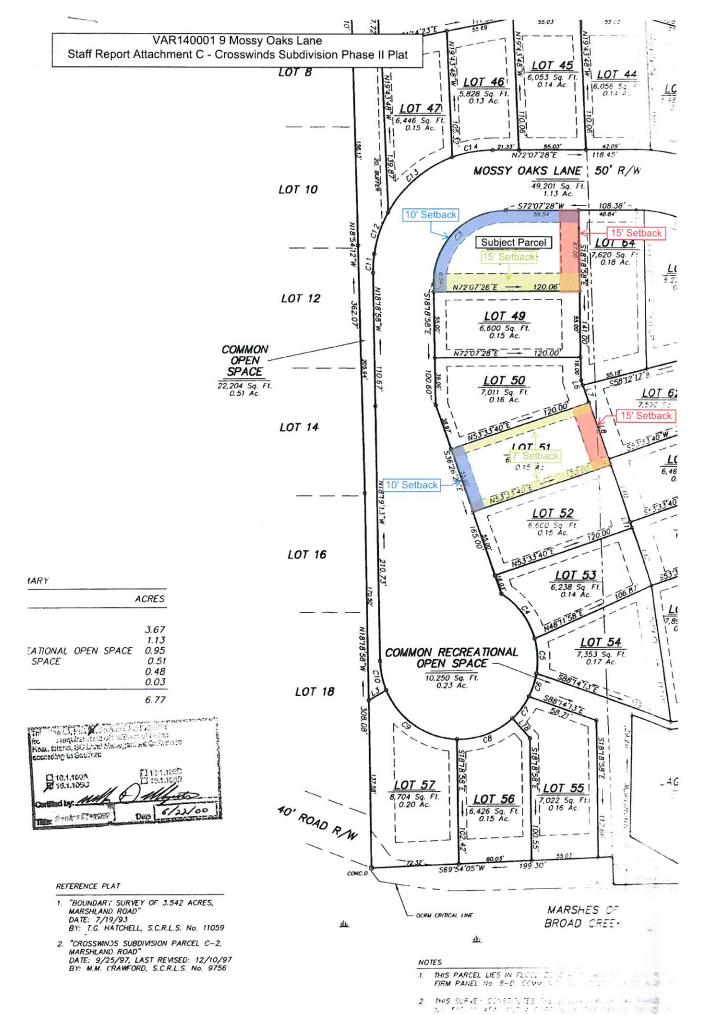
Town of Hilton Head Island One Town Center Court Hilton Head Island, SC 29928 (843) 341-6000 9 Mossy Oaks Lane VAR140001

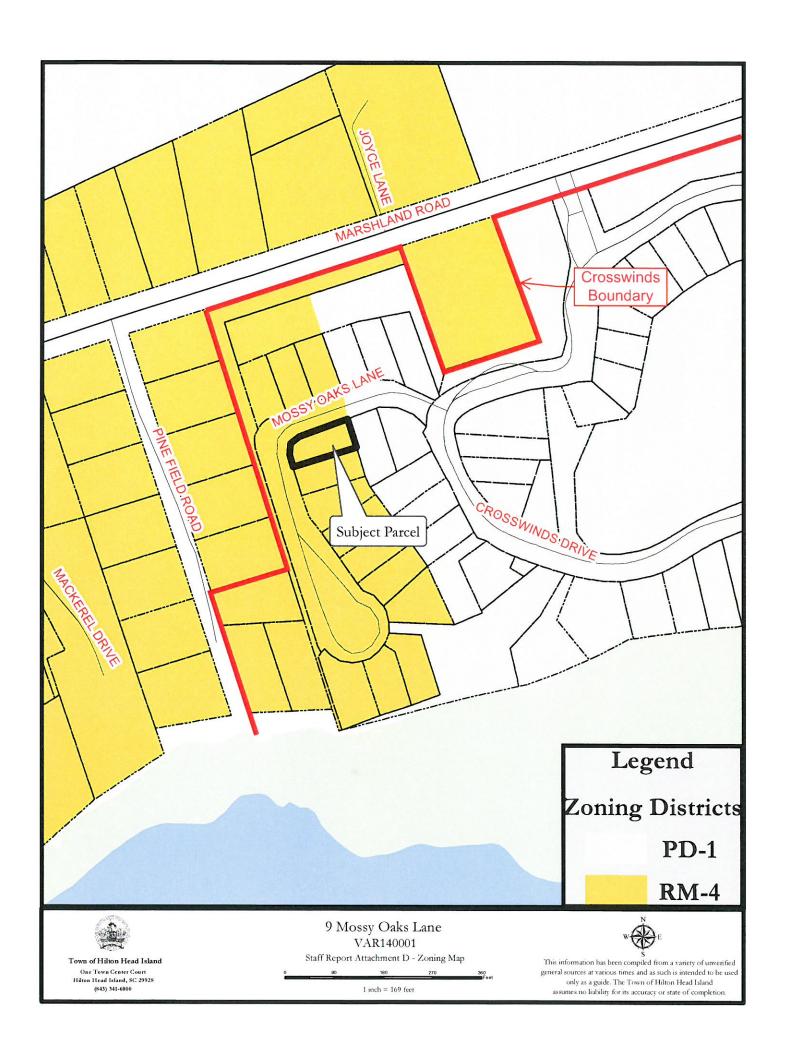
Staff Report Attachment B - Aerial Photo





This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.





Lot 48 Crosswinds

9 Mossy Oaks, HHI

Variance Criteria:

-There are extraordinary and exceptional conditions pertaining to the particular piece of property.

Yes, this property falls under Crosswinds POA and ARB. The guidelines for receiving approval for new construction require a minimum of 2400 heated square feet. Given the current BSL of 10' front, 15' side and rear, designing a house that will fit the lot and size requirement along with a two car garage have proven undoable. The Crosswinds ARB has agreed to allow the Town of Hilton Head decision for variance to be there final decision as well.

-These conditions do not generally apply to other properties in the vicinity.

No, the vast majority of the lots in this community do not require the Town of Hilton Heads approval for variance. The Tree and Topo survey was done off the recorded plat notes, stating a 7' side and 10' rear BSL. Only the scalable plat shows this individual lot to have larger than normal setbacks. We have also not been able to find another lot on the recorded plat that shows an adjoining property BSL of 15'.

-Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Yes, as stated above, the requirements for new construction in this community demand a minimum of 2400 heated square feet. Of the 28 homes that have sold since 2001 in Crosswinds, all of them have had garages. The Market Rate for having a two car garage could impact the value at a minimum of 50K dollars, along with the amount of time it may sit on the market due to a smaller buying pool. As the BLS sits, this lot has 3447 sq ft of buildable land compared to 4155 sq ft requested in this Variance. The difference of 708 sq ft is what is lost from adjoining properties with the BSL's that match the plat notes.

-Is not the result of the applicant's own actions.

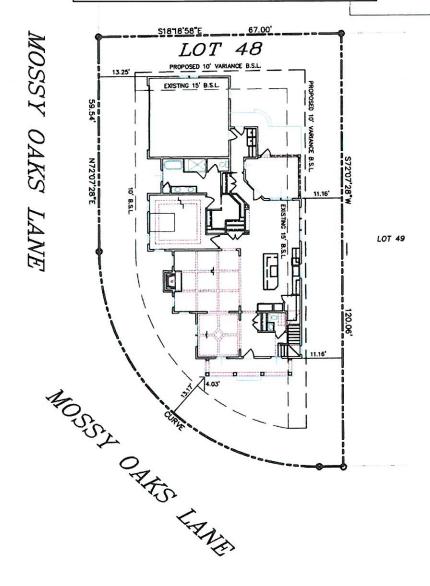
No. The plat was recorded in 2000. As the survey was done using the recorded plat notes, it was not brought to the owner's attention that this particular lot had 15' BSL.

-Granting of the variance does not substantially conflict with the Comprehensive Plan and the purposes of the LMO.

We do not feel it will conflict at all, in fact by granting the variance it will make it more uniform.

-The authorization of the variance will not be of substantial detriment to adjacent property of the public good, and the character of the district will not be harmed by the granting of the variance.

No, we do not see any situation that allowing this variance could do any harm. In fact, it will move towards filling the community towards build out.





CONSTAL SURVEYING COMPANY INC. No. COSSOT

SCALE: 1"=20' DATE: 3/13/2014 FIELD CK:

DRAWN BY: JEI
OFFICE CK: MRD
JOB# : 51,335

PREPARED FOR:

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO WISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

MICHAEL R. DUNIGAN S.C.P.L.S. No. 11,905 A VARIANCE

LOT 48

MOSSY OAK LANE

A PORTION OF
PHASE 2
CROSSWINDS



Cyran Anne

From: joel@thecastlepointgroup.com
Sent: Wednesday, April 09, 2014 2:48 PM

To: Cyran Anne
Cc: Frank Slone
Subject: 9 Mossy Oaks Ln

Anne, Please review and include this as part of the Variance request. Thank You.

Joel Lewis
The Castle Point Group
843-505-0368
joel@thecastlepointgroup.com

----- Original Message ------ Subject: Crosswinds Neighborhood

From: "Sheree" <shereebinder@gmail.com>

Date: Wed, April 09, 2014 2:17 pm To: <joel@thecastlepointgroup.com>

Mr. Lewis,

With regard to your question, "Does not having a garage (whether it be under or attached or detached) create an unneccesary hardship for a property located in the Crosswinds neighborhood on Hilton Head Island", I respectfully submit this answer.

I completed a market analysis for Crosswinds and included all homes sold since 2001. According to the MLS, none of the properties that sold since 2001 were void of a garage. The majority of homes had at least 2 and several had 3 or 4 car garages. To build a home in Crosswinds **without a garage** would be completely unlogical and I would strongly recommend that you reconsider. You will immediately incur functional obsolescence which is almost impossible to overcome with buyers and you must give a large monetary compensation. There are covenants and restrictions in place which prohibit a home from being out of place. It would seem to me that you would not be allowed to build a home in a neighborhood without a garage if every other home has a garage. Please double check your covenants, as I am sure you are required to have one in place.

Not only will building a home without a garage hurt the value of your home but it will decrease the value of your surrounding neighbors.

Mr. Lewis, I have been a Realtor since 2004 and regardless of the market, a home must conform to the neighborhood "norm". The hardship will be created for the surrounding neighbors. It is not an economically valid use of the property to build something that is non conforming.

Good luck to you, and I would urge you to encourage your client to include a 2 or more car garage on the property.

Respectfully, Sheree

Sheree Binder (843) 298-7062 Broker In Charge

Calhoun Street Promenade Real Estate 1 Promenade Street, Suite 101 Bluffton, SC 29910 www.CoastalRealEstateSC.com

Custom	

#	ML#	Status	St#	St Name	Ar	Legal#	Lgl Addr	Lst Pr	View	Type	Beds	FB	HB	Yr Blt	ApHtd SF	Prkg	P Date
1	200273	CLOSD	12	MOSSY OAKS DRIVE	14	46	CROSSWINDS	385,000	VAOOM	FSIZE	3	3	0	2003		1GARG	04/02/2003
2	259696	CLOSD	12	Mossy Oaks Drive	14	46	CROSSWINDS	299,000	WOODV	PATIO	4	3	0	2003	2280	1GARG	01/15/2010
3	318449	CLOSD	50	Crosswinds Dr	14	61	CROSSWINDS	399,000	LNDSC,WOODV	FSIZE	3	3	1	2005	2887	1GARG	10/29/2013
4	214239	CLOSD	76	Crosswinds Drive	14	14	CROSSWINDS	1,150,000	CREEK, DEEPW	FSIZE	4	4	1	2000		2CARP	11/23/2004
5	214027	CLOSD	11	CROSSWINDS DRIVE	14	36	CROSSWINDS	585,000	LAGON,MARSH	FSIZE	3	3	1	2002		2CARP	06/24/2005
6	84085	CLOSD	31	CROSSWINDS DRIVE	14	27	CROSSWINDS	439,900	MARSH	FSIZE	3	3		2000		2GARG	03/22/2001
7	101238	CLOSD	56	CROSSWINDS	14	58	CROSSWINDS	730,000	CREEK,LAGON	FSIZE	4	4	1	2001		2GARG	11/13/2002
8	202490	CLOSD	31	CROSSWINDS DRIVE	14	27	CROSSWINDS	489,000	LAGON, MARSH	FSIZE	3	3	0	2000		2GARG	05/29/2003
9	204368	CLOSD	11	Crosswinds Drive	14	36	CROSSWINDS	479,000	MARSH	FSIZE	3	3	1	2002		2GARG	09/02/2003
10	212843	CLOSD	3	Crosswinds Drive	14	40	CROSSWINDS	579,000	CREEK,MARSH	FSIZE	3	3	1	2000		2GARG	11/30/2004
11	224089	CLOSD	21	CROSSWINDS DR	14	32	CROSSWINDS	612,000	LAGON, MARSH	FSIZE	3	2	1	2004	2800	2GARG	04/04/2006
12	228334	CLOSD	25	Crosswinds Drive	14	30	CROSSWINDS	674,900	CREEK, LAGON	FSIZE	4	3	1	2005	2771	2GARG	05/26/2006
13	224749	CLOSD	5	Mossy Oaks Lane	14	63	CROSSWINDS	599,500	WOODV	FSIZE	4	3	1	2003	3040	2GARG	07/05/2006
14	233474	CLOSD	11	CROSSWINDS	14	36	CROSSWINDS	619,000	MARSH	FSIZE	3	3	1	2002	2800	2GARG	06/15/2007
15	242460	CLOSD	21	MOSSY OAKS LANE	14	52	CROSSWINDS	599,000	CREEK,LNDSC	FSIZE	4	2	1	2003	2340	2GARG	05/22/2008
16	321098	CLOSD	92	Crosswinds Dr	14	6	CROSSWINDS	489,000	MARSH, DEEPW	FSIZE	3	3		2005	3280	2GARG	03/08/2013
17	321538	CLOSD	21	Crosswinds Dr	14	32	CROSSWINDS	425,000	LAGON, MARSH	FSIZE	3	2	1	2004	2738	2GARG	07/16/2013
18	212782	CLOSD	8	MOSSY OAK	14	44	CROSSWINDS	489,000	LNDSC	FSIZE	3	2	1	2004		2GARG.DETGR	04/02/2005
19		CLOSD		Crosswinds Dr	14	6	CROSSWINDS	949,000	DEEPW	FSIZE	4	3		2005		2GARG,UNDER	08/30/2006
20	90944	CLOSD	72	CROSSWINDS DRIVE	14	16	CROSSWINDS	879,000	CREEK,MARSH	FSIZE	4	4	1	2000		3GARG	03/04/2002
21	257817	CLOSD	68	Crosswinds Drive	14	18	CROSSWINDS	750,000	DEEPW,MARSH	FSIZE	4	4	1	2006	3223	3GARG	08/01/2009
22	307325	CLOSD	62	CROSSWINDS DR	14	21	CROSSWINDS 4	949,000	CREEK,MARSH	FSIZE	4	4	2	2006	5286	3GARP	12/01/2011
23		CLOSD		Crosswinds Dr	14	60	CROSSWINDS 4	529,000	LNDSC	FSIZE	4	3	1	2007	3336	3GARP	08/26/2013
24	262723	CLOSD	76	Crosswinds Dr.	14	14	CROSSWINDS J	563,000	MARSH, DEEPW	FSIZE	4	4	2	2000	4000	4GARG,UNDER	05/21/2012
25		CLOSD		Mossy Oaks	14	64	CROSSWINDS	489,000	WOODV	FSIZE	4	3	1	2004		DETGR	08/25/2004
26		CLOSD		Mossy Oaks Drive	14	53	CROSSWINDS	525,000	DEEPW	FSIZE	4	3	0	2003	24.	UNDER	03/22/2004
27		CLOSD		Crosswinds	14	41	CROSSWINDS	659,000	CREEK	FSIZE	4	4	1	2002		arage	04/28/2005
28	242111	CLOSD	4	Mossy Oaks Lane	14	42	CROSSWINDS	475,000	LNDSC	PATIO	3	3		2002	2214 G	crosse	07/17/2007
				058												270	

Confirmed - Sheri Bine

Calhoun Street Promenade "Local" Real Estate www.FindYourPlaceInTheLowcountry.com

Shereé Binder Broker In Charge

843.298.7062 Direct ShereeBinder@Hargray.com

1 Promenade Street, Suite 101 Bluffton, SC 29910



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Cyran Anne

From: joel@thecastlepointgroup.com

Sent: Wednesday, April 09, 2014 2:49 PM

To: Cyran Anne Cc: Frank Slone

Subject: [FWD: Sloans 9 Mossy Oakx]

Anne, This is the letter from Allied Management, stating they are on board with the towns decision. Thank you.

Joel Lewis The Castle Point Group 843-505-0368

joel@thecastlepointgroup.com

----- Original Message -------Subject: Sloans 9 Mossy Oakx

From: "Stacy Kaeding" <kaeding@alliedhiltonhead.com>

Date: Fri, March 14, 2014 3:58 pm To: <joel@thecastlepointgroup.com>

Hi Joel - The Crosswinds ARB will approve the variance request as submitted for the Sloans at 9 Mossy Oaks Lane, providing that this is also approve by the Town of Hilton Head, as required.

Please let me know if you require anything further on this matter.

Best regards,

Stacy Kaeding

Property Manager

Allied Management Group

(843) 785-3278 ext 224

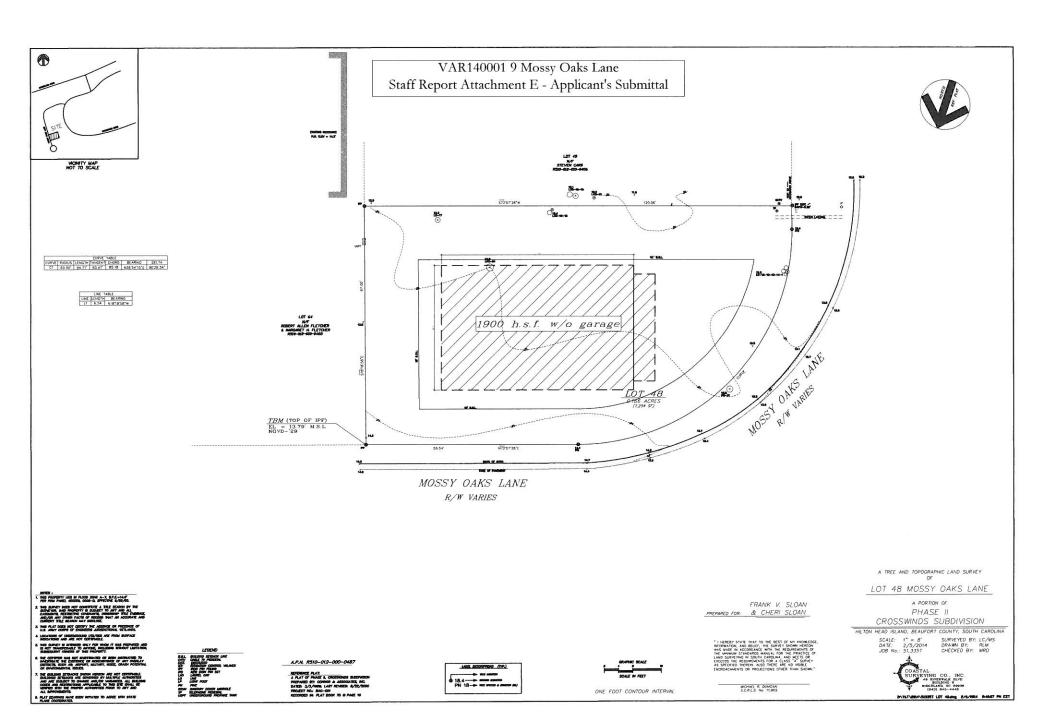
(843) 785-3381 Fax

kaeding@alliedhiltonhead.com

www.alliedhiltonhead.com

Voted Best Property Management Company in the Island Packet's Reader's Choice Awards **Again**!

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VAR140001 9 Mossy Oaks Lane Staff Report Attachment F – Site Photo

