



Town of Hilton Head Island

Board of Zoning Appeals Meeting

February 28, 2022, at 2:30 p.m. Virtual Meeting

MEETING MINUTES

Present from the Board: Chair Patsy Brison, Vice Chair Anna Ponder, Lisa Laudermilch, Charles Walczak, David Fingerhut, Peter Kristian, Robert Johnson

Absent from the Board: None

Present from Town Council: Tamara Becker, Glenn Stanford, Tom Lennox

Present from Town Staff: Teri Lewis, Deputy Community Development Director; Nicole Dixon, Development Review Administrator; Missy Luick, Senior Planner; Jayme Lopko, Senior Planner; Teresa Haley, Senior Administrative Assistant

Others Present: Curtis Coltrane, Town Attorney

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** – See as noted above.

4. Welcome and Introduction to Board Procedures

Chair Brison welcomed all in attendance and introduced 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. Laudermilch seconded. By way of roll call, the motion passed with a vote 7-0-0.

6. Approval of Minutes

a. January 24, 2022, Meeting

Chair Brison asked for a motion to approve the minutes of the January 24, 2022, meeting as revised. Mr. Kristian moved to approve the minutes as revised. Mr. Walczak seconded. By way of roll call, the motion passed with a vote of 7-0-0.

7. Appearance by Citizens

Public comments concerning agenda items were to be submitted electronically via the Open Town Hall HHI portal. Those comments have been distributed to the Board and made part of the official record for this meeting. Citizens were provided the option to sign up for public

comment participation during the meeting by phone. There was one citizen that signed up to speak regarding Item 9.a. and will be called upon during public comment.

8. Unfinished Business – None

9. New Business

a. Public Hearing

VAR-002732-2021 – Request from Nathan Sturre of Cranston Engineering Group, P.C, on behalf of Beaufort County for a variance from LMO Section 16-5-103.D, Adjacent Street Buffer, for relief from the adjacent street buffer adjacent to the access easement; Section 16-5-105.J.7.c, Gates, for relief from the requirement that gates be located at least 100 feet from any arterial or collector street; and Section 16-5-107.D.10, Use of Parking Spaces as Electric Vehicle (EV) Charging Station, for relief of the Electric Vehicle charging station requirement which is required for all multifamily and nonresidential development. The property is known as Fords Shell Ring and is located at 273 Squire Pope Road and has a parcel number of R511 003 000 0222 0000. *Presented by Missy Luick*

Chair Brison opened the Public Hearing.

Ms. Luick presented the application as described in the Staff Report. She stated Staff recommends the Board of Zoning Appeals approve the application based on the Findings of Fact and Conclusions of Law contained in the Staff Report. She explained the variance criteria in detail.

The Board made comments and inquiries regarding: clarification of buffer requirements; discussion regarding the relief needed for location of the gate; confirmation the stacking distance requirement is met; inquiry as to whether this has been done in the past; concern of damage to terrain with installation of utilities; discussion regarding environmental concerns; emphasis that the site is a historical site and the less disturbance the better; inquiry to the installation of fencing and pedestrian access; clarification of the hours of operation to be dawn to dusk; confirmation the access easement leads to piece of landlocked property; and the possibility of providing electric service for the EV charging station by relocating the handicap parking.

Following the Staff presentation and questions by the Board, Chair Brison asked the applicant to make a presentation. Nathan Sturre stated direction from Fire Rescue regarding the gates was to ensure the fire apparatus could be pulled off the road. He explained in order to meet the 100-foot requirement, they would have to shift all parking which would result in more development of the site. He said they are trying to keep the natural feel of the property with zero impact where it is possible. Mr. Sturre noted installation of an EV charging station would create a good bit of disturbance to the site. Stephanie Nagid, Beaufort County Passive Parks Manager, stated the decision to realign the access was due to the proximity of the existing access to the marsh area. She explained the process regarding keeping the construction and site-disturbance impact to a minimum.

The Board made comments and inquiries regarding: confirmation that both properties that are adjacent to the site are zoned conservation and there are very limited uses of the properties; confirmation the only way to get utilities to the adjacent properties is through the access; discussion of the precautions the County will undertake if archaeological artifacts are discovered during construction; the possibility of running conduit for utilities; concern regarding efforts in trying to accommodate an EV charging station; clarification the intent was the least amount of disturbance to the site as possible; statement from the applicant they would not move the project forward without the relief from the requirement of an EV charging station; comments

regarding the small size of the property, low number of parking spaces, the length of the trail and the time that will be spent on site by visitors not warranting an EV charging station; confirmation of the time spent at small, passive parks; discussion regarding the various levels of charging stations required by the LMO for installation; inquiry as to security for the property; concern of setting a precedent regarding granting relief of the required EV charging station; an explanation that each request is unique and based on the circumstances involving that particular case which does not set a precedent as all cases are considered when the facts are presented for that particular case; and an inquiry as to why the gate is needed.

Chair Brison asked for Staff Rebuttal. Ms. Luick stated that new or relocated utilities shall be installed underground per LMO Section 16-5-110. E., confirming overhead installation would not be permitted. Chair Brison stated overhead installation could possibly be accomplished with a variance.

Chair Brison asked for public comment. Ms. Haley noted that Mr. Thomas Barnwell did sign up to make public comment, but he had not joined the meeting. She stated staff was unsuccessful in contacting Mr. Barnwell.

Chair Brison incorporated all the evidence, including the staff report, application, documents, and testimony provided during the hearing into the record. Chair Brison closed the public hearing at 3:50 p.m.

The Board made final comments and inquiries regarding: an expression of concern for approving relief of the Electric Vehicle charging station requirement; comments regarding the uniqueness of the property; concern of prioritizing one value over another; concern for setting a precedent; the lack of supporting information/documentation regarding harming the site with the installation of the EV charging station; concern regarding granting a variance to the Town and County, especially regarding a variance to the Town's LMO; confirmation 40 feet is enough space for drivers to pull in and back out; comments in support of protecting archaeological sites; and a concern for the lack of effort to try and install an EV charging station which is required by the LMO.

Upon the conclusion of discussion, Chair Brison asked for a motion.

Mr. Kristian moved to approve the application based on those Findings of Facts and Conclusions of Law contained in the Staff Report with the caveat that each variance is considered on its merits and because of the unique nature of this site being an archeological site in its entirety and we're trying to minimize any disturbance to the surrounding area. Mr. Johnson seconded. By way of roll call, the motion passed 5-2-0 (for the motion – Kristian, Laudermilch, Ponder, Johnson, Fingerhut; against the motion – Walczak, Brison).

b. Public Hearing

VAR-002853-2021 – Request from John Nicholas Crago for a variance from LMO Section 16-4-102.B.7.c, Use-Specific Conditions for Principal Uses, for proposed screened outside storage of bicycles in the Light Commercial (LC) District where outside storage of bicycles is not allowed. The property is located at 13 Executive Park Road and has a parcel number of R552 015 000 0087 0000. **WITHDRAWN**

Chair Brison noted the above referenced variance has been withdrawn.

10. Board Business

a. Review of Amendments to the Rules of Procedure

Ms. Luick stated staff reviewed the Municipal Association of South Carolina (MASC) guide rules for the Rules of Procedure for Boards of Zoning Appeals, in addition to reviewing other rules of procedure for various South Carolina municipalities. She noted most communities use the MASC rules as their guide. She reviewed and summarized each recommended change and the updates within the document.

The Board reviewed the draft amendments and made comments and inquiries regarding: notation of a correction the Board year is July 1 through June 30; leave in regular and special meeting where referenced; clarification on the rehearing requirements; change party to person in the oath statement; change language throughout the document regarding signing up for public comment to adapt to virtual meetings; and discussion regarding public comment during appeals.

Following discussion, Chair Brison requested that staff make the suggested changes and corrections and bring the revised draft to the Board in March for review with anticipated consideration for approval scheduled for April.

11. Staff Reports

a. Status of Appeals to Circuit Court

Mr. Curtis Coltrane informed the Board there have been no changes to report since the last meeting.

b. Waiver Report

Chair Brison noted the report was included in the agenda packet and invited Board members to ask questions. There were none.

Chair Brison invited Nicole Dixon to give an update regarding LMO amendments. Ms. Dixon stated that at the present time a list has been compiled and is being routed through upper management for approval to move forward. She added that once that is complete, the list will be sent to the consultant for drafting the amendments. They will then go through the adoption process earmarked for later this year. Chair Brison inquired as to whether the amendments suggested by the BZA were moving forward. Ms. Dixon stated she was unsure as to their status. Chair Brison requested that Ms. Dixon inquire on the status of the suggested amendments and report back to the Board at the March meeting.

12. Adjournment

The meeting was adjourned at 4:36 p.m.

Submitted by: Vicki Pfannenschmidt, Secretary

Approved: March 28, 2022