



Town of Hilton Head Island
Board of Zoning Appeals Meeting
Monday, June 28, 2021 – 2:30 p.m.
AGENDA

In accordance with the Town of Hilton Head Island Municipal Code Section 2-5-15, this meeting is being conducted virtually and can be viewed live on the Town's Public Meeting Facebook Page at <https://www.facebook.com/townofhiltonheadislandmeetings/>. Following the meeting, the video record will be made available on the Town's website at <https://www.hiltonheadislandsc.gov/>.

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. **Presentation of the Town's Crystal Award to outgoing Board Member John White –**
Presented by Josh Gruber, Deputy Town Manager
5. **Welcome and Introduction to Board Procedures**
6. **Approval of Agenda**
7. **Approval of Minutes**
 - a. May 24, 2021 Meeting
8. **Appearance by Citizens**
9. **Unfinished Business – None**
10. **New Business**
 - a. **Public Hearing**
VAR-001218-2021 – Request from Jeffrey Loch, of Seagrass Construction, LLC, on behalf of Steven A. Weston for a variance from LMO Sections 16-5-102, Setback Standards, 16-5-103, Buffer Standards and 16-6-104.F, Specimen and Significant Tree Preservation to allow a proposed development of 3 homes and associated driveway to exceed allowable specimen tree impacts and be located within the adjacent use setback and buffer. The property address is 202 Mitchelville Road with a parcel number of R510 005 000 001B 0000.

b. Election of Officers for the July 1, 2021 – June 30, 2022 Term

11. Board Business

- a. Discussion of consideration of LMO Amendments related to lot sizes and setbacks

12. Staff Reports

- a. Status of Appeals to Circuit Court
- b. Status of Amendments to BZA Rules of Procedure
- c. Status of LMO Amendments
- d. Waiver Report

13. Adjournment

Public comments concerning agenda items can be submitted electronically via the Open Town Hall HHI portal at <https://hiltonheadislandsc.gov/opentownhall/>. The portal will close 2 hours before the meeting. Public comments submitted through the portal will be provided to the Board for review and made part of the official record. Citizens who wish to comment on agenda items during the meeting by phone must contact the Board Secretary at 843-341-4691 no later than 2 hours before the meeting.

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
May 24, 2021 at 2:30 p.m. Virtual Meeting
MEETING MINUTES

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

Absent from the Board: None

Present from Town Council: Alex Brown, Tamara Becker, Bill Harkins

Others Present: Curtis Coltrane, Town Attorney (attended as an observer only for Item 8.a.); Tom Mikell, Town Counsel for Item 8.a.

Present from Town Staff: Josh Gruber, Deputy Town Manager; Jennifer Ray, Interim Community Development Director; Teri Lewis, Deputy Community Development Director; Nicole Dixon, Development Review Administrator; Anne Cyran, Senior Planner; Missy Luick, Senior Planner; Tyler Newman, Senior Planner; Diane Busch, Staff Attorney; Teresa Haley, Senior Administrative Assistant

1. Call to Order

Chair Brison called the meeting to order at 2:31 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 reminded the attendees that since this is a continuance from April 26, 2021 the Board's procedures for conducting the meeting are still in effect.

5. Approval of Agenda

Chair Brison asked for a motion to approve the agenda as presented. Mr. Walczak moved to approve. Ms. Laudermilch seconded. By way of roll call, the motion passed with a vote of 7-0-0.

6. Approval of Minutes

a. April 26, 2021 Meeting

Chair Brison asked for a motion to approve the minutes of the April 26, 2021 meeting as presented. Mr. Walczak moved to approve. Mr. Johnson seconded. By way of roll call, the motion passed with a vote of 7-0-0.

b. April 29, 2021 Special Meeting

Chair Brison asked for a motion to approve the minutes of the April 29, 2021 special meeting as presented. Mr. White moved to approve. Mr. Johnson seconded. By way of roll call, the motion passed with a vote of 3-0-3. (Mr. Fingerhut, Mr. Walczak and Ms. Laudermilch abstained

as they were not present at the subject meeting. Dr. Ponder had left the meeting when this motion was made.)

7. Appearance by Citizens

Public comments concerning agenda items were to be submitted electronically via the Open Town Hall portal. There were no comments via the portal. Citizens were also provided the option to give public comment during the meeting by phone. There were no requests.

8. Unfinished Business

a. Public Hearing

VAR-000818-2021 – Request from Edward K. Pritchard, III for a variance from LMO Sections 16-5-102, Setback Standards and 16-5-103, Buffer Standards for an existing non-permitted food truck and associated screening fence to remain in the required adjacent use setback and buffer. The property address is 15 Marshland Road with a parcel number of R510 008 000 013H 0000. *Note: This public hearing is continued from the Board of Zoning Appeals meeting on Monday, April 26, 2021.*

Public Hearing - Continued

Chair Brison stated the continuation of the public hearing is a result from the Board having subpoenaed a staff member as a witness and certain documents from staff. Chair Brison also noted for the record that the Chair became concerned about the conflicts of interest by the Town Attorney and a question about conflicts of interest of the Staff Attorney directing the staff as to whether or not to respond to questions from the Board. Chair Brison said on April 27, 2021, she sent an email to the Mayor, Mayor Pro-Tem, and Town Council members requesting independent counsel for the Board of Zoning Appeals for the continuation of this hearing. She said it is her understanding the Town is not providing the Board with independent counsel.

Chair Brison reported the subpoena was issued by the Chair on May 14, 2021, and directed to Anne Cyran, requiring her to bring the documents and correspondence requested within the subpoena. Chair Brison asked if there was any objection to the subpoena. Mr. Pritchard objected stating the Board does not have the authority to subpoena the documents and the Supreme Court has issued a ruling that the Board of Zoning Appeals can only consider the four issues of criteria on a variance request. Chair Brison requested that Ms. Busch advise the Board. Ms. Busch noted the Town complied with the request to issue a subpoena but anything other than the here and now and the criteria the Board has to consider, that being the four conditions, are the only things relevant. She stated the Town is cooperating with the Board but the Town's position aligns with Mr. Pritchard's comments. Mr. Mikell referenced the Supreme Court case rendered on May 12, 2021, which is explicit that only the four criteria for variances are to be applied for consideration. He said in the case the Circuit Court had used facts from a previous hearing which the Appeals Court threw out because they didn't meet the four corner test.

Chair Brison overruled the objections stating the September 2, 2015 letter was introduced at the beginning of the hearing on April 26, 2021 and admitted into the record without objection. She added that Anne Cyran is present and the Board has been furnished with two documents; the September 2, 2015 letter and an additional letter from Teri Lewis dated October 21, 2015, noting the Board will apply the four criteria as required by law and the evidence will be used to apply to those four criteria and the Board will hear the evidence subpoenaed. She noted Anne Cyran's presence and asked if there was any objection to her testifying. Mr. Pritchard stated no objection only if Ms. Cyran testified regarding issues related to the four criteria and nothing else.

Anne Cyran was identified and available for questions. Ms. Cyran answered the questions from the Board regarding identification and confirmation of the September 2, 2015 letter.

Teri Lewis was asked to answer questions regarding the October 21, 2015 letter. Ms. Lewis answered the questions from the Board regarding identification and confirmation of the October 21, 2015 letter. Mr. Fingerhut referenced page 140 of the January 25, 2016 Board of Zoning appeals packet and asked that it be entered into the record at Board Exhibit 1. Mr. Pritchard objected noting it was a 2015 document and this is a 2021 zoning variance request. He questioned its relevance stating the task being applied is not legally correct. Chair Brison allowed the document to be entered into the record stating the Board will determine its relevance during their deliberation. Ms. Busch clarified, for the record, that the matters in 2015 did not involve any application for a variance.

Mr. Pritchard defended his position by stating there was adequate information before the board meeting the requirements of the four criteria needed for approval. He expressed concern about some of the comments being made and noted the question isn't whether or not you can physically fit something on the property in another form or fashion but the test really is whether or not the application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property.

Chair Brison asked for public comments. Ms. Haley confirmed there were no callers or additional public comments at this time.

Chair Brison incorporated all evidence heard at the initiation of the Public Hearing on April 26, 2021 and the continuation of this hearing on May 24, 2021, as part of the record, subject to the objections made.

Chair Brison closed the Public Hearing at 3:42 p.m.

The Board made final comments and inquiries regarding: how does the property unusually restrict utilization; configuration of items on the property; wetland constraint; proof that the conditions do not apply to other properties in the area; relocation of the food truck; the amount of property available within the site; adjacent use setback; and the lack of public comments or complaints.

Chair Brison asked for a motion concerning the application.

Dr. Ponder moved that the Board of Zoning Appeals approve VAR-000818-2021 application based on those Findings of Fact and Conclusions of Law such as:

Findings of Fact:

For Criteria 1: extraordinary and exceptional conditions pertaining to the particular piece of property – I would say that the nature of the piece of property itself, particularly with regard to the wetlands, excludes it from generality because it is very particular and the nature of wetlands themselves are in fact very particular, not general. Therefore, I think there are exceptional and extraordinary conditions pertaining to this particular piece of property.

Criteria 2: because of the particular nature of wetlands themselves and the way that this area of the island plays out, these conditions do not generally apply. They are in fact not general. They are particular. So, they do not generally apply to other properties in the vicinity, even though there may be wetlands in the vicinity. It is very particular that is how wetlands operate.

Criteria 3: the particular nature of this property and the way it is configured would in fact restrict the utilization of the property.

Criteria 4: there has not been any proof that the granting of this variance would be of substantial detriment to any adjacent property or to the public good.

Conclusion of Law:

Therefore, I move that the Board of Zoning Appeals grant this variance based on the four criteria presented.

Ms. Laudermilch seconded. Motion passed with a vote of 4-3-0. (Ponder, White, Laudermilch, Brison – for the motion; Walczak, Fingerhut, Johnson – against the motion.)

9. New Business - None

10. Staff Reports

At this time, Dr. Ponder left the meeting and a quorum of the Board remained in effect.

a. Status of Appeals to Circuit Court

No report.

b. Status of LMO Amendments

Ms. Dixon reported the first set of proposed amendments are scheduled to be introduced at the June 2, 2021 Public Planning Committee meeting.

c. Status of Amendments to BZA Rules of Procedure

Ms. Luick stated she and Ms. Busch met to discuss the draft Rules of Procedure amendment and a red-line edit of the document has been sent out for staff review. She noted that research continues on the appeals and public comment component and as soon as a final draft is prepared it will be included in a future agenda packet.

d. Waiver Report - The Waiver Report was included in the Board's agenda package.

11. Board Business

a. Discussion of consideration of LMO Amendments related to lot sizes and setbacks

Chair Brison noted the concern of the BZA regarding property owners of small lots coming before the Board for variances. Ms. Dixon stated that the variance requests coming forward resulted from violations or complaints. She said staff is working on educational materials and an outreach to the community regarding buffers and setbacks. Ms. Dixon said that while a property owner may not need a permit for their project, they still need to abide by the Land Management Ordinance. She stated that with a focus on education and an outreach plan, hopefully, this can be accomplished.

b. Board Training – How To Conduct Meetings

At this time, Mr. Fingerhut and Mr. Walczak left the meeting. Ms. Luick presented the Board Training to Ms. Laudermilch, Mr. Johnson, Mr. White, and Chair Brison.

12. Adjournment

The meeting was adjourned at 5:02 p.m.

Submitted by: Vicki Pfannenschmidt, Secretary

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
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STAFF REPORT VARIANCE

Case #:	Public Hearing Date:
VAR-001218-2021	June 28, 2021

Parcel or Location Data:	Applicant:	Property Owner:
Parcel#: R510 005 000 001B 0000 Address: 202 Mitchelville Road Parcel size: 2.13 acres Zoning: MV (Mitchelville District) Overlay: AOD (Airport Overlay District) Historic Neighborhood: Baygall	Jeffrey Loch Seagrass Construction LLC 1404 Paris Avenue Port Royal, SC 29935	Steven A. Weston 10300 Sweetleaf Place Charlotte, NC 28278

Application Summary:

Request from Jeffrey Loch, of Seagrass Construction, LLC, on behalf of Steven A. Weston for a variance from LMO Sections 16-5-102, Setback Standards, 16-5-103, Buffer Standards and 16-6-104.F, Specimen and Significant Tree Preservation to allow a proposed development of 3 homes and associated driveway to exceed allowable specimen tree impacts and be located within the adjacent use setback and buffer. The property address is 202 Mitchelville Road with a parcel number of R510 005 000 001B 0000.

Staff Recommendation:

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 Facts and Conclusions of Law as determined by the LMO Official and enclosed herein. Though the proposed request meets some of the Variance Review Standards, it does not meet all of them. Staff recommends that the Board of Zoning Appeals *deny* this application.

Background:

The subject property is located on the north end of the island and is adjacent to marsh and the Port Royal Sound (See Attachment A, Vicinity Map). The property is accessed off Mitchelville Road. The adjacent uses surrounding the property are cemetery/civic use, vacant Mitchelville District zoned properties and single family residential uses.

The applicant applied for a Small Residential Development Plan Review on April 14, 2021 to develop 2 homes on the parcel. The application materials and site plan submitted for review placed 2 homes on the south side of the lot with 5' setbacks from the property line. (See Attachment D, Small Residential Development Application Materials). According to the applicant, the property owner was under the impression that 5' setbacks applied to the property. This site was included in the proposed (but not adopted) Historic Neighborhood Preservation Overlay District. A public hearing mailing was sent to all property owners within the proposed district in September 2020 that outlined the proposed amendment which called for 5' setbacks adjacent to single family. (Again, this proposed overlay district was not adopted.)

A plan corrections report was issued after initial review of the proposed Small Residential Development that outlined the required setbacks and buffers for the site (as well as other plan corrections). After the plan corrections report was issued and after additional conversations with staff, the applicant decided to apply for a variance from the setback, buffer and specimen and significant tree preservation standards for the development of 3 homes on the parcel. (See Attachments B and C, Applicant's Narrative and Applicant's Site Plans.)

The total parcel size is 2.13 acres and is located within the Mitchelville zoning district. A portion of the property is in the Airport Overlay District. The Mitchelville zoning district allows for a density of 12 dwelling units per net acre. (See Attachment E, Mitchelville District.) The parcel is adjacent to the marsh. The site has an existing boardwalk over the marsh to a gazebo with access to the Port Royal Sound. According to the applicant, the site has 6 specimen trees and 4 significant trees on the parcel. (The applicant provided a 2018 Tree and Topographic survey with the Small Residential Development application. The Town requires a Tree and Topographic survey less than 2 years old for development review. The applicant is working on obtaining an updated Tree and Topographic survey.) The site also has a drainage swale that bisects the parcel; the swale may be considered a wetland or simply a stormwater conveyance swale. In any case, it is a unique site feature with development constraints.

The applicant would like to build 3 homes on the parcel, but due to the long and narrow shape of the parcel, the wetland or drainage swale and the specimen and significant trees, the parcel has site constraints that make developing the parcel in conformance with the LMO difficult. The applicant is requesting a reduction in the setbacks from the required 10' and 12.5' to 9' on both sides. The applicant is requesting a reduction in the buffers from the required Type A, Option 2 10' buffer and Type B, Option 2 15' buffer to a Type A, Option 2 9' buffer on both sides. The property to the south (adjacent to the proposed orange and red homes per the Applicant's Site Plans) is cemetery property. The property to the north (adjacent to the proposed blue home per the Applicant's Site Plans) is undeveloped vacant property.

The applicant is limiting the extent of the variance area to the northeast portion of the parcel (See page 1 of Attachment C, Applicant's Site Plans). The applicant is also requesting relief from the

Specimen and Significant Tree Preservation Standards to allow the driveway to be 4'2" from the specimen tree trunk located between the blue and orange homes shown on the Applicant's Site Plan. 7.6% of the two homes (impervious surface) and 42.4% of the gravel driveway (driveway area to be compacted, but will be pervious surface) is within the specimen tree canopy. The total disturbance within the specimen tree canopy is 50%.

When applying the required setbacks and buffers, 10.1% of the two homes (impervious surface) and 42.4% of the gravel driveway (driveway area to be compacted, but will be pervious surface) is within the specimen tree canopy. The total disturbance within the specimen tree canopy is 52.5% if the applicant uses the current setback and buffer requirements.

Per Section 16-4-104.F.2.a.iii., no more than 20 percent of the total area within the drip line of any specimen tree shall be subject to paving or soil compaction, and no paving or soil compaction is allowed within 15 feet of the tree trunk. The Official may allow paving or soil compaction beyond the 20 percent limit if low impact development techniques (e.g., pervious pavers, materials placed at or above grade, no use of mechanical machinery) are used as an alternative means of protecting the specimen tree. Both options depicted in the applicant's site plans have disturbance of more than 20% of the drip line and have soil compaction closer than 15' of the trunk of the specimen tree.

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

Grounds for Variance:

According to the applicant, the long and narrow shape of the parcel, wetland area (or drainage swale) which bisects the parcel combined with the specimen and significant tree preservation requirements of the LMO present extraordinary and exceptional conditions that pertain to the parcel.

Summary of Fact:

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

Conclusion of Law:

- 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 May 28, 2021 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 June 6, 2021 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on June 12, 2021 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on June 9, 2021 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 Section 16-2-103.S.4, 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:

- The subject property is approximately 700 feet long and 140 feet wide. It is long and narrow in shape.
- This property is located on the tidal marsh.
- The property contains a wetland area or drainage swale that bisects the parcel.
- The property contains at least six specimen trees and four significant trees which have preservation requirements.

Conclusions 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 and exceptional conditions that pertain to this particular property.
- The specimen and significant trees and drainage swale limit development of the 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:

- The subject property is rectangular in shape. There are other rectangular parcels in the vicinity with access to Mitchelville Road and the Port Royal Sound. The subject property is one of the narrowest parcels with access to Mitchelville Road and the Port Royal Sound.
- The subject property contains a wetland area (or drainage swale) which bisects the parcel. It is not known if this condition applies to other properties in the vicinity. The nature of wetlands or drainage swales are that they are specific to the area around them and serve a function.
- The 2.13 acre site has at least six specimen trees and four significant trees which must be preserved and there are development restrictions associated with specimen and significant trees. There are other properties in the vicinity that have specimen and significant trees of which the applicable LMO tree protections will apply.

Conclusion of Law:

- This application meets the criteria as set forth in LMO Section 16-2-103.S.4.a.i.02 because there are extraordinary or exceptional conditions that apply to the subject property that do not also generally 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:

- The Mitchelville District allows 12 dwelling units per net acre. The development proposed is considerably less than the density allowed for the parcel.
- The 2.13 acre site has at least six specimen trees and four significant trees. Per Section 16-6-104.F.2.a., no more than 20 percent of the total area within the drip line of any specimen tree shall be subject to paving or soil compaction, and no paving or soil compaction is allowed within 15 feet of the tree trunk. The Official may allow paving or soil compaction beyond the 20 percent limit if low impact development techniques (e.g., pervious pavers, materials placed at or above grade, no use of mechanical machinery) are used as an alternative means of protecting the specimen tree.
- Per LMO Section 16-5-102.D the required adjacent use setback for a multi family development adjacent to single family use is 10 feet, and adjacent to cemetery (civic) use is 12.5 feet.
- Per LMO Section 16-5-103.E the required adjacent use buffer for a multi family development adjacent to single family use is a Type A buffer (Option 1, 20' or Option 2, 10') and adjacent to cemetery (civic) use is a Type B buffer (Option 1, 25' or Option 2, 15').
- The three homes could be repositioned on the site and the driveway access redesigned so that it further meanders around the specimen trees so that the site meets all LMO requirements.

Conclusion of Law:

- This application does not meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.03 because while there are extraordinary or exceptional conditions that apply to the subject property that would prohibit or unreasonably restrict the utilization of the property, the site layout could be redesigned for the three homes and associated driveway to meet the LMO requirements.

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:

- Staff has received no letters of opposition to this variance request at the time this Staff Report was completed.
- The property to the south (adjacent to the proposed orange and red homes per the Applicant's Site Plans) is cemetery property.
- The property to the north (adjacent to the proposed blue home per the Applicant's Site Plans) is undeveloped vacant property.
- The applicant has limited the setback and buffer variance area to the rear of the parcel which is adjacent to undeveloped vacant property to the north and cemetery property to the south.
- The purpose and intent of the tree protection section is to provide standards for the management of trees and forest areas, including the tree canopy and specimen trees, that contribute to the ambience, economy, and quality of life on Hilton Head Island by adhering to principles of sustainable management and use of forests, forest lands, and trees in a way that protects the ecosystems supporting the forests and trees, maintains their biodiversity, productivity, and ability to regenerate, and maintains their overall health and potential to fulfill, now and into the future, relevant ecological, economic, and social functions.
- The purpose of the adjacent street and use setback standards is to provide separation between structures and adjacent street rights-of-way and property lines. Such separation is intended to maintain and protect the Town's Island character, ensure protection from street traffic, and facilitate adequate air circulation and light between structures and the street, and between structures in adjacent developments.
- The purpose of the adjacent street and use buffer standards is to spatially separate development from adjacent streets and adjacent development with aesthetically pleasing natural or landscaped buffers. Such buffers are intended to help mitigate potential adverse impacts (e.g., noise, odor, fumes) from adjacent street traffic, create an attractive streetscape for motorists, allow the location of certain dissimilar land uses adjacent to one another by mitigating potential negative effects between the uses, and provide space for landscaping that can help improve air and water quality and be used to reduce stormwater runoff.

Conclusions of Law:

- This application does not meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.04 because the variance will be of substantial detriment to the adjacent property or the public good.
- The property can be redesigned to meet all LMO requirements and the intended purpose of setback, buffer and tree protection standards can be met.
- A development that does not meet setback, buffer and tree protection standards can have a substantial detriment on adjacent properties.

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 denied.

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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:

ML

Missy Luick, *Senior Planner*

June 14, 2021

DATE

REVIEWED BY:

ND

Nicole Dixon, AICP, CFM, *Development Review Administrator*

June 15, 2021

DATE

TL

Teri Lewis, AICP, *Deputy Community Development Director*

June 16, 2021

DATE

ATTACHMENTS:

- A) Vicinity Map
- B) Applicant's Narrative
- C) Applicant's Site Plans
- D) Small Residential Development Application Materials
- E) Mitchelville District
- F) Specimen and Significant Tree Preservation Standards
- G) Site Photos



Town of Hilton Head Island

202 Mitchelville
Attachment A: Vicinity Map

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



230 115 0 230 Feet



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 OF PROJECT:

SAID PROJECT IS LOCATED AT 202 MITCHELVILLE RD IN THE MITCHELVILLE DISTRICT OF HILTON HEAD ISLAND. THREE FAMILY RESIDENCES ARE PURPOSED TO BE BUILT BY THE WESTON FAMILY AND MR. LOCH OF SEAGRASS CONSTRUCTION AS THE GENERAL CONTRACTOR.

THE THREE FAMILY RESIDENCES WILL BE LOCATED ON THE REAR RIGHT SIDE, MID RIGHT SIDE OF LOT, MID LEFT SIDE OF LOT. THE PURPOSE OF THE LOT IS TO SERVE AS A FAMILY RETREAT FOR THE WESTON FAMILY AND THEIR KIDS FOR THE COMING YEARS. THE WESTON FAMILY INTENT IS TO BE GOOD STEWARDS OF THE PROPERTY AND HIGHLIGHT AND PRESERVE THE NATURAL INTEGRITY OF THE LOT. SPECIFICALLY REFERRING TO PRESERVATION OF OAK TREE'S ON THE LOT AND SCENIC WATER VIEW OF THE SOUND. THIS PASSION TO PRESERVE THE LOT FALLS IN ACCORDANCE WITH WHAT THE TOWN HAS SET IN PLACE ITSELF IN THE KEY PRESERVATION OF THE HISTORY GIVEN TO US BY THE TREE'S.

1: EXTRAORDINARY AND EXCEPTIONAL CONDITIONS

THE GIVEN LOT AT 202 MITCHELVILLE RD IS VERY UNIQUE IN MANY WAYS. THIS LOT IS THE SECOND NARROWEST LOT OF ANY SUBSTANCE IN THE AREA LOCATED ON THE WATER. THE LOT IS OVER 700 FEET IN DEPTH BUT LESS THAN 140 FEET WIDE. SECONDLY THERE IS A PASSAGE OF WETLANDS LOCATED DIRECTLY IN THE MID FRONT QUARTER OF THE PROPERTY. THIRDLY AND PROBABLY MOST IMPORTANT THERE ARE A FEW DOZEN LARGE IN DIAMETER, SIGNIFICANT AND SPECIMEN OAK TREES LOCATED THROUGHOUT THE PROPERTY. HAVING TO DEAL WITH A LONG AND NARROW PROPERTY, ACCOMPANIED BY WETLANDS THAT CUT ACROSS THE MIDDLE OF THE PROPERTY AND MANY BEAUTIFUL TREE'S THAT THE WESTON FAMILY AND TOWN OF HILTON HEAD WOULD LIKE TO SEE PRESERVED MAKES PLACING THE HOMES NEAR THE WATER VERY DIFFICULT. THE CURRENT SETBACKS AT 10 FT AND 12.5 FT WITH THE DRIVEWAY REQUIRED TO BE 20 FT WIDE AND INCLUDE A FIRE TRUCK TURN AROUND MAKE PLACEMENT OF THE HOMES AND MEETING CODE FOR FIRE SAFETY ALMOST IMPOSSIBLE, WITHOUT IMPACTING DRIP LINES, THE REMOVAL OF MANY

TREES AND PLACEMENT OF THE HOMES OBSTRUCTING THE VIEW OF THE SCENIC COASTLINE.

2; APPLICABILITY TO OTHER PROPERTIES IN VICINITY:

THE MITCHELVILLE DISTRICT HAS MANY DIFFERENT ELEMENTS BEING DEVELOPED OR POTENTIALLY BEING DEVELOPED IN THE DISTRICT. THE LOTS ADJACENT TO LEFT AND RIGHT OF THIS PARTICULAR DEVELOPMENT ARE REFERRED TO AS SINGLE FAMILY OR VACANT LAND IN THE DISTRICT. THERE IS NO DEVELOPMENT CURRENTLY GOING ON THEM. ALSO, THE LOTS TO LEFT AND RIGHT HAVE MORE WIDTH TO ALLOW FOR CONSIDERATION IN THE PLACEMENT OF HOMES. FURTHER DOWN THE STREET THE KHOV DEVELOPMENT IS A LARGER LANDMASS WITH MANY MORE HOMES WHICH FALLS UNDER ANOTHER DEVELOPMENT IN CATEGORY. MOST GENERALLY THIS REQUEST WILL ONLY BE MADE OF THIS LOT DUE TO THE NARROW WIDTH, WANTED PRESERVATION OF THE TREE'S AND MEETING OF THE FIRE CODE FOR A DRIVEWAY OF THAT SIZE FOR ONLY THREE HOMES. THE OBSTRUCTION OF WATER VIEW AND ACCESS TO A SHARED DOCK ONLY APPLIES TO THIS ONE SITE AS ALL OTHER SITES ARE ONE HOME IN NATURE, OR AS OF MOST CURRENT LARGER REGIONAL BUILDER DEVELOPMENTS WITH NO ACCESS TO SHARED WALKWAY TO THE WATER.

3; RESTRICTIONS AND UTILIZATION OF PROPERTY

THE SAID LOT LOCATED AT 202 MITCHELVILLE IS UNIQUE TO ITSELF IN THE AREA WITH THE NARROWNESS OF WIDTH, EXCEPTIONALLY LONG 700 FEET IN DEPTH, MULTITUDES OF MATURE SIGNIFICANT AND SPECIMEN OAK TREE'S WITH SPANISH MOSS, SHARED COMMUNAL WATER ACCESS VIA BOARDWALK, AND WETLANDS THAT GO THROUGH MID FRONT QUATER OF THE PROPERTY. THE NARROWNESS OF THE LOT MAKES WHAT WOULD BE A USUALLY SMALL AMOUNT OF WETLANDS INTO A MAJOR PROBLEM FOR BUILDING BECAUSE IT TAKES OUT A LARGE AMOUNT OF BUILDABLE ENVELOPE ON THE LOT DUE TO THE NARROWNESS. FOR THIS REASON, IT PUSHES TWO OF THE THREE HOMES TO BE PLACED ON THE MID RIGHT AND LEFT SIDE OF THE LOTS. THE LOCATION OF THE MATURE SIGNIFICANT AND SPECIMEN OAK TREE'S ON THE LOT TEAMED

WITH 12.5 FT SETBACKS AND 20 FT WIDE DRIVEWAY CREATES A PROBLEM OF HAVING TO PLACE THE HOMES MORE CENTER TO THE LOT. THIS CAUSES THE DRIVEWAY TO BE BROUGHT MORE CENTER AND MAKES THE CENTER HOUSE LESS THAN 2 FEET FROM THE DRIVEWAY SERVING THE LAST HOUSE. THIS CAUSES THE HOUSES AND DRIVEWAY TO IMPACT THE DRIP LINES AND PROXIMATEY TO THE TREE TRUNKS, THEREFORE EFFECTING MORE TREE'S. THIS ALSO TAKES AWAY FROM THE SCENIC WATER VIEW OF THE COASTLINE AND SHARED COMMUNAL BOARDWALK/DOCK. THESE THINGS CAN BE REFERENCED ON THE OVERLAY MAP SHOWED WITH THE PLACEMENT OF THE HOMES AT THE GIVEN CURRENT 12.5 FOOT SETBACK.

IF WE REFERENCE THE 9 FOOT SETBACK OVERLAY MAP WHICH IS THE REQUESTED VARIANCE, BY ALLOWING THE 9 FOOT SETBACK THIS ALLOWS FOR FURTHER PRESERVATION OF THE HISTORICAL OAK TREE'S WITH SPANISH MOSS ON THEM. THIS ALSO ALLOWS FOR THE HOMES TO BE PLACED IN A MORE NATURAL POSITION ON THE LOT BETWEEN THE TREES AND FURTHER AWAY FROM THE MEANDERING DRIVEWAY.

ALTERNATIVE TO THIS IS THE FACT THAT THIS PROPERTY IS ZONED TO ALLOW UP TO 25 HOME SITES AND WOULD BE A CLUSTERED PRODUCTION LOOK WITH A STERILE STRAIGHT DRIVEWAY WITH THE CURRENT 12.5 FOOT SETBACKS.

THE OVERALL GOAL OF THIS VARIANCE IS FOR PRESERVATION OF TREE'S, ALL HOMES TO BE ABLE TO ENJOY THE WATER VIEW BE ACCOMPANIED WITH TASTEFUL DEVELOPMENT OF MID SIZE HOMES THAT THE WESTON FAMILY CAN BE PROUD OF AND THE TOWN OF HILTON HEAD USE AS A PILLAR FOR THE LARGE FUTURE DEVELOPMENT IN THE FUTURE. THE WESTON FAMILY AND THE TOWN CANNOT MEET THIS GOAL WITHOUT THE VARIANCE BECAUSE IT MAKES PLACING THESE HOMES TO BENIFET FROM THE FACT THAT THE WESTON'S PURCHASED BEACH FRONT PROPERTY AND BUILDING WITHOUT IMPACTING MANY MORE TREES ALMOST IMPOSSIBLE.

4. DETRIMENT OF ADJACENT PROPERTIES AND

THE SAID VARIANCE BEING SOUGHT IS NOT OF DETRIMENT TO THE ADJACENT PROPERTIES FOR MANY REASONS. CURRENTLY THE ADJACENT PROPERTY IS REFERRED TO AS VACANT LAND, IN FACT IT IS A CEMETARY WHICH REFERS THERE WILL BE NOTHING EVER DEVELOPED IN NEAR TRUE VICINITY OF WHERE THE WESTONS WOULD LIKE FOR THE VARIANCE TO OCCUR SO THAT THE HOMES CAN BE PLACED MORE CLASSICALLY AND IN PRESERVATION OF NATURE WHICH IS ALWAYS THE FOREMOST ISSUE THE TOWN TAKES CARE OF. SECONDLY WITH THE VARIANCE BEING GIVEN IT WILL GIVE A STANDARD BARRIER FOR THE TOWN OF FUTURE DEVELOPMENT IN THE AREA SO THAT NATURE IS OBSERVED AND HOMES ARE PLACED IN NATURAL POSITIONS TO NOT IMPEDE ON HILTON HEADS TWO GREATEST ASSETS WATER VIEWS AND THE HISTORIC OAK TREE'S.

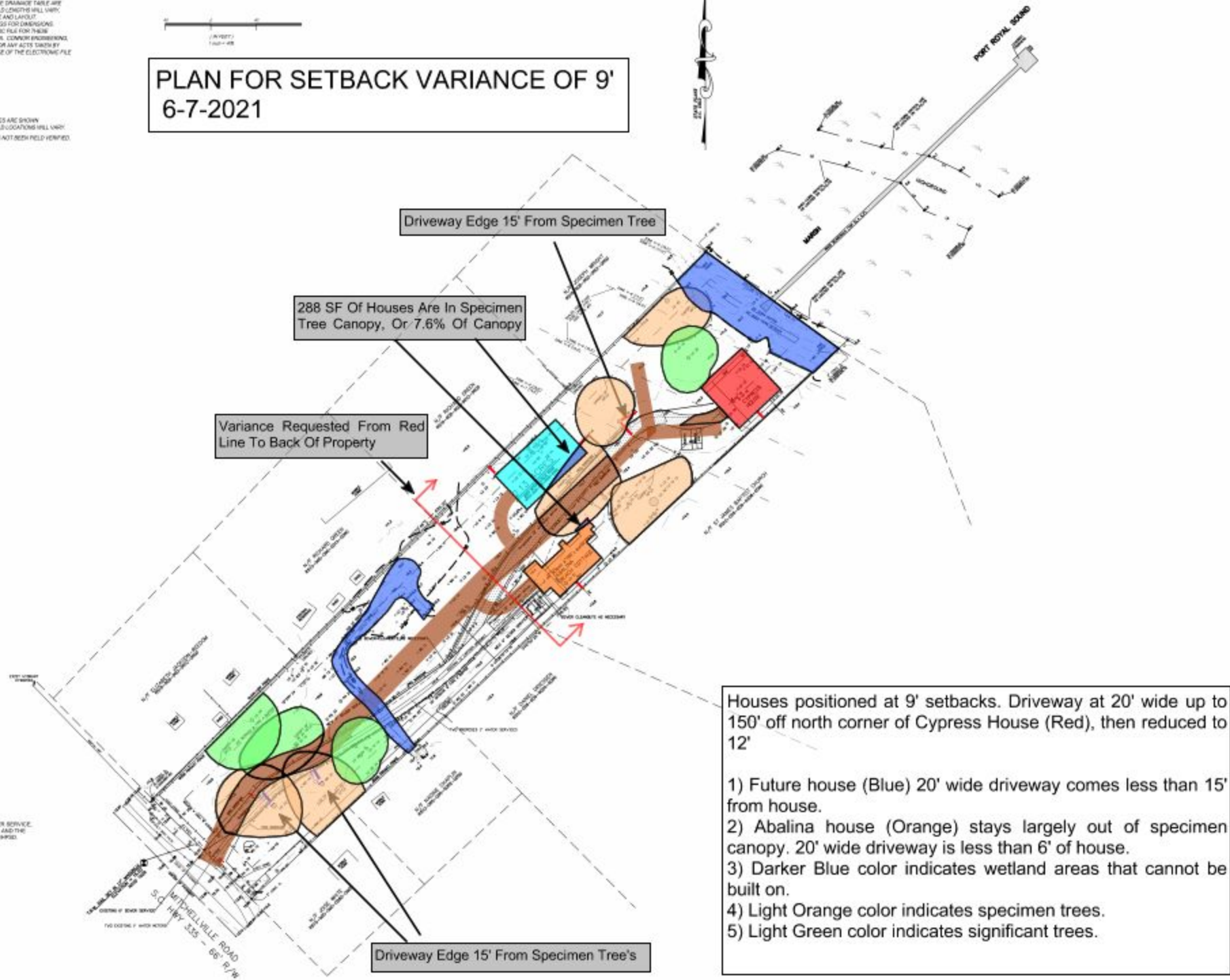
THE ZONING IN THE DISTRICT WILL NOT BE AFFECTED AT ALL. THE CURRENT ZONING OF THIS PROPERTY ALLOWS FOR 12 HOMES PER ACRE. THE WESTONS ARE ONLY SEEKING TO ESTABLISH THREE FAMILY HOMES TO BE PLACED CLASSICALLY IN PRESERVATION OF NATURE. MOST BUILDERS IN THE DISTRICT ARE SEEKING FULL UTILIZATION OF THE GENEROUS ZONING GIVEN IN THE DISTRICT. THIS IS A PRESERVATION OF THE COASTLINE AS PEOPLE FROM ALL OVER THE WORLD WILL VIEW THE COASTLINE FROM THEIR BOATS AND THINK ABOUT HILTON HEAD. CURRENT DEVELOPMENT YOU SEE FULL UTILIZATION OF THIS IN THE DISTRICT WITH DOZENS OF HOMES CLUSTERED IN ONE MASS ON A SMALL PARCEL. ZONING WILL BE PRESERVED IN THE DISTRICT AND ALSO RAISING VALUES OF THE ADJACENT PROPERTIES WHICH WILL GIVE PRESERVATION TO WATERFRONT VIEWS FROM THE SOUND. THE WESTON'S ARE SEEKING THIS VARIANCE FROM THE TOWN AND SHOWING THAT THEY WANT TO BE EQUITABLE PARTNERS WITH THE TOWN IN TASTEFUL DEVELOPMENT AND PRESERVATION OF HILTON HEAD'S GREATEST ASSETS.

Attachment C - Applicant's Site Plans

GENERAL NOTES:
 1. PIPE LAYOUTS SHOWN IN THE DRAINAGE TABLE ARE APPROXIMATE. ACTUAL FIELD LOCATIONS WILL VARY BASED ON STRUCTURE TYPE AND LAYOUT.
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NOTES:
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 2. SEWER SERVICE DEPTH HAS NOT BEEN FIELD VERIFIED.

PLAN FOR SETBACK VARIANCE OF 9'
6-7-2021



Houses positioned at 9' setbacks. Driveway at 20' wide up to 150' off north corner of Cypress House (Red), then reduced to 12'

- 1) Future house (Blue) 20' wide driveway comes less than 15' from house.
- 2) Abalina house (Orange) stays largely out of specimen canopy. 20' wide driveway is less than 6' of house.
- 3) Darker Blue color indicates wetland areas that cannot be built on.
- 4) Light Orange color indicates specimen trees.
- 5) Light Green color indicates significant trees.

REV.	DATE	DESCRIPTION

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 Civil Engineers and Land Planners
 13 Darden Drive
 Charleston, South Carolina 29414
 Phone: (843) 254-9637
 Email: connoreng@live.com

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William Connor
 3-23-22

202 MITCHELLE ROAD
LAYOUT PLAN
 TOWN OF FULTON HEAD ISLAND
 BEAUFORT COUNTY, SOUTH CAROLINA

DATE: MARCH 23, 2021
 SCALE: 1" = 40'
 JOB # 2008
 SHEET 3 OF

Attachment C - Applicant's Site Plans

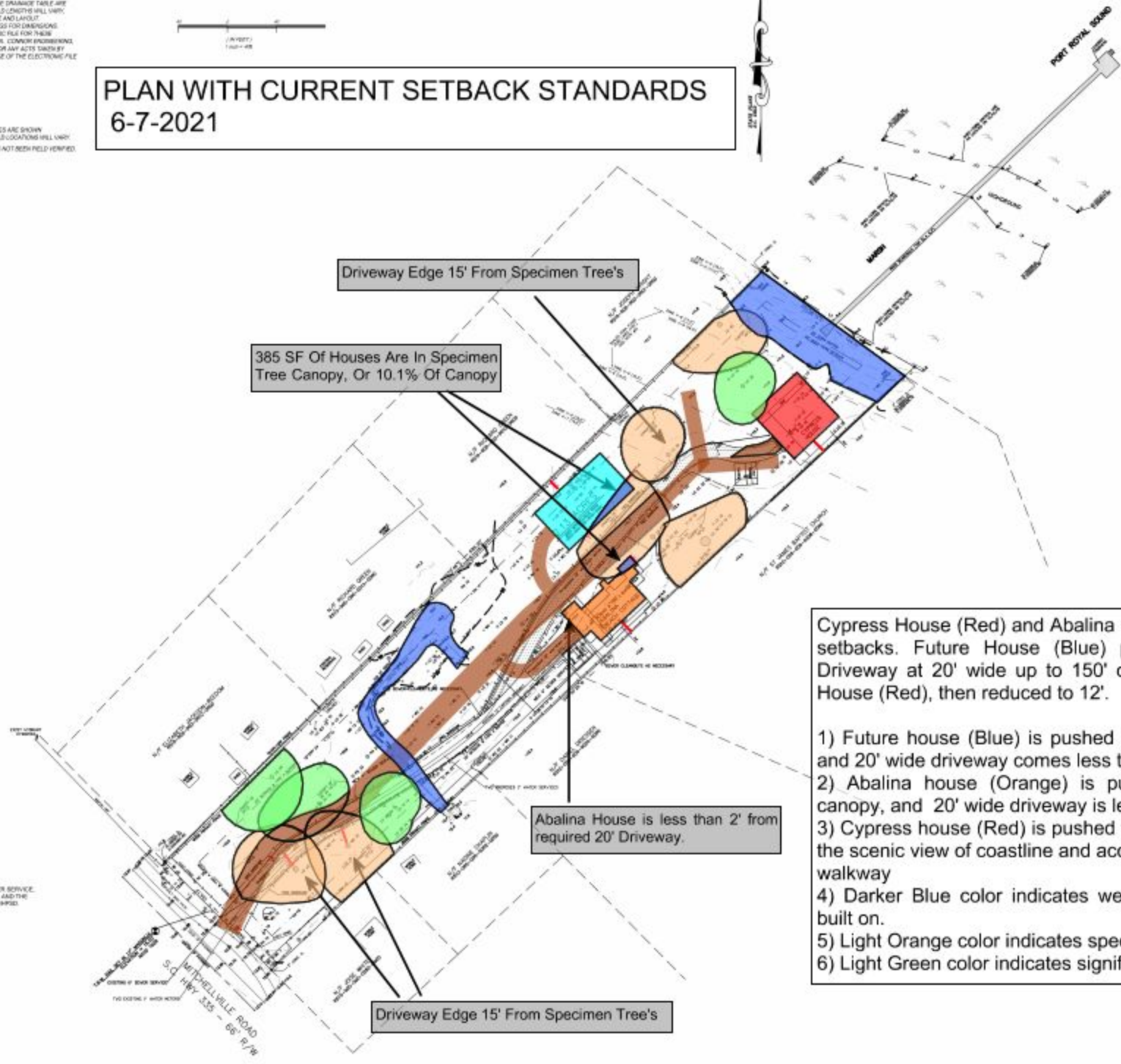
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PLAN WITH CURRENT SETBACK STANDARDS 6-7-2021



Driveway Edge 15' From Specimen Tree's

385 SF Of Houses Are In Specimen Tree Canopy, Or 10.1% Of Canopy

Abalina House is less than 2' from required 20' Driveway.

Driveway Edge 15' From Specimen Tree's

Cypress House (Red) and Abalina (Orange) positioned at 12.5' setbacks. Future House (Blue) positioned at 10' setback. Driveway at 20' wide up to 150' off north corner of Cypress House (Red), then reduced to 12'.

- 1) Future house (Blue) is pushed further into 37" LO canopy, and 20' wide driveway comes less than 13' from house.
- 2) Abalina house (Orange) is pushed further into 37" LO canopy, and 20' wide driveway is less than 2' from house.
- 3) Cypress house (Red) is pushed further out blocking more of the scenic view of coastline and access to existing shared dock walkway
- 4) Darker Blue color indicates wetland areas that cannot be built on.
- 5) Light Orange color indicates specimen tree's.
- 6) Light Green color indicates significant tree's.

REV.	DATE	DESCRIPTION

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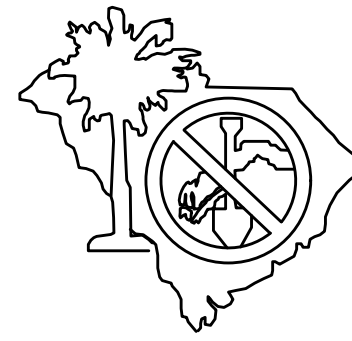


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202 MITCHELLVILLE ROAD
LAYOUT PLAN
 TOWN OF FULTON HEAD ISLAND
 BEAUFORT COUNTY, SOUTH CAROLINA

JOB # 2008 SCALE: 1" = 40'
 DATE: MARCH 23, 2021
 SHEET 3 OF

SITE DRAWINGS FOR 202 MITCHELLEVILLE ROAD



PALMETTO
UTILITY
PROTECTION
SERVICE
(used with permission)

BEFORE DIGGING, CALL FOR UTILITY
LOCATION @ 1-888-721-7877

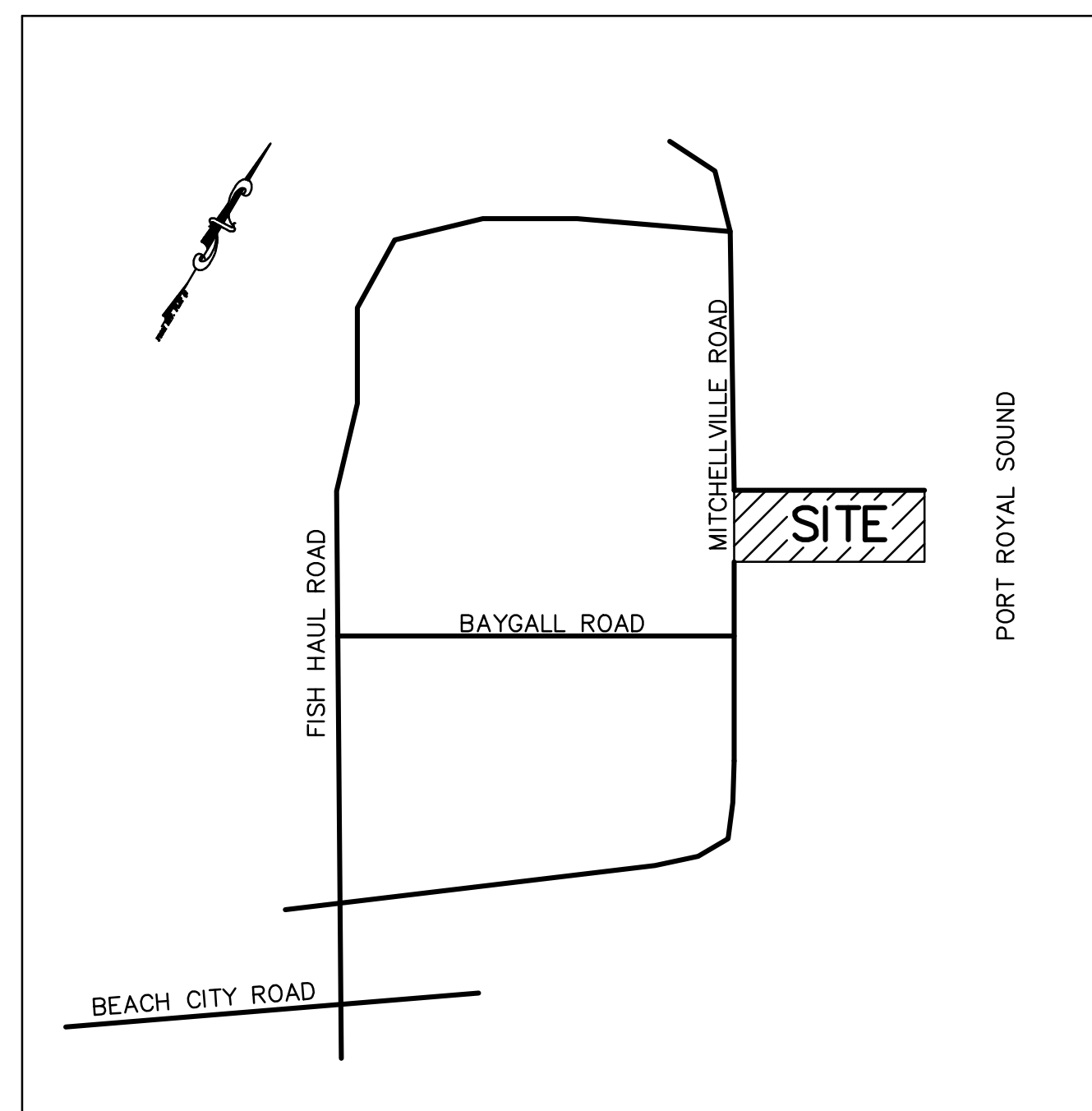
PREPARED FOR SEAGRASS CONSTRUCTION
TOWN OF HILTON HEAD ISLAND

NOTE:

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8-12-2020



LOCATION MAP
N.T.S.

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Engineers & Planners
13 Darien Drive
Charleston, South Carolina 29414
Phone: (843) 224-5637

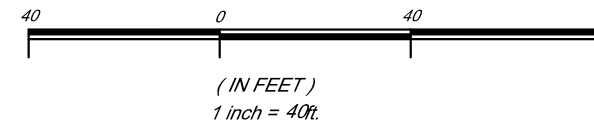
Email: ConnorEng@live.com

SHEET INDEX

Sheet Number	Sheet Title
1	COVER SHEET
2	EXISTING CONDITIONS PLAN
3	LAYOUT PLAN
4	ABALINA FLOOR PLAN
5	CYPRESS FLOOR PLAN

March 23, 2021

NOTE:
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SURVEYOR NOTES

- I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN 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 OBVIOUS, APPARENT OR VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
- AS OF THE DATE OF THIS SURVEY THIS PROPERTY IS LOCATED IN ZONE A-7 & A-9 A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY H.L.D. PANEL 000-2, COMMUNITY NO. 452250. MAP DATED 9/29/88. BASE ELEVATION 14.0, 15.0, 16.0 & 18.0 (NGVD 29 DATUM). FLOOD HAZARD ZONE AND BASE ELEVATION SHOULD BE VERIFIED BY PROPER TOWN OR COUNTY BUILDING INSPECTIONS DEPARTMENT. THE FEMA FLOOD LINES SHOWN ON THE PLAT WERE SCALED FROM AFORESAID MAP TO THE BEST ABILITY.
- BUILDING SETBACKS WHICH EXIST FOR THIS LOT, SHOWN OR NOT SHOWN ON THIS SURVEY, ARE EXPLAINED IN THE COVENANTS, EASEMENTS & SETBACKS SHOWN SHOULD BE VERIFIED THRU THE APPROPRIATE ARCHITECTURAL REVIEW BOARD OR BUILDING AGENCY. THE SETBACKS AND BUFFER SHOWN ON SURVEY ARE PER SHARI MENDRICK, PLANNER/FLOODPLAIN MANAGER FOR THE TOWN OF HILTON HEAD ISLAND.
- UNDERGROUND UTILITIES NOT LOCATED ON THIS SURVEY. SURVEYING CONSULTANTS DOES NOT CERTIFY TO THE EXACT LOCATION OF ANY UNDERGROUND UTILITY.
- NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR WETLAND SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS, CONTAMINATION, OR OTHER CONDITIONS WHICH MAY AFFECT THIS PROPERTY.
- SURVEYING CONSULTANTS CERTIFIES TO THE BOUNDARY, TOPOGRAPHIC AND ASBLUT INFORMATION PROVIDED HEREON AS OF THE DATE OF SURVEY. IF THIS DOCUMENT IS TO BE PROVIDED AS A BASE MAP FOR OTHERS, INFORMATION ADDED AFTER THE DATE OF THIS SURVEY IS NOT THE RESPONSIBILITY OF SURVEYING CONSULTANTS.
- AN ARBORIST SHOULD BE CONSULTED TO VERIFY TREE IDENTIFICATION, IF IDENTIFICATION OF TREES IS CRITICAL TO DEVELOPMENT.
- THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE, THEREFORE THERE MAY BE OTHER EASEMENTS, RIGHT-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, RESTRICTIONS, OR OTHER SIMILAR MATTERS OF PUBLIC RECORD, NOT DEPICTED ON THIS SURVEY.
- BOUNDARY LINES ARE BASED ON FIELD EVIDENCE AND MONUMENTATION FOUND. BEARINGS SHOWN ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATES ESTABLISHED FROM GPS STATIC OBSERVATION AND NIS-OPUS POST PROCESSING. SEE REFERENC PLATS FOR RECORD BEARINGS AND DISTANCES.

SURVEYOR LEGEND:

TREE SIZES ARE INCHES IN DIAMETER	
SPOT ELEVATION	CONTOUR
CONC. O.	CONCRETE MONUMENT, OLD (FOUND)
TEL	TELECOMMUNICATIONS BOX
CATV	CABLE TV BOX
PIB	POWER BOX
TRNF	TRANSFORMER
CO	CLEANOUT
N.T.S.	NOT TO SCALE
T.B.M.	TEMPORARY BENCH MARK
CHY	CHERRY
LA	LAUREL OAK
LO	LIVE OAK
WO	WATER OAK
MAG	MAGNOLIA
MAP	MAPLE
RC	RED CEDAR
PN	PINE

REFERENCE PLAT:

- A BOUNDARY SURVEY OF 2.13 ACRES BY: CARL E. ECKHOLM, SCRLS #2047 RECORDED: P.B. 25, PG. 130, SEE D.B. 1431, PG. 0654
- AN ASBLUT AND BOUNDARY SURVEY OF LOT A MITCHELLVILLE ROAD DATED: 04/15/1994 BY: MICHAEL R. DUNIGAN, SCRLS # 11905 RECORDED: P.B. 50, PG. 1, 06/18/1994
- AN ASBLUT AND BOUNDARY SURVEY OF LOT B MITCHELLVILLE ROAD DATED: 04/15/1994 BY: MICHAEL R. DUNIGAN, SCRLS # 11905 RECORDED: P.B. 53, PG. 51, 06/20/1995
- A PLAT OF LANDS OF ROSA LEVEL DATED: 02/01/1982 BY: CARL E. ECKHOLM, SCRLS #2047 RECORDED: P.B. 30, PG. 146, 07/19/1982
- A BOUNDARY SURVEY OF LOT 1 MITCHELLVILLE ROAD DATED: 12/04/1998, LAST REVISED: 05/18/1999 BY: FORREST F. BAUGHMAN, SCRLS # 4922 RECORDED: P.B. 71, PG. 165, 10/05/1999



SPECIAL NOTE:

THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS, BY THEIR NATURE, ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES THE ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREIN OR NOT.

SIGNATURE _____ DATE _____

THE CRITICAL LINE SHOWN ON THIS PLAT IS VALID FOR FIVE YEARS FROM THE DATE OF THIS SIGNATURE, SUBJECT TO THE CAUTIONARY LANGUAGE ABOVE.

PREPARED FOR: JIM PARIS

ADDRESS: #202 MITCHELLVILLE ROAD
 TAX PARCEL I.D. NO. R510-005-000-0016-0000

BOUNDARY
 TREE & TOPOGRAPHIC
 SURVEY OF

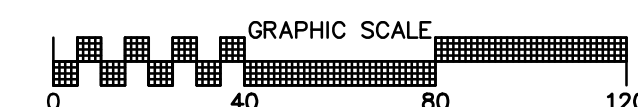
2.13 ACRES

#202 MITCHELLVILLE ROAD

HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

SCALE: 1" = 40' DATE: 10/17/2018 JOB NO: SC180144

SURVEYED BY:



SURVEYING CONSULTANTS

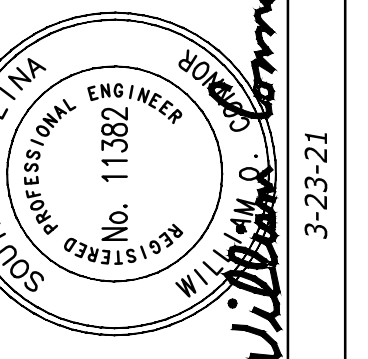
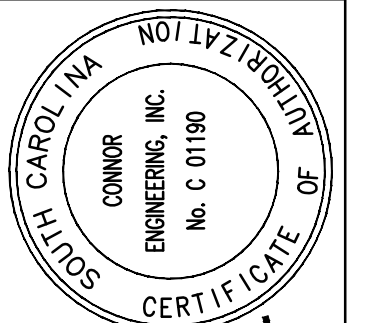
17 Sherington Drive, Suite C, Bluffton, SC 29910
 SC Telephone: (843) 815-3304 FAX: (843) 815-3305
 GA Telephone: (912) 826-2775
 www.SurveyingConsultants.com
 Email: SC@SurveyingConsultants.com

DATE: 10/17/2018

REV.	DATE	DESCRIPTION

CONNOR ENGINEERING, INC.

Civil Engineers and Land Planners
 13 Darien Drive
 Charleston, South Carolina 29414
 Phone: (843) 224-5637
 Email: ConnorEng@Live.com



202 MITCHELLVILLE ROAD

EXISTING CONDITIONS

TOWN OF HILTON HEAD ISLAND
 BEAUFORT COUNTY SOUTH CAROLINA

DATE: MARCH 23, 2021

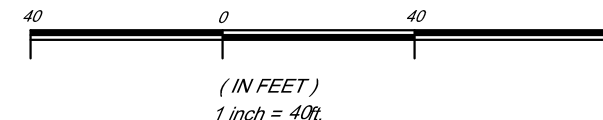
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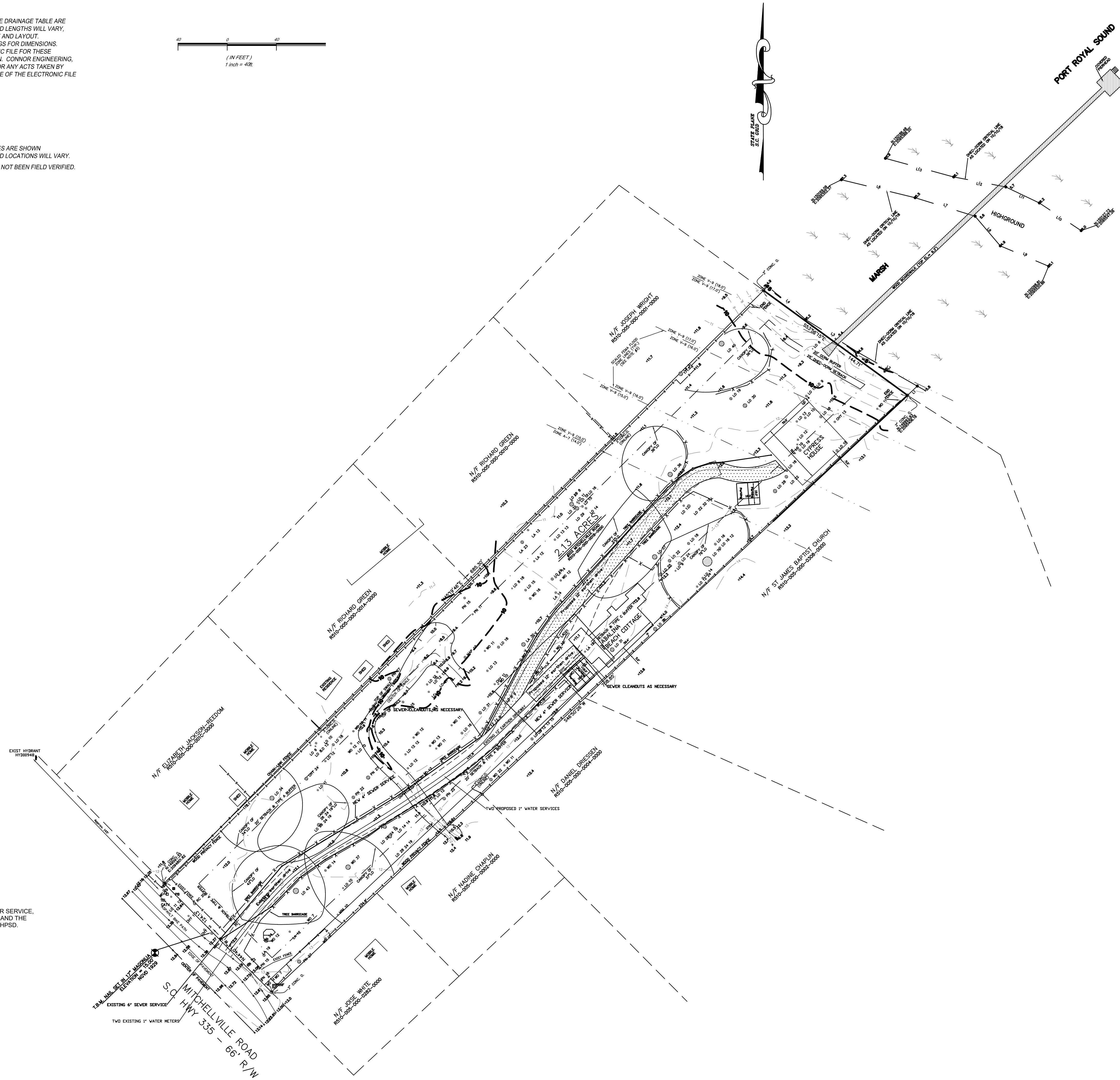
JOB # 2065

SHEET 2 OF

- GENERAL NOTES:**
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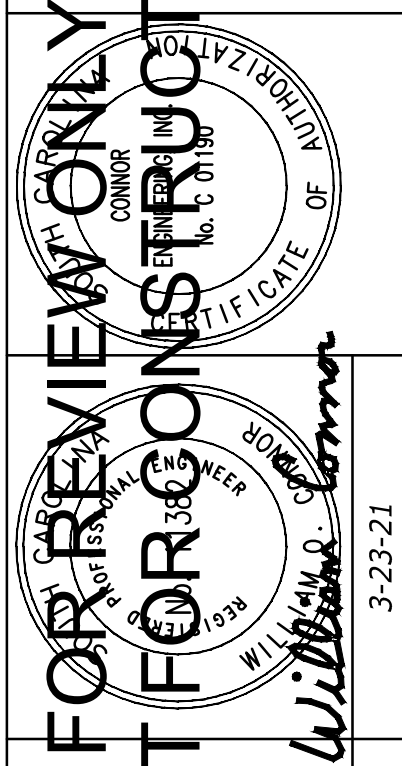
REV.	DATE	DESCRIPTION

202 MITCHELLVILLE ROAD
LAYOUT PLAN
 TOWN OF HILTON HEAD ISLAND
 BEAUFORT COUNTY SOUTH CAROLINA

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 13 Darien Drive
 Charleston, South Carolina 29414
 Phone: (843) 224-5637
 Email: ConnorEng@Live.com



DATE: MARCH 23, 2021

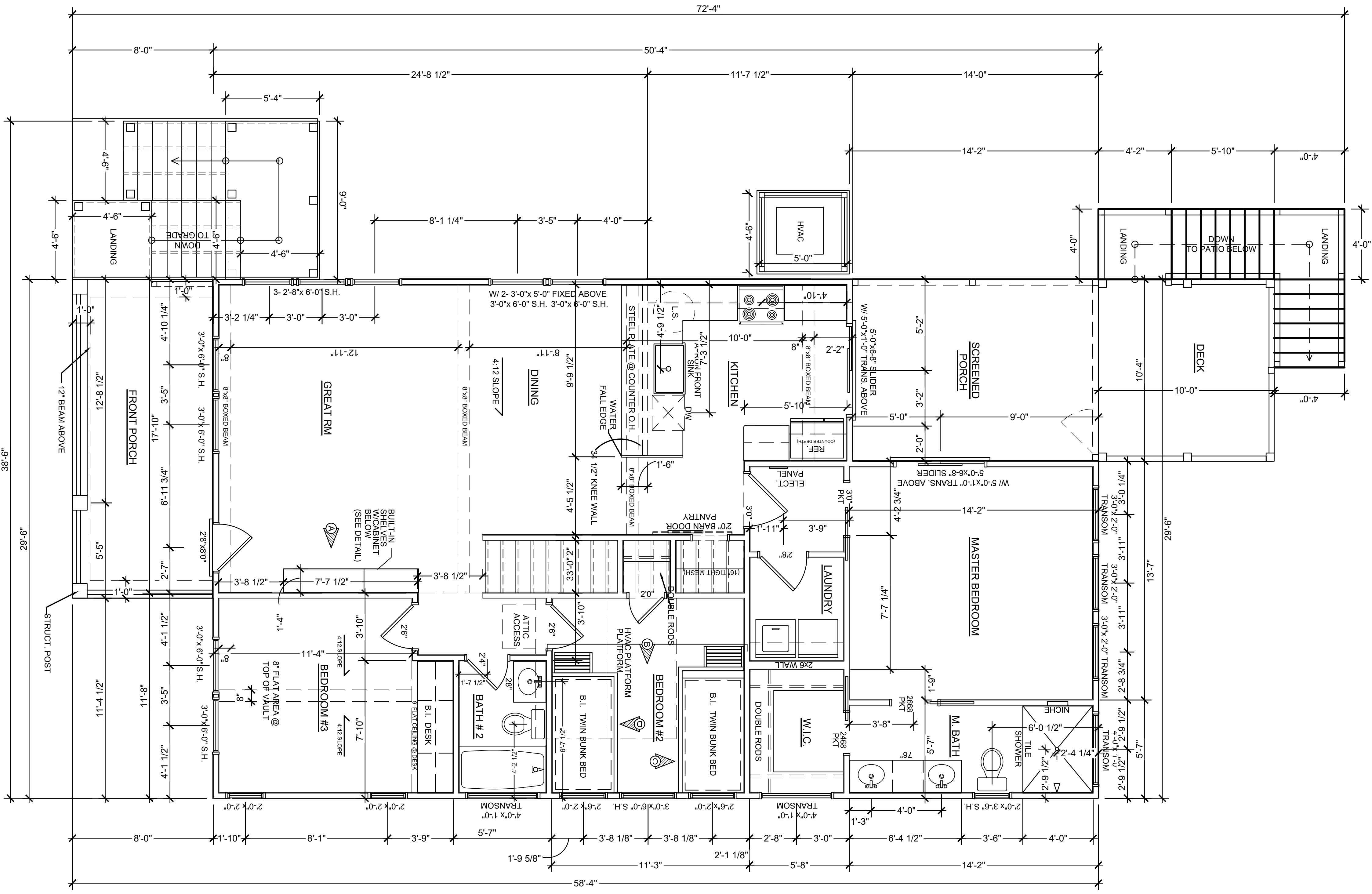
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JOB # 2065

SHEET 3 OF

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1
FIRST FLOOR PLAN
3/16" = 1'-0"



NOTE: ABALINA FLOOR PLAN WAS PROVIDED TO CEI BY THE CONTRACTOR. ABALINA FLOOR PLAN IS NOT A CEI DESIGN.

REV.	DATE	DESCRIPTION

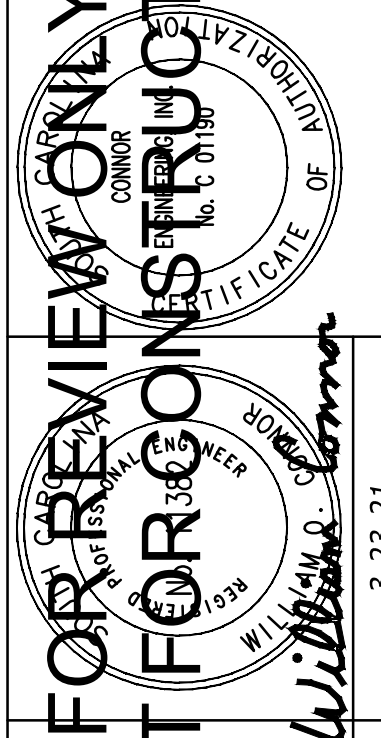
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202 MITCHELLVILLE ROAD
TOWN OF HILTON HEAD ISLAND
BEAUFORT COUNTY SOUTH CAROLINA



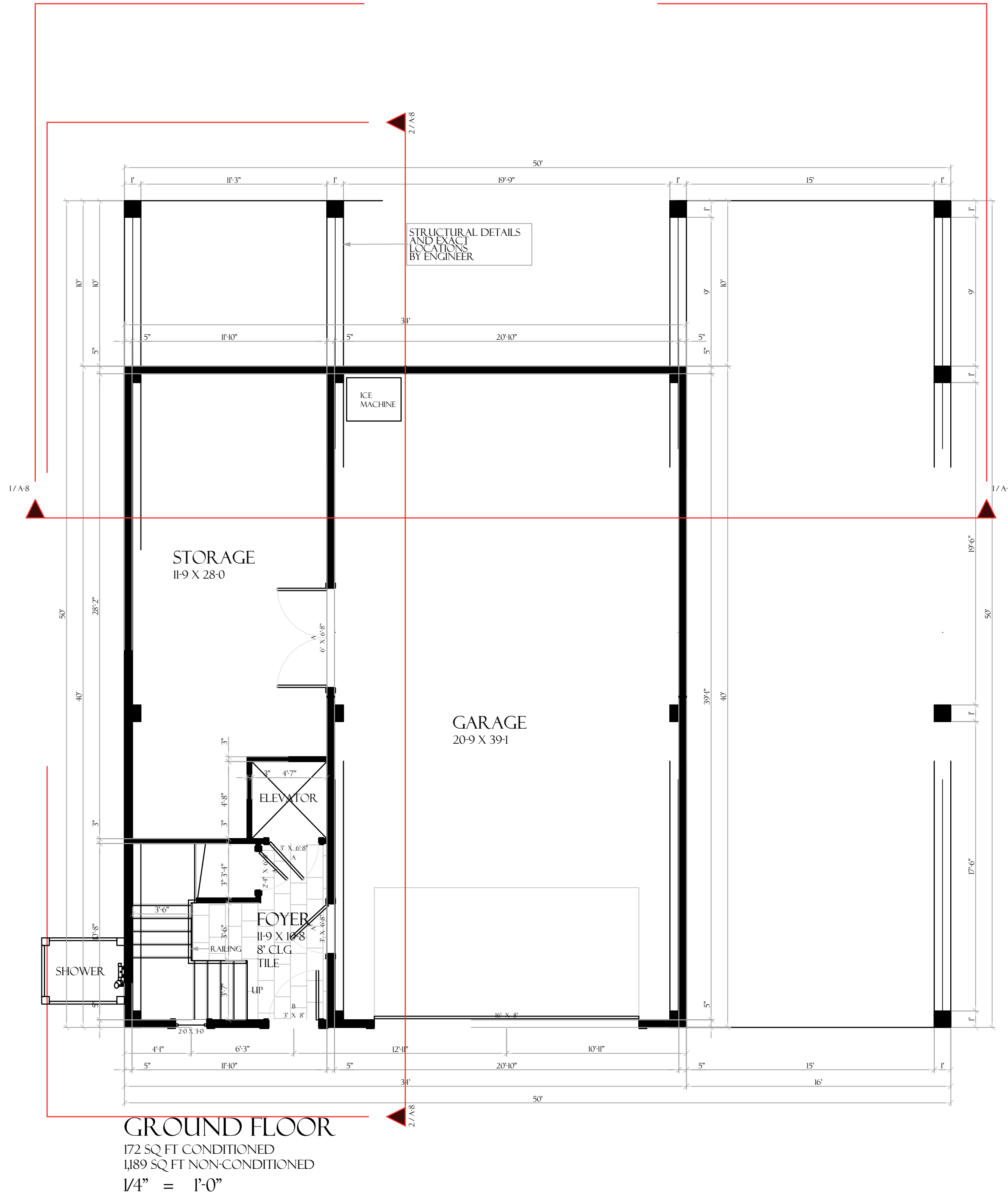
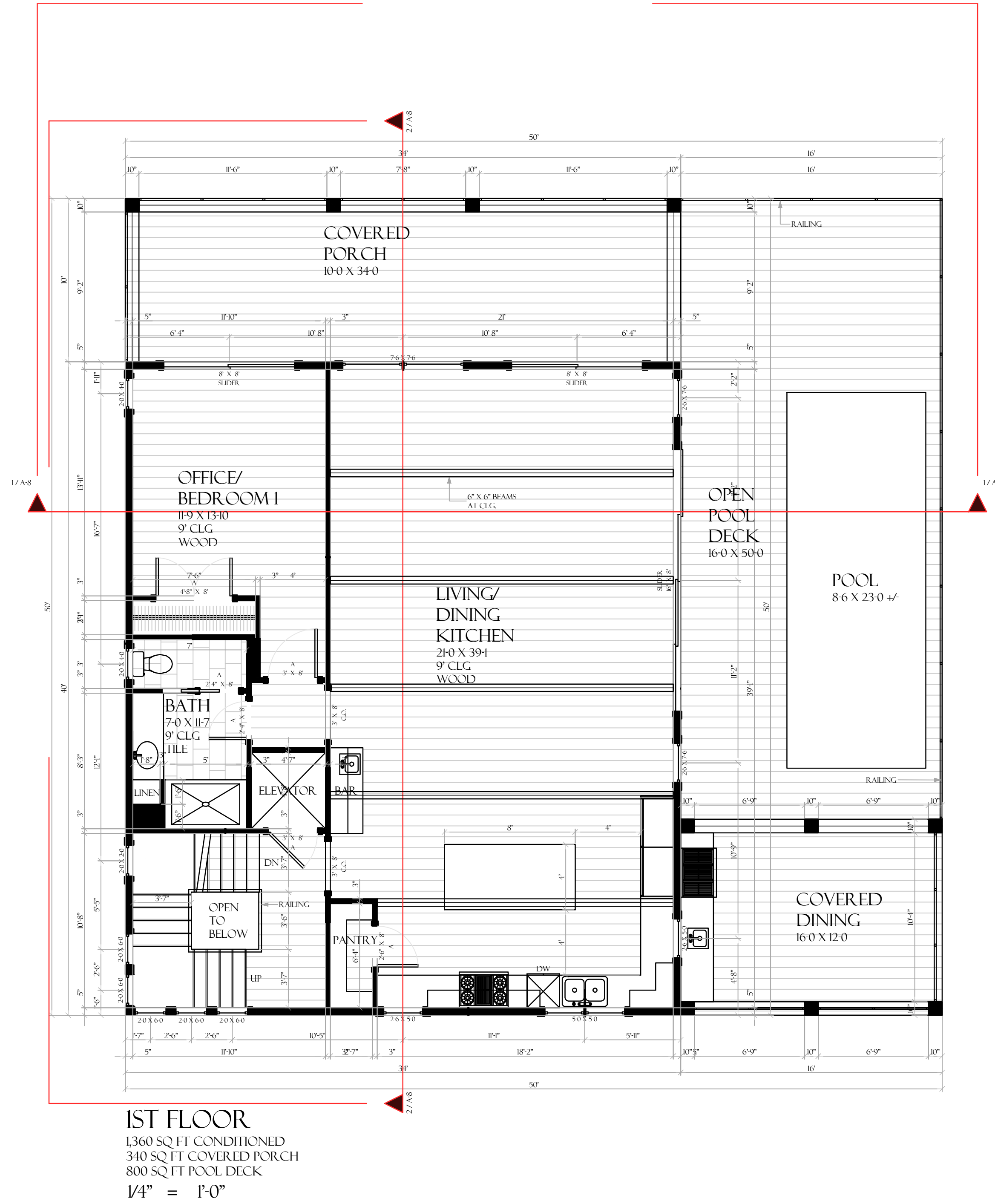
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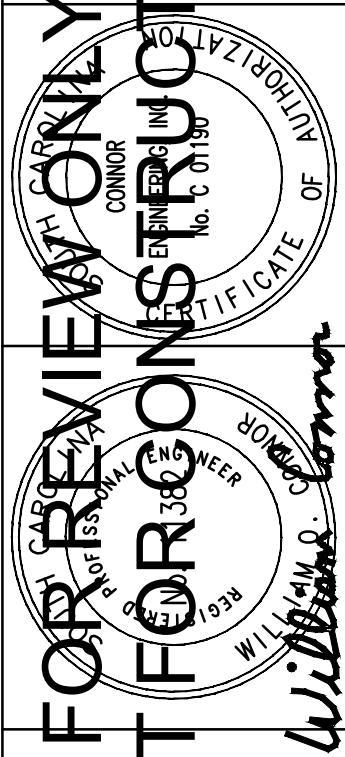
REV.	DATE	DESCRIPTION

202 MITCHELLVILLE ROAD
CYPRESS FLOOR PLAN
 TOWN OF HILTON HEAD ISLAND
 BEAUFORT COUNTY SOUTH CAROLINA

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I. Mitchelville (MV) District

MV

Mitchelville District

1. Purpose

The purpose of the Mitchelville (MV) District is to recognize the historical and cultural significance of this area of the Island. A variety of **uses** are permitted in an effort to facilitate **development** in this area. These **sites** have a unique ability to provide an environment conducive to water-oriented commercial and residential **development**.

2. Allowable Principal Uses

		USE SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF STREET PARKING SPACES	
Residential Uses				
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Recreational Vehicle	PC	16-4-102.B.1.c	1 per Recreational Vehicle	
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Cemeteries	P		1 per 225 GFA of office area + 1 per 500 GFA of maintenance facilities	

Community Service Uses	P		1 per 400 GFA	
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room	
Hotels	P		1 per guest room	
Interval Occupancy	P		1 bedroom	1 per du
			2 bedrooms	1.25 per du
			3 or more bedrooms	1.5 per du
Commercial Recreation				
Indoor Commercial Recreation Uses	P		1 per 3 persons + 1 per 200 GFA of office or similarly used area	
Outdoor Commercial Recreation Uses Other than Water Parks	PC	Sec. 16-4-102.B.5.b	Golf Courses, Miniature Golf Courses, or Driving Ranges	1 per tee

			Stadiums	1 per 4 spectator seats
			Other	1 per 3 <i>persons</i> + 1 per 200 GFA of office or similarly used area
Water Parks	P		See Sec. 16-5-107.D.2	
Office Uses				
Contractor's Office	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	
Other Office Uses	P		1 per 350 GFA	
Commercial Services				
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.d	1 per 200 GFA	
Eating Establishments	PC	Sec. 16-4-102.B.7.e	1 per 100 sf of <i>gross floor area</i> and outdoor eating area	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area	
Other Commercial Services	P		See Sec. 16-5-107.D.2	
Vehicle Sales and Services				

Auto Rentals	PC	Sec. 16-4-102.B.8.a	See Sec. 16-5-107.D.2	
Watercraft Sales, Rentals, or Services	PC	Sec. 16-4-102.B.8.f	1 per 200 GFA	
Industrial Uses				
Seafood Processing	PC	Sec, 16-4-102.B.9.b	1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office or administrative area	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps, Docking Facilities, and Marinas	P		1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips	
3. Development Form Standards				
MAX. DENSITY (PER NET ACRE)		LOT COVERAGE		
Residential	12 du		Max. Impervious Cover	50%
Bed and Breakfasts	10 rooms			
Hotel	35 rooms		Min. Open Space for Major Residential Subdivisions	16%
Interval Occupancy	12 du			

Nonresidential	8,000 GFA	
MAX. BUILDING HEIGHT		
All <i>Development</i>	75 ft	
USE AND OTHER DEVELOPMENT STANDARDS		
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.		
<p>TABLE NOTES: P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <i>dwelling units</i>; sf = square feet; GFA = <i>gross floor area</i> in square feet; ft = feet; n/a = not applicable</p>		

Attachment F – Specimen and Significant Tree Preservation

Sec.16-6-104. - Tree Protection

F. Specimen and Significant Tree Preservation

1. Specimen and Significant Tree Defined

For purposes of this section, a specimen tree is any tree of a species designated by the State or federal government as an endangered, threatened, or rare species, or any tree of a type and with a DBH equal or greater than that indicated in Table 16-6-104.F.1, Specimen Trees, for the tree type. A tree that is within 20% of the size classified as a specimen, is considered a significant tree.

(Revised 5-17-2016 - Ordinance 2016-07; revised 1-7-2020 - Ordinance 2020-02)

TABLE 16-6-104.F.1: SPECIMEN AND SIGNIFICANT TREES			
TREE TYPE		SPECIMEN DBH (INCHES)	SIGNIFICANT DBH (INCHES)
Live oak	Single trunk	35	28
	Multiple trunks	60 (sum of all trunks)	48
Laurel oak		35	28
Water oak		30	24
Red oak		25	20
White oak		20	16
All hickories		20	16
American elm		15	12
Loblolly and slash pines		35	28
Longleaf and pond pines		25	20
Red bay		10	8

Attachment F – Specimen and Significant Tree Preservation

Southern magnolia	30	24
Bald cypress and pond cypress	15	12
Black gum and sweet gum	30	24
Red maple	30	24
Spruce pine	Any size	Any size
Red cedar	10	8
Sycamore	30	24
Black cherry	25	20
Sassafras	6	5

(Revised 1-7-2020 - Ordinance [2020-02](#))

2. General Requirements

- a. No **specimen tree** may be removed except in accordance with paragraph b below. In addition, all **specimen trees** shall have the following protections, whether located on public or private **land** with the exception of **specimen trees** located on **single-family lots**:

(Revised 5-17-2016 - Ordinance [2016-07](#))

- i. Any activities performed within the drip line of a **specimen tree** shall have the prior approval of the **Official**.
- ii. **Specimen trees** shall not be cut, removed, pushed over, killed, or otherwise harmed.
- iii. No more than 20 percent of the total area within the drip line of any **specimen tree** shall be subject to paving or soil compaction, and no paving or soil compaction is allowed within 15 feet of the **tree** trunk. (See Figure 16-6-104.F.2: Limits of Paving or Compaction near Specimen Trees.) The **Official** may allow paving or soil compaction beyond the 20 percent limit if low impact **development** techniques (e.g., **pervious** pavers, materials placed at or above **grade**, no use of mechanical machinery) are used as an alternative means of protecting the **specimen tree**.

Attachment F – Specimen and Significant Tree Preservation

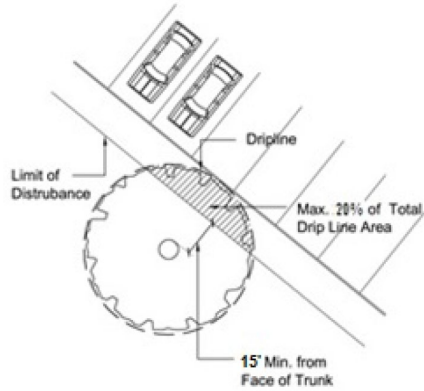


Figure 16-6-104.F.2: Limits of Paving or Compaction near Specimen Trees

- b. If preservation of a **specimen tree** causes unnecessary hardship, the **applicant** may apply for a variance from this subsection (see Sec. 16-2-103.S, Variance) once any required **State** or federal government agency approval, if applicable, to remove the **tree** is received in writing.

Site Photos taken 6/1/21
VAR-001218-2021
202 Mitchelville Road

Attachment G

































Site Photos taken 6/1/21
VAR-001218-2021
202 Mitchelville Road

Attachment G







TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
FROM: Missy Luick, *Senior Planner*
DATE: June 18, 2021
SUBJECT: Waiver Report

The BZA requested that staff keep them informed of substitutions of nonconformities for redevelopment that are granted by staff. A memo is distributed every month at the regular BZA meetings and is discussed under staff reports on the agenda.

The following language is contained in Section 16-7-101.F, Substitutions of Nonconformities for Redevelopment, which gives the Administrator the power to grant such substitutions for existing nonconforming structures and site features.

LMO Section 16-7-101.F:

“To provide flexibility and encourage redevelopment of sites with nonconforming features or structures, the Official is authorized to approve a Development Plan for such sites if the proposed development:

1. Will not include any new development that increases the amount of encroachment into any required buffer or setback;
2. Will not increase the impervious cover on the site over the maximum allowed for the district or the existing impervious cover, whichever is greater;
3. Will not result in a density in excess of what is allowed under this Ordinance, or the existing density, whichever is greater;
4. Will lessen the extent of existing nonconforming site features to the greatest extent possible;
5. Will not have an adverse impact on the public health, safety or welfare; and
6. Will lessen the extent of nonconformities related to any existing nonconforming structure on the site to the greatest extent possible.”

1 waiver has been granted by staff since the May 24, 2021 BZA meeting.

1. **WAIV-001195-2021 – 30 Governors Road** – A Substitution of Nonconformities waiver was received for the Sea Pines Country Club property at 30 Governors Road. The request was to remove and resurface an existing cart path that is currently located within the Town’s wetland buffer. Because the applicant agreed to bring the site more into conformance with the LMO by reducing the amount of impervious surface encroachments in the wetland buffer by approximately 76.8 square feet by converting the asphalt pavement to permeable pavers, the waiver was approved.