



Town of Hilton Head Island
Board of Zoning Appeals
Special Meeting
Thursday, June 8, 2023 – 1:00 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. Appearance by Citizens

Citizens may submit written comments via the [Town's Open Town Hall Portal](#). The portal will close at 4:30 p.m. on Wednesday, June 7, 2023. Comments submitted through the portal will be provided to the Board of Zoning Appeals and made part of the official record.

7. Unfinished Business – None

8. New Business

a. Public Hearing

VAR-000944-2023 – Request from Johnathan Roberts of Roberts Civil Engineering, on behalf of Beach House Resort Owner LLC, for a variance from LMO Section 16-3-106.L, Coastal Protection Area Overlay District to allow an Event Pavilion to encroach within the Coastal Protection Area Overlay District. The property is known as the Beach House of Hilton Head Island and is located at 1 S. Forest Beach Drive, with a parcel number of R553 018 000 003A 0000.

9. 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 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-000944-2023	June 8, 2023

Parcel Data:	Applicant and Owner:
<p>Parcel#: R553 018 000 003A 0000 Address: 1 S. Forest Beach Drive Parcel size: 4.624 acres Zoning: RD (Resort Development) District Overlay: Corridor Overlay District, Transition Area Overlay District, Coastal Protection Area Overlay District</p>	<p style="text-align: center;">Applicant: Johnathan Roberts of Roberts Civil Engineering 6001 Chatham Center Drive, Suite 150 Savannah, GA 31405</p> <hr style="border: 0.5px solid black;"/> <p style="text-align: center;">Owner: Beach House Resort Owner LLC 444 Madison Ave. #14 New York, NY 10022</p>

Application Summary:

Request for a variance from the Land Management Ordinance (LMO) Section 16-3-106.L, Coastal Protection Area Overlay District to allow an Event Pavilion to encroach within the Coastal Protection Area Overlay District. The property is known as the Beach House Hilton Head.

Staff Recommendations:

Staff recommends the Board of Zoning Appeals find the request 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. Staff recommends that the Board of Zoning Appeals *deny the application*.

Background:

The subject property, known as the Beach House Hilton Head, is a hotel and is classified under “Resort Accommodations” per Section 16-10-103.D.2. It is located on the island’s south end, adjacent to Ocean One Villas and close to Coligny Circle. Access is provided via S. Forest Beach Drive. (See Exhibit B.) The property is located in the Resort Development (RD) District and resides within the Corridor Overlay, the Coastal Protection Area Overlay District (CPA-O), the Transition Area Overlay District (TA-O), and the Critical Storm Protection and Dune Accretion Area. (See Exhibit C.)

The LMO lists activities and uses permitted in the TA-O in Section 16-3-106.M.3.a, which “may include any uses that do not require enclosed space to operate. These activities and uses include, but are not limited to, swimming pools, boardwalks, fire pits, decks, required drainage improvements, and necessary utilities.”

The LMO defines the purpose of the CPA-O in Section 16-3-106.L.1.

- a. The purpose of the CPA-O, in conjunction with the TA-O, is to eliminate the potential for seaward migration of the built environment along the Island’s beachfront to the greatest extent possible. This environmentally sensitive area:
 - i. Protects life and property by serving as a storm barrier;
 - ii. Provides an important basis for a tourism industry that generates annual tourism industry revenue;
 - iii. Provides habitat for numerous species of plants and animals that are important to the natural functioning of the beach and dune system, or that are threatened or endangered; and
 - iv. Provides beach and dune system vegetation that is unique and extremely important to the vitality and preservation of the barrier island environment.
- b. All new development and changes to existing development in the district are subject to the regulations of this section.
- c. The Town’s standards and regulations pertaining to development activity within the CPA-O are intended to complement those of the State of South Carolina.
- d. Where State law and Town provisions regulate development under this subsection, the more restrictive standard shall govern, to the extent allowed by State law. In the event of a conflict between the provisions of this section and applicable State law, State law governs.

The Beach House has accessory structures on site, including a pool, tiki bar, and event area. The applicant currently uses a 40 x 60-foot temporary tent to host events. The construction of the temporary tent requires the applicant to secure Town approval via a permit each time the tent is raised.

In the past two years, from May 4, 2021, to May 4, 2023, the Town can confirm that the applicant applied for 27 permits to set up a temporary tent in the TA-O and CPA-O; all of the permit requests were approved. The application fee for each permit is \$50. Section 16-4-104.D.9 of the LMO outlines the use of Temporary Tents and reads:

- a. “Temporary tents may be utilized on any property for no more than four days per week.
- b. Tents used in connection with an approved Open Air Sales Permit may be used for the duration of the permit. Tents may be erected two days before the start of the open air sale and shall be removed within two days of the conclusion of the sale.
- c. Temporary tents located on hotel property and used for a convention may be utilized on that property for no more than 14 consecutive days. The location must be approved by the Official for compliance with the buffer standards and for adequate parking.
- d. Temporary tents approved in connection with a Special Event Permit or located at parks may be utilized for the duration of the permit and are exempt from the time restrictions of this section.”

Section 16-3-106.L.3, a, of the LMO reads, “All development is prohibited in the CPA-O except the following permitted uses and activities: Boarded pathways as perpendicular to the beach as practical and not larger than six feet in width and their associated wooden deck not larger than 144 square feet (must comply with Sec. 16-6-103, Beach and Dune Protection); Beach renourishment; Emergency vehicular beach access; and Permitted beach maintenance activities such as sand fencing, re-vegetation with native plant material and erosion control.”

The applicant is seeking a variance from the Town to construct a permanent pavilion in place of the temporary tent (a non-enclosed space). The proposed pavilion is 35 x 53 feet in size, with 713 square feet encroaching in the CPA-O. (See page 14 of 17 in Exhibit A.)

On March 7, 2023, the Town amended its LMO to allow property owners the ability via the variance procedure to seek and obtain relief from all sections of the LMO (other than for use, height and density). Prior to March 7, 2023, the applicant could not seek this specific relief through the variance procedure.

The Federal Emergency Management Agency (FEMA) offers flood insurance discounts to communities through the Community Rating System (CRS). The Town currently is a Class 5 CRS community, which affords all citizens within Town limits a 25 percent discount on their flood insurance premium. The Town receives credit for the mapping of the CPA-O, having special regulations governing development in this area, preserving the undeveloped area as open space and restricting building in the CPA-O.

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

Grounds for Variance:

According to the applicant’s narrative, “This proposed structure does not extend beyond the DHEC-OCRM Setback line or the City’s Side Setback. This open-air structure is designed to meet the architectural character of the Town of Hilton Head Island Design Guidelines. It is intended to replace the temporary event tent currently located in the same location within the existing fenced area.”

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:

- The Variance Application was submitted on April 21, 2023 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 May 24, 2023 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on May 24, 2023 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on May 23, 2023 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 property is of average size and shape of nearby hotels.
- The property is developed with a hotel, swimming pool, tiki bar, and event area.
- Nearby properties are zoned similarly. The CPA-O and the TA-O affect all properties adjacent to the beach in the RD.
- The property at 1 S. Forest Beach Drive has a smaller TA-O area than four nearby large-scale tourist locations, but is similar in size to two other large-scale tourist locations. The TA-O, allows activities and uses including non-enclosed spaces such as tents and pavilions.
- The applicant successfully secures temporary tent permits on an as needed basis from the Town.
- The applicant demonstrates an alternative solution showing a smaller pavilion in their application on page 14 of 17 in Exhibit A.

Conclusion of Law:

- This application does not meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.01 because there are no extraordinary or exceptional conditions that apply to this property.
- The applicant secures temporary tent permits on an as-needed basis from the Town.
- Nearby parcels could also request temporary tent permits.
- The applicant provides an alternative solution showing a smaller pavilion in their application on page 14 of 17 in Exhibit A.

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 property at 1 S. Forest Beach Drive has a smaller TA-O area than four nearby large-scale tourist locations, but is similar in size to two other large-scale tourist locations.
- The RD has other large-scale tourist locations which do not encroach into the CPA-O. (See Exhibit C.) The following measurements were taken by drawing a line from the most seaward part of the existing development to the beachfront using the Town’s Property Information Viewer tool:
 - 51 S. Forest Beach Drive, Marriott’s Grand Ocean, is approximately 56 feet from the CPA-O District.

- 41 S. Forest Beach Drive, Hilton Grand Vacation Club Ocean Oak Resort Hilton Head, is approximately 79 feet from the CPA-O District.
- 11 S. Forest Beach Drive, Ocean One Villas is approximately 109 feet from the CPA-O District.
- 4 N. Forest Beach Drive, Breakers Vacation Rentals, is approximately 83 feet from the CPA-O District.
- 10 N. Forest Beach Drive, The Sea Crest Report crosses the CPA-O District by approximately 23 feet.
- The applicant currently encroaches in the CPA-O District by approximately 17 feet. (See Exhibit D.)

Conclusion of Law:

- This application does not meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.02 because there are no extraordinary and 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 property continues to be utilized as a hotel.
- The applicant currently has a hotel, swimming pool, tiki hut, and event area on site.
- The applicant is actively proposing further development of the parcel, DPR-000742-2023.
- In the past two years, from May 4, 2021, to May 4, 2023, the Town can confirm that the applicant has applied for 27 permits to set up a temporary tent in the CPA-O; all of the permit requests were approved.
- The applicant’s variance application shows an alternative option for the pavilion that does not encroach into the CPA-O in their application on page 14 of 17 in Exhibit A.

Conclusions of Law:

- This application does not meet the criteria set forth in LMO Section 16-2-103.S.4.a.i.03 because no extraordinary conditions exist that pertain to the property, and the utilization of the property is not restricted.
- The property is developed with a hotel, swimming pool, tiki bar, and event area.
- The applicant provides an alternative solution showing a smaller pavilion that does not encroach into the CPA-O in their application on page 14 of 17 in Exhibit A.

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:

- Encroachment into the CPA-O will cause the Town to lose credits as part of the CRS, which may reduce the 25 percent flood insurance discount available to all residents within the Town.
- Section 16-3-106.L.1.a, reads, “The purpose of the CPA-O, in conjunction with the TA-O, is to eliminate the potential for seaward migration of the built environment along the Island's beachfront to the greatest extent possible...”
- Section 16-2-103.S.4.c, of the LMO reads “The fact that the property may be utilized more profitably, should a Variance be granted, may not be considered as grounds for a Variance.”

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 could cause substantial detriment to the public good as it may reduce the 25 percent flood insurance discount available to all residents within the Town.
- The application is in direct conflict with the purpose of the CPA-O.

LMO Official Determination:

Based on the above Findings of Facts and Conclusions of Law, the LMO Official determines that the request for a variance allowing the proposed event pavilion should be denied.

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

Michael Connolly

Michael Connolly
Senior Planner

May 23, 2023

DATE

REVIEWED BY:

Brian Eber

Brian Eber
Development Services Manager

5-30-2023

DATE

REVIEWED BY:

Shawn Colin

Shawn Colin, AICP,
Assistant Town Manager – Community
Development

5/29/23

DATE

ATTACHMENTS:

- A) Applicant's Variance Application
- B) Location Map
- C) CPA-O of Subject Property and Nearby Parcels
- D) As-Built of Subject Property



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 OFFICIAL USE ONLY	
Date Received:	_____
Accepted by:	_____
App. #: VAR	_____
Meeting Date:	_____

Applicant/Agent Name: Beach House Resort Owner LLC Company: Beach House Resort Owner LLC
 Mailing Address: 444 Madison Avenue #14, New York, NY City: New York State: GA Zip: 10022
 Telephone: 212-680-4160 Fax: _____ E-mail: sissembert@eosinvestors.com

Project Name: Hilton Head Beach House Project Address: 1 S Forest Beach Dr, Hilton Head Island, SC 29928
 Parcel Number [PIN]: R 5 5 3 0 1 8 0 0 0 0 0 3 A 0 0 0 0
 Zoning District: Resort Development Overlay District(s): Corridor Overlay District

VARIANCE (VAR) SUBMITTAL REQUIREMENTS

Digital Submissions may be accepted via e-mail by calling 843-341-4757. The following items must be attached in order for this application to be complete:

A narrative that lists what Sections of the LMO you are requesting a variance from and explain **WHY** the variance is requested and **HOW** the request meets **all** of the criteria of LMO Section 16-2-103.S.4.a. Variance Review Standards

forthcoming once app is received A copy of correspondence providing notice of a public hearing to all land owners of record within three hundred and fifty (350) feet on all sides of the parcel(s) being considered for a variance. Such notice shall be mailed by first class mail fifteen days (15) prior to the Board of Zoning Appeals meeting per LMO Section 16-2-102.E.2.e.ii. Mailed Notices. A sample letter can be obtained at the time of submittal. Also provide a list of owners of record to receive notification. The Town can assist in providing this listing by calling 843-341-4757.

Affidavit of Ownership and Hold Harmless Permission to Enter Property

A site plan to scale of 1"=30' that clearly shows the requested variance in relation to the affected site and surrounding parcels and uses. Submit an 11"X17" (or smaller) copy of the plan.

Filing Fee - \$250.00 cash or check made payable to the Town of Hilton Head Island

Are there recorded private covenants and/or restrictions that are contrary to, conflict with, or prohibit the proposed request? If yes, a copy of the private covenants and/or restrictions must be submitted with this application. YES NO

To the best of my knowledge, the information on this application and all additional documentation is true, factual, and complete. I hereby agree to abide by all conditions of any approvals granted by the Town of Hilton Head Island. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale.

I further understand that in the event of a State of Emergency due to a Disaster, the review and approval times set forth in the Land Management Ordinance may be suspended.

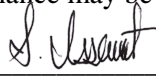
Applicant/Agent Signature:  Date: 04/21/2023

Exhibit A - Applicant's Variance Application
VAR-000944-2023

VARIANCE

PROCEDURES BEFORE THE BOARD OF ZONING APPEALS

Variance Request

A variance is a departure from the strict terms or expressed provisions of the LMO where such departure will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of any action on the part of the property owner, a literal enforcement of the LMO would result in unnecessary and undue hardship. This type of request is site specific.

The Variance procedure may be used to seek and obtain relief from the following standards:

- a. The district standards in Chapter 16-3: Zoning Districts, except standards designating permitted or prohibited uses, and setting maximum density;
- b. The use-specific conditions in Chapter 16-4: Use Standards;
- c. The following standards in Chapter 16-5: Development and Design Standards: adjacent setback and buffer standards; open space standards; parking and loading standards and fence and wall standards; and
- d. The following standards in Chapter 16-6: Natural Resource Protection: specimen tree and wetland buffer standards.

The fact that property may be utilized more profitably should a variance be granted may not be considered grounds for a variance. A variance may NOT be granted by the Board to:

- i. Permit a use of land or a structure that is not allowed in the applicable zoning district;
- ii. Allow the physical extension of a nonconforming use;
- iii. Increase the density of a use above that permitted by the applicable zoning district; or
- iv. Vary the sign regulations.

PROCEDURES

A. Submission of Application

1. Submit the application by the deadline indicated for each meeting on the Board of Zoning Appeals Public Hearing Schedule.
2. For a variance request, please submit the Variance Application Form, along with the items listed as submittal requirements on that form.
3. An application check-in conference is required for all applications to determine whether the application meets the minimum requirements for acceptance. The application check-in conference must be scheduled by appointment with the Community Development Department staff.

B. Public Notice Requirements

1. Public notice is required for variance requests. For variance requests, a published, posted and mailed notice is required.
2. **Published Notice** - A Public Hearing Notice shall be placed by the Administrator in a local newspaper of general circulation within the Town for not less than 15 calendar days prior to the meeting for the purpose of notifying the public.
3. **Posted Notice** - A notice of application sign shall be posted by the Administrator not less than 15 calendar days prior to the meeting at which the application will be reviewed. The notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property.
4. **Mailed Notice** - A notice of public hearing shall be sent by the applicant by first class mail to owners of record of real property within 350 feet of all sides of the parcel under consideration. Such notice shall be mailed not less than 15 calendar days prior to the scheduled meeting. In addition, in cases where the owners of record of real property are part of a condominium or time-share development, the applicant shall notify the regime and association manager.

All required mailed notices of a hearing shall, at a minimum:

01. Identify the application by name or application number;
02. State the type of application and the nature and scope of the proposed development or action;
03. Identify the location of the land subject to the application by street address or legal description, and include a location map;
04. State the date, time, and place of the hearing and state that interested persons may appear, speak, and submit evidence or comments at the hearing; and
05. State how additional information about the application may be obtained and how and where comments on the application may be submitted before the hearing.

Staff has a template available of a sample letter for the applicant's convenience.

C. Staff Review and Report

1. The Administrator shall prepare a staff report that reviews the proposed request, in light of the LMO, the Comprehensive Plan and the criteria listed below:

Variance Criteria:

A Variance may be granted by the Board of Zoning Appeals if it concludes that the strict enforcement of any appropriate dimensional, development, design, or performance standard set forth in this Ordinance would result in unnecessary hardship. A Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals determines and expresses in writing all of the following findings:

01. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
02. These conditions do not generally apply to other properties in the vicinity;
03. 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
04. 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.

D. Meeting Before the Board of Zoning Appeals

1. The Board is comprised of seven members, appointed by Town Council.
2. The Chairman of the Board opens the meeting and reads the procedures to be followed during the hearing.
3. Town staff will present the proposed request, be it a variance or special exception, address the required findings and criteria and provide a recommendation for approval, approval with conditions, or disapproval of the application.
4. The applicant will then present their request and address the required criteria.
5. In the case of an appeal, staff will present the Administrator's interpretation of the LMO. The applicant will then have an opportunity to present why they are appealing staff's decision.
6. The Board may have questions for Town staff or the applicant. The hearing will then be opened to the public for comment.
7. The Chairman will then conclude the public hearing portion of the meeting. The Board will then deliberate until a decision is reached. During the deliberations by the Board, Board members may address questions to staff or the applicant, but no person shall participate in these discussions unless addressed by the Chairman or a Board member.
8. The Chairman will then ask for a motion. In the case of a variance, the Board will make a finding and give its approval, approval with modifications or conditions, or disapproval of the application.

E. Written Notification of Decision

1. Within five business days after a decision has been made by the Board of Zoning Appeals, a copy of the written decision shall be sent to the applicant or appellant and the property owner.
2. A copy of the notice shall be filed in the office of the Administrator, where it shall be available for public inspection during regular office hours.

F. Appeals from the Decision of the Board of Zoning Appeals

1. A person who may have a substantial interest in any decision of the Board of Zoning Appeals, or an officer or agent of the appropriate governing authority may appeal from a decision of the Board to the Circuit Court of Beaufort County. The appeal must be filed within 30 days after the decision of the Board is mailed.
2. A property owner whose land is the subject of a decision of the Board of Zoning Appeals may appeal to the Circuit Court of Beaufort County or by filing a notice with the circuit court accompanied by a request for pre-litigation in mediation. The notice of appeal and request for pre-litigation in mediation must be filed within 30 days after the decision of the board is mailed.

**AFFIDAVIT OF OWNERSHIP AND RESPONSIBILITIES
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 Johnathan Roberts 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 1 S Forest Beach Dr, Hilton Head Island, SC 29928 (address), R 553 018 000 003A 0000 (parcel ID) for the purpose of application review, for the limited time necessary to complete that purpose.
Description of Work: Renovation of the existing pool, Tiki Bar, and event area
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 Flood Insurance Program.
8. I understand that failure to abide by Town permits, any conditions, and all codes adopted by the Town of Hilton Head Island deems me subject to enforcement action and/or fines.

Print Name: <u>Sofie Issembert</u>	Owner Signature: <u>[Signature]</u>
Phone No.: <u>914-275-6737</u>	Email: <u>sissembert@eosinvestors.com</u>

The foregoing instrument was acknowledged before me by <u>Sofie Issembert</u> , who is personally known to me or has produced as identification and who did not take an oath.	
WITNESS my hand and official seal this <u>14th</u> day of <u>March</u> , A.D., <u>2023</u>	Amanda Beth Calabrese Notary Public, State of New York Reg. No. 01CA6435179 Qualified in New York County Commission Expires June 21, 2026
<u>[Signature]</u> Notary Public Signature	My Commission expires: <u>June 21, 2026</u> Please affix seal or stamp.

Last Revised 4-19-2021

Date: 20 April 2023

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

From: **WATG**
601 W 5th St, 8th Floor
Los Angeles, CA 90071

Re: **Variance Request for Event Pavilion
Beach House | Hilton Head Island**
1 South Forest Beach Drive
Hilton Head, SC 29928

VARIANCE | PROJECT NARRATIVE

This is a request for a variance to LMO Section 16-3-106.L, Coastal Protection Area District, for a non-enclosed / open-air, Event Pavilion, 13'-8" seaward of the Hilton Head Island Baseline Setback. This proposed structure does not extend beyond the DHEC-OCRM Setback line or the City's Side Setback. This open-air structure is designed to meet the architectural character of the town of Hilton Head Island Design Guidelines. It is intended to replace the temporary event tent currently located in the same location within the existing fenced area.

VARIANCE CRITERIA:

We understand that a variance may be granted if the enforcement of this ordinance would result in unnecessary hardship. Per the variance request requirements, the following variance criteria needs to meet the following findings:

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

Currently, the property operates a temporary event tent in the location of the proposed Event Pavilion. The property is proposing to build a permanent structure in this location for the following reasons:

- To limit the disturbance while erecting and removing the temporary tent
- To enhance the architectural character to be complementary with Hilton Head Island's character
- To improve the guest experience and operations

The Event Pavilion site is constrained by the existing parking lot landward of the site location and the Hilton Head Island Baseline setback seaward of the site location; therefore, limiting the proposed Event Pavilion within the site conditions to a non-operational footprint. Please note that the DHEC-OCRM Setback Line is seaward of Hilton Head Island Baseline in this location and that the entire Event Pavilion is proposed to be behind the DHEC-OCRM Setback Line.

We are proposing a permanent open-air pavilion that is less disruptive to the ecological conditions of the site than the regular use of the temporary tent. When there are no events, the pavilion will be utilized by hotel guests for social and games activities.

Below is some information about the temporary tent:

- The temporary tent requires a temporary use permit every time there is an event.
- The tent can remain up to 15 days at a time.
- During the high season the temporary tent is erected and removed up to four times a month.
- The temporary tent size is 40'x60'.
- The proposed event pavilion size is 35'x53'.
- The distance between the Hilton Head Island Setback Line and the parking lot would limit the width of the Event Pavilion, creating a condition of a long and narrow space that would not be functional for event configurations. This is less than a half of what is being utilize under the current tent and will not be functional for event seating.
- The proposed Event Pavilion encroachment would be 713 sq. ft. into the setback.

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

This is a unique situation to Hilton Head Beach House. The fact that an event area is already functioning in this location with a temporary event tent is unique. The adjacent property to the South is multi-family housing and to the North is Coligny Beach Park. The proposed Event Pavilion is located within an existing land clearance and fenced. No disturbance to the protected dune is proposed and the entire Event Pavilion is within the currently fenced area. Therefore, this condition does not apply to other properties in the area.

03. 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:

Due to the location of the existing event area on the site and the property’s wish to improve the ecological, architectural character, and operational requirements of the property, we believe the application of the Ordinance would negatively limit the utilization of the property by using the Hilton Head Island Setback as opposed to the DHEC-OCRM Setback. The property depends on this Event Space for the operation of the hotel and the area between the Hilton Head Island Setback and parking lot would restrict the property’s ability to operate successfully.

04. 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.

The proposed Event Pavilion would not harm and would not interfere with the adjacent property, public good, or character of the zoning. The location of the proposed Event Pavilion at the end of an existing parking lot and adjacent to Coligny Beach Park would not interfere with ocean views, create negative visual impacts, or deter public access to the beach. The public would benefit from the architectural design as a positive example of revitalizing the architectural style found on Hilton Head Island as opposed to the temporary tent regularly erected in that same location. The proposed Event Pavilion will create an overall improvement to the adjacencies due to the proposed architectural character and a sensitive ecological approach to operations and to the community's island character.

Beach House

HILTON HEAD ISLAND
project logo

OVERALL SITE SURVEY PLAN

sheet title

project no.212041 date 02/17/2023

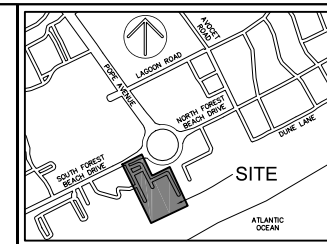
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drawn by: Author

component

sheet no.

9

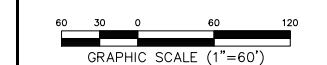
X.00



VICINITY MAP NOT TO SCALE

- NOTES
- FULL LEGEND, LINE & CURVE TABLES, AND SURVEY DATA ARE LOCATED ON COVER SHEET.
 - THIS PARCEL APPEARS TO LIE IN MULTIPLE FLOOD ZONES: X (0.2% CHANCE), AE (ELEVATION FT., 10' DEPTH 1'), AND VE (ELEVATION 12'). DUAL COMMUNITIES 450025 (BEAUFORT COUNTY UNINCORPORATED AREAS) AND 450250 (TOWN OF HILTON HEAD ISLAND) MAP NUMBER 45030444.
 - CONTOURS ARE IN ONE FOOT INTERVALS. TREE SIZES SHOWN ARE IN INCHES OF DIAMETER.
 - VERTICAL DATUM IS NAVD 88.
 - BUILDING SETBACKS AND BUFFERS ARE PER REFERENCE #4, AND MUST BE VERIFIED PRIOR TO CONSTRUCTION.
 - HORIZONTAL DATUM IS SOUTH CAROLINA STATE PLANE GRID (NAVD 83).
 - THE EXISTENCE AND LOCATION OF THE SURFACE AND SUB-SURFACE UTILITIES SHOWN HEREON ARE BASED UPON AVAILABLE RECORDS AND SURFACE VISIBLE FEATURES ALONG WITH ELECTRONIC AND ACoustical EVIDENCE AS OF MAY 17, 2022. THE EXTENT AND LIABILITY OF THIS INFORMATION IS LIMITED TO THE STANDARDS OF CARE FOR A SPECIFIC UTILITY INVESTIGATION AS DEFINED BY THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) PUBLICATION 38-02. THE EXACT LOCATION AND DEPTH OF UNDERGROUND UTILITIES CANNOT BE DETERMINED WITHOUT EXPOSING THEM IN SOME WAY. PRIOR TO CONSTRUCTION OR EXCAVATION, IT IS REQUIRED BY LAW TO CONTACT THE STATE, 811 UTILITY PROTECTION CENTER.

- REFERENCES
- PLAT BOOK 136 PAGE 75
 - PLAT BOOK 129 PAGE 9
 - PLAT BOOK 145 PAGE 1
 - AN ALTA/NPS LAND TITLE SURVEY OF THE BEACH HOUSE, A HOLDING IN RESORT #17 SOUTH FOREST BEACH, A SECTION OF FOREST BEACH, TOWN OF HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA. DATE: 10/25/2021. DATE: 02/28/2022 (REVISED). BY: TERRY G. HATCHELL, S.C.P.L.S. No. 11059

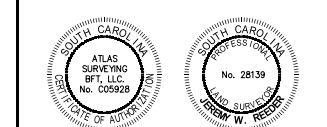


PREPARED FOR:
ROBERT'S CIVIL ENGINEERING, LLC.
AN AS-BUILT / TREE AND TOPOGRAPHIC SURVEY OF
#1 SOUTH FOREST BEACH DRIVE
TAX PARCEL No. R553 018 000 003A 0000
HILTON HEAD ISLAND
BEAUFORT COUNTY, SOUTH CAROLINA

COVER SHEET

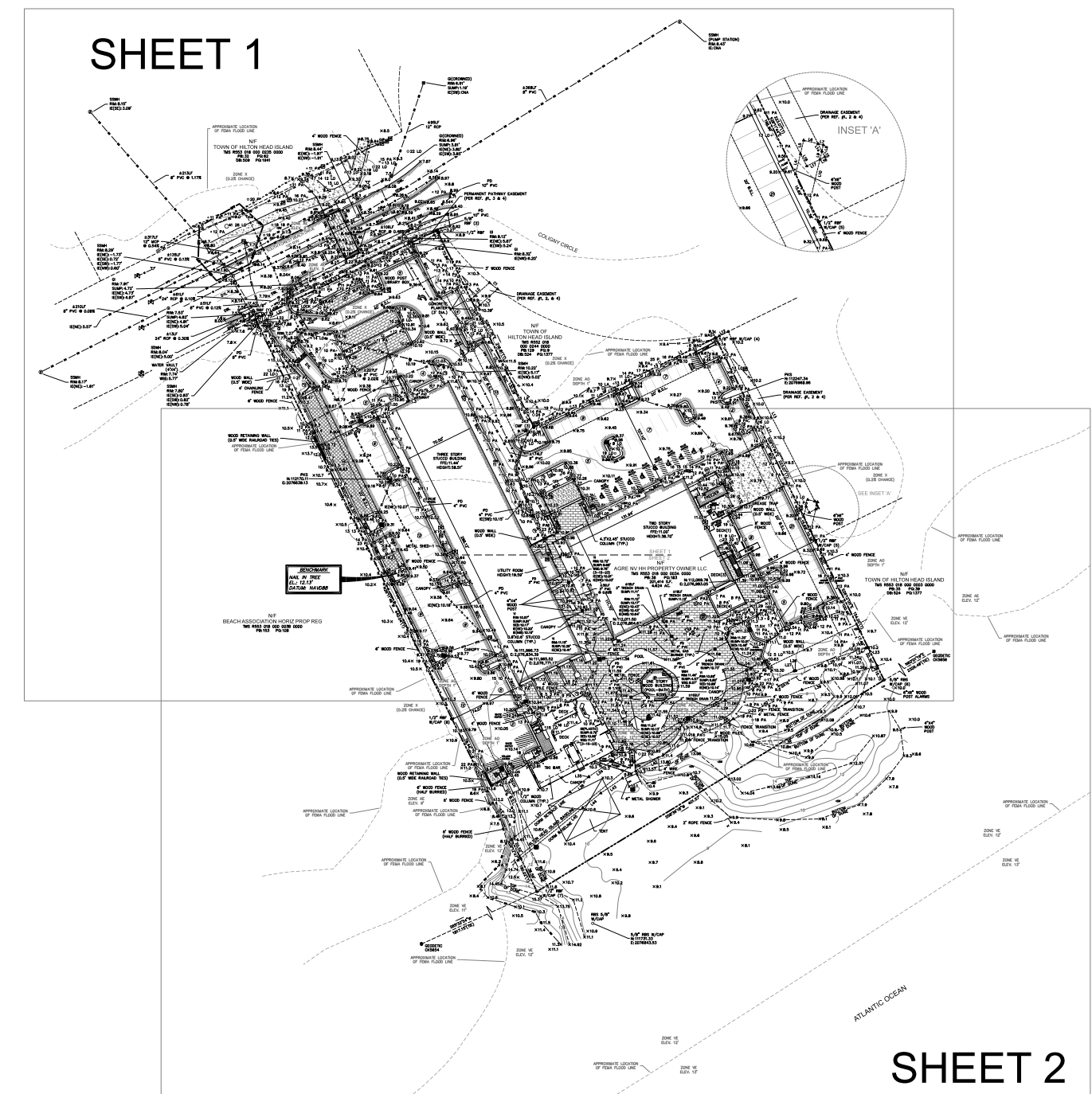
ATLAS SURVEYING, INC.

49 BROWN'S COVE ROAD, SUITE #5
RIDGELAND, SC 29936
PHONE: (843) 645-9277
WEBSITE: WWW.ATLASSURVEYING.COM



I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS AS SPECIFIED THEREIN.

JEREMY W. REEDER
S.C.P.L.S. No. 28139
NOT VALID UNLESS CRIMPED WITH SEAL



SHEET 1

SHEET 2

LINE TABLE

LINE	BEARING	DISTANCE
L1	N48°08'32"E	25.10
L2	S48°08'32"W	29.09
L3	N13°23'54"E	10.41
L4	S75°26'06"E	6.84
L5	S75°26'06"E	7.91
L6	S75°26'06"E	2.89
L7	S13°23'54"W	3.18
L8	S13°23'54"W	4.15
L9	S13°23'54"W	22.03
L10	N27°03'20"W	188.99
L11	N63°02'47"E	10.00
L12	S72°03'20"W	188.36
L13	S72°03'20"W	4.10
L14	S72°03'20"W	4.10
L15	S72°03'20"W	2.89
L16	S62°46'40"W	7.91
L17	S62°46'40"W	7.91
L18	N27°03'20"W	6.84
L19	S62°46'40"W	105.26
L20	S62°46'40"W	32.42
L21	S66°39'06"W	24.53
L22	S62°46'40"W	10.09
L23	S72°42'01"W	1.90
L24	S72°42'01"W	0.91
L25	S72°42'01"W	72.92
L26	S71°07'16"W	0.78
L27	S62°46'40"W	1.07
L28	S66°51'32"W	73.41
L29	S65°43'22"W	0.79
L30	S65°43'22"W	48.25
L31	S62°22'03"W	0.98
L32	S65°43'22"W	1.42
L33	S55°40'43"W	26.53
L34	S55°40'43"W	26.53
L35	S55°40'43"W	23.47
L36	S55°40'43"W	23.47
L37	S50°51'14"W	74.55
L38	S40°42'40"W	22.99
L39	S72°42'01"W	72.75
L40	S72°42'01"W	23.90
L41	S62°46'40"W	48.08
L42	S60°08'55"W	76.35
L43	S55°40'43"W	22.87
L44	S55°40'43"W	22.87
L45	S50°51'14"W	79.13

CURVE TABLE

ARC	CHORD	CHORD BEARING	DELTA
C1	228.771	10.15	10.15
C2	43.324	4.23	4.23
C3	14.00	27.11	23.07

SURVEY DATA

TOTAL AREA: 4.624 ACRES
 ERROR OF PLAT CLOSURE: 1 IN 207,348
 ERROR OF FIELD CLOSURE: 1 IN 241,845
 ANGULAR ERROR: 1.3" PER ANGLE POINT
 ADJUSTED BY: NO ADJUSTMENT
 EQUIPMENT USED: TOPCON PS ROBOTIC TOTAL STATION
 FIELD WORK COMPLETED ON: 03-15-2023

MISC. DECKS & STRUCTURES (FFE'S & BUILDING ELEVATIONS)

LOT CORNERS STATE PLANE COORDINATES

DECK-1:	FFE:14.18'	1. N:112,328.09 E:2,076,510.25
DECK-2:	FFE:12.19'	2. N:112,416.33 E:2,076,685.63
DECK-3:	FFE:23.74'	3. N:112,221.79 E:2,076,785.33
DECK-4:	FFE:12.85'	4. N:112,309.99 E:2,076,964.94
TIKI BAR:	FFE:11.85'	5. N:112,109.83 E:2,077,063.41
POOL-BATH:	FFE:11.41'	6. N:111,971.65 E:2,077,131.40
METAL SHED-1:	FFE:11.10'	7. N:111,762.76 E:2,076,788.44
		8. N:111,933.24 E:2,076,704.51

BEACH MANAGEMENT ACT DISCLOSURE STATEMENT

THE SETBACK LINE IS 36.05 LANDWARD FEET TO 57.11 LANDWARD FEET, FROM THE SEAWARD PROPERTY LINE. THE BASE LINE IS 15.75 LANDWARD FEET TO 36.59 LANDWARD FEET FROM THE SEAWARD PROPERTY LINE. THE VELOCITY ZONE, AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT ACT, IS LOCATED APPROXIMATELY 53.54 LANDWARD FEET TO 110.58 LANDWARD FEET IN RELATION TO THE PROPERTY. THE SEAWARD CORNERS OF THE HABITABLE STRUCTURES UPON THIS PROPERTY, IF ANY ARE LOCATED 182.87 LANDWARD TO 176.61 LANDWARD FEET FROM THE LINE, WHICH CORNERS ARE LOCATED N11965.52, E2076771.17 AND N11996.73, E2078434.39 UNDER THE SOUTH CAROLINA PLANE COORDINATE SYSTEM. THE PROPERTY HAS AN ANNUAL EROSION RATE OF 3.62 FEET PER YEAR, ACCORDING TO THE MOST RECENTLY ADOPTED EROSION RATES OF THE SOUTH CAROLINA OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT.

TOWN OF HILTON HEAD ISLAND LMO SECTION 16.5-112.B DISCLOSURE STATEMENT

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.

NOTE:
FOR REFERENCE ONLY.

Beach House

HILTON HEAD ISLAND
project logo

PARTIAL SITE SURVEY PLAN

sheet title

project no.212041 date 02/17/2023

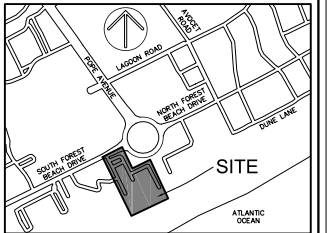
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component

10

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sheet no.

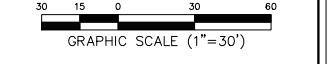


NOTES

- FULL LEGEND, LINE & CURVE TABLES, AND SURVEY DATA ARE LOCATED ON COVER SHEET.
- THIS PARCEL APPEARS TO LIE IN MULTIPLE FLOOD ZONES: X (0.2% CHANCE), AE (ELEVATION 9'), AO (DEPTH 1'), AND VE (ELEVATION 12'). DUAL COMMUNITIES 450025 (BEAUFORT COUNTY UNINCORPORATED AREAS) AND 450250 (TOWN OF HILTON HEAD ISLAND) MAP NUMBER 45032044G.
- CONTOURS ARE IN ONE FOOT INTERVALS. TREE SIZES SHOWN ARE IN INCHES OF DIAMETER.
- VERTICAL DATUM IS NAVD83.
- BUILDING SETBACKS AND BUFFERS ARE PER REFERENCE #4, AND MUST BE VERIFIED PRIOR TO CONSTRUCTION.
- HORIZONTAL DATUM IS SOUTH CAROLINA STATE PLANE GRID (NAD 83).
- THE EXISTENCE AND LOCATION OF THE SURFACE AND SUB-SURFACE UTILITIES SHOWN HEREON ARE BASED UPON AVAILABLE RECORDS AND SURVEY VISIBLE FEATURES ALONG WITH ELECTRONIC AND ACoustical EVIDENCE AS OF MAY 17, 2022. THE EXTENT AND LIABILITY OF THIS INFORMATION IS LIMITED TO THE STANDARDS OF CARE FOR A SPECIFIC UTILITY INVESTIGATION AS DEFINED BY THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) PUBLICATION 38-02. THE EXACT LOCATION AND DEPTH OF UNDERGROUND UTILITIES CANNOT BE DETERMINED WITHOUT EXPOSING THEM IN SOME WAY. PRIOR TO CONSTRUCTION OR EXCAVATION, IT IS REQUIRED BY LAW TO CONTACT THE STATE 811 UTILITY PROTECTION CENTER.

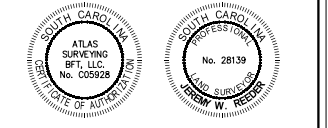
REFERENCES

- PLAT BOOK:136 PAGE:75
- PLAT BOOK:129 PAGE:9
- PLAT BOOK:145 PAGE:1
- AN ALTA/NSPS LAND TITLE SURVEY OF THE BEACH HOUSE, A HOLIDAY HOME, SURVEY #1 # SOUTH FOREST BEACH, A SECTION OF FOREST BEACH, TOWN OF HILTON HEAD ISLAND, DATE: 10/25/2021 DATE: 02/28/2022 (REVISED) BY: TERRY C. HATFIELD, S.C.R.L.S. No. 11059



PREPARED FOR:
ROBERTS CIVIL ENGINEERING, LLC.
AN AS-BUILT / TREE AND TOPOGRAPHIC SURVEY OF
#1 SOUTH FOREST BEACH DRIVE
TAX PARCEL No. R553 018 000 003A 0000
HILTON HEAD ISLAND
BEAUFORT COUNTY, SOUTH CAROLINA
FIELD WORK: JLG
FIELD CHECK: JRG
DRAWN BY: JAH
DATE: 03-21-2023
SCALE: AS SHOWN
PROJECT No.: BFT-22206
FILE: BFT-22206 AT1.DWG
SHEET 2 OF 2

ATLAS SURVEYING, INC.
49 BROWN'S COVE ROAD, SUITE #5
RIDGELAND, SC 29936
PHONE: (843) 645-9277
WEBSITE: WWW.ATLASSURVEYING.COM



I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS AS SPECIFIED THEREIN.

JEREMY W. REEDER
S.C.P.L.S. No. 28139
NOT VALID UNLESS CRIMPED WITH SEAL



NORTH
SC GRID (NAD 83)
(2011)

BENCHMARK
NAIL IN TREE
EL.: 12.13'
DATUM: NAVD83

N/F
BEACH ASSOCIATION HORIZ PROP REG
TMS R553 018 000 003B 0000
FB:153 PG:108

SHEET 1
SHEET 2

AGRE NV HH PROPERTY OWNER LLC.
TMS R553 018 000 000A 0000
FB:38 PG:183 N:112,069.76
201,414 S.F. E:2,076,983.05
4.624 AC.

Tent location #2

Tent location #1

NLY.

Beach House

HILTON HEAD ISLAND

project logo

SITE PLAN

sheet title

project no. 212041 date 04/18/2023

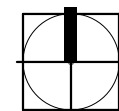
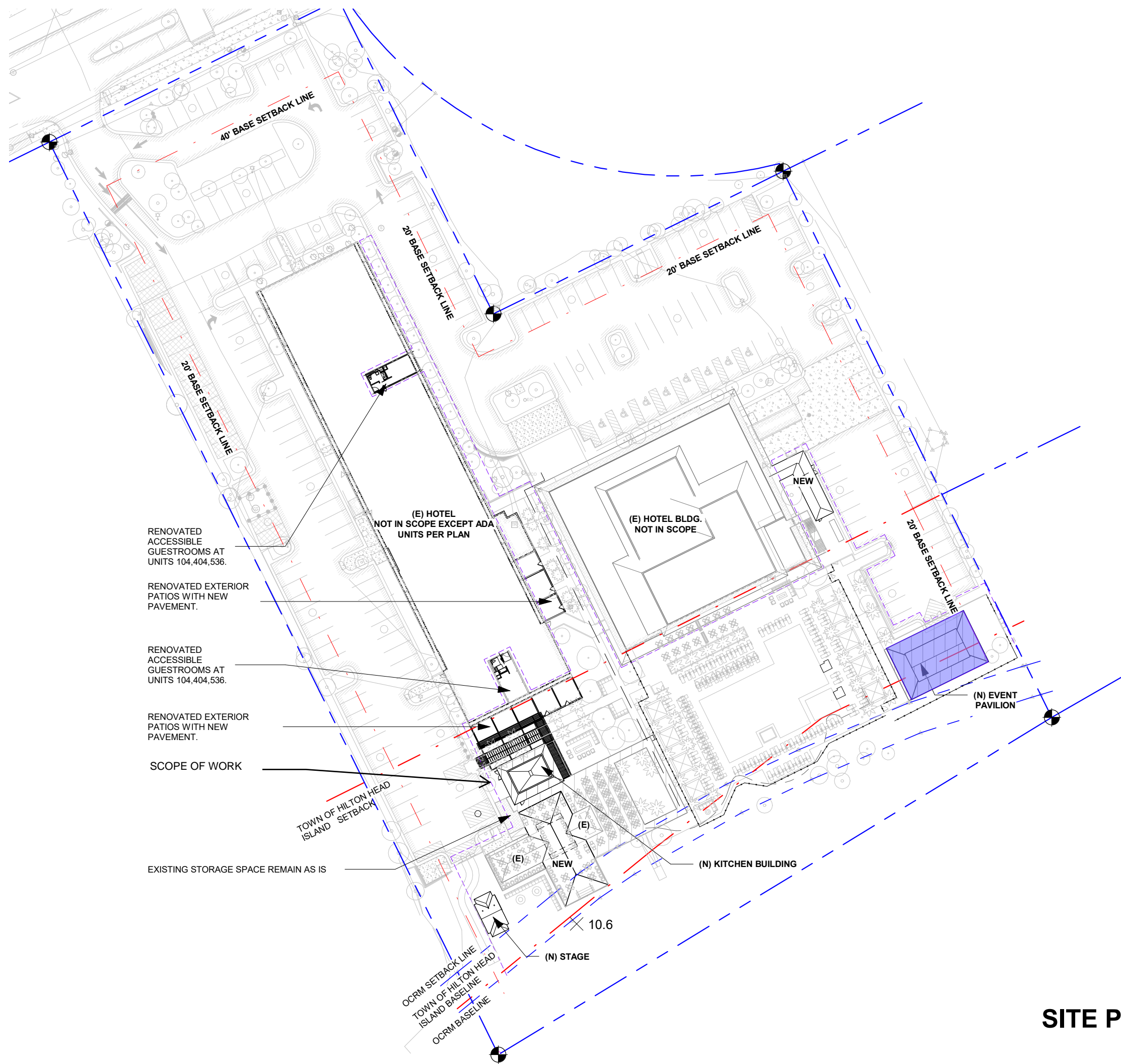
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 drawn by: Author

component

11

X.02

sheet no.



Beach House

HILTON HEAD ISLAND
project logo

LEVEL 1 - OVERALL PLAN

sheet title

project no. 212041 date 04/18/2023

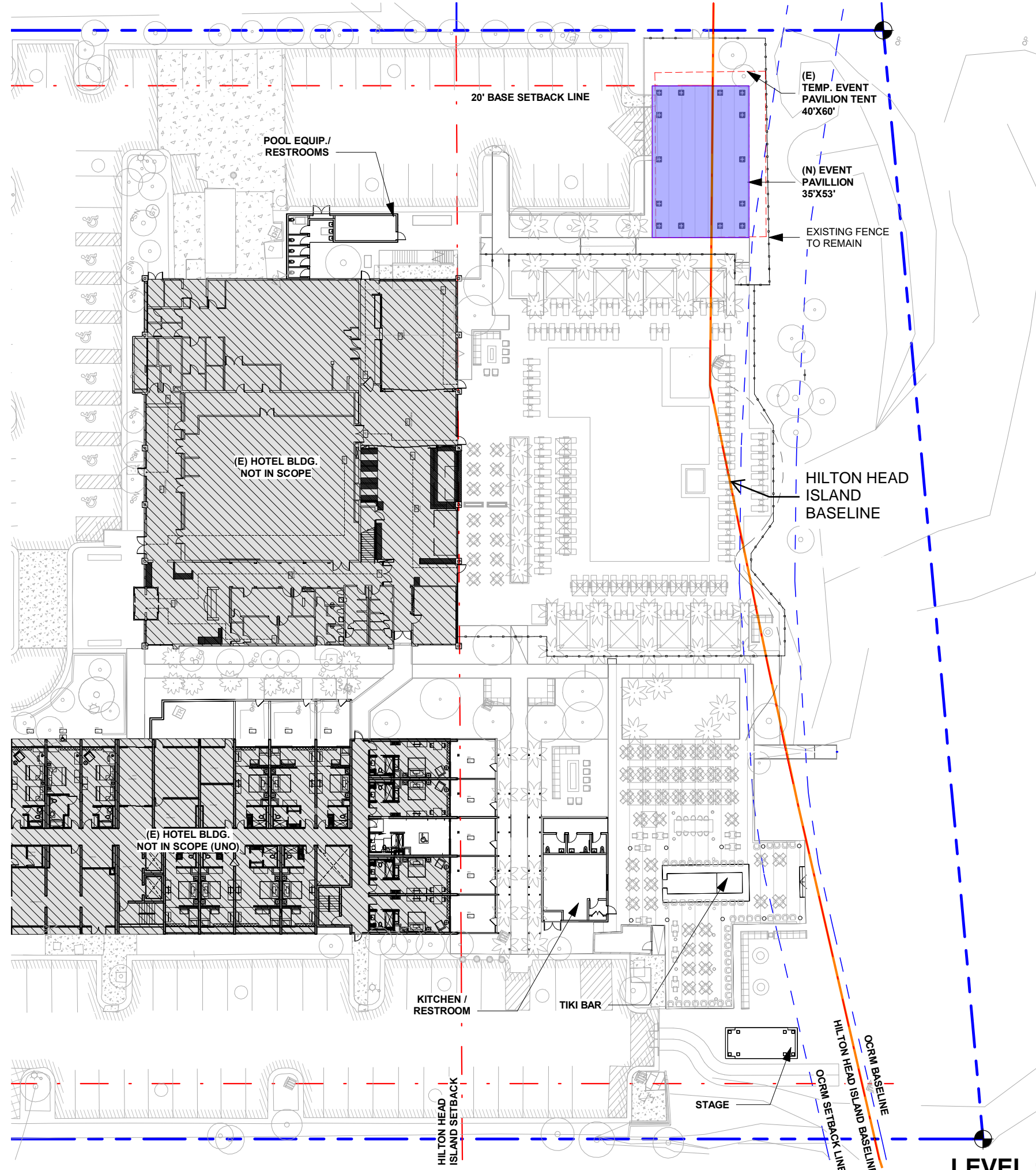
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sheet no.

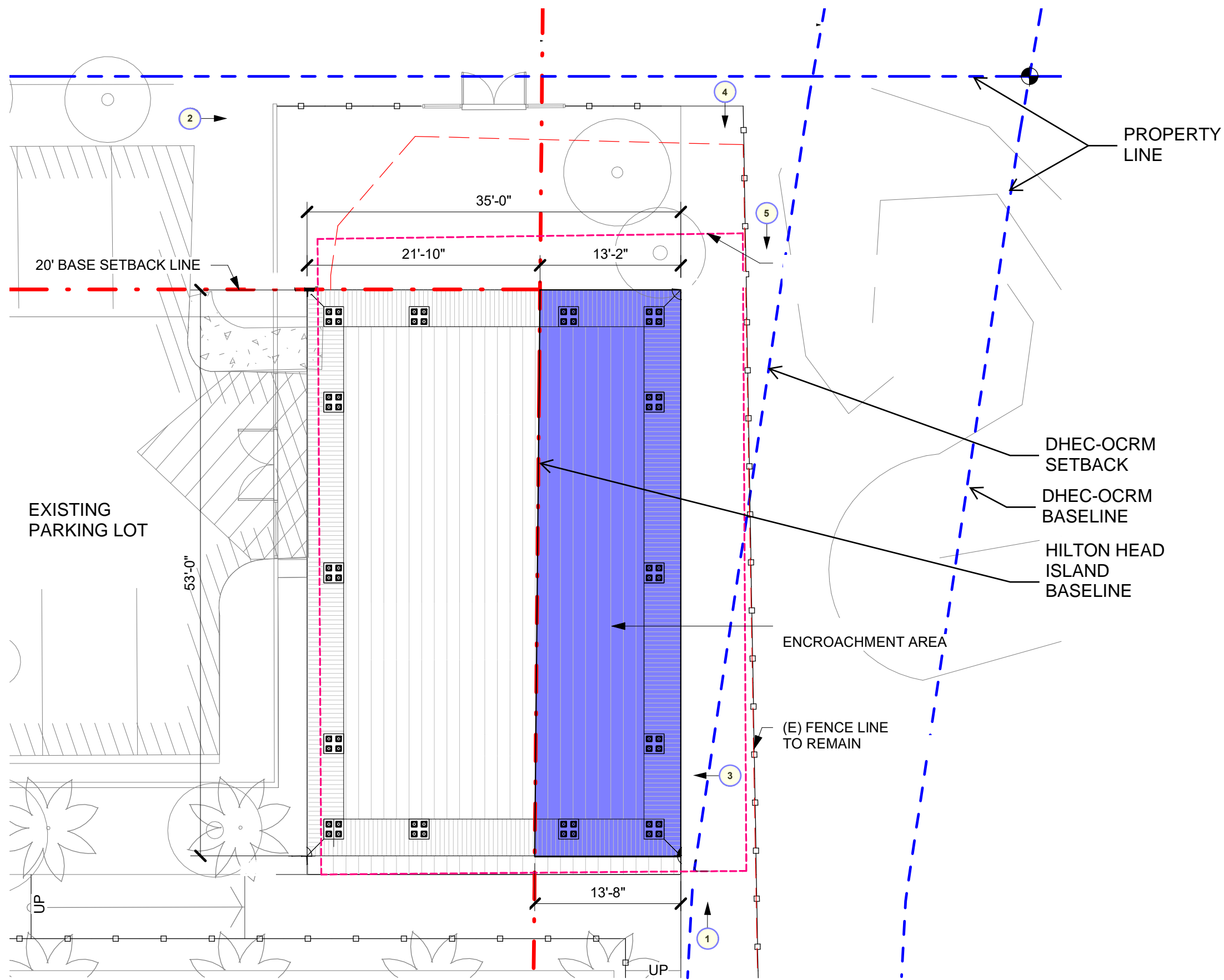


LEVEL 1 - OVERALL PLAN

1" = 40'-0"

1

4/19/2023 6:06:39 PM
The original size of this drawing is 11"x17"
Copyright © 2016 WATG. All rights reserved.



X
SEE PHOTO EXHIBIT

WATG

strategy planning architecture landscape interiors

watg.com

consultant

stamp | approval

key plan

no. date issue
issues | revisions

Beach House

HILTON HEAD ISLAND
project logo

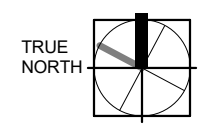
ENLARGED FLOOR PLAN

sheet title

project no. 212041 date 04/18/2023

checked by: Checker
drawn by: Author

component



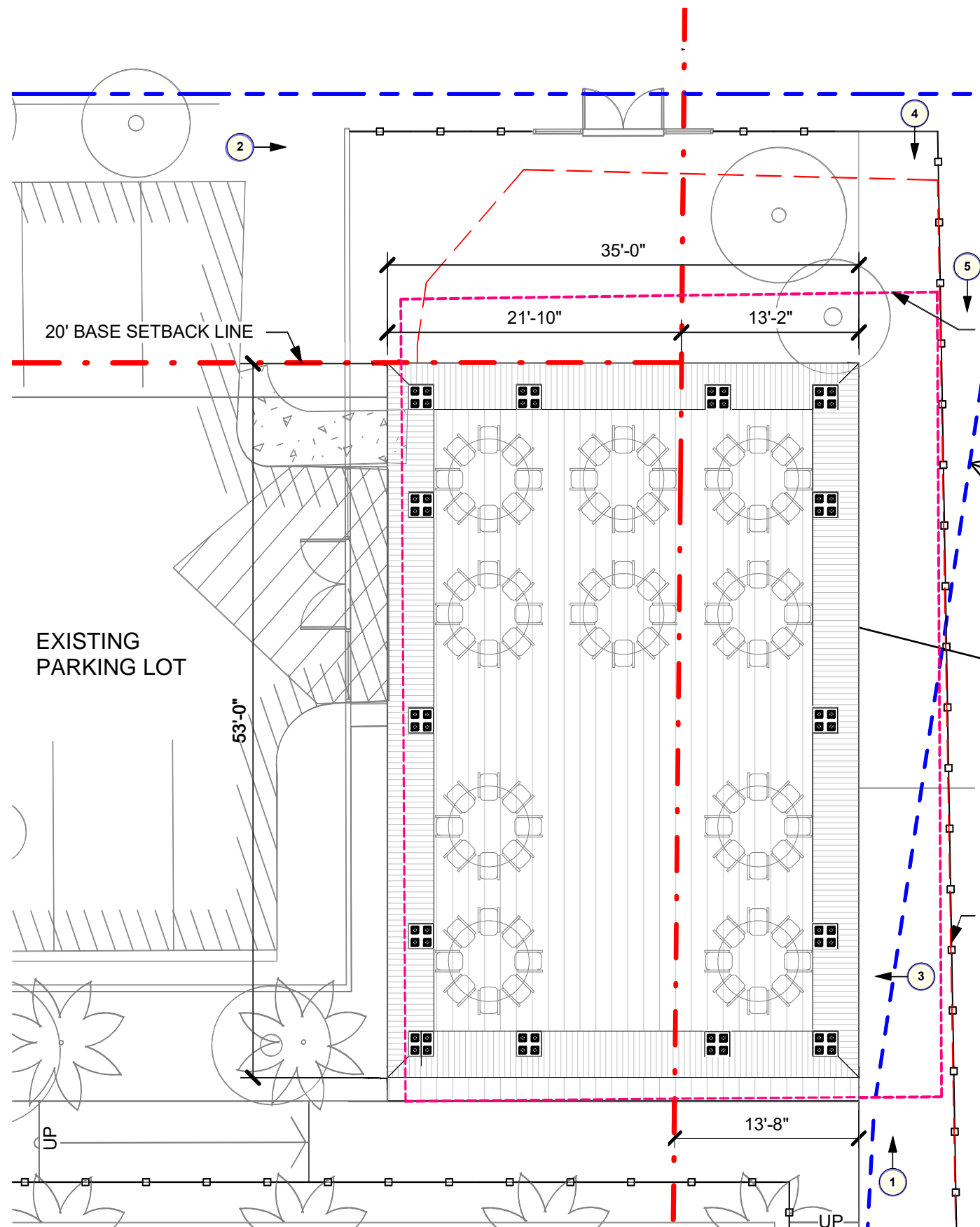
EVENT PAVILION - FLOOR PLAN

1" = 10'-0" 1

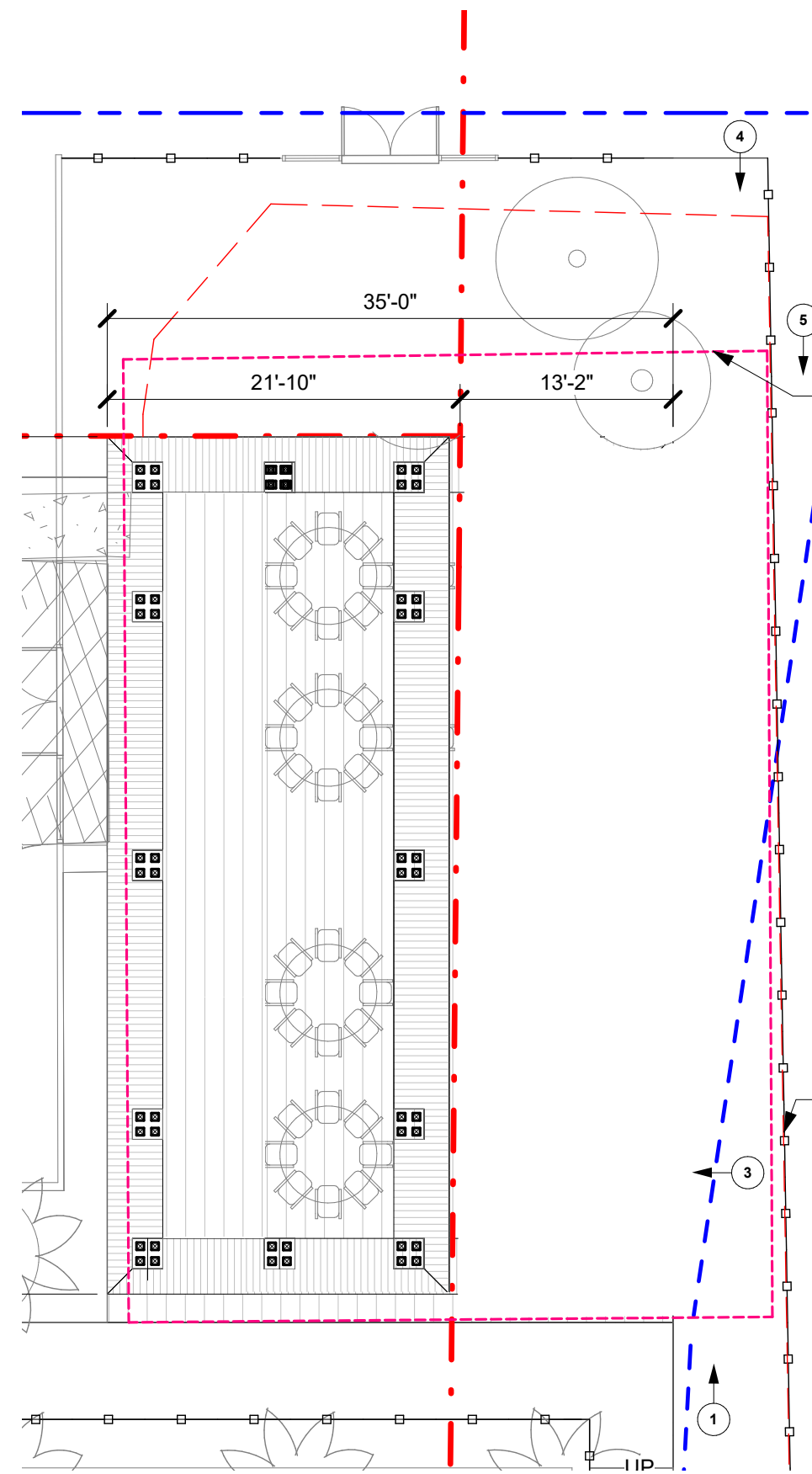
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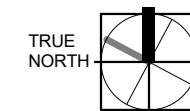
sheet no.



PROPOSED PAVILION SEATING



REDUCED PAVILION SEATING



consultant

stamp | approval

key plan

no. date issue
issues | revisions

Beach House

HILTON HEAD ISLAND
project logo

RENDERING

sheet title

project no. 212041 date 04/18/2023

checked by: Checker
drawn by: Author component

15 X.05
sheet no.









Exhibit B - Location Map
VAR-000944-2023



Legend

-  1 South Forest Beach Drive
-  Roadways

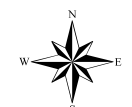
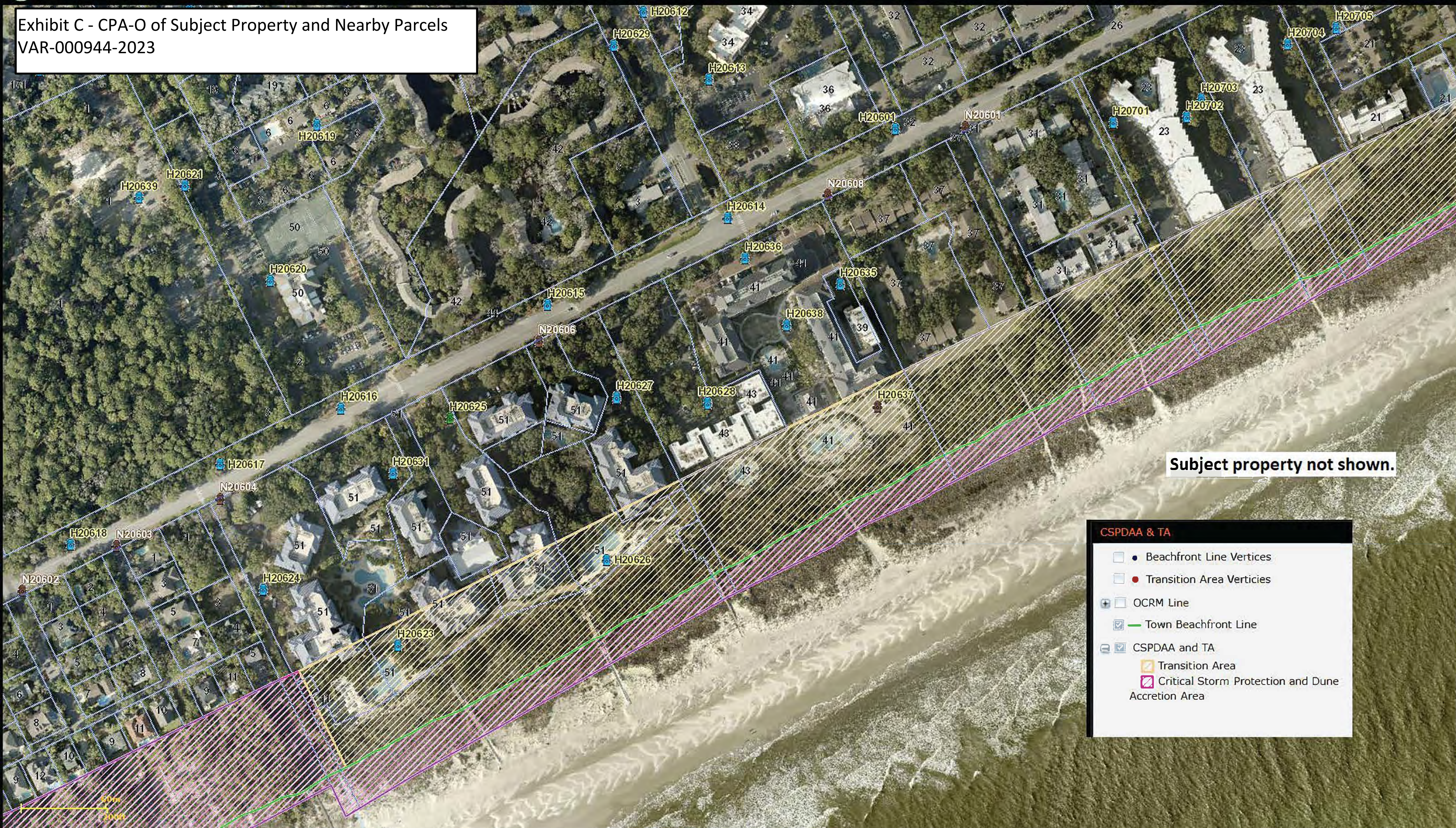


Exhibit C - CPA-O of Subject Property and Nearby Parcels
VAR-000944-2023

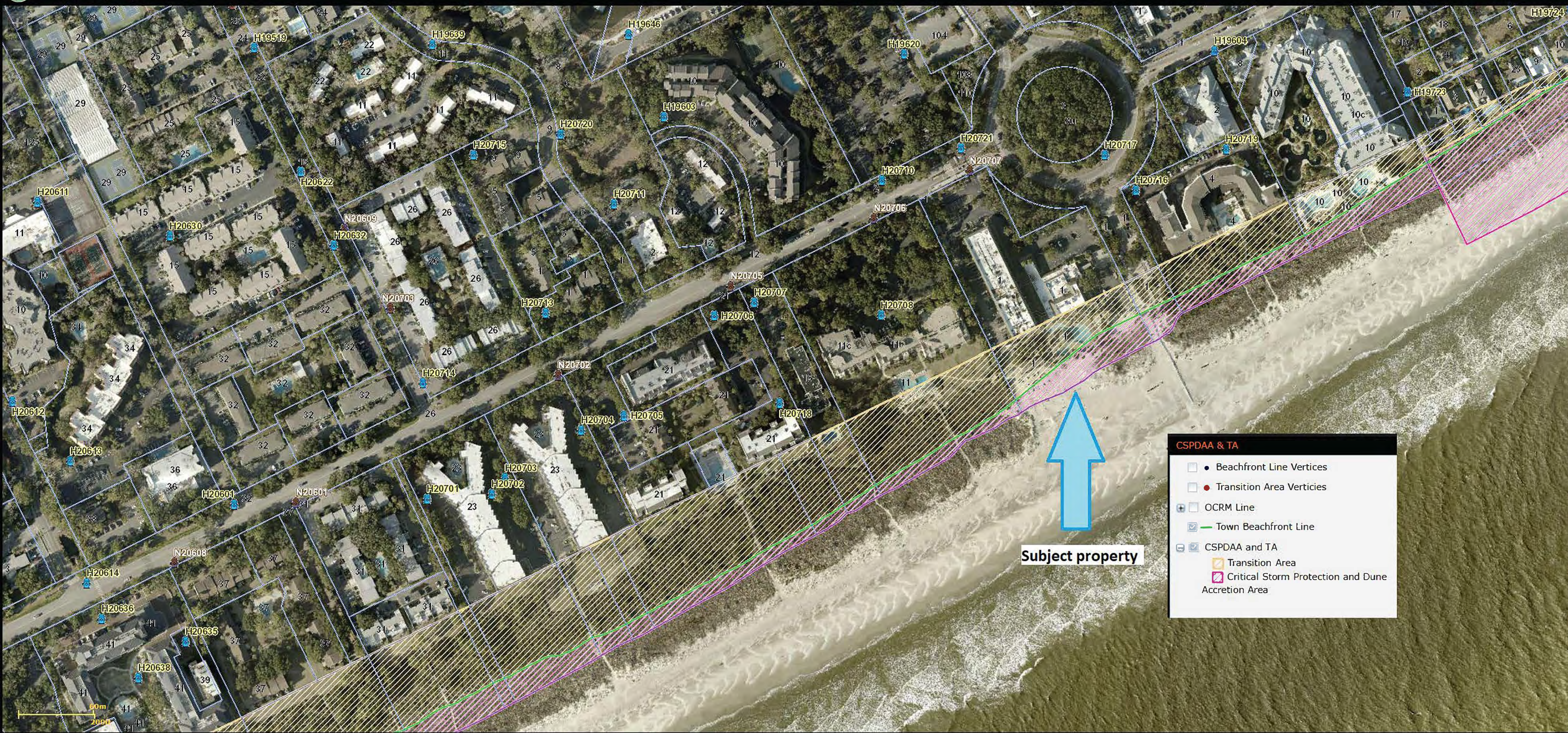


Subject property not shown.

CSPDAA & TA

- Beachfront Line Vertices
- Transition Area Verticies
- OCRM Line
- Town Beachfront Line
- CSPDAA and TA
 - Transition Area
 - Critical Storm Protection and Dune Accretion Area

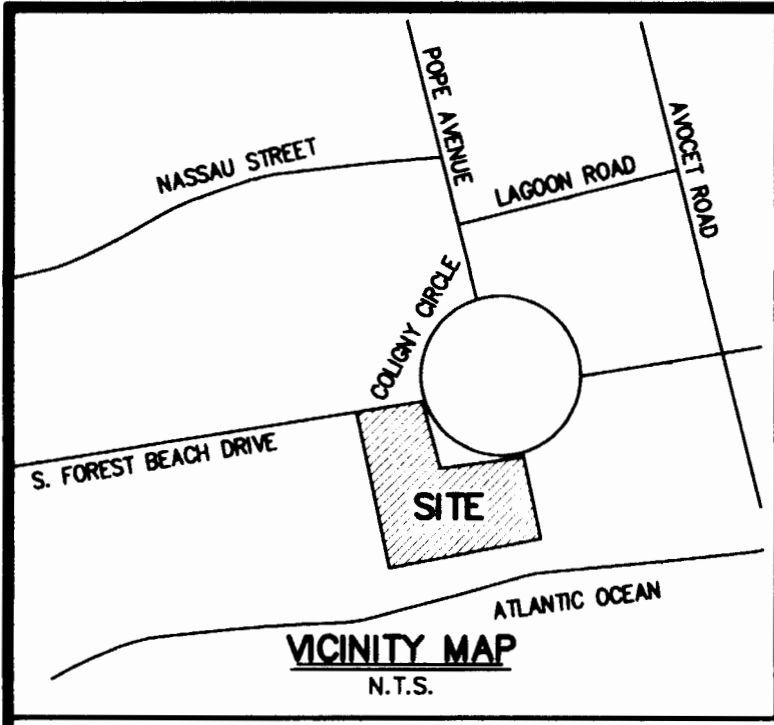
50m
200ft



CSPDAA & TA

- Beachfront Line Vertices
- Transition Area Vertices
- OCRM Line
- Town Beachfront Line
- CSPDAA and TA
 - Transition Area
 - Critical Storm Protection and Dune Accretion Area

Subject property



ROOF EL. = 59.4

5th FLOOR EL. = 45.9'
4th FLOOR EL. = 37.4'
3rd FLOOR EL. = 28.9'
2nd FLOOR EL. = 20.4'
1st FLOOR EL. = 11.9'

5 STORY BUILDING

ROOF EL. = 39.7'

2nd FLOOR EL. = 24.8'
LOBBY EL. = 12.2'

2 STORY BUILDING

ROOF EL. = 28.8'

1st FLOOR EL. = 12.5'

POOLSIDE RESTROOM BUILDING

ROOF EL. = 29.0'

1st FLOOR EL. = 13.2'

TIKI HUT BAR

VERTICAL LOCATIONS
ELEVATIONS SHOWN ARE BASED ON
NGVD 1929 VERTICAL DATUM

- REFERENCE PLATS:
- 1) AN ALTA/ACSM LAND TITLE SURVEY OF THE HOLIDAY INN OCEANFRONT, A SECTION OF BLOCK 6B & STRAND BLOCK 6B, FOREST BEACH, DATED: 3/1/2011, BY: TERRY G. HATCHELL, S.C.R.L.S. NO. 11059,
 - 2) AN ALTA/ACSM LAND TITLE SURVEY OF THE HOLIDAY INN, BLOCK 6B AND STRAND BLOCK 6B, A SECTION OF FOREST BEACH, DATED: 11/01/94, BY: TERRY G. HATCHELL, S.C.R.L.S. NO. 11059, RECORDED: P.B. 38 PG. 183,
 - 3) ASBUILT, BOUNDARY, TREE AND TOPOGRAPHIC SURVEY OF PARCELS I, II, III, IV, 17,970 ACRES, POPE AVENUE, COLIGNY CIRCLE & SOUTH FOREST BEACH DRIVE, A SECTION OF FOREST BEACH AREA, DATED: 1/18/2007; REVISED: 7/31/2007, BY: TERRY G. HATCHELL, S.C.R.L.S. NO. 11059,
 - 4) PLAT OF STRAND BLOCK 6, BLOCKS 6 AND 7 FOREST BEACH SUBDIVISION, HILTON HEAD ISLAND, DATED: 7/14/1969, BY: J.J. HUTTON, S.C.R.L.S. NO. 1650, RECORDED: P.B. 17 PG. 97, 7/16/69,
 - 5) AN ASBUILT PLAT OF HOLIDAY INN, HILTON HEAD ISLAND, DATED: 12/10/1973, BY: W.B. GILBERT & ASSOCIATES, S.C.R.L.S., RECORDED: P.B. 21 PG. 81,
 - 6) EASEMENT EXHIBIT SHOWING 0.006 AC. DRAINAGE EASEMENT #1, 0.005 AC. DRAINAGE EASEMENT #2 & 0.046 AC. DRAINAGE EASEMENT #3 WITHIN PARCELS 2 & PARCEL IV, PROPERTY OF TOWN OF HILTON HEAD, DATED: 04/09/2009; REVISED: 06/03/2009, BY: BOYCE L. YOUNG, S.C.R.L.S. NO. 11079, RECORDED: P.B. 129 PG. 9, 10/14/2009,
 - 7) AN ALTA/ACSM LAND TITLE SURVEY FOR SERVICIO-HOLIDAY INN, HOLIDAY INN OCEANFRONT, #1 SOUTH FOREST BEACH DRIVE, HILTON HEAD, SC, DATED: 10/15/2005, LAST REVISED: 11/3/2005, BY: R. SCOTT BARRETT, S.C.R.L.S. NO. 23203,
 - 8) APPENDIX A MAP 7, TOWN OF HILTON HEAD ISLAND TRANSITION AREA AND CRITICAL STORM PROTECTION AND DUNE ACCRETION AREA FROM CASSINA LANE TO COLIGNY CIRCLE, DATED: 12/11/2008, BY: THE TOWN OF HILTON HEAD ISLAND.

- SOURCE OF TITLE DEEDS
*RECORD BOOK AT PAGE
- NOTES
- 1) I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN 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.
 - 2) AS OF THE DATE OF THIS SURVEY THIS PROPERTY IS LOCATED IN ZONE A-2. A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY H.U.D. PANEL 13-2, COMMUNITY NO. 450255, MAP DATED 9/29/86, BASE ELEVATION 14.0, FLOOD HAZARD ZONE AND BASE ELEVATION SHOULD BE VERIFIED BY PROPER TOWN OR COUNTY BUILDING INSPECTIONS DEPARTMENT.
 - 3) UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN.
 - 4) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT.
 - 5) PER THE TOWN OF HILTON HEAD ISLAND LMO, THE TOWN TRANSITION AREA IS FROM THE LANDWARD TRANSITION LINE TO THE 1999 DHEC-CORM BEACH ACT BASELINE AS SHOWN ON SURVEY. THE TOWN CRITICAL STORM PROTECTION AND DUNE ACCRETION AREA IS FROM THE 1999 DHEC-CORM BEACH ACT BASELINE TO THE SEAWARD PROPERTY LINE AS SHOWN ON SURVEY.

BEACH ACT DISCLOSURE STATEMENT:

THE SETBACK LINE IS * FEET (OR FROM 79.8 FEET LANDWARD TO 57.3 FEET LANDWARD) FROM THE SEAWARD PROPERTY LINE; THE BASE LINE IS * FEET (OR FROM 59.8 FEET LANDWARD TO 36.8 FEET LANDWARD) FROM THE SEAWARD PROPERTY LINE; THE VELOCITY ZONE, AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT ACT, IS LOCATED APPROXIMATELY 30 FEET FROM THE SEAWARD PROPERTY LINE.

IN RELATION TO THE PROPERTY, THE SEAWARD CORNERS OF HABITABLE STRUCTURES UPON THIS PROPERTY, IF ANY, ARE LOCATED 181.0 FEET MINIMUM FROM THE SEAWARD LINE, WHICH CORNERS ARE LOCATED AT E. 2076983.43 N. 112070.09 AND E. 2076885.32 N. 112011.66 UNDER THE SOUTH CAROLINA PLANE COORDINATE SYSTEM. THE PROPERTY HAS AN ANNUAL EROSION RATE OF 3.71 TO 3.90 (AVERAGING) FEET PER YEAR ACCORDING TO THE MOST RECENTLY ADOPTED EROSION RATES OF THE SOUTH CAROLINA COASTAL COUNCIL.

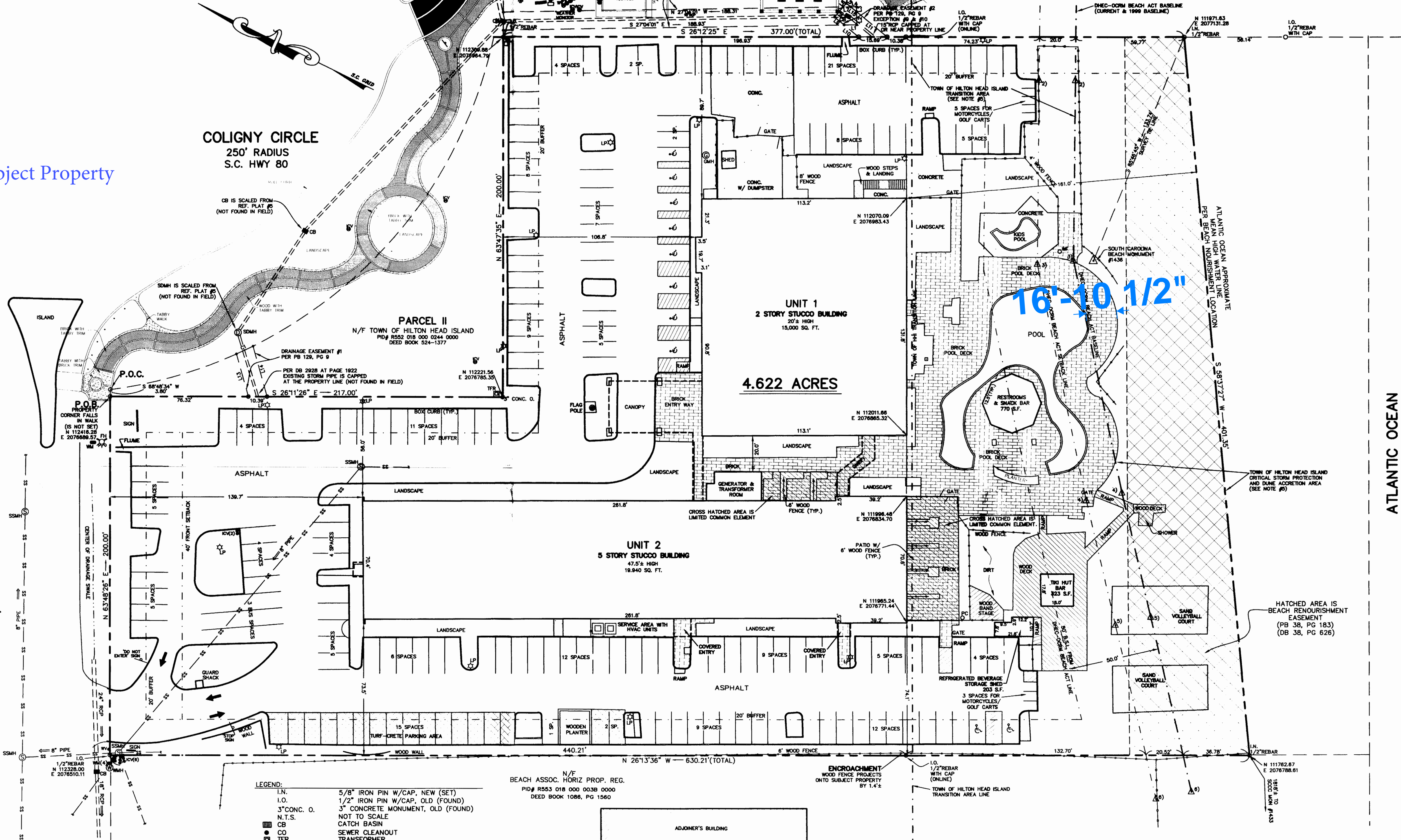
- BEACH ACT NOTES:
- 1) SOUTH CAROLINA COASTAL COUNCIL SETBACK LINE & BASELINE SHOWN HAVE BEEN SET BASED ON THE MOST RECENT DATA AVAILABLE AS OF 1/05/2012. DATA IS BASED ON S.C. COASTAL COUNCIL POINTS 1433 & 1438.
 - 2) THESE LINES ARE SUBJECT TO REVISION PERIODICALLY AS PROVIDED UNDER THE SOUTH CAROLINA BEACH PROTECTION ACT OF 1988.
 - 3) BEARINGS & DISTANCES IN PARENTHESES ARE FROM REFERENCE PLAT, OTHERS NOT IN PARENTHESES ARE BASED ON S.C. GRID COORDINATES.

BEACH ACT SETBACK LINE COORDINATES

- 1) N 112076.16 E 2077184.02
- 2) N 112052.88 E 2077074.50
- 3) N 111986.82 E 2076982.44
- 4) N 111905.99 E 2076878.33
- 5) N 111881.08 E 2076821.04
- 6) N 111786.31 E 2076743.93

BEACH ACT BASELINE COORDINATES

- 1) N 112058.14 E 2077173.28
- 2) N 112044.83 E 2077063.18
- 3) N 111971.52 E 2076963.03
- 4) N 111890.33 E 2076858.78
- 5) N 111865.58 E 2076803.06
- 6) N 111782.47 E 2076756.16



This plat does not constitute development pursuant to the Town of Hilton Head Island, SC Land Management Ordinance Section:

16-1-106(1) 16-1-106(4)
16-1-106(2) 16-1-106(5)
16-1-106(3)

Certified by: *[Signature]*
Title: *Senior Planner* Date: *2-27-13*

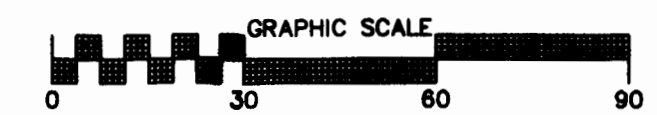
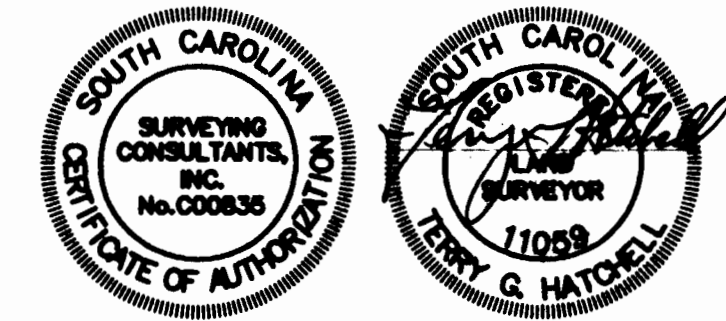
Disclaimer:
The Town of Hilton Head Island makes an expressed declaration of policy that the public regulation of land is entirely separate from and independent of private restrictions. This approval in no way implies that the proposed development is in compliance with any restrictive covenants, private easements or deed restrictions.

- LEGEND:
- I.L. 1/2" IRON PIN W/CAP, NEW (SET)
 - I.O. 1/2" IRON PIN W/CAP, OLD (FOUND)
 - N.T.S. NOT TO SCALE
 - 3" CONC. O. 3" CONCRETE MONUMENT, OLD (FOUND)
 - CB CATCH BASIN
 - CO SEWER CLEANOUT
 - TFR TRANSFORMER
 - ICV IRRIGATION CONTROL VALVE
 - LP LAMP POST
 - TEL TELEPHONE BOX
 - WM WATER METER
 - WP WATER PUMP (FOR FOUNTAIN)
 - WV WATER VALVE
 - SDMH STORM DRAIN MANHOLE
 - SSMH SANITARY SEWER MANHOLE
 - GMH GREASE TRAP MANHOLE
 - B.S.L. BUILDING SETBACK LINE
 - WF WATER FOUNTAIN
 - PC PROPANE CAP
 - FH FIRE HYDRANT
 - RCP REINFORCED CONCRETE PIPE
 - WOOD DECK HATCHING
 - NO PARKING AREA HATCHING
 - BRICK HATCHING
 - CONCRETE HATCHING
 - LIMITED COMMON ELEMENT HATCHING

TOWN OF HILTON HEAD ISLAND LMO SECTION 16-5-1402, DISCLOSURE STATEMENT

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 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.

PREPARED FOR: AGRE NV HH PROPERTY OWNER LLC
ADDRESS: #1 SOUTH FOREST BEACH ROAD
TAX PARCEL I.D. NO. R553-018-000-003A-0000



STRAND BLOCK 6C
PARCEL IV
N/F TOWN OF HILTON HEAD ISLAND
PID# R553 018 000 0003 0000
DEED BOOK 524-1377

ASBUILT SURVEY
OF THE
THE BEACH HOUSE
HORIZONTAL PROPERTY REGIME
A SECTION OF
FOREST BEACH
HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA
SCALE: 1" = 30' DATE: 2/26/2013 JOB NO: SC88062F

BEAUFORT COUNTY SC - 60D
BK 00134 PGS 0075-0078
FILE NUM 2013011852
02/28/2013 03:18:01 PM
REC'D BY R. WESS RPT# 703761
RECORDING FEES \$0.00

17 Sberington Drive, Suite C, Bluffton, SC 29910
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GA Telephone: (612) 888-2776
COMPILED BY SURVEYING CONSULTANTS