



Town of Hilton Head Island
**Construction Board of Adjustments
& Appeals Special Meeting**
Monday, October 30, 2023 – 4:00 p.m.
AGENDA

The Construction Board of Adjustments & 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. Swearing in Ceremony of Reappointed Board Member:** Jay Owen
- 4. Roll Call**
- 5. Approval of Agenda**
- 6. Approval of Minutes**
 - a. August 22, 2023 Meeting
- 7. Appearance by Citizens on Items Unrelated to Today's Agenda**
- 8. Unfinished Business – None**
- 9. New Business**
 - a. Lawton Stables Variance
- 10. Staff Report**
- 11. 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
**Construction Board of Adjustments &
Appeals Meeting**
August 22, 2022, at 5:00 pm
MEETING MINUTES

Present from the Committee: Chairman Jay Owen, Vice Chairman Neil Gordon, Will Okey, Joe Nix, Marc Ellis, Michael Lynes, Douglas Pine, Frank Guidobono

Absent from the Committee: Robert Zinn, Ling Graves, Jay Owen, Randy May

Present from Town Staff: Chris Yates, Shari Mendrick, Aaron Black, Bob Bromage, Howard DeLuca, Al Wilson, Yazmin Winston Black

Other's Present: Curtis Coltrane, Esquire

1. Call to Order

Mr. Nix called the meeting to order at 5:00 p.m.

2. FOIA Compliance

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

3. Swearing in Ceremony of Reappointed Board Members

Chris Yates reappointed Board Members Will Okey, Douglas Pine, and Michael Lynes.

4. Election of Officers:

Mr. Gordon nominated Joe Nix for the position of Chairman. Mr. Okey seconded. Mr. Nix was elected with a vote of 7-0-0. Mr. Guidobono arrived after the vote.

Mr. Ellis nominated Mr. Gordon for the position of Vice Chairman. Mr. Okey seconded. Mr. Gordon was elected with a vote of 7-0-0. Mr. Guidobono arrived after the vote.

Mr. Ellis nominated Karen Knox for the position of Secretary. Mr. Gordon seconded. Mrs. Knox was elected with a vote of 7-0-0. Mr. Guidobono arrived after the vote.

5. Roll Call - See as noted above.

6. Approval of Agenda

Mr. Pine moved to approve. Mr. Gordon seconded. By show of hands, the motion passed by a vote of 7-0-0. Mr. Guidobono arrived after the vote.

7. Approval of Minutes – Meeting of September 27, 2022

Mr. Pine moved to approve. Mr. Gordon seconded. By show of hands, the motion passed by a vote of 8-0-0.

8. Appearance by Citizens on Items Unrelated to Today's Agenda

None

9. Unfinished Business

None

10. New Business

a. Show Cause: Unsafe Deck - 63 Night Heron Lane

Chris Yates provided staff’s presentation as indicated in the packet. Town Staff recommended the following:

The Construction Board of Adjustments and Appeals (CBAA) concur with the Building Official’s determination that the deck attached to the home located at 63 Night Heron Lane, Hilton Head Island, SC is unsafe and that the structure be demolished or otherwise made safe.

The Board had several questions for Mr. Yates regarding the footings, the deck, and posts.

Mr. Zbigniew Drzazgowski, Owner stated he has been in the home improvement business for over 34 years. Mr. Drzazgowski stated he came to the Town and spoke of what he wanted to do and was told he needed a Permit. He followed all the building requirements, and everything was approved. Mr. Drzazgowski proceeded to speak in defense of the remedies and steps that he had undertaken regarding the Stop Work Order issued.

After discussion, Mr. Lynes moved that the Construction Board of Adjustments & Appeals recommends that the deck located at 63 Night Heron Lane, Hilton Head Island, SC is unsafe and that the structure should be made safe or be removed within 90 days of the Construction Board of Adjustments & Appeals signed Notice of Action. Mr. Ellis seconded. By a show of hands, the Motion passed with a vote of 8-0-0.

b. Approval of Proposed 2024 Meeting Schedule

Chair Nix moved to approve. Mr. Gordon seconded. The 2024 Meeting Schedule was approved with a vote of 8-0-0.

11. Staff Report – None

12. Adjournment

With no further business before the Board, the meeting was adjourned at 6:07 p.m.

Submitted by: Karen D. Knox
Board Secretary

Approved: [DATE]



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: Christopher Epps Company: Incircle Architecture
 Mailing Address: PO Box 3378 City: Bluffton State: SC Zip: 29910
 Telephone: 843.593.9506 Fax: _____ E-mail: cre@incirclearchitecture.com
 Owner Name: Lawton Stables
 Mailing Address: 186 Greenwood Drive City: Hilton Head Island State: SC Zip: 29928
 Telephone: 843.671.2586 Fax: _____ E-mail: _____
 Building Permit #: _____ Permit Address: 186 Greenwood Drive,
 Parcel Number [PIN]: R 5 5 0 0 1 4 0 0 0 0 8 0 9 0 0 0 0

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 Building Code you are requesting a variance from and explain **WHY** the variance is requested

_____ Affidavit of Ownership and Hold Harmless Permission to Enter Property

_____ Filing Fee - \$75.00 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: Chris Epps Date: 10.10.2023



Town of Hilton Head Island
 Community Development Department
 One Town Center Court
 Hilton Head Island, SC 29928
 Phone: 843-341-4757 Fax: 843-341-2087
www.hiltonheadislandsc.gov

FOR OFFICIAL USE ONLY
 Date Received: 10-16-23
 App. #: APL-001874-23
 Form revised 10-2012

**AFFIDAVIT OF OWNERSHIP AND
 HOLD HARMLESS PERMISSION TO ENTER PROPERTY**

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

1. I am the current owner of the property which is the subject of this application.
2. I hereby authorize Christopher Epps with Incircle Architecture 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 188 Greenwood Drive, Hilton Head Island, SC (address),
R 5 5 0 0 1 4 0 0 0 0 8 0 9 0 0 0 0 (parcel ID) for the purpose of application review, for the limited time necessary to complete that purpose.
 Description of Work: Remodel of existing petting zoo to include animal enclosures, site features, & ADA.
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>Liana Kroll</u>	Owner Signature: <u>Liana Kroll (Representative)</u>
Phone No.: <u>518-469-3436</u>	Email: <u>Liana.Kroll@tradelmanagement.com</u>
Date: <u>10/16/2023</u>	

The foregoing instrument was acknowledged before me by Liana S. Kroll 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 16th day of Oct., A.D., 2023.

Janet Hayward Wallace
 Notary Public Signature

My Commission expires: 6/3/29
 Please affix seal or stamp.

10/10/2023



Christopher Epps, R.A., NCARB, AIA, CPTED
InCircle Architecture
PO Box 3378, Bluffton, SC 29910

Shari Mendrick, P.G., CFM
Floodplain Administrator
Town of Hilton Head Island
1 Town Center Court
Hilton Head Island, SC 29928
Phone: 843-341-4687

RE: Lawton Stables - Construction Board of Adjustments and Appeals

Dear Shari Mendrick,

Introduction:

In reference to the Lawton Stables Petting Zoo Expansion project, located at **188 Greenwood Drive, Hilton Head Island, SC, Property ID# R550 014 000 0809 0000**. We are writing to request a variance from specific flood elevation and structural requirements as outlined by the Town's comments. This narrative addresses the four key points set forth by the Construction Board of Adjustments and Appeals to justify this request.

Additionally, it is essential to note that all animals will be evacuated during hurricanes and major weather events, and the shelters' open doorways will function as part of the flood vent system, providing unobstructed pathways for floodwaters in addition we have more than adequate flood vents.

Point 1: Good and Sufficient Cause Exists for the Granting of the Variance

The Lawton Stables facility operates within a unique land parcel characterized by specific topographical and vegetative conditions. The proposed minor expansion aims to enhance ADA accessibility, improve animal welfare, and upgrade safety measures. Conforming to the 11' elevation requirement for nonresidential structures would necessitate significant alteration of the natural landscape, undermining the ecological integrity of the area and offsetting the benefits of the proposed improvements.

Point 2: Failure to Grant the Variance Would Result in Exceptional Hardship to the Applicant

Adhering to the 11-foot elevation requirement for the new animal shelters and associated structures would necessitate raising the ground level by approximately 7 feet. However, current regulations permit only up to 3 feet of fill. Elevating the ground to such an extent would be inconsistent with existing guidelines and negatively impact the surrounding infrastructure. Such a change would compromise the structural integrity of adjacent buildings and significantly alter the site's hydrology, affecting stormwater management and natural water flow across the property. This alteration would thus undermine the project's objectives to enhance safety, animal welfare, and accessibility while also disrupting the project's quality, scope, and timeline for implementation.



Point 3: Issuance of the Variance Would Not Result in Increased Flood Heights, Additional Threats to Public Safety, or Extraordinary Public Expense

The proposed modifications are designed with a high regard for environmental resilience, including effective stormwater management aligned with current Town of Hilton Head requirements. The scale and scope of the project are such that they will not exacerbate flood risks or create additional safety hazards.

Point 4: The Variance Would Not Nullify the Intent and Purpose of the Chapter

The proposed variance aligns well with the objectives set forth in the Town of Hilton Head Comprehensive Plan, including the preservation of existing high-quality trees and ecological features. Therefore, granting this variance would not contravene the overarching goals of sustainable development and environmental stewardship outlined in the chapter.

Summary:

Given the above justifications, we strongly believe that granting this variance is in line with the community's best interests, as it enables improvements to a valuable local facility without compromising safety or environmental quality. We respectfully request that the Construction Board of Adjustments and Appeals consider this request favorably.

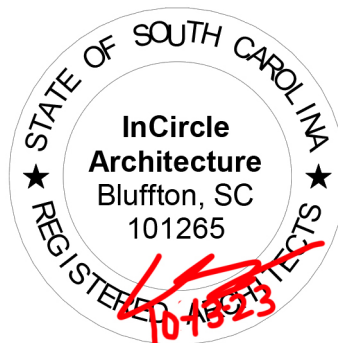
Attachments:

- Wall Area / Wall Openings calculations
- Construction Board of Adjustments and Appeals Form
- Affidavit Of Ownership and Hold Harmless Permission to Enter Property
- Revised Architecture Plans incorporating the proposed variance conditions

We look forward to the Board's review and are available for any questions or additional documentation needs.

I hope this concerns any questions you may have. Feel free to contact me with any further questions.

Christopher Epps, AIA, NCARB
SC License: AR-9505
Email: cre@incirclearchitecture.com
Office: (843) 593-9506
Cell: (843) 564.8622





Wall Area / Flood Openings Calculations (excluding flood vents)

Shelter Name: Wall Elevation	Width		Height		Area SF
	FT	IN	FT	IN	
Goat House: Front Elevation	10	0	6	9.5	67.9
Goat House: Openings	4	0	6	9.5	27.2
40% of Wall (SF)					27.2
% Opening Provided					40%

Shelter Name: Wall Elevation	Width		Height		Area SF
	FT	IN	FT	IN	
Horse House: Front Elevation	18	0	6	8	120.0
Horse House: Openings	4	0	6	0	24.0
	4	0	6	0	24.0
40% of Wall (SF)					48.0
% Opening Provided					40%

Shelter Name: Wall Elevation	Width		Height		Area SF
	FT	IN	FT	IN	
Mini Donkey: Front Elevation	10	0	6	6	65.0
Mini Donkey: Openings	4	0	6	6	26.0
40% of Wall (SF)					26.0
% Opening Provided					40%

Shelter Name: Wall Elevation	Width		Height		Area SF
	FT	IN	FT	IN	
Pig House: Front Elevation	8	0	6	11.25	55.5
Pig House: Openings	4	0	5	6	22.0
40% of Wall (SF)					22.2
% Opening Provided					40%

Shelter Name: Wall Elevation	Width		Height		Area SF
	FT	IN	FT	IN	
Sheep House: Front Elevation	10	0	5	9.75	58.1
Sheep House: Openings	4	0	5	9.75	23.3
40% of Wall (SF)					23.3
% Opening Provided					40%

Shelter Name: Wall Elevation	Width		Height		Area SF
	FT	IN	FT	IN	
Alpaca House: Left Elevation	8	0	5	9.75	46.5
Alpaca House: Openings	8	0	5	9.75	46.5
40% of Wall (SF)					18.6
% Opening Provided					100%

DEVELOPMENT SUMMARY

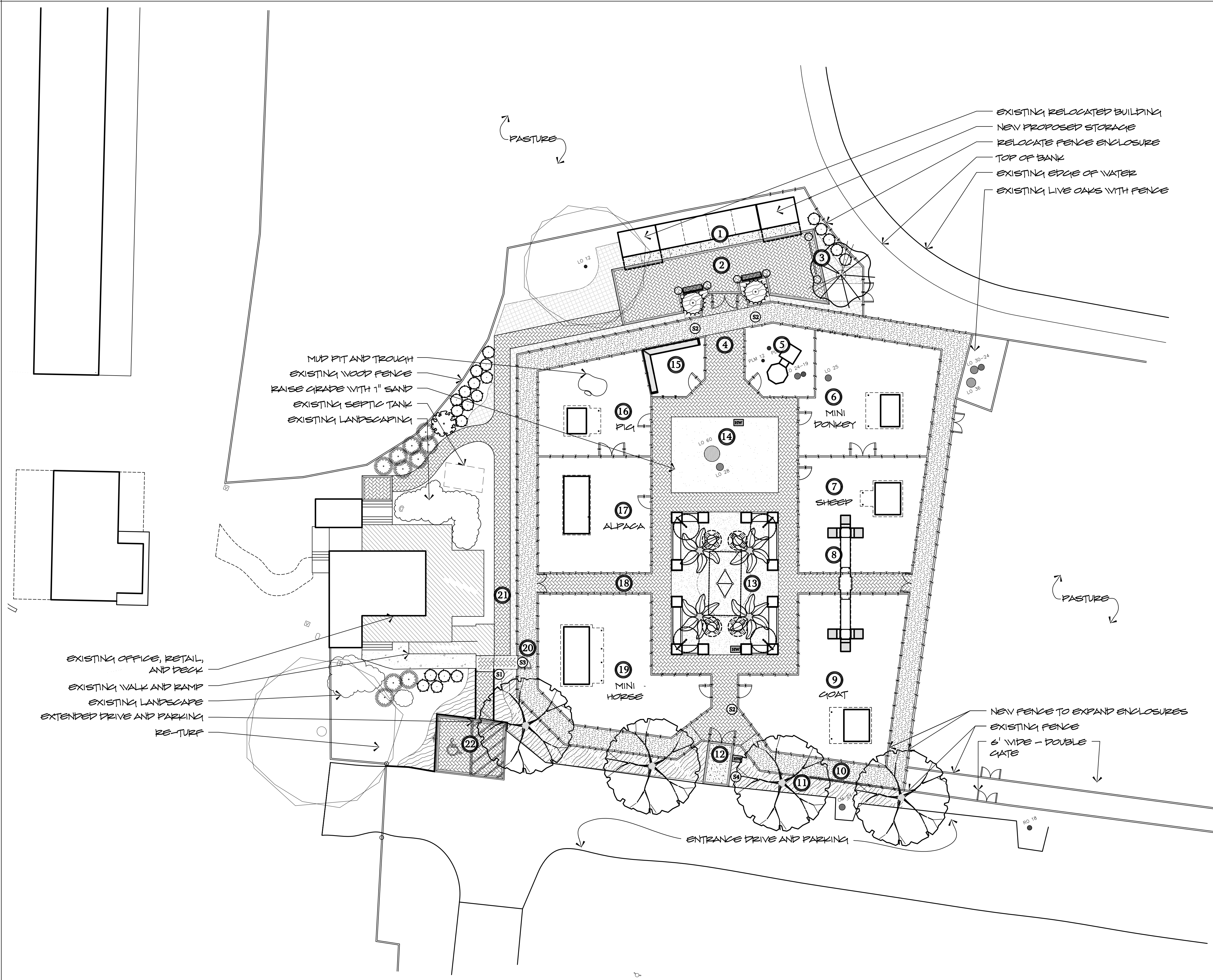
PROPERTY ID	R550 014 000 0809 0000
OWNER	SEA PINES RESORT, LLC
ADDRESS	186 GREENWOOD DRIVE
PROPERTY ACREAGE	21.8 ACRES
LIMIT OF DISTURBANCE	0.65 ACRES

SITE PLAN KEY

- 1 STORAGE ROOMS (448 SF - ROOF COVER)
- 2 WAITING AREA (1,080 SF) WITH SEATING AND GATE ACCESS
- 3 PHOTO OPPORTUNITY
- 4 12' WIDE PATH (PAVERS)
- 5 CHICKEN TREE HOUSE
- 6 MINI DONKEY
- 7 SHEEP
- 8 GOAT BRIDGE / PHOTO BACKDROP WITH SIGNAGE AND HANGING PLANTERS
- 9 GOAT
- 10 6' PONY PATH (GRANITE SCREENINGS)
- 11 PLANTED ENTRANCE ENHANCEMENTS
- 12 EXIT - DOUBLE GATE
- 13 SEATING AREA, PALMETTO TREES, BENCHES WITH BUILT-IN GARDEN PLANTERS, HANDWASH STATION, CLIMBER STRUCTURE AND SHADE STRUCTURE
- 14 PLANT BED WITH EXISTING SPECIMEN LIVE OAKS, PICNIC TABLES, AND HANDWASH STATION
- 15 RABBIT
- 16 PIG
- 17 ALPACA
- 18 PATH (6' WIDE PAVERS)
- 19 MINI HORSE
- 20 6' PONY PATH (COMPACTED GRANITE SCREENINGS)- EXISTING WALK SHIFTED TO ALLOW FOR ADA ACCESSIBLE PATH
- 21 SECONDARY PERSONNEL ACCESS
- 22 EXTENDED ADA ACCESSIBLE PARKING

SYMBOL KEY

- SINGLE GATE
- DOUBLE GATE
- NEW FENCE
- EXISTING FENCE
- PAVERS
- ARTIFICIAL TURF
- CRUSHED GRANITE
- MULCH (PENS AND PLANT BEDS)
- PLANTERS
- PICNIC TABLE
- BENCH
- HANDWASH STATION
- SIGN - DIRECTIONAL SIGN
- SIGN - CAUTION PONY PATH
- SIGN - EMPLOYEE ENTRANCE
- SIGN - EXIT ONLY
- OVERSTORY TREE
- UNDERSTORY TREE
- PALM TREE
- LARGE SHRUBS
- MEDIUM SHRUBS
- SMALL SHRUBS
- GROUNDCOVER
- ORNAMENTAL GRASS
- SEASONAL COLOR
- UMBRELLA/ SHADE STRUCTURE



ANIMAL STRUCTURE AND ENCLOSURE DIMENSIONS

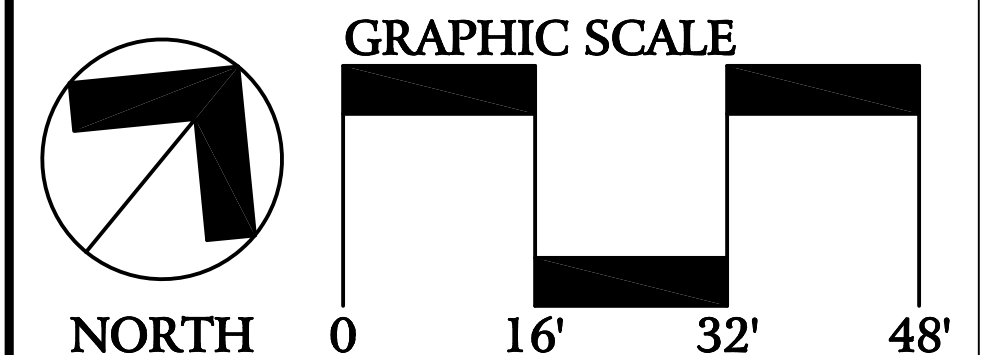
ANIMAL ¹	ENCLOSED STRUCTURE (SF)	ROOF AREA (SF) ²	ENCLOSURE (SF)
ALPACA	144	163	1275
MINI DONKEY	60	132	1445
MINI HORSE	144	254	1720
GOAT	80	149	2000
SHEEP	80	125	1365
PIG	48	105	1040
RABBIT	123	123	285
CHICKEN	60	60	460

- NOTES:
 1. ALL ANIMAL ENCLOSURES ARE NEW
 2. ROOF AREA INCLUDES ENCLOSED AND UNENCLOSED BUILDING AREAS

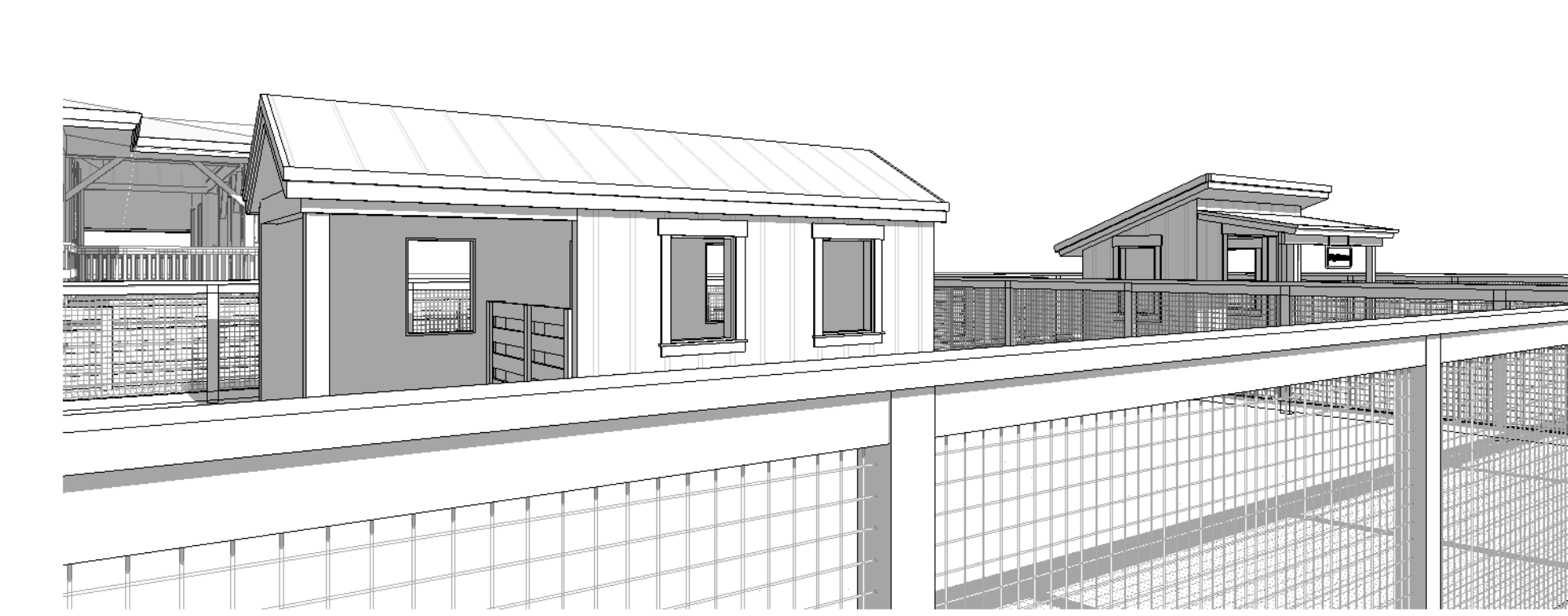
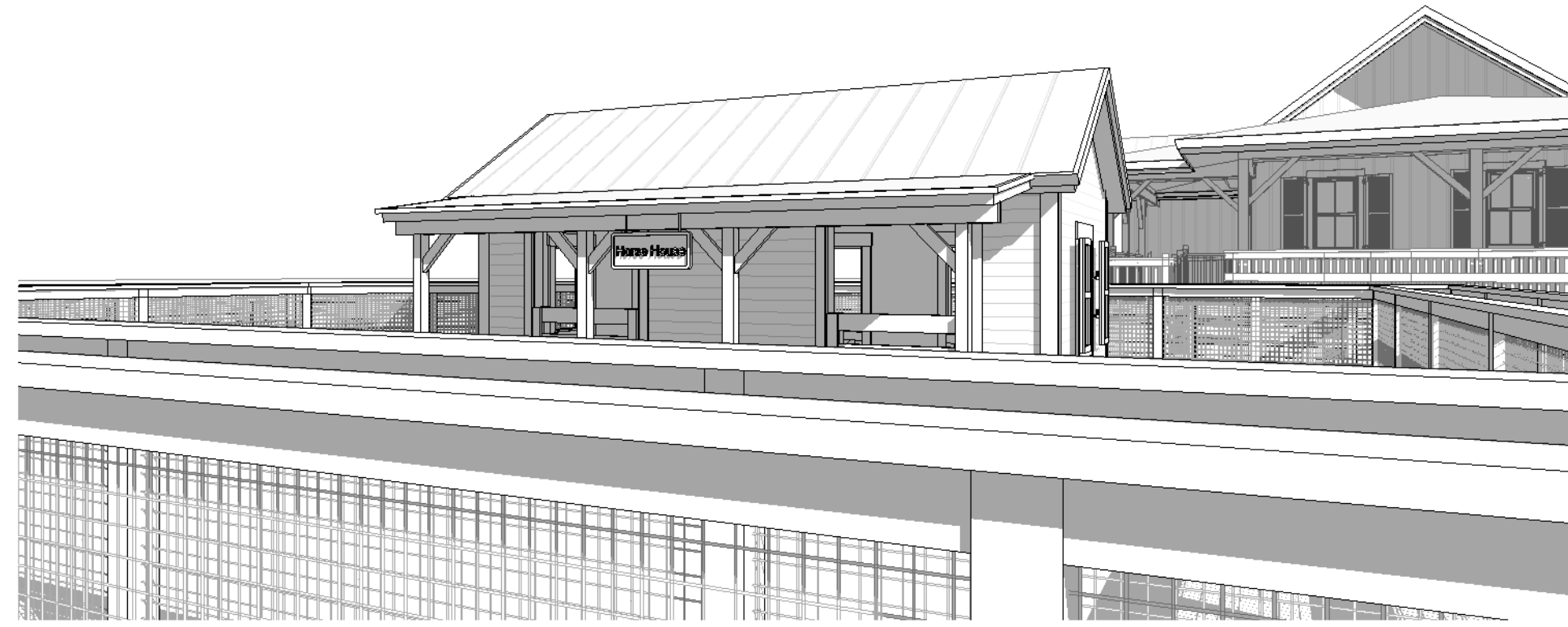
PREPARED FOR:
LAWTON STABLES
 PREPARED BY:

J. K. TILLER ASSOCIATES, INC.
 LAND PLANNING LANDSCAPE ARCHITECTURE
 181 BLUFFTON ROAD, SUITE F203 BLUFFTON, SC 29910
 Voice 843.815.4800 jtiller@jtiller.com Fax 843.815.4802

LAWTON STABLES
CONCEPT SITE PLAN
 SEA PINES, HILTON HEAD ISLAND, SC
 OCTOBER 10, 2023



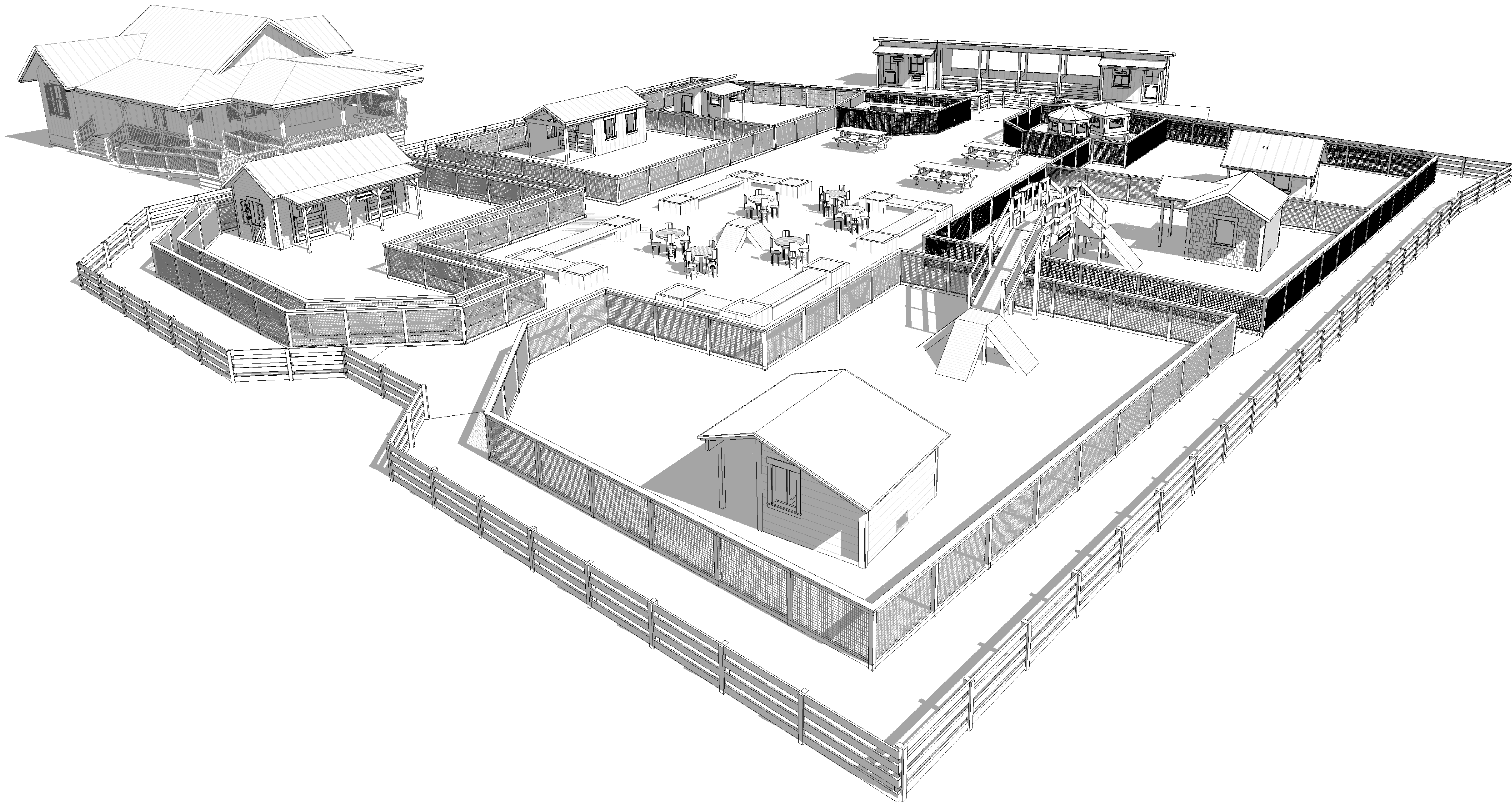
THIS IS A CONCEPTUAL PLAN AND IS SUBJECT TO CHANGE. ALL SURVEY INFORMATION AND SITE BOUNDARIES WERE COMPILED FROM A VARIETY OF UNVERIFIED SOURCES AT VARIOUS TIMES AND AS SUCH ARE INTENDED TO BE USED ONLY AS A GUIDE. ALL PROPERTY LINES, TRACT DIMENSIONS AND NARRATIVE DESCRIPTIONS ARE FOR GRAPHIC REPRESENTATION ONLY, AS AN AID TO SITE LOCATION AND POTENTIAL LAND USE, AND ARE NOT LEGAL REPRESENTATIONS AS TO FUTURE USES OR LOCATIONS. J. K. TILLER ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ITS ACCURACY OR STATE OF COMPLETION, OR FOR ANY DECISIONS (REQUIRING ACCURACY) WHICH THE USER MAY MAKE BASED ON THIS INFORMATION.



④ Mini Horses

② Alpaca

③ Mini Donkeys



In

NOT FOR CONSTRUCTION

NOT FOR CONSTRUCTION

No.	Description	Date

Lawton Stables
 188 Greenwood Dr, Hilton Head Island, SC 29928
 Architect: InCircle Architecture
 Phone: 843.593.9506
 Email: CRE@incirclearchitecture.com
 Web: incirclearchitecture.com
 The contractor shall verify all dimensions and site conditions before starting work and shall notify the architect in writing immediately of any errors or inconsistencies in the construction documents. If errors or inconsistencies exist with the construction documents and that, in fact, it is the contractor's responsibility to check the drawings for errors, omissions, and/or omissions. Copyright © 2016.

Project number 2022_1206_001
 Designed By CRE
 Drawn By CRE
 Checked By CRE

A301

3d Views

Issue Date 05.09.2023
 Print Date 10/13/2023 5:18:49 AM
 Scale



TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court | Hilton Head Island, SC 29928 | 843-341-4757 | FAX 843-842-8908

STAFF REPORT VARIANCE

Case #:	Public Hearing Date:
VAR-001874-2023	October 24, 2023

Parcel or Location Data:	Property Owner	Applicant
<u>Address:</u> 188 Greenwood Drive <u>Parcel:</u> R550 014 000 0809 0000	Sea Pines Resort 32 Greenwood Drive Hilton Head Island, SC 29926	Christopher Epps InCircle Architecture P.O. Box 3378 Bluffton, SC 229910

Application Summary:

Christopher Epps, on behalf of Sea Pines Resort, is requesting a variance from Municipal Code Section 15-9-312(b), Specific Standards for Nonresidential Construction to redevelop the Lawton Stables Petting Zone with the lowest floor elevation below the regulatory elevation.

Staff Recommendation:

Staff recommends the Construction Board of Adjustments Appeals **approve** the application based on the Findings of Fact and Conclusions of Law contained in the staff report.

Background:

Sea Pines Resort is proposing to redevelop the property containing the Lawton Stables. As part of the redevelopment project, Sea Pines Resort is proposing to construct new animal shelters for the Petting Zoo.

Municipal Code Section 15-9-312(b) states nonresidential construction must be elevated so that the lowest floor is located no lower than two feet above the base flood elevation or eleven feet above mean sea level using NAVD88, whichever is higher.

Municipal Code Section 15-9-411(c) allows for wet floodproofing of an agricultural structure provided that it used solely for agricultural purposes. In order to minimize flood damages during the base flood

and the threat to public health and safety, the structure must meet all of the conditions and considerations of section 15-9-312(f), this section, and the following standards:

- (1) Use of the structure must be limited to agricultural purposes as listed below:
 - b. General-purpose barns for the temporary feeding of livestock that are open on at least one (1) side;
- (2) The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.
- (3) The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed five (5) feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.
- (4) The agricultural structure must meet the venting requirement of section 15-9-312(f).

The applicant is requesting a variance to construct the new animal shelters with the lowest floor at grade. The proposed project would not be feasible without locating the structure at grade. The applicant has met all the other code requirements to include having the structures open on at least one side, constructing the buildings out of flood damage resistant materials, anchoring the structures as required and providing adequate flood venting, as needed.

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

Grounds for Variance:

According to the applicant, the variance is required because the new animal shelters at Lawton Stables enables improvements to a valuable local facility without compromising safety or environmental quality. Additionally, all animals will be evacuated during hurricanes and major weather events.

Summary of Fact:

- The applicant seeks a variance as set forth in Municipal Code Section 15-9-412.

Conclusion of Law:

- The applicant may seek a variance as set forth in Municipal Code Section 15-9-412.

Summary of Facts and Conclusions of Law:

Summary of Facts:

- Application was submitted on October 10, 2023 as set forth in the Rules and Procedures for the Construction Board of Adjustments and Appeals.
- The Board has authority to render the decision reached here under Municipal Code Section 15-9-412.

Conclusions of Law:

- The application is in compliance with the submittal requirements established Municipal Code Section 15-9-412.

As provided in Municipal Code 15-9-412 - Required findings, a variance may be granted in an individual case if the proposed new construction or substantial improvement meets one (1) or more of the requirements in section 15-9-411, if the Town Construction Board of Adjustment and appeals determines and expresses in writing all of the findings of fact.

Summary of Facts and Conclusions of Law:

Criteria 1: Good and sufficient cause exists for the granting of the variance (Municipal Code Section 15-9-412(a)):

Findings of Fact:

- The proposed expansion aims to enhance ADA accessibility, improve animal welfare and upgrade safety measures. Elevating the animal shelters to 11' would necessitate significant alteration of the natural landscape, thus undermining the ecological integrity of the area and offsetting the benefits of the proposed ADA improvements.

Conclusion of Law:

- Staff concludes that this application does meet the criteria as set forth in Municipal Code Section 15-9-412(a) because the enhancing ADA accessibility, improving animal welfare and upgrading safety measures are good and sufficient causes for granting the variance.

Summary of Facts and Conclusions of Law:

Criteria 2: Failure to grant the variance would result in exceptional hardship to the applicant. (Municipal Code Section 15-9-412(b)):

Findings of Fact:

- Failure to grant the variance would require raising the ground elevation by approximately 7 feet; however, the current Land Management Ordinance allows for up to 3 feet of fill. Raising the structures to 11' would compromise the structural integrity of adjacent buildings and alter the site hydrology and drainage patterns, thus limiting the proposed ADA improvements and safety measures.

Conclusion of Law:

- Staff concludes that this application does meet the criteria as set forth in Municipal Code Section 15-9-412(b) because elevating the new animal shelters will limit ADA accessibility and safety.

Summary of Facts and Conclusions of Law:

Criteria 3: The issuance of the variance would not result in increased flood heights, additional threats to public safety or extraordinary public expense (Municipal Code Section 15-9-412(c)):

Findings of Fact:

- The scale and scope of the project will not exacerbate flood risks or create additional safety

hazards. Neighboring properties would not suffer additional flood heights in a storm event.

Conclusion of Law:

- Staff concludes that this application does meet the criteria as set forth in Municipal Code Section 15-9-412(c) because the construction of the new animal shelters will not increase flood heights due to their insignificant square footage. The new animal shelters do not increase threats to public safety as the shelters will not be occupied during a storm event.

Summary of Facts and Conclusions of Law:

Criteria 4: The variance would not have the effect of nullifying the intent and purpose of the chapter (Municipal Code Section 15-9-412(d)):

Findings of Fact:

- All aspects of the regulations which can be reasonably accommodated will be undertaken in the design and construction of the new animal shelters. The intent and purpose of the Ordinance would not be diminished.

Conclusion of Law:

- Staff concludes that this application does meet the criteria as set forth in Municipal Code Section 15-9-412(d) as the new animal shelters are designed to meet all other aspects of the code.

CBAA Determination and Motion:

Prior to the granting of a variance, the Construction Board of Adjustments and Appeals must find that justifications exist in accordance with the terms of Municipal Code Section 15-9-411 and 15-9-412. These findings, together with the granting of a variance, shall be reduced to writing.

PREPARED BY:

SM

Shari Mendrick, P.G., CFM
Floodplain Administrator

October 13, 2023

DATE

REVIEWED BY:

CY

Chris Yates, CBO, CFM
Building Official

October 13, 2023

DATE