



Town of Hilton Head Island
**Construction Board of Adjustments
& Appeals Meeting**
Tuesday, August 22, 2023 – 5:00 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 Members:** Will Okey, Jay Owen, Douglas Pine and Michael Lynes
4. **Election of Officers for Term of July 1, 2023 – June 30, 2024**
5. **Roll Call**
6. **Approval of Agenda**
7. **Approval of Minutes**
 - a. September 27, 2022 Meeting
8. **Appearance by Citizens on Items Unrelated to Today's Agenda**
9. **Unfinished Business – None**
10. **New Business**

Public Hearing

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

Town staff recommends that 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.
 - b. Approval of Proposed 2024 Meeting Schedule
11. **Staff Report**
 12. **Adjournment**

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



Town of Hilton Head Island
**Construction Board of Adjustments &
Appeals Meeting**
September 27, 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, Randy May, Robert Zinn

Absent from the Committee: Douglas Pine (excused), Frank Guidobono (excused), Ling Graves (unexcused)

Present from Town Council:

Present from Town Staff: Teresa Haley, Brian Glover, Shari Mendrick, Tony Pierce, Chris Yates

Others Present: Curtis Coltrane, Town Attorney

1. Call to Order

Mr. Owen 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

Marc Ellis, Randy May, Joe Nix, and Robert Zinn

4. Election of Officers:

Mr. Gordon nominated Mr. Nix for the position of Chairman. Mr. Okey seconded. Mr. Nix was elected with a vote of 8-0-0.

Mr. Ellis nominated Mr. Gordon for the position of Vice Chairman. Mr. Nix seconded. Mr. Gordon was elected with a vote of 8-0-0.

Mr. Owen nominated Karen Knox for the position of Secretary. Mr. Ellis seconded. Mrs. Knox was elected with a vote of 8-0-0.

5. Roll Call - See as noted above.

6. Approval of Agenda

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

7. Approval of Minutes – Meeting of May 24, 2022

Mr. Ellis 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. **APL-00178-2022** – An appeal of the Building Official’s determination that the Village West Association does not have any right to make changes to certain elements of the buildings and property maintained by the association and therefore Town staff cannot process the application made to the Design Review Board (DRB) for an after-the-fact permit; and an appeal of the Building Official’s determination that the permit sought by the Village West Association would be in violation of the 2018 International Building Code (IBC) regulations as adopted by the Town of Hilton Head Island.

Mr. Zinn recused himself from this agenda item.

Shari Mendrick provided staff’s presentation as included in the packet. Town staff recommended the following:

The Construction Board of Adjustments and Appeals concur with the Building Official’s determination that the Village West Association did not have appropriate permissions or rights to make changes to the Spinnaker Building at Village West.

The Construction Board of Adjustments and Appeals concur with the Building Official’s determination that town staff cannot process an application to the DRB for aesthetic changes to alter, upgrade or replace windows which create an illegal nonconformity of the 2018 IBC.

The Board did not ask questions of staff.

Carolyn Nebbia provided a presentation for the appeal. The Board did not ask questions of the appellant.

Tony Pierce provided a rebuttal on behalf of staff. He stated that any changes to the building would have to adhere to the current (2018) IBC not the code which the design was originally stamped and signed under. The Board asked questions about the classification of the building, the windowsill height, building permits obtained, and the removal of guard rails. The Board asked about the solutions which were installed after the guard rails were removed. The Board asked why town staff denied the applicant’s submission to the DRB. Town staff stated that the town attorney found the applicant’s submittal was in violation of a restrictive covenant.

Carolyn Nebbia provided a rebuttal. The Board did not ask questions of the appellant.

The Board moved to discussion. The Board asked for Ms. Mendrick to clarify the appeal language and the position of the town. She stated that application was denied because it could not be submitted by the association, and the application needed to be submitted by the unit owners individually. Additionally, she stated that two of the units in question are now code compliant, however one is not.

Mr. Okey moved to affirm the Building Official’s decision. Mr. Gordon seconded the motion. The motion was passed with a vote of 7-0-1. Mr. Zinn was recused.

- b. **Approval of Proposed 2023 Meeting Schedule**

Mr. Nix moved to approve. Mr. Ellis seconded. The 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: Brian Glover
Administrative Assistant

Approved: [DATE]

DRAFT



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 UNSAFE STRUCTURE

Case #:	Public Hearing Date:
N/A	August 22, 2023

Parcel or Location Data:	Property Owner
<p><u>Address:</u> 63 Night Heron Lane</p> <p><u>Parcel:</u> R550 018 00A 0447 9008</p>	<p>Zbigniew Drzazgowski 9 W District Road Unionville, CT 06085</p>

Staff Recommendation:

Town staff recommends that the Construction Board of Adjustments and Appeals (CBAA) affirm the Building Official's determination that the deck located at 63 Night Heron Lane, Hilton Head Island, SC is unsafe and that the structure be made safe or be removed within 30 days of the Construction Board of Adjustments and Appeals' signed Notice of Decision.

Background:

January 25, 2023 - Town Staff received a building permit application for 63 Night Heron Lane for the addition of a 64 square foot back deck, elevated 8 feet above the ground and proposed to be built prescriptively from the 2021 International Residential Code (IRC). The plans provided were drawn by Mr. Drzazgowski and referenced IRC Section 507, as the design parameters for the deck. The application included a signed and recorded copy of the Town of Hilton Head Island Unlicensed Residential Builder's Disclosure Statement. As the owner, Mr. Zbigniew Drzazgowski intended to build the deck as owner and builder.

The recorded Unlicensed Residential Homebuilder's Disclosure Statement includes the following text: The building or residence must be for your own use or occupancy. It may not be built or substantially improved for sale or lease. If you sell or lease a building you have built or substantially improved within 2 years after the construction is complete, the law presumes that you built or substantially improved it for sale or lease, which is in violation of this exemption.

February 24, 2023 - Permit BLDR-000590-2023 was issued for 63 Night Heron Lane, Hilton Head SC 29928, for the addition of a 64 square foot back deck.

March 1, 2023 – A Footing Inspection was requested and assigned to Town of Hilton Head Island Building Inspector, Howard DeLuca. Inspector DeLuca failed the inspection because the footing had already been poured and the deck construction had been substantially completed without inspections.

March 21, 2023 - Chief Inspector, Tony Pierce assigned Inspector DeLuca to 63 Night Heron Lane to meet with Mr. Drzazgowski to discuss all concerns with the construction of the deck. Inspector DeLuca informed Mr. Drzazgowski that an Engineer would be needed to inspect the footers and the condition of the soil under the footer. Inspector DeLuca also identified other potential framing issues with the construction of the deck and advised that the engineer evaluate those issues, as well.

March 24, 2023 - Mr. Drzazgowski emailed Chief Inspector, Tony Pierce regarding the construction technique and materials used for construction.

March 27, 2023 - Chief Inspector, Tony Pierce replied to Mr. Drzazgowski email of March 24, 2023, stating that the footing inspection failed, and an Engineer would be needed to verify compliance with the IRC.

March 28, 2023 - Mr. Drzazgowski hired Engineer Vincent A. Zambetti with Lowcountry Structures and Foundations to perform a footing inspection. Mr. Zambetti determined that the footings needed to be completely removed and properly designed and built to a stable soil depth. Mr. Zambetti further stated: “The subject footings are not structurally sound, nor is the deck safe for use or occupancy.”

March 29, 2023 - A footing re-inspection, nailing inspection, rough in framing inspection, and final inspection were requested and assigned to Inspector, Howard DeLuca. Inspector DeLuca met with Mr. Drzazgowski for the inspections. Inspector DeLuca passed the nailing inspection but failed the footing, rough in framing, and final inspections. Due to poor soil conditions at the site, Inspector DeLuca requested a compaction report be submitted to verify that the soils present were not less than 1,500 pounds per square foot (psf), which is the lowest bearing capacity of soil prescriptively allowable by the IRC. He then verbally informed Mr. Drzazgowski that he needed a South Carolina licensed Engineer to evaluate and design the footings based on the poor soil conditions, as needed.

March 31, 2023 - South Carolina licensed Engineer Vincent Zambetti emailed a copy of the field inspection to Chief Inspector Tony Pierce, that was performed on March 28, 2023. The report attached was difficult to read and Mr. Pierce requested a transcript version of the report.

April 1, 2023 - Mr. Drzazgowski emailed Chief Inspector, Tony Pierce. The email started positive, and he recapped what transpired between him and the Town Inspector during the last inspection, then he stated that there are decks in his neighborhood were not up to code.

April 3, 2023 - Chief Inspector, Tony Pierce replied to Mr. Drzazgowski email with direction on moving the project forward. In that email he also attached a copy of Engineer Vincent Zambetti’s inspection report. Mr. Drzazgowski replied via email stating the project has been put on hold and that he was headed up to Connecticut to sell a house and did not know when he would return.

April 4, 2023 - Chief Inspector, Tony Pierce received the transcript version of the report as requested and, a virtual meeting was scheduled on April 10, 2023, to discuss the information of the report with the Engineer Vincent Zambetti, Chief Inspector Tony Pierce and Building Official Chris Yates. (Attachment 1)

April 10, 2023 - South Carolina Engineer Vincent Zambetti, Chief Inspector, Tony Pierce and Building Official, Chris Yates attended a virtual meeting to discuss the findings of the report. Mr. Zambetti was very concerned about the construction of the deck and the potential unsafe hazards it posed. As the deck had a valid permit for construction, Town Staff decided to continue the work with the homeowner Mr. Drzazgowski.

April 25, 2023 - Mr. Drzazgowski emailed Chief Inspector, Tony Pierce stating that he had been very busy and was sorry for not responding to Chief Inspector Pierce's email dated April 3, 2023. He then started talking about a door replacement project at Bluff Villas and attached a copy of the Town's Home Safety and Repair, "Contractor's Needed" brochure. He did not address any of the comments from Chief Inspectors Pierce's email dated April 3, 2023.

May 2, 2023 – Town Staff decided to post a Stop Work Order and an Unsafe Structure Notice.

May 8, 2023 – An Official Notice of Unsafe Structure was mailed and emailed to Mr. Drzazgowski regarding the deck at 63 Night Heron. The Notice gave Mr. Drzazgowski 60 days to commence alterations, repairs, improvements, demolition, or removal of the structure, on or before July 8, 2023. (Attachment 2)

May 9, 2023 – A Stop Work Order and Unsafe placards were re-posted as they had been removed.

May 12, 2023 - Chief Inspector, Tony Pierce received a copy of a pending lawsuit filed with Beaufort County Magistrate Court for a civil case between Mr. Zambetti (Plaintiff) and Mr. Drzazgowski (Defendant).

May 18, 2023 – Mayor Allen Perry received a letter from Mr. Drzazgowski. (Attachment 3).

May 19, 2023 – Another Stop Work Order and Unsafe placards were posted, as they had been removed.

June 8, 2023 - Code Enforcement Officer, Al Wilson emailed the Building Official Chris Yates, stating there were ARB/POA issues, and issues with the Town Business License and Short-Term Rental License for Mr. Drzazgowski and the property at 63 Night Heron Lane.

June 22, 2023 - Mayor Allen Perry received a second letter from Mr. Drzazgowski. (Attachment 4).

June 27, 2023 - Building Official, Chris Yates provided a letter to Town Manager Marc Orlando detailing Staff's concern about the safety of the deck at 63 Night Heron Lane and recommended preparing and sending an Official Notice of Show Cause Hearing to Mr. Drzazgowski. (Attachment 5)

July 18, 2023 - An Official Notice of Show Cause Hearing letter was mailed and emailed to Mr.

Drzazgowski regarding the unsafe structure/deck at 63 Night Heron Lane. (Attachment 6).

July 28, 2023 - Chief Inspector, Tony Pierce and Building Official, Chris Yates called Mr. Drzazgowski about the Show Cause Hearing to confirm Mr. Drzazgowski would be present. Mr. Drzazgowski stated he was out of town. Building Official, Chris Yates offered to hold the Hearing virtually so Mr. Drzazgowski would not have to travel. Mr. Drzazgowski hung up the phone when he realized he was talking to the Building Official Chris Yates. Following the phone call Chief Inspector, Tony Pierce received a letter from Mr. Drzazgowski written on July 22nd, 2023. Mr. Drzazgowski requested that the Show Cause hearing be postponed to early November 2023, due to his health problems.

July 22 – August 1, 2023 – Mayor Perry received two more letters from Mr. Drzazgowski (Attachments 7 and 8).

August 8, 2023 – Assistant Town Manager, Shawn Colin replied to Mr. Drzazgowski letters to Mayor Perry (Attachment 9).

Summary of Facts:

The integrity of the back deck located at 63 Night Heron Lane is unsafe and poses an immediate danger to life and safety.

PREPARED BY:

SM

Shari Mendrick, P.G., CFM
Floodplain Administrator

August 11, 2022

DATE

REVIEWED BY:

CY

Chris Yates, CBO, CFM
Building Official

August 11, 2022

DATE

ATTACHMENTS:

- 1) Engineer's Report
- 2) Unsafe Letter
- 3) May 18, 2023 Letter to Mayor
- 4) June 14, 2023 Letter to Mayor
- 5) Letter to Town Manager re: June 14, 2023 Letter to Mayor
- 6) Notice of Show Cause Hearing
- 7) July 22, 2022 Letter to Mayor
- 8) July 28, 2023 Letter to Mayor
- 9) August 8, 2023 Letter to M. Drzazgowski



FIELD CONSULTATION SUMMARY

LOWCOUNTRY

STRUCTURES & FOUNDATIONS

182 RETREAT LANE • BENNETT'S POINT • SC 29446

(843) 739-0178

CHIEF BLDG INSPECTOR
 O (843) 341-4675
 C (843) 247-2856
 TONY PENIKTON HEAD ISLAND SC. GO
 SENT 1A07 Fri/31 MAR 23

INSP. CHRISTOPHER YATES (843) 341-4664 C (843) 247-2853 INSP. HOWARD DE LUCA

CLIENT Alicia & Zbigniew Drazagowski	JOB# 23 AZD-315	DATE Tue/28 Mar 23
STREET 63 Night Heron Lane	TITLE Structural Evaluation of New Deck Figs	
CITY, STATE, ZIP Hilton Head Is (Seapines), SC 29928	JOB LOCATION Owners' Residence	
PHONE (860) 338-4846	INVOICE Incl	


STRUCTURAL EVALUATION OF NEW DECK FOOTINGS

- The consultation objective is an accurate engineering evaluation of the subject structural elements based on actual extracted data. Hands-on examination of foundation & supported elements performed. Subsurface soil probe performed using 1/2" x 6 FT refusal rod.
- Subject deck footings were constructed to support the posts (2 total) of a new exterior deck \approx 10 FT above. Footings are situated on an artificially made slope comprising soils removed to form an adjacent pond. Slope contains large oak trees in the direct locations of both footings.
- Soil probe clearly indicates very SOFT granular/organic soils extending downward 2'-3' (min) BELOW new footings. Extensive roots of noted trees also encountered, which are the sole elements providing stability to the noted slope.
- Existing (new footings) foundation elements are poorly constructed on unstable sloping soils. They are wholly incapable of providing long-term, permanent support for the new exterior deck above. Additionally, the noted deck has been constructed (outer edge) in close contact w/ an existing large oak tree trunk. The certain failure of the subject deck footings SHALL result in the new deck making contact w/ the noted oak tree trunk, creating an unsafe occupancy condition. Also, any significant wind acting on the noted tree shall certainly cause contact damages to the new deck.
- The subject footings MUST be completely removed & properly designed/built to a stable soil depth - which may not be conventionally possible on this slope. Also, the new deck must be reconstructed/shortened to avoid contact w/ the oak tree.
- Subject footings & supported deck are NOT STRUCTURALLY SOUND, nor is the deck safe for use or occupancy. Tree roots must not be damaged/rt.

FIELD CONSULTATION FEE \$ 750.00

PAYMENT TO BE MADE AS FOLLOWS:

By check, #4214 [People's United Bank]


 VINCENT A. ZAMBETTI
 MASTER BUILDER
 SCPE #ELS.40051 E

ATTACHMENT 1

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

Alan R. Perry
Mayor

David Ames
Mayor Pro Tem

May 08, 2023

Council Members

Alexander Brown, Jr.
Patsy Brison
Tamara Becker
Steve Alfred
Glenn Stanford

Alicia & Zbigniew Drzazgowski sent via certified mail
63 Night Heron Lane
Hilton Head Island, SC 29928

**RE: OFFICIAL NOTICE #1
OF AN UNSAFE STRUCTURE
SPP / ADD BACK DECK / 64 UNHTD SQ FT
BLDR-000590-2023**

Marc Orlando
Town Manager

Dear Mrs. & Mr. Drzazgowski:

Beaufort County tax records indicate that both parties listed above are the current owners of the above referenced property. You are each hereby officially notified that the back deck has been declared to be an unsafe structure as defined by Section 116.1 of the International Building Code, 2021 Edition.

The Town became concerned about the safeness of the back deck from a site visit conducted by Town inspectors on 3/30/2023 and a third-party licensed professional inspection report provided to the Town on 3/31/2023. The report revealed the following unsafe conditions:

1. Existing (new footings) elements are poorly constructed on unstable, sloping soils.
2. Footings are incapable of providing long-term permanent support for the exterior deck.

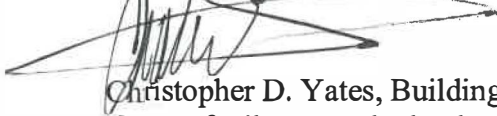
Accordingly, you are required to commence either alterations, repairs, improvements, demolition or removal of the structure within 60 days of the date of this Official Notice.

A new set of plans designed by a licensed professional must be submitted to the Town's Community Development Department within 30 days of this notice. The plans must be submitted and approved prior to beginning any repairs, demolition, or removal of the structure. Once new plans are approved by the Town, the work must be completed within 90 days of the stop work removal.

ATTACHMENT 1

Please find enclosed pertinent information related to the subject property, to include an attachment of the above referenced material. Section 116 of the International Building Code, 2021 edition & a copy of the third party report. You may also view the International Building Codes at www.hiltonheadislandsc.gov. If you have any questions concerning this Official Notice, please contact me at 843-341-4664.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Yates", is written over a large, light-colored scribble or stamp.

Christopher D. Yates, Building Official
Town of Hilton Head Island
843-341-4664 office
chrisdy@hiltonheadislandsc.gov

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

[A] 116.1 Unsafe conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and *ventilation*, or that constitute a fire hazard, or are otherwise *dangerous* to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.

[A] 116.2 Record. The *building official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

[A] 116.3 Notice. If an unsafe condition is found, the *building official* shall serve on the *owner* of the structure, or the owner's authorized agent, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

[A] 116.4 Method of service. Such notice shall be deemed properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered to the *owner* personally.
2. A copy is sent by certified or registered mail addressed to the *owner* at the last known address with the return receipt requested.
3. A copy is delivered in any other manner as prescribed by local law.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner on the owner's authorized agent shall constitute service of notice on the *owner*.

[A] 116.5 Restoration or abatement. Where the structure or equipment determined to be unsafe by the *building official* is restored to a safe condition, the owner, the owner's authorized agent, operator or occupant of a structure, premises or equipment deemed unsafe by the *building official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. To the extent that repairs, *alterations* or *additions* are made or a *change of occupancy* occurs during the restoration of the structure, such *repairs*, *alterations*, *additions* and *change of occupancy* shall comply with the requirements of the *International Existing Building Code*.

ATTACHMENT 1

Tony Pierce

From: Vincent Zambetti <cpt.vincent@yahoo.com>
Sent: Friday, March 31, 2023 2:08 PM
To: Tony Pierce
Subject: Drazazgowski Residence at 63 Night Heron Lane - STRUCTURAL EVALUATION OF NEW DECK
Attachments: Zibby Drazazgowski Deck FC Summary059.pdf

THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

Good Afternoon, Inspector.

My Field Consultation Summary for the subject deck is attached.

Per data extracted via direct physical examination, I have designated this deck as structurally unsound and unsafe for any use. The particulars are included in the Summary.

In the interest of safety for the home's occupants, I request you consider reviewing this Summary for any supplementary information that may be useful to your own efforts.

Kindly call with any questions or comments.

Vincent A. Zambetti, P.E.
Master Builder
Lowcountry Structures and Foundations

FIELD CONSULTATION SUMMARY

LOWCOUNTRY

STRUCTURES & FOUNDATIONS

182 RETREAT LANE • BENNETT'S POINT • SC 29446

(843) 739-0178

CHIEF BLDG INSPECTOR
 O (843) 341-4675
 C (843) 247-2856
 TONY P. HILTON HILLSBORO, NC. GO
 SGT 1407 FEB/31 MAR 23



INSP. CHRISTOPHER YATES (843) 341-4664 C (843) 247-2856 INSP. HOWARD DELUCA

CLIENT Alicia & Zbigniew Dmazarowski	JOB# 23.AZD-3.15	DATE Tue/28 Mar 23
STREET 63 Night Heron Lane	TITLE Structural Evaluation of New Deck Fgts	
CITY, STATE, ZIP Hilton Head Is (Sea Pines), SC 29928	JOB LOCATION Owners' Residence	
PHONE (860) 338-4846	INVOICE Incl	

STRUCTURAL EVALUATION OF NEW DECK FOOTINGS

- The consultation objective is an accurate engineering evaluation of the subject structural elements based on actual extracted data. Walk-on examination of foundation & supported elements performed. Subsurface soil probe performed using 1/2" x 6 FT refusal rod.
- Subject deck footings were constructed to support the posts (2 total) of a new exterior deck \approx 10 FT above. Footings are situated on an artificially made slope comprising soils removed to form an adjacent pond. Slope contains large oak trees in the direct locations of both footings.
- Soil probe clearly indicates very soft granular/organic soils extending downward 2'-3' (min) below new footings. Extensive roots of noted trees also encountered, which are the sole elements providing stability to the noted slope.
- Existing (new footings) foundation elements are poorly constructed on unstable sloping soils. They are wholly incapable of providing long-term permanent support for the new exterior deck above. Additionally, the noted deck has been constructed (outer edge) in close contact w/ an existing large oak tree trunk. The certain failures of the subject deck footings shall result in the new deck making contact w/ the noted oak tree trunk, creating an unsafe occupancy condition. Also, any significant wind acting on the noted tree shall certainly cause contact damages to the new deck.
- The subject footings MUST be completely removed & properly designed/built to a stable soil depth - which may not be conventionally possible on this slope. Also, the new deck must be reconnected/shortened to avoid contact w/ the oak tree.
- Subject footings & supported deck are NOT STRUCTURALLY SOUND, nor is the deck safe for use or occupancy. Tree roots must not be damaged/removed.

FIELD CONSULTATION FEE \$ 750.00

PAYMENT TO BE MADE AS FOLLOWS:

By check, #4214 [People's United Bank]

VINCENT A. ZAMBITI
 MASTER BUILDER
 SCPE #ELS.40051 E

TOWN OF HILTON HEAD ISLAND**MAYOR ALAN PERRY**

With the reference to the Letter dated May 08, 2023 from the Town of Hilton Head Island, I certify that my deck meets all official requirements for use. Based on the International Residential Code, SECTION 507, EXTERIOR DECKS, point R 507.3 Footings, EXEPTIONS: point 2.2, it states that a deck is not to exceed 200 square feet. Point R507.3.1 MINIMUM SIZE states that "The minimum size of concrete footings shall be in accordance with TABLE R507.3.1. Based on the tributary area and allowable soil-bearing pressure in accordance with Table R401.4.1" and point " R507.3.2 Minimum depth the deck footings shall be placed not less that 12 inches (305 mm) below the undisturbed ground surface.

1. My deck area is 64.00 SR which is three times smaller than 200sf therefore the pressure on the soil is three times smaller. IN THIS SITUATION the size of concrete footing should be three times smaller (logic). My size of concrete footing is 18"x18" and depth 18". So it fully meets the requirements given by the "INTRNATIONAL RESIDENTIAL CODE".
2. **The Building Inspector of HILTON HEAD ISLAND BUIDING DEPARTMENT** used the same International Residential Code to find the correct size of the posts.
3. I remind you that the soil on Hilton Head is sand and has a very stable structure. The size of footing Table R507.3.1 states that at a load of 1500 pounds the size of the footing should be 17" and thickness 6". **This requirement regarding my deck is completely in line with the requirements.** The requirements for post size 6"x7" of the deck are fully compliant.
4. The letter, which I received was probably due to an assessment sent to the Building Department by Vincent Zambetti. Let me remind you that the deck footing fitness assessment was done completely without knowing the International Residential Codes. **Vincent Zambetti kicking my deck with his leg and shouting that the deck should be dismantled shows a lack of knowledge about deck construction. In edition he never suggested what have to be done to improve the footing.** Let me remind you that the construction of the deck was approved by the Hilton Head Island Inspector. Vincent Zambetti's opinion contradicts the inspection.
5. There is no risk from the tree as the existing tree is almost parallel to the surface of the ground and grows away from the deck. Thinking that there is risk from this tree during a hurracane is assumptious and leads to thinking that everything can be destroyed during severe weather so,why build anything.
6. Regarding the stability of the soil, as I mentioned, it is stable and free from any threats (sand, please see the picture). Vincent Zambetti's statement that that footing should be 2' lower is in **contradiction with the requirements of the International Residential codes and the requirements regarding the water level.**

ATTACHMENT 2

Lowering the deck footing by another 2' may cause us to be below the water level. Vincent Zambetti was unable to accurately assess all the facts and his impulsive behavior did not give me confidence that his assessment is fair (please see the picture in attachment) , THE TREE IS leaning 90 degrees away from the deck.

- 7.e **If the Hilton Head Building Department believes that the regulations under which my deck was built correct, but was only one question regarding footing. I never got any suggestions what was wrong, please provide me with the correct ones. I would like to adapt to those regulations, if they are different from those stated above. My goal is to build a deck that meets all safety requirements.e**
- 8.e **I am now in CT taking care of my health issues. According to my doctor I have to undergo a series of treatments until September or even maybe November so I cannot now make any effort to get a second opinion and try to improve the existing footing.e However it's always been my goal to improve the footing if it is not correct.e**
- 9.e **Please reschedule any activities regarding my deck, until my return, and I will agree to any changes that may be inconsistent if I will receive the right one.e**
- 10.d **would like to point to you that the safety issue ,which is so important for Building Department on Hilton Head Island was compliantly ignored in other instances. On Night Heron Ln. decks have been built with ignorance of safety.e I spoke with Building Department inspector about it, but didn't receive any positive reactions.e Please provide me with the requirements regarding my deck that I need to meet.e**
- 11.e **If any attempt is made by Christopher D Yates without my presence, this may result in legal consequences.e**

Sincerely,


**Zbigniew Drzazgowski
9 West District Rd.
Unionville , CT 06085
and 63 Night Heron Ln. HHI, SC 29928**

cc:

**1. State of South Carolina, Court of Beauforte
The Magistrate's Courte
Civil Case No. 2032CV0710-400434e**

Attachments:

1. **International Residential Code, Section R507, Exterior Deckse**
- 2.e **Letter from Vincent Zambetti to Chief Inspector Tony Pierce.e**
- 3.e **Picture of existing footing of new deck, 63 Night Heron Ln.e**
- 4.e **Picture position of the tree to new deck, 63 Night Heron Ln.e**
- 5.e **Vincent Zambetti statement regarding his inspection of the deck.e**

Attachment 1

FLOORS

R506.2.1 Fill. Fill material shall be free of vegetation and foreign material. The fill shall be compacted to ensure uniform support of the slab, and except where *approved*, the fill depths shall not exceed 24 inches (610 mm) for clean sand or gravel and 8 inches (203 mm) for earth.

R506.2.2 Base. A 4-inch-thick (102 mm) base course consisting of clean graded sand, gravel, crushed stone, crushed concrete or crushed blast-furnace slag passing a 2-inch (51 mm) sieve shall be placed on the prepared subgrade where the slab is below *grade*.

Exception: A base course is not required where the concrete slab is installed on well-drained or sand-gravel mixture soils classified as Group I according to the United Soil Classification System in accordance with Table R405.1.

R506.2.3 Vapor retarder. A minimum 10-mil (0.010 inch; 0.254 mm) vapor retarder conforming to ASTM E1745 Class A requirements with joints lapped not less than 6 inches (152 mm) shall be placed between the concrete floor slab and the base course or the prepared subgrade where a base course does not exist.

Exception: The vapor retarder is not required for the following:

1. Garages, utility buildings and other unheated *accessory structures*.
2. For unheated storage rooms having an area of less than 70 square feet (6.5 m²) and carports.
3. Driveways, walks, patios and other flatwork not likely to be enclosed and heated at a later date.
4. Where *approved* by the *building official*, based on local site conditions.

R506.2.4 Reinforcement support. Where provided in slabs-on-ground, reinforcement shall be supported to remain in place from the center to upper one-third of the slab for the duration of the concrete placement.

SECTION R507 EXTERIOR DECKS

R507.1 Decks. Wood-framed decks shall be in accordance with this section. Decks shall be designed for the *live load* required in Section R301.5 or the ground snow load indicated in Table R301.2, whichever is greater. For decks using materials and conditions not prescribed in this section, refer to Section R301.

R507.2 Materials. Materials used for the construction of decks shall comply with this section.

R507.2.1 Wood materials. Wood materials shall be No. 2 grade or better lumber, preservative-treated in accordance with Section R317, or *approved*, naturally durable lumber, and termite protected where required in accordance with Section R318. Where design in accordance with Section R301 is provided, wood structural members

shall be designed using the wet service factor defined in AWC NDS. Cuts, notches and drilled holes of preservative-treated wood members shall be treated in accordance with Section R317.1.1. All preservative-treated wood products in contact with the ground shall be *labeled* for such usage.

R507.2.1.1 Engineered wood products. Engineered wood products shall be in accordance with Section R502.

R507.2.2 Plastic composite deck boards, stair treads, guards or handrails. *Plastic composite* exterior deck boards, stair treads, *guards* and *handrails* shall comply with the requirements of ASTM D7032 and this section.

R507.2.2.1 Labeling. *Plastic composite* deck boards and stair treads, or their packaging, shall bear a *label* that indicates compliance with ASTM D7032 and includes the allowable load and maximum allowable span determined in accordance with ASTM D7032. *Plastic* or composite *handrails* and *guards*, or their packaging, shall bear a *label* that indicates compliance with ASTM D7032 and includes the maximum allowable span determined in accordance with ASTM D7032.

R507.2.2.2 Flame spread index. *Plastic composite* deck boards, stair treads, *guards*, and *handrails* shall exhibit a flame spread index not exceeding 200 when tested in accordance with ASTM E84 or UL 723 with the test specimen remaining in place during the test.

Exception: *Plastic composites* determined to be noncombustible.

R507.2.2.3 Decay resistance. *Plastic composite* deck boards, stair treads, *guards* and *handrails* containing wood, cellulosic or other biodegradable materials shall be decay resistant in accordance with ASTM D7032.

R507.2.2.4 Termite resistance. Where required by Section 318, *plastic composite* deck boards, stair treads, *guards* and *handrails* containing wood, cellulosic or other biodegradable materials shall be termite resistant in accordance with ASTM D7032.

R507.2.2.5 Installation of plastic composites. *Plastic composite* deck boards, stair treads, *guards* and *handrails* shall be installed in accordance with this code and the manufacturer's instructions.

R507.2.3 Fasteners and connectors. Metal fasteners and connectors used for all decks shall be in accordance with Section R317.3 and Table R507.2.3.

R507.2.4 Flashing. Flashing shall be corrosion-resistant metal of nominal thickness not less than 0.019 inch (0.48 mm) or *approved* nonmetallic material that is compatible with the substrate of the structure and the decking materials.

R507.2.5 Alternate materials. Alternative materials, including glass and metals, shall be permitted.

FLOORS

TABLE R507.2.3
FASTENER AND CONNECTOR SPECIFICATIONS FOR DECKS^{a, b}

ITEM	MATERIAL	MINIMUM FINISH/COATING	ALTERNATE FINISH/COATING ^c
Nails and glulam rivets	In accordance with ASTM F1667	Hot-dipped galvanized per ASTM A153, Class D for 3/8-inch diameter and less	Stainless steel, silicon bronze or copper
Bolts ^c	In accordance with ASTM A307 (bolts), ASTM A563 (nuts), ASTM F844 (washers)	Hot-dipped galvanized per ASTM A153, Class C (Class D for 3/8-inch diameter and less) or mechanically galvanized per ASTM B695, Class 55 or 410 stainless steel	Stainless steel, silicon bronze or copper
Lag screws ^d (including nuts and washers)			
Metal connectors	Per manufacturer's specification	ASTM A653 type G185 zinc-coated galvanized steel or post hot-dipped galvanized per ASTM A123 providing a minimum average coating weight of 2.0 oz./ft ² (total both sides)	Stainless steel

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.0

a. Equivalent materials, coatings and finishes shall be permitted.

b. Fasteners and connectors exposed to salt water or located within 300 feet of a salt water shoreline shall be stainless steel.0

c. Holes for bolts shall be drilled a minimum 1/32 inch and a maximum 1/16 inch larger than the bolt.0

d. Lag screws 1/2 inch and larger shall be predrilled to avoid wood splitting per the *National Design Specification (NDS) for Wood Construction*.0

e. Stainless-steel-driven fasteners shall be in accordance with ASTM F1667.0

R507.3 Footings. Decks shall be supported on concrete footings or other approved structural systems designed to accommodate all loads in accordance with Section R301. Deck footings shall be sized to carry the imposed loads from the deck structure to the ground as shown in Figure R507.3.0

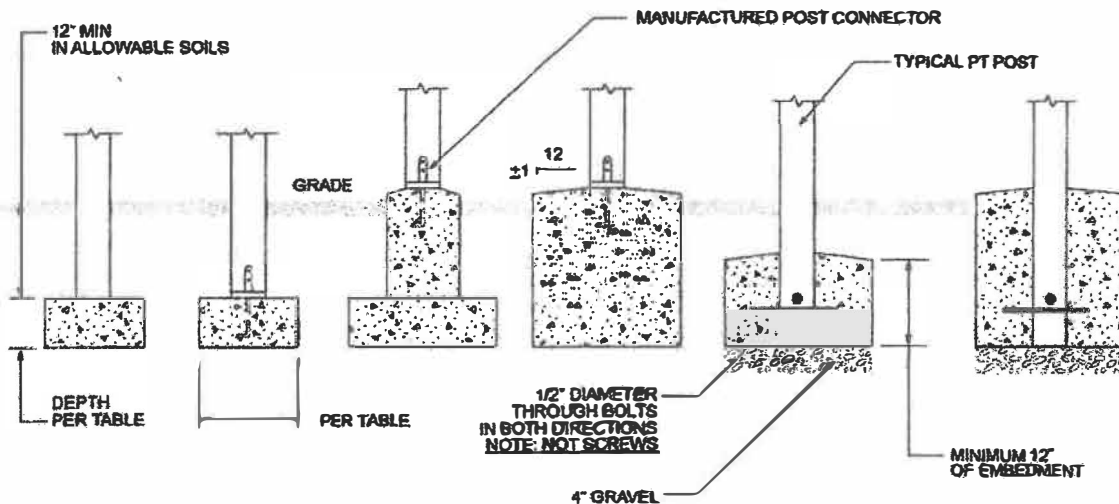
Exceptions:

- 1.o Footings shall not be required for free-standing decks consisting of joists directly supported one grade over their entire length
- 2.e Footings shall not be required for free-standing decks that meet all of the following criteria:
 - 2.1. The joists bear directly on precast concrete pier blocks at grade without support by beams or posts.

- 2.2. The area of the deck does not exceed 200 square feet (18.6 m²).
- 2.3. The walking surface is not more than 20 inches (508 mm) above grade at any point within 36 inches (914 mm) measured horizontally from the edge.

R507.3.1 Minimum size. The minimum size of concrete footings shall be in accordance with Table R507.3.1, based on the tributary area and allowable soil-bearing pressure in accordance with Table R401.4.1.

R507.3.2 Minimum depth. Deck footings shall be placed not less than 12 inches (305 mm) below the undisturbed ground surface.



NOTE:
POSTS MUST BE CENTERED ON OR IN FOOTING

For SI: 1 inch = 25.4 mm.

FIGURE R507.3
DECK POSTS TO DECK FOOTING CONNECTION

FLOORS

TABLE R507.3.1
MINIMUM FOOTING SIZE FOR DECKS

LIVE OR GROUND SNOW LOAD ^b (psf)	TRIBUTARY AREA (ft ²)	LOAD-BEARING VALUE OF SOILS ^{a,c,d} (psf)								
		1,500 ^e			2,000 ^e			≥ 3,000 ^e		
		Side of a square footing (inches)	Diameter of a round footing (inches)	Thickness (inches) ^f	Side of a square footing (inches)	Diameter of a round footing (inches)	Thickness (inches) ^f	Side of a square footing (inches)	Diameter of a round footing (inches)	Thickness (inches) ^f
40	5	7	8	6	7	8	6	7	8	6
	20	10	12	6	9	9	6	7	8	6
	40 _o	14	16	6	12	14	6	10	12	6
	60	17	19	6	15	17	6	12	14	6
	80	20	22	7	17	19	6	14	16	6
	100	22	25	8	19	21	6	15	17	6
	120	24	27	9	21	23	7	17	19	6
	140	26	29	10	22	25	8	18	21	6
50	5	7	8	6	7	8	6	7	8	6
	20	11	13	6	10	11	6	8	9	6
	40	15	17	6	13	15	6	11	13	6
	60	19	21	6	16	18	6	13	15	6
	80	21	24	8	19	21	6	15	17	6
	100	24	27	9	21	23	7	17	19	6
	120	26	30	10	23	26	8	19	21	6
	140	28	32	11	25	28	9	20	23	7
60	5	7	8	6	7	8	6	7	8	6
	20	12	14	6	11	12	6	9	10	6
	40	16	19	6	14	16	8	12	14	6
	60	20	23	7	17	20	6	14	16	6
	80	23	26	9	20	23	7	16	19	6
	100	26	29	10	22	25	8	18	21	6
	120	28	32	11	25	28	9	20	23	7
	140	31	35	12	27	30	10	22	24	8
70	5	7	8	6	7	8	6	7	8	6
	20	12	14	6	11	13	6	9	10	6
	40	18	20	6	15	17	6	12	14	6
	60	21	24	8	19	21	6	15	17	6
	80	25	28	9	21	24	8	18	20	6
	100	28	31	11	24	27	9	20	22	7
	120	30	34	12	26	30	10	21	24	8
	140	33	37	13	28	32	11	23	26	9
160	35	40	15	30	34	12	25	28	9	

For SI: 1 inch = 25.4 mm, 1 square foot = 0.0929 m², 1 pound per square foot = 0.0479 kPa.

a. Interpolation permitted, extrapolation not permitted.

b. Based on highest load case: Dead + Live or Dead + Snow.

c. Footing dimensions shall allow complete bearing of the post.

d. If the support is a brick or CMU pier, the footing shall have a minimum 2-inch projection on all sides.

e. Area, in square feet, of deck surface supported by post and footings.

f. Minimum thickness shall only apply to plain concrete footings.

LOWCOUNTRY
STRUCTURES & FOUNDATIONS
 182 RETREAT LANE • BENNETT'S POINT, SC 29446

VIDEO CONF. 1 1/2 MON / 10 AM
 CHIEF INSP. TONY PIERCE
 BLDG ORCL. CHRIS YATES
 INSP. HOWARD DeLUCA



Chief Inspector Tony Pierce
Building Department

Town of Hilton Head Island
 One Town Center Court
 Hilton Head Island, SC 29928
 o (843) 341-4675
 c (843) 247-2856
 tonyp@hiltonheadislandsc.gov

4 April 2023

Job No. 23.AZD - 3.15/ Allela and Zbigni Drazazowski 63 Night Heron Lane HHL, SC 29928
Field Consultation Summary - Structural Evaluation of New Deck Footings, Tue/28Mar23
Exact Word for Word Transcript

1. The consultation objective is an accurate engineering evaluation of the subject structural elements based on actual extracted data. Hands-on evaluation of fndn & supported elements performed. Subsurface soil probe performed using 1/2" [diameter] x 6 ft refusal rod.
2. Subject deck footings were constructed to support the posts (2 total) of a new exterior deck [approximately] 10 ft above. Footings are situated on an artificially made slope comprising soils removed to form an adjacent pond. Slope contains large oak trees in the direct locations of both footings.
3. Soil probe clearly indicates VERY SOFT granular/organic soils extending dnwrld 2'-8" (min.) BELOW new footings. Extensive roots of noted trees also encountered, which are the sole elements providing stability to the noted slope.
4. Existing (new footings) fndn elements are poorly constructed on unstable, sloping soils. They are wholly incapable of providing long-term, permanent support for the new exterior deck above. Additionally, the noted deck has been constructed (outer edge) in close contact w/an existing large oak tree trunk. The certain failure of the subject deck footings SHALL result in the new deck making contact w/the noted oak tree trunk, creating an unsafe occupancy condition. Also, any significant wind acting on the noted tree shall certainly cause contact damages to the new deck.
5. The subject footings MUST be completely removed & properly designed/built to a stable soil depth - which may not be conventionally possible on this slope. Also, the new deck must be reconstructed/"shortened" to avoid contact w/the oak tree.
6. Subject footings & supported deck are **NOT STRUCTURALLY SOUND**, nor is the deck safe for use or occupancy. Tree roots must not be damaged/cut.


 Vincent A. Zambetti
 Master Builder
 SCPE #EES.40051 E

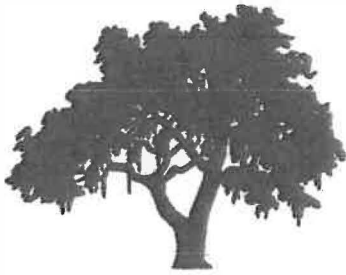


attachment 3



attachment 4

Attachment 5



FIELD CONSULTATION SUMMARY

LOWCOUNTRY

STRUCTURES & FOUNDATIONS

182 RETREAT LANE • BENNETT'S POINT • SC 29446

(843) 739-0178

CLIENT Alicie & Zbigniew Drazagowski	JOB# 23.AZD-8.15	DATE 25/28 Mar 23
STREET 63 Night Heron Lane	TITLE Structural Evaluation of New Deck Figs	
CITY, STATE, ZIP Hilton Head Is. (Seapines), SC 29928	JOB LOCATION Owners' Residence	
PHONE (860) 338-4846	INVOICE Incl.	

STRUCTURAL EVALUATION OF NEW DECK FOOTINGS

1. The consultation objective is an accurate engineering evaluation of the subject structural elements based on actual extracted data. Hands-on examination of fndn & supported elements performed. Subsurface soil probe performed using 1/2" x 6 FT refusal rod.
2. Subject deck footings were constructed to support the posts (2 total) of a new exterior deck \approx 10 FT above. Footings are situated on an artificially made slope comprising soils removed to form an adjacent pond. Slope contains large oak trees in the direct locations of both footings.
3. Soil probe clearly indicates very soft granular/organic soils extending down 2'-8" (min) below new footings. Extensive roots of noted trees also encountered, which are the sole elements providing stability to the noted slope.
4. Existing (new footings) fndn elements are poorly constructed on unstable sloping soils. They are wholly incapable of providing long-term, permanent support for the new exterior deck above. Additionally, the noted deck has been constructed (outer edge) in close contact w/ an existing large oak tree trunk. The certain failure of the subject deck footings shall result in the new deck making contact w/ the noted oak tree trunk, creating an unsafe occupancy condition. Also, any significant wind acting on the noted tree shall certainly cause contact damages to the new deck.
5. The subject footings Must be completely removed & properly designed/built to a stable soil depth - which may not be conventionally possible on this slope. Also the new deck must be reconstructed / shortened to avoid contact w/ the oak tree. Subject footings & supported deck are NOT STRUCTURALLY SOUND, nor is the deck safe for use or occupancy. Tree roots must not be damaged/cut.

TOWN OF HILTON HEAD ISLAND

MAYOR ALAN PERRY

Regarding my reply dated May 15, 2023 to the letter dated May 08, 2023 regarding the unsafe structure of my deck and the hanging of paper on my front door, I will request that this paper be removed immediately.

1. The procedures that were used by Vincent Zambetti, for soil testing were inconsistent with the existing requirements. Not have been done any test for soil moisture and quality. I never got any confirmed tests for their size and quality, which Vincent Zambetti never perform.
2. Kicking leg into the structure of my deck, and yelling that everything should be destroyed, has no validation in the existing rules. I expected profetional behavior and answers to my questionswhich I had for Vincent Zambetti. As a reminder, at the Hilton Head Island Building Department, decks below 200SF do not require a permit, and there is no information about additional requirements.
3. For my own safety, I was in the Building Department and, I submitted a plan, which was approved by issuing Building Permit # BLDR-000590-2023.
4. This was the basis for starting work. I have been calling the Building Department for over 2 weeks (I have records when I left a message 3 times) about footing inspection, I have come to the conclusion that the existing law was applied, International Residential Code, Section R507, Exterior decks, which specifically defines the requirements for footings with decks below 200SF.
5. The construction is approved By Deluca Howard inspector, the footing was done in accordance with existing regulations, so I see no reason why a person like Christopher D. Yates, who calls himself Building Official,, goes so far, as to stick paper on my front door"construction is dangerous" and prohibits its use without specifying what construction is meant. C. D. Yates lack of knowledge and incorrect interpretation Vincent Zambetti statment' Lack of knowledge caused that people like me incur lardge financial and health losses.

ATTACHMENT 3

6. Let me remind you that I paid for the "Short Term Retal" permit and this paper causes me to suffer financial losses because of a man who, without basic construction knowledge, and who is paid with taxpayers' money, causes them financial damages. I have evidence of my losses and will ask for full compensation.
7. I will request that Christopher D. Yates remove this paper immediately and send me a photo of the moment, when he takes it off and sticks it to his forehead. This would fully confirm that his motives were to deliberately discriminate against my judgment (I have additional evidence to confirm these intentions). I declare that if I do not get the correct measurements of the moisture and quality of the ground as well, as the correct calculations regarding size of the footins I will start use my deck as is done correctly. The size of concrete footing is correct and lack of of present other rules and regulations is an unambiguous confirmation of the correctness of the construction of my deck.
8. I would like to seek legal compensation for stress and financial losses, and discriminatory actions by C. D. Yates against me.

June 14, 2023 S

Sincerely



Zbigniew Drzazgowski

ATTACHMENT 4

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

Alan R. Perry
Mayor

June 27, 2023

David Ames
Mayor ProTem

Marc Orlando
Town Manager
Town of Hilton Head Island

Council Members

Alexander Brown, Jr.
Patsy Brison
Tamara Becker
Steve Alfred
Glenn Stanford

Re: Letter to Mayor Alan Perry Dated June 14, 2023
From: Mr. Zbigniew Drzazgowski
Sea Pines Plantation
63 Night Heron Lane
Hilton Head Island, SC 29928

Marc Orlando
Town Manager

Dear Mr. Orlando,

I am writing this letter in response to two letters that were received by Mayor Alan Perry from Mr. Zbigniew Drzazgowski, regarding 63 Night Heron Hilton Head SC 29928. I have attached a timeline of events "Attachment A" for your reference. I would also like to address some of the points contained within these letters from Mr. Drzazgowski.

On February 15, 2023, Mr. Drzazgowski applied for and submitted plans to build a 64 square foot deck located on the back of his home at 63 Night Heron Lane. Mr. Drzazgowski proposed to build his deck prescriptively out of the 2021 International Residential Code Section 507. However, Mr. Drzazgowski did not use a South Carolina licensed Design Professional and applied for the permit under the Unlicensed Builder Disclosure statement, as Owner/Builder and recorded it with the County Register of Deeds. The building permit was then issued on February 24, 2023.

One of the statements Mr. Drzazgowski contends is, his deck has been built to code. Based on multiple inspections and site visits to 63 Night Heron, Town Inspectors determined the structure has not been built to code. He also contends that a Town Building Inspector approved the construction of the deck. Based on the permit inspection records, the deck has not been approved by the Town Building Inspections and Compliance Division.

Mr. Drzazgowski has also made statements about the footing size and soil bearing at his site. Inspector DeLuca requested an Engineer evaluate the footings as he determined (visually) that the soil conditions at the site was not of a soil bearing capacity of 1500psf, (which is the lowest allowable bearing capacity that can be used to design prescriptively

ATTACHMENT 4

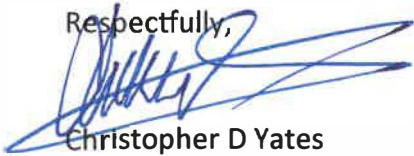
from the code). Inspector DeLuca assumed a much lower bearing capacity soil was present, which was confirmed by the Engineer, Vincent Zambetti, who was hired by Mr. Drzazgowski to investigate the footers. This finding by the Engineer means the footers could not be designed and built prescriptively out of the code and that the deck would need to be built using an engineered design.

Mr. Drzazgowski also stated he paid for a short-term rental permit and because the job was posted stop work and unsafe, he has received financial damages. Mr. Drzazgowski correspondingly signed the Unlicensed Builder Disclosure statement and recorded it at the County Register of Deeds. Included in the statement is that the property should not be listed for sale or leased for a period of two years. Which now means that his permit is no longer valid until such time as he can attain a South Carolina licensed Residential Builder or General Contractor to assume the project.

On May 8, 2023, an Official Notice of Unsafe Structure was mailed and emailed to Mr. Drzazgowski regarding the deck at 63 Night Heron. That notice gave Mr. Drzazgowski 60 days to commence alterations, repairs, improvements, demolition, or removal of the structure, on or before July 8, 2023.

At this time, I recommend that we are prepare and send an Official Notice of Show Cause Hearing with the Construction Board of Adjustments and Appeals as soon as the July 8, 2023, deadline is not met. This hearing is scheduled for the 4th Tuesday of August- August 29, 2023, at 5:00pm. The mere fact that he is renting the unit is a direct violation of his building permit, as he pulled the permit as Owner Builder (State law violation), not to mention the myriad of other issues surrounding this owner and this property.

Respectfully,



Christopher D Yates
Building Official
Town of Hilton Head Island

Cc; Josh Gruber, Deputy Town Manager
Shawn Colin, Assistant Town Manager, Community Development
Missy Luick, Assistant Community Development Director Community
Curtis Coltrane, Town Attorney

ATTACHMENT 4

Attachment A

June 23, 2023

63 Night Heron Lane Time Line.

On February 24, 2023, Permit BLDR-000590-2023, was issued to 63 Night Heron Lane Hilton Head SC 29928, for the addition of a 64 square foot back deck. The permit was pulled by the owner, Mr. Drzazgowski as owner builder. Mr. Drzazgowski submitted plans that he drew for the proposed deck. He also referenced the 2021 International Residential Code, Section 507, as the design parameters for the deck. The deck is elevated 8 feet above the ground and was proposed to be built prescriptively from the code listed above.

On March 1, 2023, a Footing Inspection was requested and assigned to Town of Hilton Head Island Building Inspector Howard DeLuca. On that date, Inspector DeLuca failed the inspection because the footing had already been poured and the deck construction had been substantially completed without inspections.

On March 21, 2023, Chief Inspector Tony Pierce assigned Inspector DeLuca to 63 Night Heron Lane to meet with Mr. Drzazgowski to discuss all the issues with the construction of the deck. Inspector DeLuca met with Mr. Drzazgowski and at that time went through the construction issues. Inspector DeLuca informed Mr. Drzazgowski that an Engineer would be needed to inspect the footers and the condition of the soil under the footer. Inspector DeLuca also pointed out other potential framing issues with the construction of the deck and advised that the engineer evaluate those issues as well.

On March 24, 2023, Mr. Drzazgowski emailed Chief Inspector Tony Pierce regarding the construction technique and materials used for construction.

On March 27, 2023, Chief Inspector Pierce replied to Mr. Drzazgowski email of March 24, 2023, stating that the footing inspection failed, and an Engineer would be needed to verify and approve the footing inspection.

On March 28, 2023, Mr. Drzazgowski hired Engineer Vincent A. Zambetti with Lowcountry Structures and Foundations to perform a footing inspection. Mr. Zambetti determined that the footings needed to be completely removed & properly designed/built to a stable soil depth. Mr. Zambetti further stated: *"The subject footings are not structurally sound, nor is the deck safe for use or occupancy"*.

On March 29, 2023, A footing re-inspection, nailing inspection, rough in framing inspection, and final inspection were requested and assigned to Inspector Howard DeLuca. Inspector DeLuca met with Mr. Drzazgowski at 63 Night Heron Lane for the inspections. Inspector DeLuca passed the nailing inspection but failed the footing, rough in framing, and final inspections. Inspector DeLuca requested a compaction report be submitted to verify that the footings were installed per the prescriptive requirements of the code. Prescriptively the lowest bearing capacity of soil allowable by code is 1,500 pounds per square foot (psf). Due to poor soil conditions at the site, Inspector DeLuca suspected that the soils present were less than 1,500 psf and requested a compaction report to verify the soil bearing capacity. He then verbally informed Mr. Drzazgowski that he needed a South Carolina licensed Engineer to evaluate and design the footings based on the poor soil conditions.

ATTACHMENT 4

On March 31, 2023, South Carolina licensed Engineer Vincent Zambetti emailed a copy of the field inspection to Chief Inspector Tony Pierce, that was performed on March 28, 2023. The report attached was difficult to read and Mr. Pierce requested a transcript version of the report.

On April 1, 2023, Mr. Drzazgowski emailed Chief Inspector Tony Pierce. The email started positive, and he recapped what transpired between him and the Town Inspector during the last inspection, then he stated that there are decks in his neighborhood were not up to code.

On April 3, 2023, Chief Building Inspector Tony Pierce replied to Mr. Drzazgowski email with direction on moving the project forward. In that email he also attached a copy of Engineer Vincent Zambetti's inspection report.

On April 3, 2023, Mr. Drzazgowski replied via email stating the project has been put on hold and that he was headed up to Connecticut to sell a house and did not know when he would return.

On April 4, 2023, Chief Inspector Tony Pierce received the transcript version of the report. A virtual meeting was scheduled on April 10, 2023, to discuss the information of the report with the Engineer Vincent Zambetti, Chief Inspector Tony Pierce and Building Official Chris Yates

On April 10, 2023, South Carolina Engineer Vincent Zambetti, Chief Inspector Tony Pierce and Building Official Chris Yates attended a virtual meeting to discuss the findings of the report. Mr. Zambetti was very concerned about the construction of the deck and the potential unsafe hazards it posed. With the fact that the deck was still under permit for construction, a decision was made to continue the work with the homeowner Mr. Drzazgowski.

On April 25, 2023, Mr. Drzazgowski emailed Chief Inspector Tony Pierce. Mr. Drzazgowski stated that he had been very busy and was sorry for not responding to Chief Inspector Pierce's email dated April 3, 2023. He then started talking about a door replacement project at Bluff Villas and attached a copy of the Town's Home Safety and Repair, "Contractor's Needed" brochure. He did not address any of the comments from Chief Inspectors Pierce's email dated April 3, 2023.

On May 2, 2023, the decision was made to post a Stop Work order and an Unsafe Structure notice.

On May 8, 2023, an Official Notice of Unsafe Structure was mailed and emailed to Mr. Drzazgowski regarding the deck at 63 Night Heron. The Notice gave Mr. Drzazgowski 60 days to commence alterations, repairs, improvements, demolition, or removal of the structure, on or before July 8, 2023.

On May 9, 2023, the Stop Work order and Unsafe placards were re-posted. (Someone removed them.)

On May 12, 2023, Chief Inspector Tony Pierce received a copy of a pending lawsuit filed with Beaufort County Magistrates Court. The case is between Mr. Zambetti (Plaintiff) and Mr. Drzazgowski (Defendant).

On May 15, 2023, Mr. Drzazgowski sent the first letter to the Mayor Alan Perry. The Town received it on May 18, 2023.

ATTACHMENT 4

On May 19, 2023, the Stop Work order and Unsafe placards were re-posted. (Again, someone removed them.)

On June 8, 2023, Code Enforcement Officer Al Wilson emailed the Building Official Chris Yates, stating there were ARB/POA issues along with The Town Business license and Short-Term Rental license with Mr. Drzazgowski and the property at 63 Night Heron.

On June 14, 2023, Mr. Drzazgowski sent the second letter to the Mayor Alan Perry. The Town received it on June 22, 2023.

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

Alan R. Perry
Mayor

July 18, 2023

David Ames
Mayor ProTem

Alicia & Zbigniew Drzazgowski
63 Night Heron Lane
Hilton Head Island, SC 29928

Council Members

Alexander Brown, Jr.
Patsy Brison
Tamara Becker
Steve Alfred
Glenn Stanford

Alicia & Zbigniew Drzazgowski
9 W. District Rd.
Unionville, CT 06085-1430

Marc Orlando
Town Manager

drzazgowski@sbcglobal.net

RE: OFFICIAL NOTICE OF SHOW CAUSE HEARING

Description: UNSAFE STRUCTURE
SPP/ ADD BACK DECK / 64 UNHTD SQ FT
BLDR-00590-2023
Parcel ID: R550 018 00A 0447 9008

Dear Mrs. & Mr. Drzazgowski

On May 08, 2023, the Town provided you Official Notice (see attachment), by way of written correspondence delivered by certified mail, and via email, that the back deck has been declared to be an unsafe structure as defined in Section 116.1 of the International Building Code, 2021 Edition. You were given 60 days to submit a new set of plans stamped by a South Carolina licensed design professional to the Town's Community Development Department. As of the date of this letter we have not received the requested plans or any formal acknowledgement.

This letter shall serve as an Official Notice that a hearing with the Construction Board of Adjustments and Appeals will be held on Tuesday August 22nd, 2023, at 5:00pm in the Benjamin Racusin Council Chambers, One Town Center Court, Hilton Head Island, South Carolina. This hearing is to provide you, as the owner, the opportunity to show cause as to why the structure should not be demolished or otherwise made safe. You are invited to attend and may appear at the hearing in person or through an attorney or other designated representative.

In accordance with section 9-8-100 of the Municipal Code of the Town of Hilton Head Island, you may submit a written response to the determination by the Building Official, that the deck is unsafe and that it must be made safe or demolished. The written response should be submitted on or before August 8th, 2023, to ensure it is included with the agenda

ATTACHMENT 5

package submitted to the Board. This does not prohibit your providing additional matters or materials to the Board at the hearing if you so desire.

Please find the following attachments:

Section 116.1 of the 2021 International Building Code.

Section 9-8-100 of the Town's Municipal Code.

Building Official's response to letters to the Mayor.

Attachment A 63 Night Heron Timeline.

Letters to the Mayor.

Please contact me at (843) 341-4664 or Tony Pierce at (843) 341-4675 if you have any questions or desire to discuss the issues addressed herein.

Sincerely,



Christopher D. Yates, CBO, CFM, CGP

Building Official

Town of Hilton Head Island

843-341-4664 office

chrisdy@hiltonheadislandsc.gov

cc: Josh Gruber, Deputy Town Manager

Shawn Colin, Assistant Town Manager - Community Development

Missy Luick, Assistant Community Development Director

Curtis Coltrane, Town Attorney

**SECTION 116
UNSAFE STRUCTURES AND EQUIPMENT**

[A] 116.1 Unsafe conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and *ventilation*, or that constitute a fire hazard, or are otherwise *dangerous* to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.

Sec. 9-8-100. Hearing.

After receipt of an answer, the board shall conduct the hearing at the time and location fixed by the complaint and notice.

(Ord. No. 01-23, § 1, 11-20-01)

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

Alan R. Perry
Mayor

June 27, 2023

David Ames
Mayor ProTem

Marc Orlando
Town Manager

Council Members

Town of Hilton Head Island

Alexander Brown, Jr.
Patsy Brison
Tamara Becker
Steve Alfred
Glenn Stanford

Re: Letter to Mayor Alan Perry Dated June 14, 2023

From: Mr. Zbigniew Drzazgowski

Sea Pines Plantation

63 Night Heron Lane

Hilton Head Island, SC 29928

Marc Orlando
Town Manager

Dear Mr. Orlando,

I am writing this letter in response to two letters that were received by Mayor Alan Perry from Mr. Zbigniew Drzazgowski, regarding 63 Night Heron Hilton Head SC 29928. I have attached a timeline of events "Attachment A" for your reference. I would also like to address some of the points contained within these letters from Mr. Drzazgowski.

On February 15, 2023, Mr. Drzazgowski applied for and submitted plans to build a 64 square foot deck located on the back of his home at 63 Night Heron Lane. Mr. Drzazgowski proposed to build his deck prescriptively out of the 2021 International Residential Code Section 507. However, Mr. Drzazgowski did not use a South Carolina licensed Design Professional and applied for the permit under the Unlicensed Builder Disclosure statement, as Owner/Builder and recorded it with the County Register of Deeds. The building permit was then issued on February 24, 2023.

One of the statements Mr. Drzazgowski contends is, his deck has been built to code. Based on multiple inspections and site visits to 63 Night Heron, Town Inspectors determined the structure has not been built to code. He also contends that a Town Building Inspector approved the construction of the deck. Based on the permit inspection records, the deck has not been approved by the Town Building Inspections and Compliance Division.

Mr. Drzazgowski has also made statements about the footing size and soil bearing at his site. Inspector DeLuca requested an Engineer evaluate the footings as he determined (visually) that the soil conditions at the site was not of a soil bearing capacity of 1500psf, (which is the lowest allowable bearing capacity that can be used to design prescriptively

ATTACHMENT 5

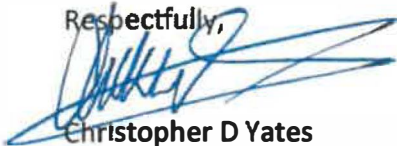
from the code). Inspector DeLuca assumed a much lower bearing capacity soil was present, which was confirmed by the Engineer, Vincent Zambetti, who was hired by Mr. Drzazgowski to investigate the footers. This finding by the Engineer means the footers could not be designed and built prescriptively out of the code and that the deck would need to be built using an engineered design.

Mr. Drzazgowski also stated he paid for a short-term rental permit and because the job was posted stop work and unsafe, he has received financial damages. Mr. Drzazgowski correspondingly signed the Unlicensed Builder Disclosure statement and recorded it at the County Register of Deeds. Included in the statement is that the property should not be listed for sale or leased for a period of two years. Which now means that his permit is no longer valid until such time as he can attain a South Carolina licensed Residential Builder or General Contractor to assume the project.

On May 8, 2023, an Official Notice of Unsafe Structure was mailed and emailed to Mr. Drzazgowski regarding the deck at 63 Night Heron. That notice gave Mr. Drzazgowski 60 days to commence alterations, repairs, improvements, demolition, or removal of the structure, on or before July 8, 2023.

At this time, I recommend that we are prepare and send an Official Notice of Show Cause Hearing with the Construction Board of Adjustments and Appeals as soon as the July 8, 2023, deadline is not met. This hearing is scheduled for the 4th Tuesday of August- August 29, 2023, at 5:00pm. The mere fact that he is renting the unit is a direct violation of his building permit, as he pulled the permit as Owner Builder (State law violation), not to mention the myriad of other issues surrounding this owner and this property.

Respectfully,



Christopher D Yates
Building Official
Town of Hilton Head Island

Cc; Josh Gruber, Deputy Town Manager
Shawn Colin, Assistant Town Manager, Community Development
Missy Luick, Assistant Community Development Director Community
Curtis Coltrane, Town Attorney

ATTACHMENT 5

Attachment A

June 23, 2023

63 Night Heron Lane Time Line.

On February 24, 2023, Permit BLDR-000590-2023, was issued to 63 Night Heron Lane Hilton Head SC 29928, for the addition of a 64 square foot back deck. The permit was pulled by the owner, Mr. Drzazgowski as owner builder. Mr. Drzazgowski submitted plans that he drew for the proposed deck. He also referenced the 2021 International Residential Code, Section 507, as the design parameters for the deck. The deck is elevated 8 feet above the ground and was proposed to be built prescriptively from the code listed above.

On March 1, 2023, a Footing Inspection was requested and assigned to Town of Hilton Head Island Building Inspector Howard DeLuca. On that date, Inspector DeLuca failed the inspection because the footing had already been poured and the deck construction had been substantially completed without inspections.

On March 21, 2023, Chief Inspector Tony Pierce assigned Inspector DeLuca to 63 Night Heron Lane to meet with Mr. Drzazgowski to discuss all the issues with the construction of the deck. Inspector DeLuca met with Mr. Drzazgowski and at that time went through the construction issues. Inspector DeLuca informed Mr. Drzazgowski that an Engineer would be needed to inspect the footers and the condition of the soil under the footer. Inspector DeLuca also pointed out other potential framing issues with the construction of the deck and advised that the engineer evaluate those issues as well.

On March 24, 2023, Mr. Drzazgowski emailed Chief Inspector Tony Pierce regarding the construction technique and materials used for construction.

On March 27, 2023, Chief Inspector Pierce replied to Mr. Drzazgowski email of March 24, 2023, stating that the footing inspection failed, and an Engineer would be needed to verify and approve the footing inspection.

On March 28, 2023, Mr. Drzazgowski hired Engineer Vincent A. Zambetti with Lowcountry Structures and Foundations to perform a footing inspection. Mr. Zambetti determined that the footings needed to be completely removed & properly designed/built to a stable soil depth. Mr. Zambetti further stated: *"The subject footings are not structurally sound, nor is the deck safe for use or occupancy"*.

On March 29, 2023, A footing re-inspection, nailing inspection, rough in framing inspection, and final inspection were requested and assigned to Inspector Howard DeLuca. Inspector DeLuca met with Mr. Drzazgowski at 63 Night Heron Lane for the inspections. Inspector DeLuca passed the nailing inspection but failed the footing, rough in framing, and final inspections. Inspector DeLuca requested a compaction report be submitted to verify that the footings were installed per the prescriptive requirements of the code. Prescriptively the lowest bearing capacity of soil allowable by code is 1,500 pounds per square foot (psf). Due to poor soil conditions at the site, Inspector DeLuca suspected that the soils present were less than 1,500 psf and requested a compaction report to verify the soil bearing capacity. He then verbally informed Mr. Drzazgowski that he needed a South Carolina licensed Engineer to evaluate and design the footings based on the poor soil conditions.

ATTACHMENT 5

On March 31, 2023, South Carolina licensed Engineer Vincent Zambetti emailed a copy of the field inspection to Chief Inspector Tony Pierce, that was performed on March 28, 2023. The report attached was difficult to read and Mr. Pierce requested a transcript version of the report.

On April 1, 2023, Mr. Drzazgowski emailed Chief Inspector Tony Pierce. The email started positive, and he recapped what transpired between him and the Town inspector during the last inspection, then he stated that there are decks in his neighborhood were not up to code.

On April 3, 2023, Chief Building Inspector Tony Pierce replied to Mr. Drzazgowski email with direction on moving the project forward. In that email he also attached a copy of Engineer Vincent Zambetti's inspection report.

On April 3, 2023, Mr. Drzazgowski replied via email stating the project has been put on hold and that he was headed up to Connecticut to sell a house and did not know when he would return.

On April 4, 2023, Chief Inspector Tony Pierce received the transcript version of the report. A virtual meeting was scheduled on April 10, 2023, to discuss the information of the report with the Engineer Vincent Zambetti, Chief Inspector Tony Pierce and Building Official Chris Yates

On April 10, 2023, South Carolina Engineer Vincent Zambetti, Chief Inspector Tony Pierce and Building Official Chris Yates attended a virtual meeting to discuss the findings of the report. Mr. Zambetti was very concerned about the construction of the deck and the potential unsafe hazards it posed. With the fact that the deck was still under permit for construction, a decision was made to continue the work with the homeowner Mr. Drzazgowski.

On April 25, 2023, Mr. Drzazgowski emailed Chief Inspector Tony Pierce. Mr. Drzazgowski stated that he had been very busy and was sorry for not responding to Chief Inspector Pierce's email dated April 3, 2023. He then started talking about a door replacement project at Bluff Villas and attached a copy of the Town's Home Safety and Repair, "Contractor's Needed" brochure. He did not address any of the comments from Chief Inspectors Pierce's email dated April 3, 2023.

On May 2, 2023, the decision was made to post a Stop Work order and an Unsafe Structure notice.

On May 8, 2023, an Official Notice of Unsafe Structure was mailed and emailed to Mr. Drzazgowski regarding the deck at 63 Night Heron. The Notice gave Mr. Drzazgowski 60 days to commence alterations, repairs, improvements, demolition, or removal of the structure, on or before July 8, 2023.

On May 9, 2023, the Stop Work order and Unsafe placards were re-posted. (Someone removed them.)

On May 12, 2023, Chief Inspector Tony Pierce received a copy of a pending lawsuit filed with Beaufort County Magistrates Court. The case is between Mr. Zambetti (Plaintiff) and Mr. Drzazgowski (Defendant).

On May 15, 2023, Mr. Drzazgowski sent the first letter to the Mayor Alan Perry. The Town received it on May 18, 2023.

ATTACHMENT 5

On May 19, 2023, the Stop Work order and Unsafe placards were re-posted. (Again, someone removed them.)

On June 8, 2023, Code Enforcement Officer Al Wilson emailed the Building Official Chris Yates, stating there were ARB/POA issues along with The Town Business license and Short-Term Rental license with Mr. Drzazgowski and the property at 63 Night Heron.

On June 14, 2023, Mr. Drzazgowski sent the second letter to the Mayor Alan Perry. The Town received it on June 22, 2023.

Town of Hilton Head Island
One Town Center Court, Hilton Head Island, SC 29928
Alan R. Perry, Mayor

On July 18,2023 I received a letter regarding my deck on 63 Night Heron Ln. As a reminder, I am CT licensed home improvement contractor with 34 years of experience (please check the attachment). I asked twice , Town Of Hilton Head Island Mayor Alan Perry (no contact with the Building Department) for details of what is wrong with my home improvement project because safety is my primary goal (Mayor Alan Perry, May 15, June 14). There has been no response for over 2 months. In this situation I would like present the facts of this case. Facts:

1. I decided to build a deck for my morning coffee. So I went to the Hilton Head Town Hall website to check for the deck building requirements. There is very little information, but I found a point where Town Hall Building Dept. stated that decks below 200 SF do not require a permit. To comply with safety requirements, I have reviewed the **International Residential Codes Section R507, Exterior Decks** (Please check the attachment) for building decks. Existing requirements were for 64SF loaded deck. Table R307.3.1(attachment) specifies clearly that for a 64SF deck size and Load-Bearing Value of soil, in my case 1500psf the **dimensions of footing should be 17"X 17" and minimum Thickness 6"**.

2. The dimensions of my footing are 20"X20" with 18" thickness concrete in the ground, and 4" above, so **they completely exceed the basic safety requirements for this region**. I have already asked twice for opinion about other requirements,regarding my footing if they are different, no response from C. Yates.

3. **I remind that relying on V. Zambetti's statement regarding my footing is contrary to existing requirements. There are three types of testing for footing constuction (attachment) but V. Zambetti did not use any of them. He did not make any basic measurements of moisture, soil quality and dimensions of concrete footing. Also, he did not make calculations regarding the load-bearing related to the size of the devck, which is the basis for further calculations. Hammering a metal rod without additional calculations does not meet the basic procedure for assessing the quality of the fault. I wanted to confirm if this kind of testing is in accordance with requirements and I was not able to find it.** On HHI you can drive a metal rod to a depth of 20' and on the basis of this you can conclude that footing should be at this depth. Such reasoning would cause that in some houses even the chimneys would be underground. Taking such statements seriously shows lack of knowledge of the people who write it and support it as proper information. Mr. Zambetti 's **kicking my deck with his leg as a form of test and shouting that the whole structure should be dismantled shows the lack of basic knowledge**. Let me remind you that Howard Deluca did not question the construction of the deck, but only the footing of the deck. This indicates t me that Inspector Deluca did not have the appropriate knowledge to assess the footing. Please check "Comments". In Inspection Worksheet(006167-2023)

ATTACHMENT 6

4. Let me remind you that after the initial evaluation of requirements I wanted to check out HHI Building Dept. requirements. I was told that I should apply for a "Permit", which I received without any additional reservations. According to the instructions I received, I should apply for "Footing inspection" which I wanted to do. I called at provided me phone number, On **March 24, 11:38am, March 27, 3:32pm, March 28, 10:27am**, I left messages requesting an inspection of my footing (phone, 843 341-4757). Only after the intervention of Tony Pierce, after the next 4 days, I was I able to see Inspector Howard Deluca. **In the meantime, I thought that the requirements were applied and that a deck below 200SF does not require a permit and therefore an inspection.**

5. The first contact with H. Deluca was regarding the construction. There were no guidelines regarding footing, which is inappropriate. There was only one comment that I have too many screws screwed into the Ledger board.

6. In this situation, the letter from C. Yates regarding the safety of my deck structure, was completely incomprehensible. **C. Yates did not present any specific facts that would indicate that the deck is unsafe..** I didn't know his exact motives, but I already had experience with C. Yates' knowledge of safety, when in my apartment, management installing new door panels in my former apartment at Bluff Villa #1711. **For C. Yates the door frame gives security, not the door panel. (please see attachment) And according to his interpretation, the door frame will protect the people inside the apartment against a hurricane, tornado or fire.**

7. The last issue that arose during the meeting with Inspector Howard Deluca was the issue of double standards. New decks and front staircases were being built on both sides of my house(61 Night Heron Ln. And 67 Night Heron Ln.) at the same time. The standard of their construction did not satisfy the existing regulations and residential codes regarding the safety. These new decks and front staircase have already been used. When I asked, if these new structures had been inspected, I didn't get any answer.

8. These are my basic facts. In the situation where I have been treated for cancer with a series of chemotherapies, I have to stay in CT. until the end of the chemotherapy cycle. According to preliminary estimates, it will be possible by the end of October, 2023. for me to arrive to HHI. For this reason, I would like to postpone the Hearing to early November and fulfill all requirements regarding the security of my deck.

9. Most important I would like to receive all C. Yates comments and recommendations regarding the improvements of the security of my deck. It would be great if C. Yates sent me his requirements in writing. Thank you in advance.

July 22, 2023

cc:

Sincerely

Zbigniew Drzazgowski

Josh Gruber, Deputy Town Manager
Shawn Colin, Assistant Town Manager-Community Development
Missy Luick, Assistant Community Development Director
Curtis Coltrane, Town Attorney

STATE OF CONNECTICUT ♦ DEPARTMENT OF CONSUMER PROTECTION

Be it known that

ZBIGNIEW DRZAZGOWSKI
9 W DISTRICT RD
FARMINGTON, CT 06032

has satisfied the qualifications required by law and is hereby registered as a

HOME IMPROVEMENT CONTRACTOR

Registration # HIC.0536406

Effective: 04/01/2022

Expiration: 03/31/2023



Michelle Bequith, Commissioner

Print

<https://us-mg205.mail.yahoo.com/neo/launch?partner=sbc&.rand>

Subject: RE: Bluff Villas doors
From: Yates Chris (chrisdy@hiltonheadislandsc.gov)
To: drzazgowski@sbcglobal.net;
Date: Tuesday, February 23, 2016 10:31 AM

Based on a search of permits, I was unable to locate any permits for a door replacement at your unit 1711. A permit is required for door replacements where the door and the frame/jambs/sill are being replaced. A new door would be required to meet the DP ratings/Energy ratings/(Fire ratings, garage doors, etc.). However, if the door itself was removed off of the hinges and a replacement door re-installed on the original frame/jambs/sill, then this is a repair and no permit is required.

Thank you,

Christopher D Yates

Town of Hilton Head Island

Building Division

Office number 843-341-4675

Cell number 843-247-2853

chrisdy@hiltonheadislandsc.gov

From: Zibby D [mailto:drzazgowski@sbcglobal.net]
Sent: Tuesday, February 23, 2016 9:04 AM
To: Yates Chris
Subject: Bluff Villas doors





TABLE R507.3.1
MINIMUM FOOTING SIZE FOR DECKS

LIVE OR GROUND SNOW LOAD ^b (psf)	TRIBUTARY AREA (ft ²)	LOAD-BEARING VALUE OF SOILS ^{a,c,d} (psf)								
		1,500 ^e			2,000 ^e			≥ 3,000 ^e		
		Side of a square footing (inches)	Diameter of a round footing (inches)	Thickness (inches) ^f	Side of a square footing (inches)	Diameter of a round footing (inches)	Thickness (inches) ^f	Side of a square footing (inches)	Diameter of a round footing (inches)	Thickness (inches) ^f
40	5	7	8	6	7	8	6	7	8	6
	20	10	12	6	9	9	6	7	8	6
	40	14	16	6	12	14	6	10	12	6
	60	17	19	6	15	17	6	12	14	6
	80	20	22	7	17	19	6	14	16	6
	100	22	25	8	19	21	6	15	17	6
	120	24	27	9	21	23	7	17	19	6
	140	26	29	10	22	25	8	18	21	6
50	5	7	8	6	7	8	6	7	8	6
	20	11	13	6	10	11	6	8	9	6
	40	15	17	6	13	15	6	11	13	6
	60	19	21	6	16	18	6	13	15	6
	80	21	24	8	19	21	6	15	17	6
	100	24	27	9	21	23	7	17	19	6
	120	26	30	10	23	26	8	19	21	6
	140	28	32	11	25	28	9	20	23	7
60	5	7	8	6	7	8	6	7	8	6
	20	12	14	6	11	12	6	9	10	6
	40	16	19	6	14	16	8	12	14	6
	60	20	23	7	17	20	6	14	16	6
	80	23	26	9	20	23	7	16	19	6
	100	26	29	10	22	25	8	18	21	6
	120	28	32	11	25	28	9	20	23	7
	140	31	35	12	27	30	10	22	24	8
70	5	7	8	6	7	8	6	7	8	6
	20	12	14	6	11	13	6	9	10	6
	40	18	20	6	15	17	6	12	14	6
	60	21	24	8	19	21	6	15	17	6
	80	25	28	9	21	24	8	18	20	6
	100	28	31	11	24	27	9	20	22	7
	120	30	34	12	26	30	10	21	24	8
	140	33	37	13	28	32	11	23	26	9
160	35	40	15	30	34	12	25	28	9	

For SI: 1 inch = 25.4 mm, 1 square foot = 0.0929 m², 1 pound per square foot = 0.0479 kPa.

- a. Interpolation permitted, extrapolation not permitted.
- b. Based on highest load case: Dead + Live or Dead + Snow.
- c. Footing dimensions shall allow complete bearing of the post.
- d. If the support is a brick or CMU pier, the footing shall have a minimum 2-inch projection on all sides.
- e. Area, in square feet, of deck surface supported by post and footings.
- f. Minimum thickness shall only apply to plain concrete footings.

Types of Soil Testing for Construction

To determine soil quality for construction, the soil engineer will have to consider various factors. That's why they usually conduct different types of soil tests depending on the geological features of the site. The most common ones are:

1. Atterberg Limits Test

This test determines the moisture level at which fine-grained soil transitions between solid, semi-solid, plastic, and liquid. It was named after a Swedish chemist and scientist Albert Atterberg. He noticed that as a soil's moisture content increases, its consistency also changes.

The test measures three types of limits: plastic limit, liquid limit, and shrinkage limit. Its results will help the engineers predict the soil's behavior when the moisture level changes.

2. Specific Gravity Test

A soil's specific gravity refers to the ratio of its solid particles to its water content. It's computed by getting the ratio of the weight in air of a given volume of soil particles at a stated temperature to the weight in air of an equal volume of distilled water at the same temperature.

The results of this test can help engineers determine the soil's mineral composition and weathering. It can also be used to calculate the soil's porosity, degree of saturation, and dry and saturated density.

3. Moisture Content Test

Aside from the solid particles, soils also contain water in varying levels. The moisture content test determines how much water is in the soil which can affect its stability.

There are various methods used to test the moisture content of the soil. The most common of which is the Oven-Dry Method. Under this, the raw soil is weighed before putting it in the oven to dry. Once all the water has evaporated, the soil is taken out and weighed again. The moisture content is then calculated by getting the difference between the weight of the wet soil and the dry soil.

4. Dry Density Test

A dry density test is used to compute the amount of moisture needed for the soil to achieve maximum compaction.

Soil compaction is a common technique used in construction. It's used to increase the soil's stability and strength. This allows it to support structures, earthworks, and pavements of varying sizes.

There are two ways to compute a soil's maximum density: the Standard Proctor Compaction Test and the Modified or AASHTO Proctor Test.

TOWN OF HILTON HEAD ISLAND

MAYOR ALAN PERRY

Hi, Yesterday afternoon 3:01pm , August 22 2023 I was invading myself from HHI Town Hall without my consent. This person was on my property without notifying me. In my situation, creating new facts on my property is illegal and punishable by law.

After his visit, I have to assess what damage this person has done to my house and what they have done to my deck, because that was probably the person's goal. For this reason, the planned Meeting on August 22, 2023 does not make any sense. Fact manipulation is not allowed by law. I won't be on Hilton Head Island until October or November, after all treatments, I will be have a chance to assess damages which have been done in my house. I will decide my next steps after estimating the losses. which have been done by the person from Town Hall.

In this situation, when I am dealing with visible discrimination, in the future, if such a Meeting takes place, I will be recording this meeting.

My first observations prove that the people who are to participate in this meeting are completely unfamiliar with the content of my letter. I don't see any point in attending a meeting where decisions will be made in advance regardless of the facts. I will therefore request that this meeting be rescheduled at a later date and it will known that the case of the deck will cleared up.

July 28, 2023

Sincerely



Zbigniew Drzazgowski

cc:

Curtis Coltrane – Town Attorney

ATTACHMENT 8

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

Alan R. Perry
Mayor

August 8, 2023

Via Email

David Ames
Mayor ProTem

Mr. Zbigniew Drzazgowski
9 W. District Road
Unionville, CT 06085-1430

Council Members

Alexander Brown, Jr.
Patsy Brison
Tamara Becker
Steve Alfred
Glenn Stanford

Re: Letters to Mayor Alan Perry dated July 31, 2023, and August 3, 2023
From: Mr. Zbigniew Drzazgowski, Sea Pines Plantation, 63 Night Heron Lane
Hilton Head Island, SC 29928

Marc Orlando
Town Manager

Mr. Drzazgowski,

There is a Construction Board of Adjustments and Appeals, Show Cause hearing scheduled for Tuesday August 22, 2023, at 5:00pm in the Benjamin M. Racusin Council Chambers, One Town Center Court, Hilton Head Island South Carolina 29928. This hearing is to provide you, as the owner, the opportunity to show cause as to why the deck attached to your home at 63 Night Heron Lane, Hilton Head Island SC 29928 should not be demolished or otherwise made safe.

On May 8, 2023, an Official Notice of Unsafe Structure was mailed and emailed to you, Mr. Zbigniew Drzazgowski, regarding the deck at 63 Night Heron. That notice gave you 60 days to commence alterations, repairs, improvements, demolition, or removal of the structure, on or before July 8, 2023.

On July 18, 2023, an Official Notice of Show Cause Hearing was mailed and emailed to you, regarding the unsafe structure/deck at 63 Night Heron Lane. The letter stated that the Show Cause hearing with the Construction Board of Adjustments and Appeals will be held on August 22nd, 2023, at 5:00pm in the Benjamin Racusin Council Chambers, One Town Center Court, Hilton Head Island, South Carolina.

Attached to the Show Cause Hearing Notice were the following documents: the timeline of events through June 14, section 116.1 of 2021 International Building Code, two letters sent to the Mayor by Mr. Drzazgowski dated May 15, 2023, and June 14, 2023, the Building Official's response concerning the two letters sent to the Mayor, the Show Cause letter, and Section 9-8-100 on the Municipal Code.

ATTACHMENT 8

Regarding the letter to the Mayor dated July 31, 2023, the Construction Board of Adjustments and Appeals will hear the matter addressed in this letter at the August 22, 2023 Show Cause hearing.

Regarding the letter to Mayor dated August 3, 2023, the Town performed a routine site visit by Town Code Enforcement. These visits are performed on all active Stop Work and Unsafe posted properties. The visit was conducted to determine if any construction related activities had resumed in violation of Town Ordinances. Town Code Enforcement staff are authorized to perform follow up visits to all posted properties to ensure compliance with Town Ordinances.

Respectfully,

A handwritten signature in blue ink, appearing to read "Shawn Colin", written over the typed name.

Shawn Colin
Assistant Town Manager-Community Development
Town of Hilton Head Island

Cc: Marc Orlando, Town Manager
Josh Gruber, Deputy Town Manager
Missy Luick, Director of Planning
Curtis Coltrane, Town Attorney



The Town of Hilton Head Island
Construction Board of Adjustments & Appeals
2024 Meeting Schedule

Meetings are generally held in Benjamin M. Racusin Council Chambers at **5:00 p.m.** on the **fourth** Tuesday of each month, subject to change with notice.

PUBLIC MEETING DATES	APPLICATION DEADLINES
January 23, 2024	January 9, 2024
February 27, 2024	February 13, 2024
March 26, 2024	March 12, 2024
April 23, 2024	April 9, 2024
May 28, 2024	May 14, 2024
June 25, 2024	June 11, 2024
July 23, 2024	July 9, 2024
August 27, 2024	August 13, 2024
September 24, 2024	September 10, 2024
October 22, 2024	October 8, 2024
November 26, 2024	November 12, 2024
December 24, 2024*	December 10, 2024*

All applications must be completed and submitted not later than **4:30 p.m.** 14 days prior to the meeting date at which the application will be reviewed.

*Meeting cancelled because Town Hall will be closed Tuesday, December 24, 2024 in observance of the Christmas Eve holiday. Applications received after November 12, 2024 will be heard in 2025.