



Town of Hilton Head Island
Board of Zoning Appeals Special Meeting
January 28, 2021 at 9:00 a.m. Virtual Meeting
MEETING MINUTES

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

Absent from the Board: None

Present from Town Council: None

Present from Town Staff: Nicole Dixon, Development Review Administrator; Missy Luick, Senior Planner; Shea Farrar, Landscape/Urban Design Associate; Diane Busch, Staff Attorney; Rene Phillips, Website Administrator; Teresa Haley, Senior Administrative Assistant; Vicki Pfannenschmidt, Temporary Administrative Assistant

1. Call to Order

Chair Brison called the meeting to order at 9:02 a.m.

2. FOIA Compliance – Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

3. Swearing in Ceremony for New Board Member David Fingerhut

Diane Busch, Staff Attorney administered the oath of Office to Mr. Fingerhut.

4. Roll Call – See as noted above.

5. Welcome and Introduction to Board Procedures

Chair Brison welcomed all in attendance and introduced the Board's procedures for conducting the meeting.

6. Approval of Agenda

Chair Brison asked if staff had any changes to the agenda.

Ms. Luick stated yes. She informed the Board that APL-002275-2020 - The request for appeal from Leslie Ford, on behalf of Cedar Woods Property Owners Association has been withdrawn by the applicant and asked that it be removed from the agenda.

Chair Brison asked if there were any changes from the Board to the agenda. There were none.

Chair Brison asked for a motion to amend the agenda to remove the appeal stated above. Mr. Walczak moved to approve. Mr. Fingerhut seconded. By way of roll call, the motion passed with a vote of 6-0-1. (Mr. Johnson abstained due to technical difficulties.)

Chair Brison asked for a motion to approve the agenda as amended. Mr. Fingerhut moved to approve. Ms. Laudermilch seconded. By way of roll call, the motion passed with a vote of 6-0-1. (Mr. Johnson abstained due to technical difficulties.)

7. Approval of Minutes

a. December 14, 2020 Regular Meeting

Chair Brison asked for a motion to approve the minutes of the December 14, 2020 regular meeting as presented. Ms. Laudermilch moved to approve. Mr. Walczak seconded. By way of roll call, the motion passed with a vote of 5-0-2. (Mr. Fingerhut abstained because he was not present at the subject meeting. Mr. Johnson abstained due to technical difficulties.)

8. Appearance by Citizens

There were no comments submitted on the Open Town Hall Portal for this particular meeting. Citizens were provided the opportunity to sign up for public comment participation by phone during the meeting. There were no requests from citizens to participate by phone.

9. Unfinished Business – None

10. New Business

- a. APL-002548-2020** – Request for Appeal from Daniel Ben-Yisrael, on behalf of The Parker Companies LLC. The appellant is appealing staff's determination dated December 3, 2020, regarding potential signage for the proposed Parker's Kitchen at 430 William Hilton Parkway, Parcel E, of the Sea Turtle Marketplace.

Chair Brison outlined the procedures for the appeal hearing process. Chair Brison invited the appellant to proceed with his presentation. Mr. Daniel Ben-Yisrael, on behalf of The Parker Companies LLC, presented his case as described in the Board's agenda package.

The Board made comments and inquiries regarding: inclusion of the parcel in the Sea Turtle Marketplace; questioned how exclusive signage rights were received from the seller; access to the property through Sea Turtle Marketplace; dimensions of signage requested; square footage of the parcel and improved area; whether the proposed signage would be single sided or double sided; what would the other businesses utilize for signage; and clarification of what other signage would be on the storefront and canopy.

Chair Brison asked Ms. Nicole Dixon to present on behalf of staff. Ms. Dixon presented staff's finding as described in the Board's agenda package. Ms. Dixon stated that the signage in place is a part of the Sea Turtle Marketplace signage system and the size was determined and approved due to the size of the entire Marketplace. She noted that if the property is considered a standalone parcel, it does not qualify for the size of sign that now exists on the property and it would be much smaller. Ms. Dixon added that even if the previous property owner granted exclusive rights to The Parkers Companies LLC, they would still have to follow the LMO guidelines.

The Board made additional comments and inquiries regarding: clarification as to whether the parcel is part of the Sea Turtle Marketplace and what printed content can be on the sign; and if there are any precedents that would align with this request.

Chair Brison asked for rebuttals of the appellant and staff. Following the rebuttals, the Board made closing remarks on the appeal and Chair Brison asked for a motion.

Mr. Walczak moved to affirm the Staff determination. Mr. Fingerhut seconded. By way of roll call, the motion passed with a vote of 7-0-0.

11. Board Business

Chair Brison informed she would be presenting the annual report to Town Council at its regularly scheduled meeting on February 12, 2021. She stated she and Ms. Luick will be working on such and would be sending a draft to all Board members for comments or suggestions.

Chair Brison stated that Ms. Busch and Ms. Luick are working on suggestions and compiling some best practices from other jurisdictions regarding Rules of Procedure. She said they would be getting back with the Board to review such and determine if there are any recommendations for amendments.

12. Staff Reports

a. Update on proposed LMO amendments that address waivers issued by Staff

Ms. Dixon reported that the list for LMO amendments is ready for research and staff will be working to bring it forward in a few months. She reported, as requested by the Board, staff reviewed the list of waivers granted previously to see if there was a need for changes in the LMO. She reviewed the process for waivers adopted by Town Council to encourage redevelopment. After discussion, it was decided that staff would include verbiage in the summary of the waiver regarding what is being done, why it is occurring and what the applicant is doing to improve the property. Ms. Dixon stated going forward those items would be included. It was also agreed staff would provide a list of waivers to the Board annually.

b. Update on Board Training – Ms. Luick stated Staff is looking at options for the annual Board Training this year. She said Ms. Busch is working on a presentation for a more legal based training and would be coming forward with it in the future. She reminded them of the MASC training session on How to Conduct Effective Meetings, noting it could be done again. Ms. Luick said if there were requests to please let them know. She reminded them they need three hours of Board Training and needs to be completed by June 30, 2021. Chair Brison asked that staff forward the link to the MASC website so Board Members can review the training offered.

c. Waiver Report – The report was included in the Board’s agenda package.

d. Update on Pending Appeals to Circuit Court – Ms. Busch stated this required legal advice and pursuant to S.C. Code 30-4-70 advised that the Board moved to Executive Session to discuss this matter.

13. Executive Session

Mr. Fingerhut moved pursuant to S.C. Code 30-4-70 (a) (2) for receipt of legal advice related to pending appeals filed with Circuit Court concerning the variance applications of certain property owners of Sandcastles by the Sea subdivision. Mr. Walczak seconded. By way of roll call, the motion passed with a vote of 7-0-0.

14. Possible action by the BZA as a result of Executive Session

The Board returned to open session at 11:30 a.m. (Dr. Ponder and Mr. Johnson did not return.) Chair Brison stated there is no action to be taken as a result of Executive Session.

15. Adjournment

The meeting was adjourned at 11:31 a.m.

Submitted by: Vicki Pfannenschmidt

Approved: February 22, 2021