



Town of Hilton Head Island
Board of Zoning Appeals Meeting

October 24, 2022, at 2:30 p.m.

Benjamin M. Racusin Council Chambers

MEETING MINUTES

Present from the Board: Chair Patsy Brison, Peter Kristian, Kay Bayless, David Fingerhut, Robert Johnson

Absent from the Board: Anna Ponder, Charles Walczak

Present from Town Council: Glenn Stanford

Present from Town Staff: Nicole Dixon, Development Review Program Manager; Chris Yates, Development Services Manager; Shea Farrar, Senior Planner; Michael Connolly, Senior Planner; Yazmin Winston Black, Community Development Coordinator; Karen Knox, Senior Administrative Assistant; Brian Glover, Administrative Assistant

Other's Present:

1. Call to Order

Chair Brison called the meeting to order at 2:30 p.m.

2. FOIA Compliance

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

3. Roll Call

As noted above.

Mr. Fingerhut arrived shortly after the start of the meeting.

4. Welcome and Introduction to Board Procedures

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

5. Approval of Agenda

Chair Brison asked for a motion to approve the agenda as presented. Mr. Kristian moved to approve. Ms. Bayless seconded. By way of roll call, the motion passed with a vote of 5-0-0.

6. Approval of Minutes

a. September 26, 2022, Meeting

Chair Brison asked for a motion to approve the minutes of the September 26, 2022, meeting. Ms. Bayless moved to approve. Mr. Johnson seconded. By way of roll call, the motion passed with a vote of 4-0-1. Mr. Fingerhut abstained as he was not yet present at the meeting.

7. Appearance by Citizens

No citizens spoke and no comments were received to the Town Hall Portal.

8. Unfinished Business

None

9. New Business

a. Public Hearing

VAR-002402-2022 – Request from Patricia Bourgoin for a Variance from LMO Section 16-5-102.D, Adjacent Use Setbacks and LMO Section 16-5-103.E, Adjacent Use Buffers, to allow a pool to encroach into the setback and buffer. The property is located at 1 Hammock Breeze Way, with a parcel number of R510 005 000 0435 0000. *Presented by Shea Farrar*

Ms. Farrar provided staff's presentation as included in the packet. Staff found the application to be inconsistent with the LMO. Staff recommended denial. The Board asked about the purpose of setbacks and the amount of the setback occupied by the pool. The Board also asked about the comparison of the subject lot to the others in the subdivision.

The applicant provided a presentation also included in the packet. The Board asked about pools in the community, the plat condition when purchased, and if the applicant was told they could build a pool when purchasing. Additionally, the Board asked about the comparison of the subject lot to other lots in the subdivision.

The applicants offered emails into evidence. Chair Brison asked the public if any of the people included in the emails were present. One person was in attendance. Chair Brison asked if there were any objections to the emails being added to the record. Hearing none, the emails were added to the record.

Staff did not provide a rebuttal.

Chair Brison asked for public comment on the subject. Susanne Wheatly, neighbor of the applicant, spoke about the lots in the subdivision. She stated that during purchasing many of the buyers were told in writing they could build pools. Additionally, she stated the developer is working to reduce the setbacks in the subdivision. Last, she spoke about other subdivisions built with different setback requirements.

Following all the presentations, Chair Brison asked if there were any objections to including all evidence provided into the record. Hearing none, all evidence was included, the public meeting was close, and the Board moved to discussion. The Board voiced various concerns they had with the application.

The applicant withdrew their application.

b. Public Hearing

VAR-002405-2022 – Request from Julia and Fred Rummans for a Variance from LMO Section 16-5-102.D, Adjacent Use Setbacks, to allow a proposed deck, pool, and stairs to encroach within the setback. The property is located at 33 Corine Lane, with a parcel number of R510 012 000 0561 0000 – *Presented by Michael Connolly*

The applicant informed staff that they would like to change their application. There was discussion about the required public notice. Staff found that because the applicant was reducing their requests, the revised application was contained within the public notice.

The Board asked staff if the presentation would include updated information for the revised application. Staff stated that the presentation did not include updated information for the revisions. The Board discussed how the issue could be handled. Mr. Kristian moved that the item be moved to the November meeting with revised information and without further

advertisement or notice. Mr. Johnson seconded the motion. The motion was approved with a vote of 5-0-0.

10. Board Business

Chair Brison requested that an attorney is present at all future meetings. The board agreed with the chair. Mr. Gruber explained that it is standard practice for an attorney to be present.

11. Staff Reports

a. Status of Appeals to Circuit Court

Curtis Coltrane was not in attendance to report on the item.

b. Status of LMO Amendments

There were no updates on the status of the amendments. Ms. Dixon confirmed that the suggestions by the board were included in the amendments.

c. Waiver Summary Report

Ms. Dixon proved an overview of the included report. She stated that the removal of waivers would have cause five additional requests to come before the board over the last 2 years. Ms. Dixon answered several questions from the board.

12. Adjournment

Mr. Kristian moved to adjourn. Mr. Johnson seconded. Motion approved with a vote of 5-0-0. The meeting adjourned at 3:48 p.m.

Submitted by: Brian Glover, Administrative Assistant

Approved: November 28, 2022