



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. Gordan 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: August 22, 2023