



**The Town of Hilton Head Island
Board of Zoning Appeals Meeting
Monday, October 24, 2011
2:30 p.m. Council Chambers
AGENDA**

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting

1. Call to Order

2. Roll Call

3. Freedom of Information Act Compliance

Public notification of the Board of Zoning Appeals meeting has been published, posted and mailed in compliance with the Freedom of Information Act and the requirements of the Town of Hilton Head Island Land Management Ordinance.

4. Wireless Telephone Usage

Please turn off all wireless telephones so as not to interrupt the meeting.

5. Welcome and Introduction to Board Procedures

6. Approval of Agenda

7. Approval of Minutes – Meeting of August 22, 2011

8. Unfinished Business

None

9. New Business

VAR110002: A request for a variance from LMO Sections 16-5-806B, Adjacent Street Buffers and 16-5-1207, Parking Area Design. Don Guscio, on behalf of Frank Guidobono, is requesting a variance from adjacent street buffers and parking area design in order to construct a drive aisle for a drive up window at SCBT Bank. The property is located at 5 Park Lane and is further identified as parcel 235 on Beaufort County Tax Map 15C.

10. Board Business

Adoption of the Board of Zoning Appeals 2012 Meeting Schedule

11. Staff Report

Waiver Report - *Presented by: Nicole Dixon*

11. Adjournment

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

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2
3 **THE TOWN OF HILTON HEAD ISLAND**
4 **Board of Zoning Appeals**
5 **Minutes of the Monday, August 22, 2011 Meeting**
6 **2:30p.m. - Benjamin M. Racusin Council Chambers**

DRAFT

7
8
9 Board Members Present: Vice Chairman Peter Kristian, Alan Brenner, Michael Lawrence,
10 Stephen Murphy and Jack Qualey
11
12 Board Members Absent: Chairman Roger DeCaigny and Glenn Stanford, Excused
13
14 Council Members Present: None
15
16 Town Staff Present: Nicole Dixon, Senior Planner and BZA Coordinator
17 Anne Cyran, Senior Planner, Teri Lewis, LMO Administrator
18 Brian Hulbert, Board Attorney, Heather Colin,
19 Kathleen Carlin, Board Secretary

20
21
22 **1. CALL TO ORDER**

23 Acting Chairman Peter Kristian called the meeting to order at 2:30p.m.

24
25 **2. ROLL CALL**

26
27 **3. INTRODUCTION TO BOARD PROCEDURES**

28 Acting Chairman Kristian stated the Board's procedures for conducting today's business
29 meeting.

30
31 **4. APPROVAL OF THE AGENDA**

32 Mr. Brenner made a **motion** to approve the agenda as presented. Mr. Qualey **seconded** the
33 motion and the motion **passed** with a vote of 5-0-0.

34
35 **5. APPROVAL OF THE MINUTES**

36 Mr. Qualey made a **motion** to **approve** the minutes of the June 27, 2011 meeting as
37 presented. Mr. Brenner **seconded** the motion and the motion **passed** with a vote of 5-0-0.

38
39 **6. UNFINISHED BUSINESS**

40 None

41
42 **7. NEW BUSINESS**

43 **Public Hearing**

44 **SER110004**

45 Mr. John Kelsey is requesting a special exception to operate a liquor store in the
46 Commercial Center (CC) Zoning District. The subject parcel is located at 24 Palmetto Bay
47 Road and is further identified as parcel 368 on Beaufort County Tax Map 15.

1
2 Ms. Anne Cyran made the presentation on behalf of staff. The applicant, Mr. John Kelsey,
3 is proposing to operate a Liquor Store in the Commercial Center (CC) Zoning District, which
4 requires special exception approval per Land Management Ordinance (LMO) Section 16-4-
5 1204, Use Table.
6

7 In July 2011, the applicant inquired with staff about the possibility of opening a liquor store in
8 a freestanding building at 24 Palmetto Bay Road. Staff informed the applicant that the use
9 would require a special exception. The building was formerly occupied by Branches but is
10 currently unoccupied. The property is bounded by Palmetto Bay Road to the southwest, a
11 shopping center to the northwest and undeveloped lots to the northeast and southeast.
12

13 The applicant is requesting special exception approval to operate a liquor store in the CC
14 Zoning District per the requirements of LMO Section 16-4-1204, Use Table. The applicant
15 states in the narrative that the business will operate in an existing building and that no
16 structural changes are required to accommodate the use. The applicant believes the proposed
17 use will be compatible with surrounding uses because all activities will take place in the
18 building and the proposed use will not generate noise, glare, smoke, dust, odor, fumes, water
19 pollution or general nuisance. Ms. Cyran presented an in-depth overhead review of the
20 application. Ms. Cyran presented the Findings of Fact and Conclusions of Law. Following
21 the staff's presentation, Acting Chairman Kristian requested that the applicant make his
22 presentation.
23

24 The applicant, Mr. John Kelsey, presented brief statements to the committee in support of
25 the application. Following these statements, Acting Chairman Kristian requested public
26 comments and none were received. Acting Chairman Kristian then requested that a motion
27 be made.
28

29 Mr. Qualey made a **motion to approve** Application for Special Exception, SER110004, as
30 submitted based on the Findings of Fact and Conclusions of Law stated in the staff's report.
31 Mr. Brenner **seconded** the motion and the motion **passed** with a vote of 5-0-0.
32

33 **8. Board Business**

34 None
35

36 **9. Staff Report**

- 37 a. Ms. Dixon presented the staff's Waiver Report to the Board.
38 b. Ms. Dixon stated that staff has no business items for the September 26, 2011 meeting.
39 Acting Chairman Kristian approved the cancellation of this meeting.
40 c. Ms. Dixon reported that the Board still needs to receive state-mandated training before
41 the end of 2011. Staff suggested that the Board meet on Monday, September 26th at 2:30pm
42 in Conference Room # 3 in order to receive the three-hours of required training. The Board
43 agreed to meet at this time for training as suggested by the staff. Ms. Dixon will be back in
44 touch with the Board soon with a list of training topics.
45 d. Ms. Dixon stated that a minor correction has been made to the Rules of Procedure. The
46 staff distributed copies of the corrected Rules of Procedure to the Board.
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10. ADJOURNMENT

The meeting was adjourned at 2:45p.m.

Submitted By:

Approved By:

Kathleen Carlin
Board Secretary

Acting Chairman
Peter Kristian

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
VARIANCE**

Case #	Name of Development	Public Hearing Date
VAR#110002	5 Park Lane	October 24, 2011

Parcel or Location Data	Owner	Applicant
Tax Map ID: Map 15C, Parcel 235 Street Address: 5 Park Lane Zoning District: OL (Office/Institutional Low Intensity) Overlay District: Corridor Overlay	Frank Guidobono Six Park Lane, LLC 12 Foot Point Road Hilton Head SC 29928	Don Guscio Landscape Architect 18 Executive Park Rd Hilton Head SC 29928

Application Summary

The Community Development Department has received an application for a variance from Don Guscio, on behalf of Frank Guidobono, for the following Sections of the Land Management Ordinance (LMO):

- 16-5-704, Adjacent Street Setback
- 16-5-806, Adjacent Street Buffers
- 16-5-1207, Parking Area Design

The applicant is requesting the variances from adjacent street setbacks and buffers and parking area design requirements in order to add a drive-thru window with a canopy and a drive aisle to an existing building to make the tenant space more marketable to future tenants, particularly banks.

Background

The subject parcel is located at 5 Park Lane. As shown on the Vicinity Map and Aerial Photo (Attachments B & C), the subject parcel is bounded by William Hilton Parkway on the north, Park Lane on the south and east and 1 Park Lane (an office building) on the west.

The 6,048 square foot building, which is divided into two suites, was built in 2005. One suite is currently leased by Charter I Realty. South Carolina Bank & Trust (SCBT) will vacate the other suite this November.

The parcel is located in the OL (Office/Institutional Low Intensity) Zoning District. Land uses permitted in the OL Zoning District are primarily office and institutional with light

traffic. Permitted commercial uses include institutions, eating establishments without a drive-thru, offices and banks or financial institutions.

When the parcel received a Development Plan Review permit in 2002, banks and financial institutions were not permitted uses in the OL Zoning District. An amendment to the LMO in May 2004 allowed banks and financial institutions as a permitted land use in the OL Zoning District with the conditions that no more than 25% of the gross floor area is utilized as a teller lobby and there are no more than 2 drive up stalls. These restrictions limit the amount of traffic visiting the site, which maintains the character of the low intensity OL Zoning District. The owner states that, had banks and financial institutions been allowed in the zoning district when the site was being developed, a drive-up window and drive aisle would have been built on the site.

The applicant met with Town staff in mid-August to discuss the requirements for adding a drive-thru window with a canopy to the building to make it more marketable to future tenants, particularly to banks. The owner stated that renovating the interior of the tenant space for any use other than a bank would be prohibitively expensive. Richard Spruce, the Town's Commercial Plans Review Administrator, inspected the suite and determined that extensive interior renovations would not be necessary to change the use from a bank to an office or institutional use due to the fact that only 25% of the floor area is used as a teller lobby – the rest of the suite is designed for offices.

(LMO Section 16-3-1906, Criteria for Approval of Variances, Part C, Factors not to be Considered, states “The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.” This is supported by South Carolina State Code Section 6-29-800(A)(2)(d)(i), which also states “The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.”)

The proposed drive-thru window and drive aisle would be added to the north side of the building, near William Hilton Parkway (Attachments D & E). The building currently conforms to the required adjacent street setback and to the minimum and average adjacent street buffers from William Hilton Parkway. Constructing the drive-thru window and canopy would require encroaching up to seven feet into the 50 foot adjacent street setback. Constructing the drive aisle would require encroaching up to seven feet into the 50 foot minimum adjacent street buffer. The addition of the drive aisle to the site will also change the calculations for the 60 foot average adjacent street buffer; adding the drive aisle will make the adjacent street buffer non-conforming.

Constructing the drive-thru window and drive aisle would require the removal of several trees, but the applicant states in the narrative that the owner understands that tree replacement may be a condition of the project approval and he is willing to replace the trees.

The site's parking lot currently conforms to the LMO parking area design standards. Constructing the drive aisle in the proposed location would require altering the existing parking lot. The drive aisle would be adjacent to a disabled accessible parking space, instead of being separated from the space by a landscaped median as required by LMO parking area

design standards. (Two parking spaces would be removed, but the site will still meet the minimum number of parking spaces required.)

The proposed drive aisle would not meet the LMO parking area design standard of 160 feet of aggregate total stacking depth without obstructing parking bays or drive aisles. The drive aisle would allow approximately 60 feet of stacking depth without obstructions and 75 feet of stacking depth with obstructions to adjacent parking spaces and the drive aisle. The Fire Marshal and the Traffic Engineer have both reviewed the proposed plan and state that, given the light amount of traffic generated by this use, the parking lot and drive aisle could both function properly with 60 feet of stacking depth.

If the variances are granted, the proposed addition must be approved by the Town's Design Review Board. The DRB will review the visual impact of the addition and may require additional vegetation in the adjacent street buffer for screening. Town staff will also review the footprint of the additions and issue tree replacement requirements in an Expedited Development Review (XDPR) application.

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

Grounds for Variances:

The applicant is applying for variances from LMO Sections 16-5-704, Adjacent Street Setback, 16-5-806, Adjacent Street Buffers and 16-5-1207, Parking Area Design, in order to add a drive-thru window with a canopy and a drive aisle to an existing building. The applicant states the variances are needed to add a drive-thru window and canopy and a drive aisle to the building, which will make the tenant space more marketable.

Summary of Facts:

1. Applicant seeks a variance from LMO Section 16-3-1901A(2), which includes any design or performance standard set forth in Chapter 5 LMO.

Conclusion of Law:

1. Applicant may seek a variance from the requested LMO section as set forth in 16-3-1901A(2).

Staff Determination

Staff recommends that the Board of Zoning Appeals **disapprove** the application based on the Findings of Facts and Conclusions of Law.

Staff Summary of Facts and Conclusions of Law

Summary of Facts:

1. Application was submitted as set forth in LMO Section 16-3-1903.
2. Notice of the Application was published in the Island Packet on Sunday, September 18, 2011, as set forth in LMO Sections 16-3-110 and 16-3-111.
3. Notice of the Application was posted as set forth in LMO Sections 16-3-110 and 16-3-111.
4. Notice of the Application met the mailing criteria in LMO Sections 16-3-110 and 16-3-111.
5. Staff received an affidavit of compliance from the applicant as set forth in LMO Section 16-3-111.

6. The Board has authority to render the decision reached here under LMO Section 16-3-1905.

Conclusions of Law:

1. The application is in compliance with the submittal requirements established in LMO Section 16-3-1903.
2. The application and notice requirements comply with the legal requirements established in LMO Sections 16-3-110 and 16-3-111.

As provided in Section 16-3-1906, Criteria for Approval of Variances, staff has based its recommendation on analysis of the following criteria:

Staff Summary of Facts and Conclusions of Law

Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property. (LMO 16-3-1906A(1))

Findings of Fact:

1. The property is 0.88 acres and is rectangular.
2. The property does not contain any unusual natural resources, such as specimen size trees or wetlands.
3. The property conforms to current LMO standards.

Conclusions of Law:

1. This application does not meet the variance criteria as set forth in LMO 16-3-1906A(1).
2. The property does not have any extraordinary or exceptional conditions because it is not extremely small or oddly shaped, it does not contain natural resources that would limit development and it conforms to the provisions of the LMO.

Staff Summary of Facts and Conclusions of Law

Criteria 2: These conditions do not generally apply to other properties in the vicinity. (LMO 16-3-1906A(2))

Finding of Fact:

1. In terms of size, shape, building type, density and available parking, the property is similar to other properties in the vicinity.

Conclusions of Law:

1. This application does not meet the variance criteria as set forth in LMO 16-3-1906A(2).
2. This property does not have any conditions that do not generally apply to other properties in the vicinity because it is similar to other properties in the area.

Staff Summary of Facts and Conclusions of Law

Criteria 3: Because of these conditions, the application of the LMO to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property. (LMO 16-3-1906A(3))

Findings of Fact:

1. The property does not have any extraordinary or exceptional conditions.

2. The property is developed with a 6,048 square foot building.
3. Charter I Realty & Marketing currently leases one of the building's suites.
4. The Town's Plans Review Administrator determined that the suite SCBT will vacate in November is suitable for many of the commercial uses permitted in the OL Zoning District.

Conclusions of Law:

1. This application does not meet the variance criteria as set forth in LMO 16-3-1906A(3).
2. The application of the adjacent street setback and buffer and the parking area design sections of the LMO has not effectively prohibited or unreasonably restricted the utilization of the property because development of the property was not restricted by exceptional conditions, one of the suites is still being leased and the other suite could be leased by a variety of businesses.

Staff Summary of Facts and Conclusions of Law

Criteria 4: This hardship is not the result of the applicant's own actions. (LMO 16-3-1906A(4)).

Findings of Fact:

1. The owner states that renovating the suite to accommodate any use other than a bank would be prohibitively expensive.
2. The owner states that Ameris bank would be interested in leasing the SCBT suite if the space had a drive-up window.
3. The Plans Review Administrator examined the SCBT suite and determined that extensive interior renovations would not be necessary to change the use from a bank to an office or institutional use due to the fact that only 25% of the floor area is used as a teller lobby – the rest of the suite is designed for offices.

Conclusions of Law:

1. This application does not meet the variance criteria as set forth in LMO 16-3-1906A(4).
2. The variance request is a result of the owner's own actions. The owner states that the variances are necessary to make the tenant spaces more marketable, but the suites could be leased to a variety of businesses.

Staff Summary of Facts and Conclusions of Law

Criteria 5: Granting of the variance does not substantially conflict with the Comprehensive Plan and the purposes of the LMO. (LMO 16-3-1906A(5))

Findings of Fact:

The Comprehensive Plan addresses this application in the following areas:

Economic Development Element:

Section 7.5 – Potential Risks for Future Economy with Comprehensive Plan Implications “Flexibility” (where reasonable people may disagree but must find a solution) in the application of historic regulation and ordinance was called for to improve existing nonconformities and future redevelopment.

Land Use Element:

An Implication for Building Permit Trends

Redevelopment of our existing built environment and infill development should be a focus for the future development of our community, while the Town has entered a more mature level of development.

Goal 8.9 – Age of Structures

B. The goal is to encourage redevelopment of properties with aging structures or that no longer meet current market demands.

Implementation Strategy 8.6 – Build-out

A. Consider flexibility within the Land Management Ordinance to address future development and redevelopment needs.

Conclusions of Law:

1. This application meets the variance criteria as set forth in LMO 16-3-1906A(5).
2. The proposed variance will provide the property owner the flexibility needed to add a drive-thru window to an existing tenant space.
3. This variance would allow the unit to better meet current market demands for a bank, which typically include a drive-thru window.
4. This variance could contribute to the revitalization of an existing development by making it more desirable for occupancy.

Staff Summary of Facts and Conclusions of Law

Criteria 6: The authorization of the variance will not be of substantial detriment of adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance. (LMO 16-3-1906A(6)).

Findings of Fact:

1. The proposed additions would not encroach into the adjacent use setback or buffer between the subject parcel and the adjacent office building at 1 Park Lane.
2. The specific use standards for banks and financial institutions in the OL Zoning District are that no more than 25% of the gross floor area is utilized as a teller lobby and there are no more than 2 drive up stalls.
3. Staff has not received any comments from the public regarding this application.

Conclusions of Law:

1. This application meets the variance criteria as set forth in LMO 16-3-1906A(6).
2. The existing amount of space and vegetation between the subject parcel and the adjacent office building will remain the same, so that noise or exhaust from additional traffic will not have a detrimental affect the adjacent office building.
3. The limits on the size of teller services for banks in the OL Zoning District will limit the amount of service the bank can provide, which in turn will limit the amount of additional traffic generated by the drive-thru window.
4. Since staff has not received any complaints or concerns from the public about this application, the application will likely have little to no effect on the public.

PREPARED BY:

AC

Anne Cyran, AICP
Senior Planner

3 Oct 2011

DATE

REVIEWED BY:

ND

Nicole Dixon, CFM
Senior Planner & BZA Coordinator

3 Oct 2011

DATE

ATTACHMENTS:

- A) Applicant's Narrative & Attachments
- B) Vicinity Map
- C) Aerial Photo
- D) Photos of Subject Property
- E) Site Plan
- F) Site Plan with Proposed Additions

DON M. GUSCIO
LANDSCAPE ARCHITECT

LAND PLANNING - SITE PLANNING
LANDSCAPE ARCHITECTURE

PROJECT NARRATIVE

Cambridge Building Construction is requesting a 7 Foot Variance from L.M.O. Section 16-5-704B, L.M.O. Section 16-5-806B and L.M.O. Section 16-5-1207. The request is for a 7 Foot Encroachment into a Minimum 50 Foot Buffer. When the building was constructed, banks were not allowed in the Central Park Zoning District, (please see the attached letters); since the zoning change the buildings owners had a bank leasing the building. This tenant is moving from this location and the owners are in negotiations with Ameris Bank. As you see from the attached letters, Ameris Bank would not be interested in leasing this space without the Drive-Up Window at the rear (US 278 R/W) of the building. The average 60 Foot Buffer was achieved when the site was approved, along with additional Landscaping. (Please see the attached Landscape Plan). The 7 Foot Encroachment into the 50 Foot minimum buffer totals 120 L.F. out of 231 L.F. of frontage. It would entail removal of a few trees in this buffer.

If the variance is granted, mitigation trees might be required by staff, of which my client would be required to comply with in order to get the Certificate of Compliance.

VARIANCE CRITERIA:

- A. The above details answer this item for approval
- B. No other Drive-Thru Banking Facility in the vicinity
- C. The conditions restrict the maximum allowed utilization of the property, since the Zoning has changed
- D. This is not the result of the applicants own actions, since prior zoning did not allow this use
- E. Does not conflict with Comp Plan or L.M.O. (120 LF out of 231 LF)
- F. Adjacent property is Park Lane Right Away and Lot 7 is 100 feet from the drive.



September 29, 2011

Mr. Charlie Reed
6 Park Lane, LLC
Post Office Box 6125
Hilton Head Island, S. C. 29928

Re: 5 Park Lane

Dear Charlie:

This letter is a follow up to our conversation about Ameris Bank's interest in your property located at 5 Park Lane. We would have an interest if you were able to put in a drive through. Without the possibility of a drive through, we would need to explore other options.

Regards,

A handwritten signature in black ink, appearing to read 'Richard Sturm'.

Richard Sturm
President Ameris Bank SC
803.733.2681





September 29, 2011

Mr. Charlie Reed
11 Park Lane
Hilton Head Island, SC 29928

Re: 5 Park Lane Building

Dear Charlie,

I understand that SCBT is moving out of your building located at 5 Park Lane. David Bachelder and I are actively working with Ameris Bank and Bank of the Ozarks in their need for a south end location. Your building at 5 Park Lane would be a desirable location for either bank but they will not consider the building unless it has a drive-thru.

In the event you are able to install a bank drive thru, please let me know. We need a site plan that the Town of HH would approve so we can present your building to both banks. Please let me know if you have any questions.

Sincerely,



Baker Wilkins
Charter I Commercial, Inc.



LAW OFFICE OF
CHESTER C. WILLIAMS, LLC

Suite A108 Sapelo Building
21 Office Park Road
Post Office Box 6028
Hilton Head Island, SC 29938-6028
Telephone (843) 842-5411
Telefax (843) 842-5412
Email Firm@CCWLaw.net

ALSO MEMBER LOUISIANA BAR

March 31, 2004

Mr. Frank Guidobono
Cambridge Building Corp.
19 Bow Circle
P. O. Box 7259
Hilton Head Island, SC 29938-7259

RE: Park Lane Office Building – Our File No. 01134-001

Dear Frank:

We have just returned from a meeting of the Town Council's Planning and Development Standards Committee, and we are pleased to report that the Committee has forwarded on to the full Town Council the proposed revisions to the Town's Land Management Ordinance that will allow banks and financial institutions as a permitted use in the OL and OM Zoning Districts provided that no more than 25% of the gross floor area is utilized as a teller lobby and there are no more than 2 drive up stalls. More importantly, the Committee forwarded those proposed revisions on to the full Town Council with a recommendation for approval.

Assuming the Town Council follows its usual procedure, the Chairman of the Planning and Development Standards Committee will report on that action to the full Town Council at the Council's meeting on April 6, 2004, and the Council will then take up the proposed revisions to the LMO for first reading approval at the Council's meeting on April 2, 2004, and thereafter for a second and final reading approval at the Council's meeting on May 4, 2004. We would therefore expect those proposed LMO Amendments to be finalized on May 4, 2004.

We will keep you advised as to further progress in this matter, and we trust you will let us know if you have any questions or comments, or if we may otherwise be of assistance.

With best regards, we are

Very Truly Yours,

LAW OFFICE OF CHESTER C. WILLIAMS, LLC


Chester C. Williams

CCW/rcg

SECT 16-5-1714
w/ 3394
w/ 1800
#1594 DIFF



LAW OFFICE OF
CHESTER C. WILLIAMS, LLC
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21 Office Park Road
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Hilton Head Island, SC 29938-6028
Telephone (843) 842-5411
Telefax (843) 842-5412
Email firm@ccwlaw.net

ALSO MEMBER LOUISIANA BAR

February 26, 2004

Mr. Frank Guidobono
Cambridge Building Corporation
P. O. Box 7259
Hilton Head Island, SC 29938-7259

RE: Park Lane Commercial Building – Our File No. 01134-001

Dear Frank:

As you will recall, we have previously advised you of on-going efforts by members of the Town Planning Staff, at least partly at our urging, to amend the Town's Land Management Ordinance to allow banks and financial institutions as a conditional use in the OL and OM zoning districts of the town.

That process was to have moved forward yesterday; however, when the Planning and Development Standards Committee of the Town Council took up its review of the proposed amendments to the Land Management Ordinance, after a substantial amount of discussion the three members of the Planning and Development Standards Committee voted to postpone their final consideration of those amendments, not because of any concerns having to do with the provisions relating to banks and financial institutions, but rather over concerns with proposed amendments to other sections of the Land Management Ordinance, primarily dealing with timeshares and tents. The delay in further consideration of those LMO revisions should not be substantial, and we expect the Planning and Development Standards Committee to again take up that matter at a special meeting to be held on or before March 16, 2004.

When we have additional information for you in this matter, we will let you know. In the meantime, please let us know if you have any questions or comments, or if we may otherwise be of assistance.

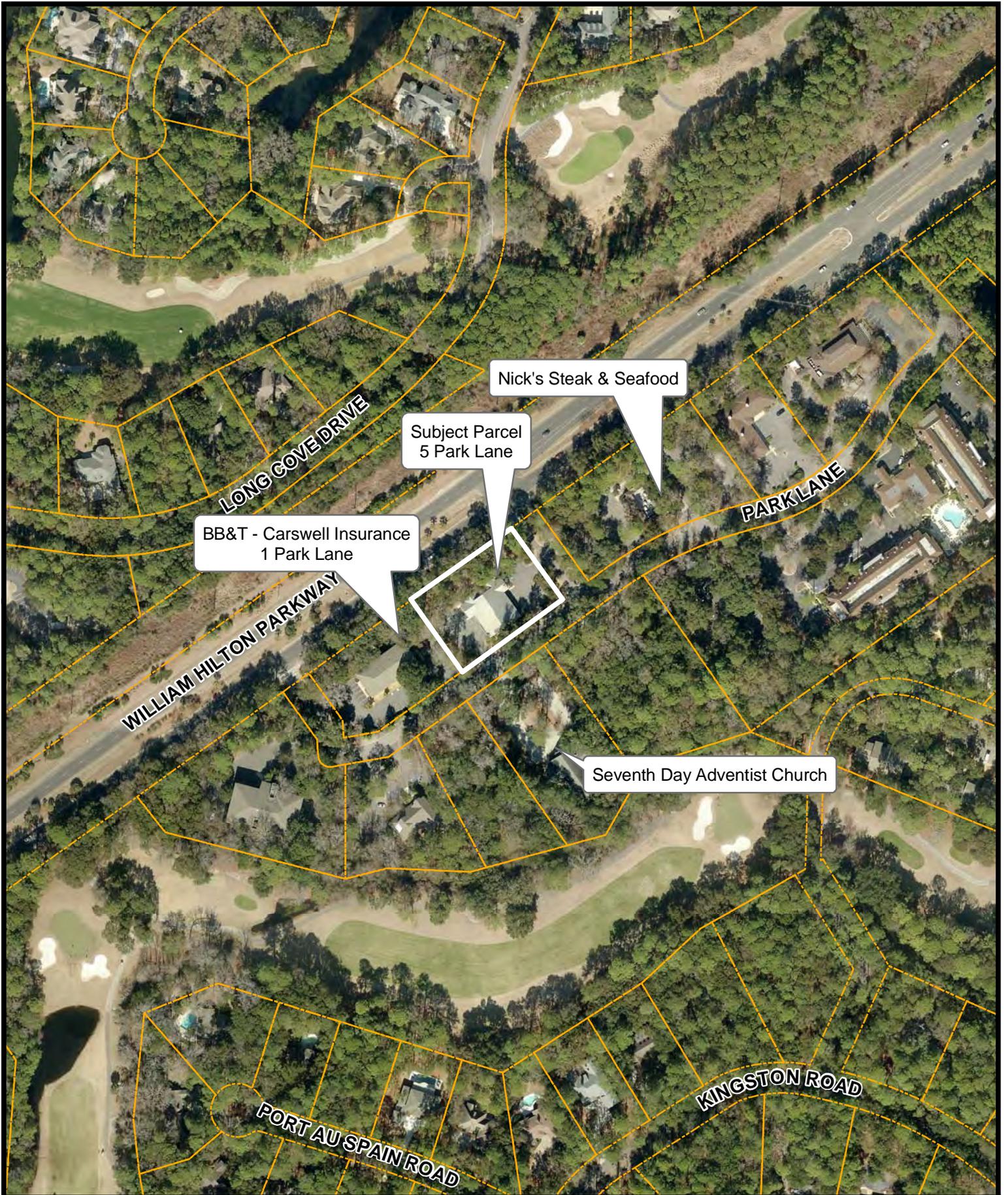
With best regards, we are

Very Truly Yours,

LAW OFFICE OF CHESTER C. WILLIAMS, LLC

Chester C. Williams

CCW:jm



TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-6000

VAR110002 5 Park Lane
Vicinity Map
Attachment B



This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.





Subject Parcel
5 Park Lane

WILLIAM HILTON PARKWAY

WILLIAM HILTON PARKWAY

PARK LANE



TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-6000

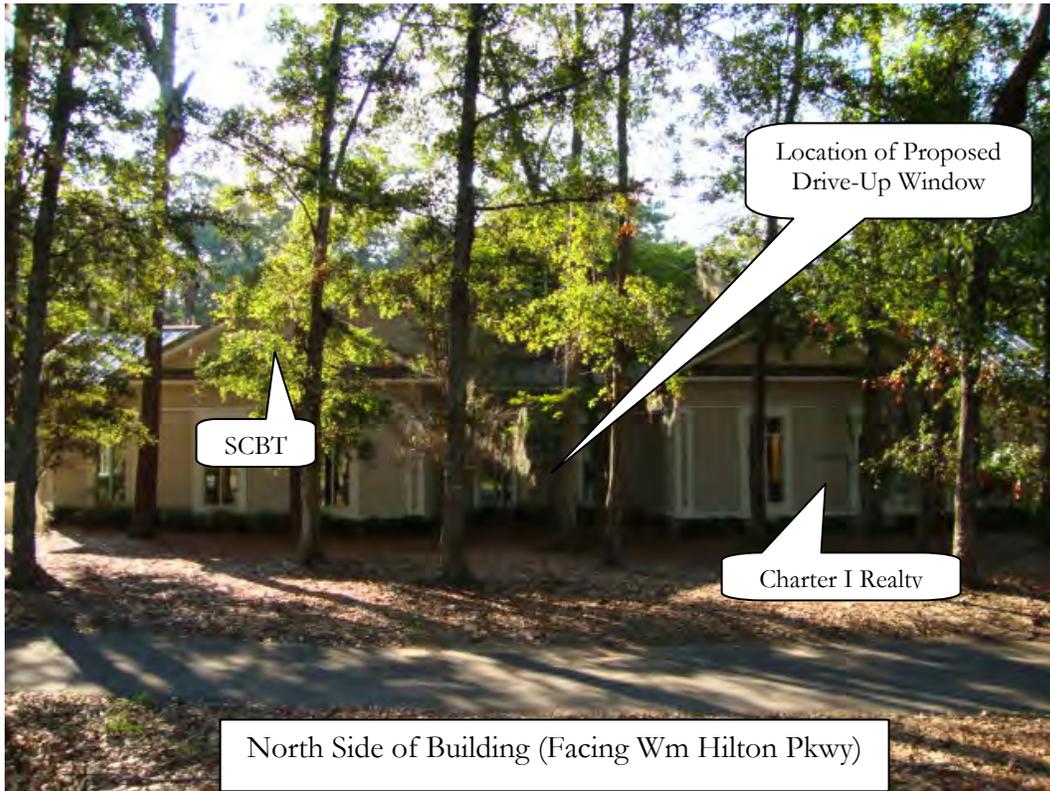
VAR110002 5 Park Lane
Aerial Photo
Attachment C



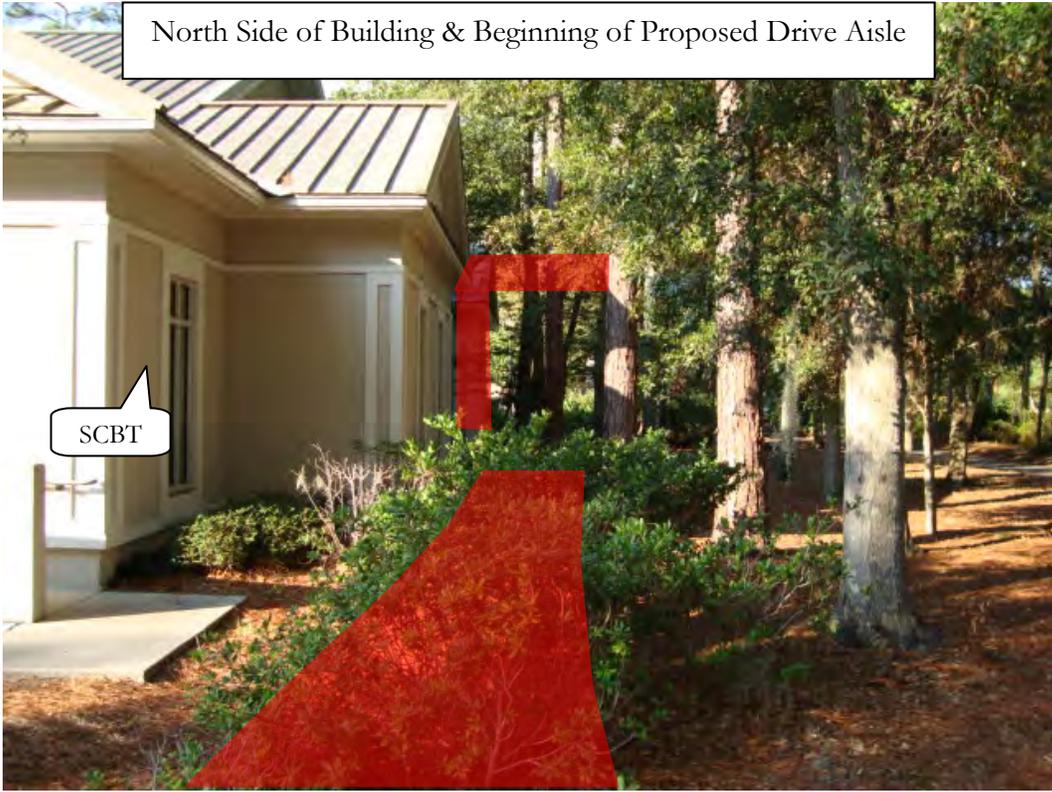
This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.



VAR110002 5 Park Lane
Attachment D – Photos

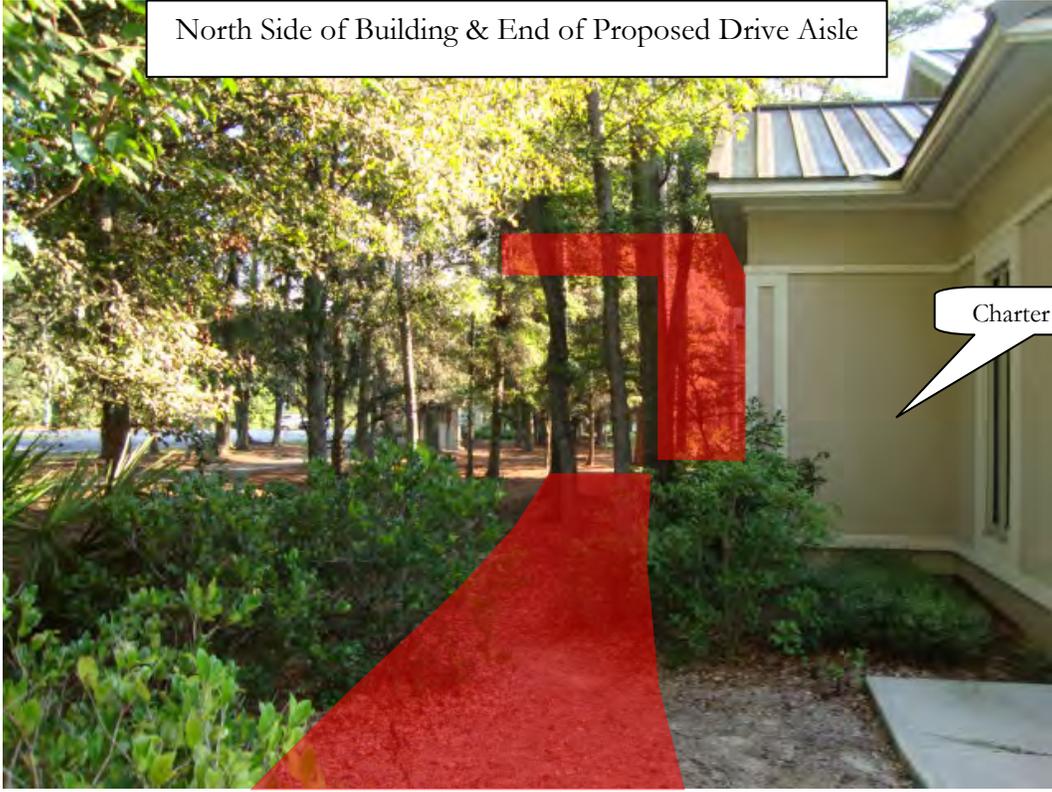


North Side of Building & Beginning of Proposed Drive Aisle



SCBT

North Side of Building & End of Proposed Drive Aisle



Charter I Realty

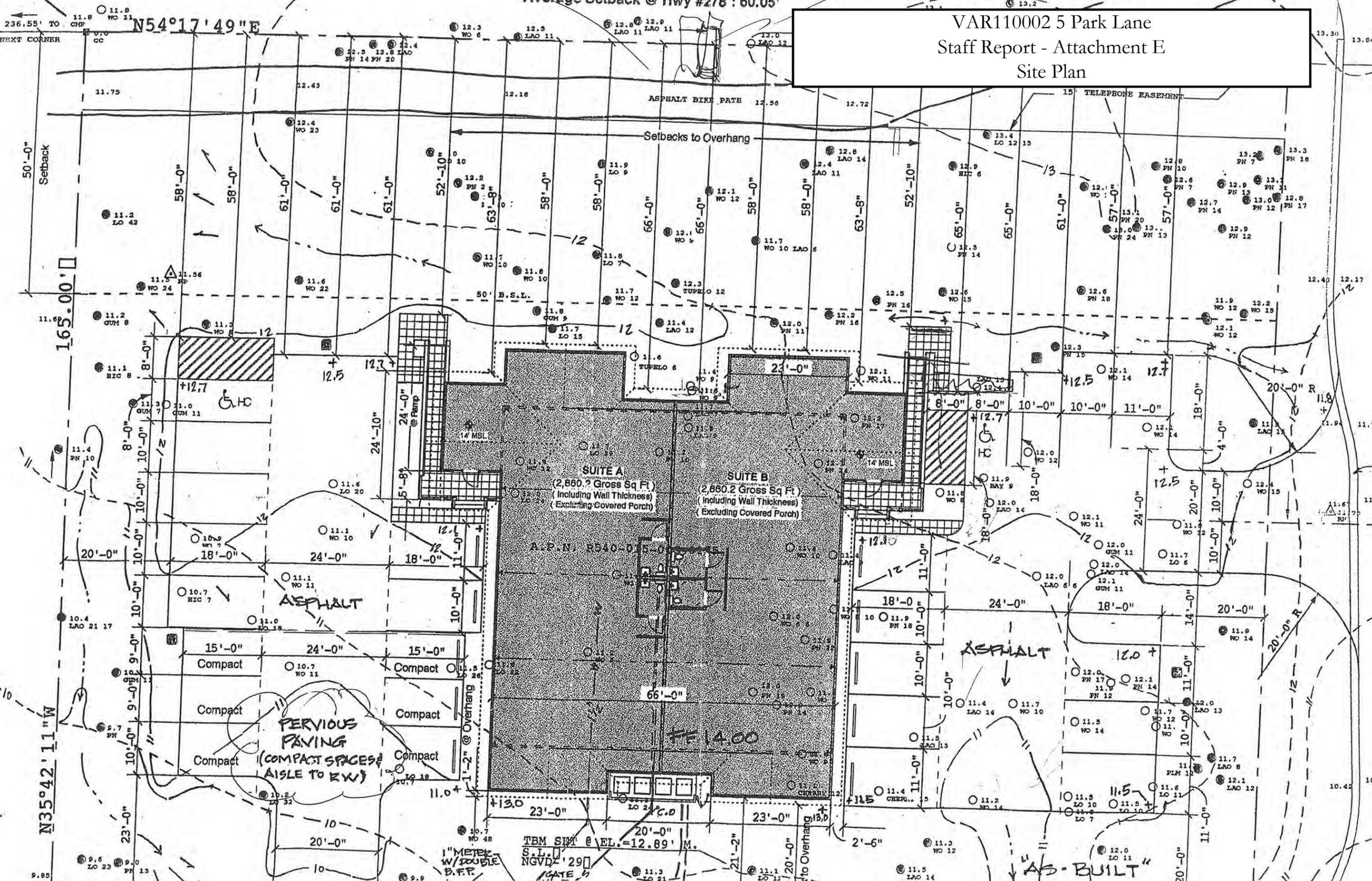
West Side of Building (End of Proposed Drive Aisle)



Charter I Realty

Average Setback @ Hwy #278 : 60.05'

VAR110002 5 Park Lane
Staff Report - Attachment E
Site Plan



N54°17'49"E

50'-0" Setback

165'-0" □

N35°42'11"W

TBM SHT @ EL. = 12.89' M.
S.L. NGVD '29

"AS-BUILT"

Average Setback @ Hwy #278 : 60.05'

VAR110002 5 Park Lane
Staff Report - Attachment F
Site Plan with Proposed Additions

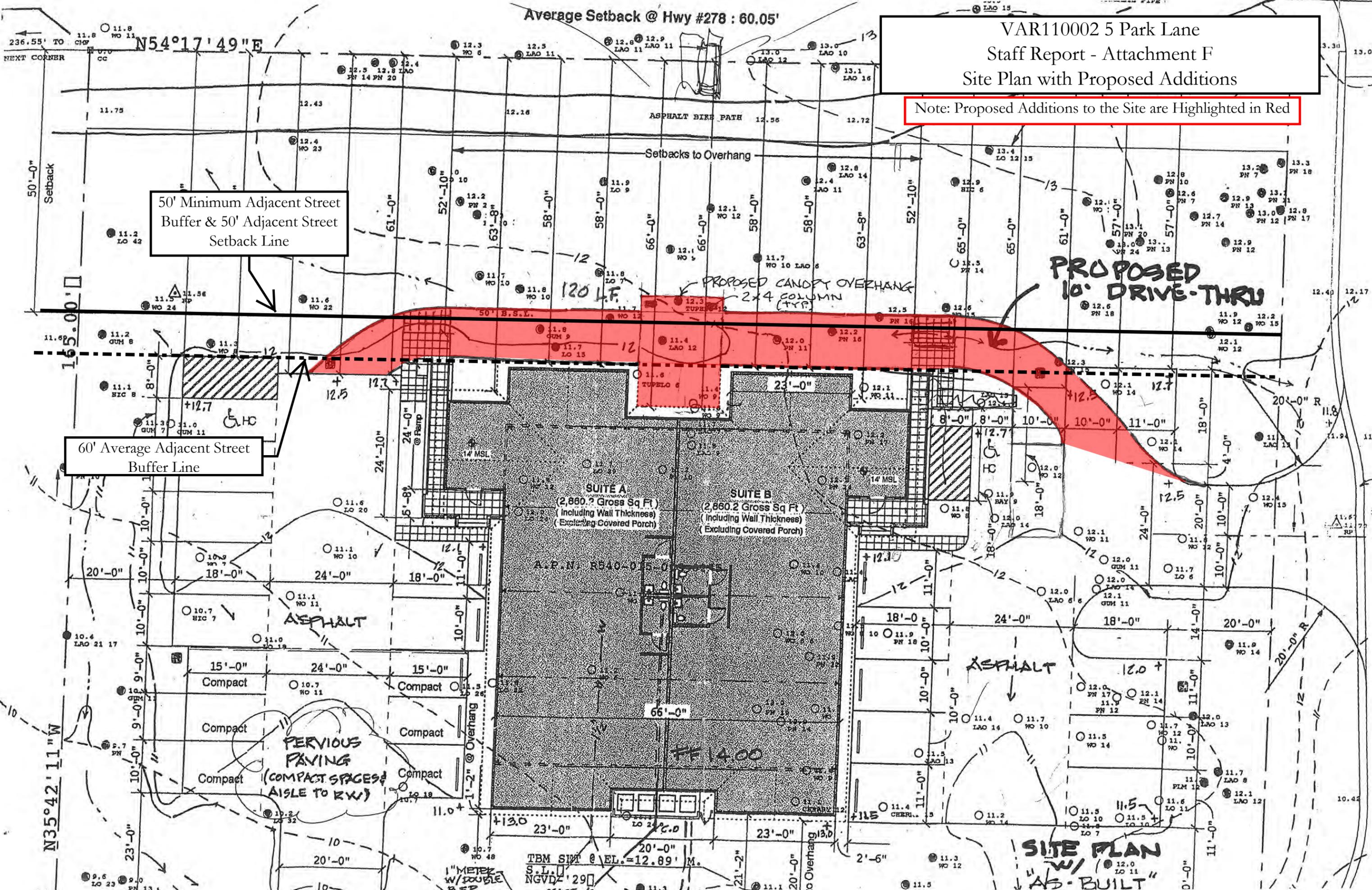
Note: Proposed Additions to the Site are Highlighted in Red

50' Minimum Adjacent Street Buffer & 50' Adjacent Street Setback Line

60' Average Adjacent Street Buffer Line

PROPOSED 10' DRIVE-THRU

PROPOSED CANOPY OVERHANG
2x4 COLUMN (TYP)



TBM SPT @ EL. = 12.89' M.
S.L. NGVD '29

SITE PLAN
"AS-BUILT"

THE TOWN OF HILTON HEAD ISLAND

BOARD OF ZONING APPEALS

2012 Public Meeting Schedule

BZA Powers and Duties	Application Procedure
<p>The Board of Zoning Appeals has the following powers:</p> <p>A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of Title 16 of the Municipal Code, Land Management Ordinance.</p> <p>B. To hear and decide requests for variance from the Design and Performance Standards of the Land Management Ordinance.</p> <p>C. To review and take action on applications for uses by special exception; and</p> <p>D. To review and take action on appeals of Planning Commission action on certain traffic analysis plans.</p>	<p>Applications for Variance and Special Exception must be completed and submitted not later than 45 days prior to the meeting at which the application will be considered. In addition, Applications for Appeal must be filed not later than 14 days from the date of the decision being appealed.</p> <p>An Application Check-In Conference is required for all applications to determine whether the application meets the minimum requirements for acceptance. Application Check-In Conferences must be scheduled by appointment with the Community Development Department staff.</p>

<u>BZA PUBLIC MEETING DATE</u>	<u>APPLICATION DEADLINE</u>
January 23, 2012	December 9, 2011
February 27, 2012	January 13, 2012
March 26, 2012.....	February 10, 2012
April 23, 2012.....	March 9, 2012
*May 21, 2012	April 6, 2012
June 25, 2012.....	May 11, 2012
July 23, 2012.....	June 8, 2012
August 27, 2012.....	July 13, 2012
September 24, 2012.....	August 10, 2012
October 22, 2012.....	September 7, 2012
November 26, 2012.....	October 12, 2012
*December 17, 2012.....	November 2, 2012

* May 21st is the 3rd Monday of the month due to the Holiday
 *December 17th is the 3rd Monday of the month due to Christmas week.

Regular meetings are held on the 4th Monday of each month at 2:30pm in Council Chambers.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
FROM: Nicole Dixon, CFM, *Senior Planner*
DATE: October 3, 2011
SUBJECT: Administrative Waivers

The Board of Zoning Appeals (BZA) requested that staff keep them informed of administrative waivers that are granted by staff based on the provisions in Section 16-7-106 of the Land Management Ordinance (LMO). This memo will be distributed every month at the regular BZA meetings and will be discussed under staff reports on the agenda. Even if there have been no waivers for the month, a memo will be included in the packet to inform the BZA members of that.

The following language is contained in Section 16-7-106 Waiver by Administrator which gives the Administrator the power to grant waivers for existing nonconforming structures and site features.

“The Administrator may waive any provision of Article III or IV dealing with nonconforming structures and site features, respectively, upon a determination that:

- A. The proposed expansion, enlargement or extension does not encroach further into any required buffers or setbacks or increase the impervious area; and
- B. The proposed expansion, enlargement, or extension does not occupy a greater footprint than the existing nonconforming site feature or structure; and
- C. The proposed expansion, enlargement, or extension does not result in an increase in density greater than allowed per Sec. 16-4-1501, or the existing density, whichever is greater; and
- D. The applicant agrees to eliminate nonconformities or provide site enhancements that the Administrator determines are feasible in scope and brings the site into substantial conformance with the provisions of this Title (e.g. meeting buffer, impervious area and open space requirements); and
- E. The proposed expansion, enlargement or extension would not have a significant adverse impact on surrounding properties or the public health, safety and welfare; and
- F. If an applicant requests to relocate a nonconforming structure on the same site, they must bring the structure into conformance to the extent deemed practicable by the Administrator.”

The attached is a summary of the administrative waivers that have been granted by staff since the August Board of Zoning Appeals meeting.

Administrative Waivers

September - 2011

1. A project at 33 Office Park Road, the Johnny D's bar expansion (XDPR110021): The applicant requested to add an outside bar to the existing restaurant. The property was over the amount allowed for impervious surface coverage, therefore considered a nonconforming site feature. A waiver was granted because the applicant revised the plan to incorporate pervious materials around the bar area instead of concrete and removed existing concrete in other areas of the sidewalk and replaced it with pervious materials, effectively reducing the amount of impervious surface on site.
2. A project at 5 Gannet Road: the applicant requested to construct an addition to a currently nonconforming structure (the existing structure was located within the setback & buffer). A waiver was granted with a condition that the two existing storage bins be removed from the buffer.