



Town of Hilton Head Island
Special Board of Zoning Appeals Meeting
Monday, February 21, 2011
2:30 p.m. Benjamin M. Racusin 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 – January 24, 2011 meeting

8. Unfinished Business

None

9. New Business

Public Hearing

SER110001: Request for Special Exception for an Other Light Industrial Service use in the Commercial Center (CC) Zoning District. Scott T. Hamlin of MegaWatt Lasers is proposing to operate a laser manufacturing facility. The property is located at 89 Arrow Road, and is further identified as parcel 816A on Beaufort County Tax Map 14, and is owned by James and Opal Propes. *Presented by: Anne Cyran*

10. Board Business

11. Staff Report

Waiver Report - *Presented by: Nicole Dixon*

12. Adjournment

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2
3 **TOWN OF HILTON HEAD ISLAND**
4 **Board of Zoning Appeals**
5 **Minutes of the Monday, January 24, 2011 Meeting**
6 **2:30p.m– Benjamin M. Racusin Council Chambers** **DRAFT**
7

8 Board Members Present: Chairman Roger DeCaigny, Vice Chairman Peter Kristian,
9 Alan Brenner, Michael Lawrence, Jack Qualey, Stephen Murphy
10 and Bob Sharp
11
12 Board Members Absent: None
13
14 Council Members Present: None
15
16 Town Staff Present: Heather Colin, Development Review Administrator
17 Brian Hulbert, Board Attorney
18 Teri Lewis, LMO Official
19 Jill Foster, Community Development Department Deputy Director
20 Kathleen Carlin, Board Secretary

21
22 **1. CALL TO ORDER**

23 Chairman DeCaigny called the meeting to order at 2:30p.m.
24

25 **2. ROLL CALL**
26

27 **3. INTRODUCTION TO BOARD PROCEDURES**

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

30 **4. APPROVAL OF THE AGENDA**

31 Vice Chairman Kristian made a **motion** to **amend** the agenda as follows: (1) move the review
32 of APL100010 to be heard first before APL100007 because it is a jurisdictional issue and will
33 decide whether or not the Board will hear APL100007. Mr. Sharp **seconded** the motion and
34 the motion **passed** with a vote of 7-0-0.
35

36 **5. APPROVAL OF THE MINUTES**

37 Vice Chairman Kristian made a **motion** to **approve** the minutes of the special meeting on
38 December 13, 2010 meeting as amended. Mr. Sharp **seconded** the motion and the motion
39 **passed** with a vote of 6-0-1. Mr. Lawrence abstained from the vote due to his absence from the
40 meeting.
41

42 **6. UNFINISHED BUSINESS**

43 **APL100007**: Request for Appeal from Chester C. Williams on behalf of Ephesian Ventures,
44 LLC. The Community Development Department issued a letter stating revocation proceedings
45 will not be pursued for a notice of action, approving a tabby walkway and brick areas at
46 Edgewater on Broad Creek. The appellant contends that the Community Development
47 Department erred in its decision and is requesting that Town staff be directed to institute
48 proceedings to revoke the notice of action.

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2 **APL100010**: Request for Appeal from Chester C. Williams on behalf of Ephesian Ventures,
3 LLC. The Community Development Department issued a letter stating that an appeal
4 application filed by the appellant should not be heard by the Planning Commission since the
5 subject of the appeal was an administrative determination. The appellant contends that the
6 Community Development Department erred in its decision and is requesting that town staff be
7 directed to accept the previously submitted appeal to the Planning Commission.
8

9 Ms. Heather Colin reported that the staff has received a request from Michael Mogil, attorney
10 for Edgewater Homeowners, to postpone the review of these two appeals until the March 28,
11 2011 meeting. The Board's Rules state that that the Board must vote to approve the request for
12 postponement. The Board requested statements from Mr. Mogil regarding the grounds for this
13 request for postponement.
14

15 Mr. Michael Mogil, attorney for the Edgewater Phase I Association, presented the grounds for
16 his request for postponement of APL00007 and APL100010 to the March 28th meeting. The
17 two appeals are complicated and time consuming.
18

19 Vice Chairman Kristian stated, out of courtesy, the Board should have been notified in advance
20 of today's meeting that the applicant was planning to make this request. The Board spends
21 valuable time preparing for the timely review of the appeals. Chairman DeCaigny requested
22 statements from Brian Hulbert, Board Attorney, on the notification issue.
23

24 Brian Hulbert, Esq., presented statements regarding FOIA compliance and notification to the
25 Board. Mr. Hulbert recommended that the Board consider revising their Rules to allow the
26 Chairman to grant subsequent continuances (if they feel this is appropriate). The appeals are
27 complex and time consuming for everyone concerned, and there should be a good reason for
28 granting the request for postponement.
29

30 At the completion of the discussion, the Board requested comments from both of the attorneys
31 involved in this appeal, Mr. Michael Mogil and Mr. Chet Williams.
32

33 Chester C. Williams, Esq., stated that he is the attorney for the appellant in both appeals. Mr.
34 Williams stated that he has no objection to Mr. Mogil's request for postponement to the March
35 28, 2011 meeting.
36

37 Mr. Qualey recommended that the Board grant the request to postpone the review of these two
38 appeals to March 28, 2011. Mr. Qualey also recommended that the Board amend the Rules of
39 Procedure to authorize the Chairman to extend it for any additional time periods upon request
40 of the applicants.
41

42 With regard to amending the Rules of Procedure, Vice Chairman Kristian recommended that
43 the Board suspend the rules for this specific request for these two appeals rather than change
44 the rules for everyone. It should be handled on a case by case basis.
45

46 Brian Hulbert, Esq., presented statements with regard to legal notice requirements and the
47 inclusion of a time limit in the Board's motion. Following this discussion, Chairman
48 DeCaigny requested that a motion be made.

1
2 Mr. Qualey made the following two-part motion: (1) that the Board approve the continuance
3 request for these two appeals, APL100007 and APL100010, until the March 28, 2011 meeting;
4 and (2) that the Board suspend the Rules of Procedure requiring the Board to meet to consider
5 a continuance request for these two appeals only in order to allow the Chairman to decide
6 whether or not to grant the continuance request provided the request for the continuance is
7 made at least two weeks in advance of the scheduled hearing date. Vice Chairman Kristian
8 **seconded** the motion.

9
10 Mr. Murphy requested that the motion be amended to be two separate motions. Mr. Qualey
11 agreed to this request. Mr. Qualey stated that he would like **amend** his **motion** and to
12 bifurcate it as follows: (1) the first part of the motion being to approve the continuance of
13 APL100007 and APL100010 until the March 28, 2011 meeting; and (2) the second part of the
14 motion to suspend the Board's Rules of Procedure allowing the Chairman to grant a
15 continuance of these two appeals as long as the applicant gives at least two weeks notice of a
16 further continuance request. Vice Chairman Kristian **seconded** the amended motion. At the
17 completion of the Board's discussion, Chairman DeCaigny requested that a vote be taken on
18 each of the two parts of the motion.

19
20 Motion #1: To approve the continuance of APL100007 and APL100010 until the March 28,
21 2011 meeting. The vote to **approve** Part # 1 of the motion **passed** with a vote of 6-1-0.

22
23 Motion #2: To suspend the Board's Rules of Procedure allowing the Chairman to grant a
24 continuance of these two appeals as long as the applicant gives at least two weeks notice of a
25 further continuance request. The vote to **approve** Part # 2 of the motion **passed** with a vote of
26 7-0-0.

27
28 **7. NEW BUSINESS**

29 None

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31 **8. BOARD BUSINESS**

32 None

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34 **9. STAFF REPORT**

- 35 1) Ms. Colin stated that the regular BZA meeting scheduled on February 28th is canceled
36 due to a lack of agenda items. A special BZA meeting is scheduled on Monday,
37 February 21, 2011 at 2:30p.m.
38 2) Ms. Colin reported that there is one waiver included on the Waiver Report.
39 3) Ms. Colin distributed an update of pending litigation from the office of Alford, Wilkins
40 & Coltrane.

41
42 On a separate matter, Vice Chairman Kristian inquired about the time frame for the St. James
43 Baptist Church appeal. Ms. Teri Lewis and Mr. Brian Hulbert presented comments regarding
44 the status of this appeal.

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10. ADJOURNMENT

The meeting was adjourned at 3:05p.m.

Submitted By:

Approved By:

Kathleen Carlin
Board Secretary

Roger DeCaigny
Chairman

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 SPECIAL EXCEPTION

Case #	Name of Development	Public Hearing Date
SER110001	MegaWatt Lasers	February 21, 2011

Parcel Data	Applicant
Address: 89 Arrow Road Parcel #: R552 014 000 0837 0000 Zoning: Commercial Center (CC), Corridor Overlay (COR) Acreage: 0.57	Scott Hamlin MegaWatt Lasers, Inc. PO Box 24190 Hilton Head SC 29925

Application Summary

Scott Hamlin of MegaWatt Lasers, Inc. is proposing to operate a laser manufacturing business, classified as an Other Light Industrial Service use, in an existing vacant building in the Commercial Center (CC) Zoning District, which requires special exception approval per Land Management Ordinance (LMO) Section 16-4-1204, Use Table.

Background

MegaWatt Lasers, a laser manufacturing business, has operated at 18 Hunter Road for the past 9 years. Late last year, Scott Hamlin, President of MegaWatt Lasers, approached Town staff about relocating their expanding business. The proposed location, which was previously occupied by Pro Photo, was selected due to its size, finished interior and existing utilities. The property is located at 89 Arrow Road and is bound by Arrow Road to the west, an undeveloped utility easement to the east, an undeveloped parcel to the south and Plantation Cabinetry to the north.

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

Grounds for Special Exception:

Scott Hamlin is requesting special exception approval for an Other Light Industrial Service use in the CC Zoning District per the requirements of LMO Section 16-4-1204, Use Table. The applicant states in the narrative that the business will operate in an existing vacant building and other than improving some neglected landscaping, no other alterations are proposed to the site. The applicant believes the proposed use will be compatible with surrounding uses because all activities will take place in the building and the proposed use will not generate noise, glare, smoke, dust, odor, fumes, water pollution or general nuisance.

Summary of Facts:

- The applicant seeks a special exception as set forth in LMO Section 16-3-1801.

Conclusion of Law:

- The applicant may seek a special exception for the proposed use as set forth in LMO Section 16-3-1801.

LMO Official Summary of Facts and Conclusions of Law

Summary of Facts:

- The application was submitted as set forth in LMO Section 16-3-1802.
- Notice of the Application was published in the Island Packet on January 23, 2011 as set forth in LMO Sections 16-3-110 and 16-3-111.
- Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
- The applicant submitted an affidavit stating they met the mailed notice requirements as set forth in LMO Section 16-3-111.
- The Board has authority to render the decision reached here under LMO Section 16-3-1804.

Conclusions of Law:

- The application is in compliance with the submittal requirements established in LMO Section 16-3-1802.
- The application and notice requirements comply with the legal requirements established in LMO Sections 16-3-110 and 16-3-111.

As provided in LMO Section 16-3-1805, Special Exception Review Criteria, the BZA shall approve an application for use by special exception if and only if the applicant shall demonstrate that the proposed use and any associated development will be consistent with the following criteria.

LMO Official Summary of Facts and Conclusions of Law

Criteria 1: It will be in accordance with the Comprehensive Plan (LMO Section 16-3-1805.A):

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.

Section 7.6 - Potential Strategies with Implication for Comprehensive Plan

Identify and prioritize areas in need of redevelopment including any obsolete, or run down, commercial buildings. Incentivize the development of flexibility of streamlining in regulation of density caps, setbacks (and other controls) that enable a qualitative, principle based, asset revitalization that enhance the Island’s positive legacies.

Land Use Element:

Land Use Goal 8.8 – Nonconforming Parcels by Use

- A. The goal is to monitor nonconforming uses and consider flexible regulations for redevelopment.

Land Use Goal 8.10 – Zoning Changes

- A. The goal is to provide appropriate modifications to the Zoning designations to meet market demands while maintaining the character of the Island.

Implementation Strategy 8.6 – Build-out

- A. Consider flexibility within the Land Management Ordinance to address future development and redevelopment of existing sites.

Conclusions of Law:

- Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805.A.
- Granting a special exception for this use would facilitate reuse of an existing site, eliminate nonconforming uses, provide flexibility to encourage redevelopment, and meet market demands for the proposed use, while preserving the existing character of the district.

LMO Official Summary of Facts and Conclusions of Law

Criteria 2: It will be consistent with the ‘character and purpose’ statement of the applicable district (LMO Section 16-3-1805.B):

Findings of Fact:

- Per LMO Section 16-4-217, “The purpose of the Commercial Center District is to provide for moderate to high intensity commercial development, especially office and general retail development.”
- The proposed use is a business that will have a moderate amount of traffic from employees, deliveries and customers.

Conclusions of Law:

- Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805.B.
- The proposed use will be consistent with the character and purpose statement of the CC Zoning District because the proposed use is considered a moderately intense commercial development.

LMO Official Summary of Facts and Conclusions of Law

Criteria 3: It will be compatible with the existing uses adjacent to and near the property (LMO Section 16-3-1805.C):

Findings of Fact:

- The existing nearby uses include a cabinet store, a bakery and restaurant, a self storage facility and a furniture store.
- The highest intensity use nearby is the bakery and restaurant, which is separated

from the subject property by an undeveloped lot.

- The proposed use will not generate objectionable noises, odors or sights.

Conclusions of Law:

- Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805.C.
- The proposed use is compatible with and will not be a nuisance to the existing uses adjacent to and near the property. The subject property is separated from a nearby high intensity use, which limits traffic concerns.

LMO Official Summary of Facts and Conclusions of Law

Criteria 4: It will not be hazardous, detrimental or disturbing to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes, water pollution or general nuisance (LMO Section 16-3-1805.D):

Findings of Fact:

- The applicant’s narrative states that the production of MegaWatt’s products does not produce any noticeable externalities, including noise, glare, smoke, dust, odor, fumes, water pollution or general nuisance.
- Staff has no record of complaints or Municipal Code violations at MegaWatt’s existing location.

Conclusions of Law:

- Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805.D.
- The proposed use will not be hazardous, detrimental or disturbing to surrounding land uses and there is no evidence that the existing business has been a nuisance in its current location.

LMO Official Summary of Facts and Conclusions of Law

Criteria 5: It will not otherwise adversely affect the development of the general neighborhood or of the district in which the use is proposed (LMO Section 16-3-1805.E):

Findings of Fact:

- Per LMO Section 16-4-1204, the proposed use is categorized as Other Light Industrial Service, which is permitted in the CC Zoning District with special exception approval.
- The site is already developed and there are no alterations proposed to the site or the building to accommodate the proposed use.

Conclusions of Law:

- Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805.E.
- The proposed use will not adversely affect the development of the general neighborhood or of the district in which the use is proposed because the business will be located within an existing building and the use will not produce any

negative external impacts.

LMO Official Summary of Facts and Conclusions of Law

Criteria 6: It will be consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property (LMO Section 16-3-1805.F):

Findings of Fact:

- The subject property is located on Arrow Road and it has an existing curb cut, a drive aisle and parking spaces.
- A pedestrian pathway runs behind the subject property, but it does not connect to the property.

Conclusions of Law:

- Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805.F.
- The proposed use will be consistent with the existing pedestrian and vehicular circulation adjacent to and near the property because the current site has the appropriate infrastructure for vehicular circulation and no changes are proposed to the site.

LMO Official Summary of Facts and Conclusions of Law

Criteria 7: It will have adequate water and sewer supply, storm water facilities, waste disposal and other public services (LMO Section 16-3-1805.G):

Findings of Fact:

- Hilton Head PSD provides water and sewer services to the subject parcel.
- The proposed use will operate in an existing building on a developed site that has adequate storm water facilities and other public services in place.

Conclusions of Law:

- Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805.G.
- The proposed use will have adequate water and sewer supply, storm water facilities, waste disposal and other public services because the subject property is already served with these utilities.

LMO Official Summary of Facts and Conclusions of Law

Criteria 8: It will be developed in a way that will preserve and incorporate any important natural features that are a part of the site (LMO Section 16-3-1805.H):

Findings of Fact:

- The proposed use will be located in an existing building on a developed site.
- The applicant has no plans to alter the site except to improve the landscaping.

Conclusions of Law:

- Staff concludes that this application meets the criteria as set forth in LMO Section

16-3-1805.H.

- The proposed use will preserve any important natural features that are a part of the site because no alterations are proposed to the existing site.

LMO Official Summary of Facts and Conclusions of Law

Criteria 9: It will conform to any specific criteria or conditions specified for that use by special exception in the applicable district or for the proposed use, as set forth in Chapter 4 of this Title (LMO Section 16-3-1805.I):

Findings of Fact:

- Per LMO Section 16-4-1333, Light Industrial uses are permitted in the CC Zoning District subject to the following condition: “The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503, other than US Highway 278.”
- LMO Section 16-5-503, Street Hierarchy, states that Arrow Road is a minor arterial road.
- The subject property has direct access to Arrow Road.

Conclusions of Law:

- Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805.I.
- The proposed use will conform to the condition specified for Light Industrial uses because the subject property has direct access to a minor arterial road.

LMO Official Summary of Facts and Conclusions of Law

Criteria 10: It will not be contrary to the public health, safety and welfare, provided that a denial based exclusively on this language shall include explicit findings regarding the way in which granting the special exception would be contrary to the public health, safety and welfare (LMO Section 16-3-1805.J):

Findings of Fact:

- Staff does not have any findings or facts to show that the proposed use will be contrary to the public health, safety or welfare.
- Staff has not received comments regarding this application.

Conclusions of Law:

- Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805.J.
- The proposed use will not be contrary to the public health, safety or welfare because no evidence was produced to demonstrate that the proposed use will be detrimental and no negative comments were received regarding the application.

LMO Official Determination

Based on the above Findings and Conclusions of law, the LMO Official determines that the request for a special exception should be granted to the applicant for the proposed laser manufacturing facility in the CC Zoning District because it is in conformance with the Comprehensive Plan and the Land Management Ordinance.

Staff Recommendation

Determination: Staff recommends the Board of Zoning Appeals **approve** the application based on the above Findings of Fact and Conclusions of Law.

BZA Determination and Motion

The "powers" of the BZA over special exceptions are defined by the South Carolina Code, Section 6-29-800, and in exercising the power, the BZA may "permit uses by special exception subject to the terms and conditions for the uses set forth for such uses in the zoning ordinance..." or "may remand a matter to an administrative official, upon motion by a party or the board's own motion, if the board determines the record is insufficient for review."

This State law is implemented by the Hilton Head Island Land Management Ordinance, Chapter 2, Article III and the Rules of Procedure for the BZA. A written Notice of Action is prepared for each decision made by the BZA based on findings of fact and conclusions of law.

PREPARED BY:

AC

Anne Cyran, AICP
Senior Planner

07 February 2011

DATE

REVIEWED BY:

ND

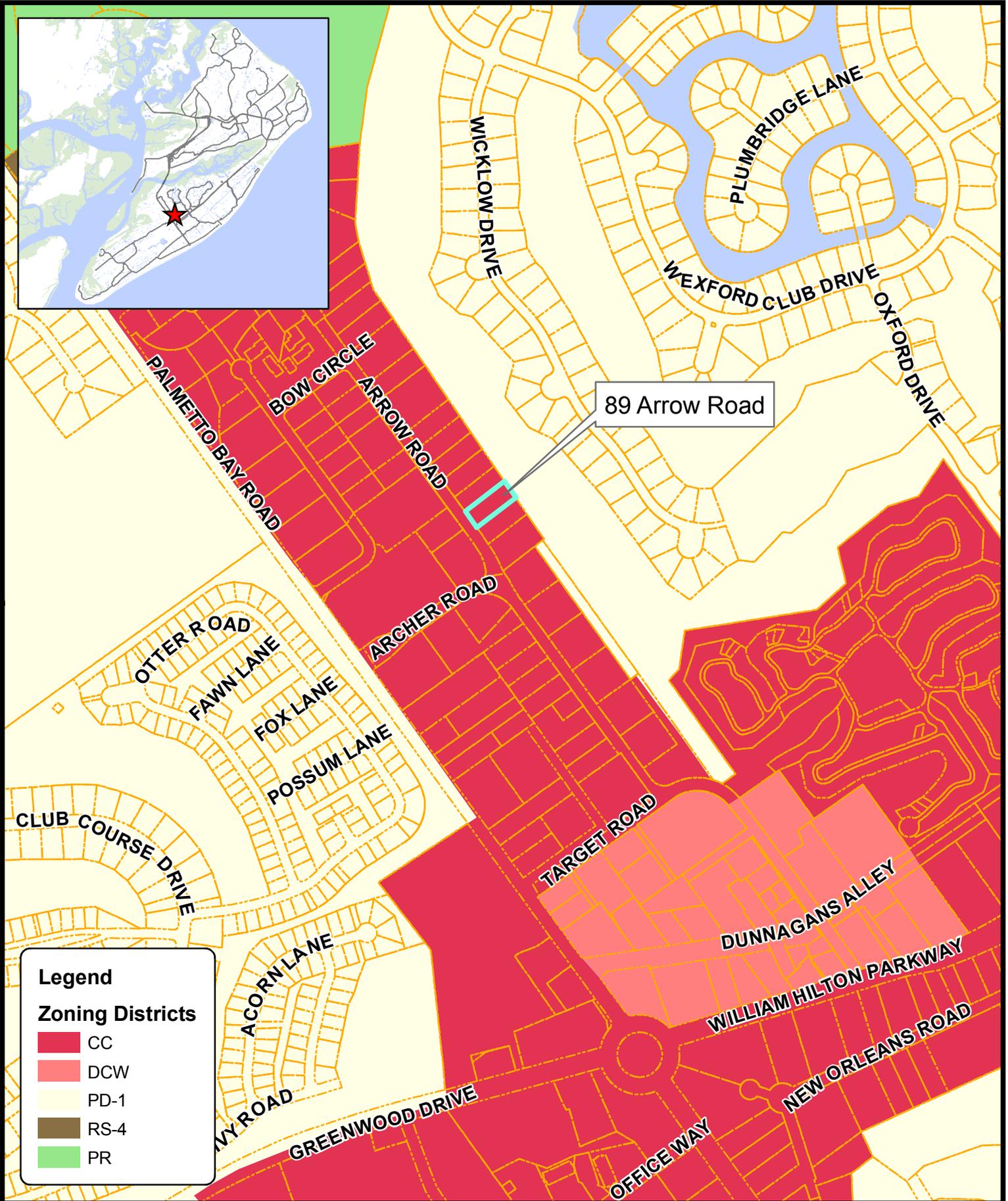
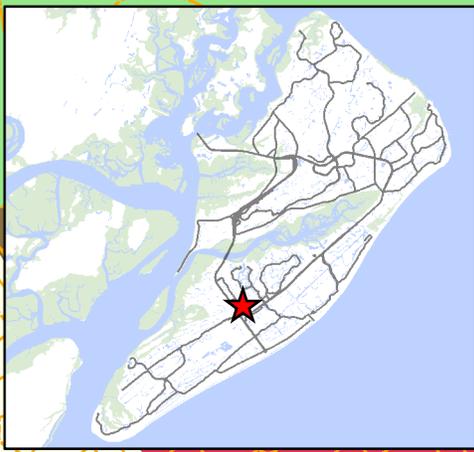
Nicole Dixon
Senior Planner & BZA Coordinator

February 7, 2011

DATE

ATTACHMENTS:

- A) Vicinity Map
- B) Applicant's Narrative



89 Arrow Road

Legend

Zoning Districts

- CC
- DCW
- PD-1
- RS-4
- PR

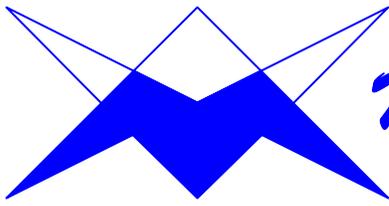


TOWN OF HILTON HEAD ISLAND
 ONE TOWN CENTER COURT
 HILTON HEAD ISLAND, S.C. 29928
 PHONE (843) 341-6000

SER110001 MegaWatt Lasers
 Vicinity Map
 Attachment A



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.



MegaWatt Lasers, Inc.

Town of Hilton Head Island
Community Development Department
One Town Center Court
Hilton Head Island, SC 29928

14 January 2011

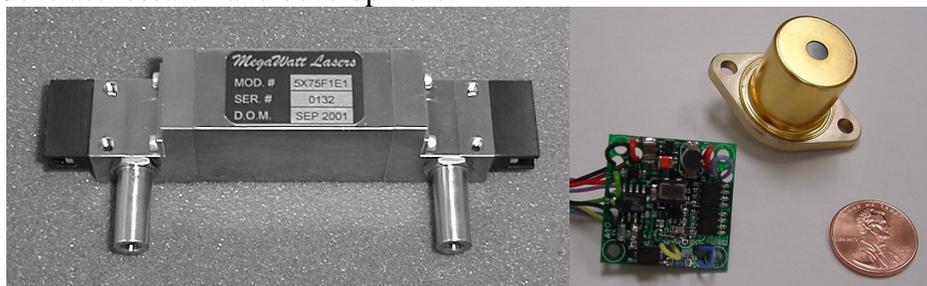
Dear Members of the Community Development Department:

Thank you for reviewing MegaWatt Lasers' special exception submittal for the property located at: 89 Arrow Road (R552 014 000 816A 0000). This vacant building is the former location of Pro Photo, Inc.

For the past nine years, MegaWatt Lasers' operations have been located at 18 Hunter Road in Suite 6. MegaWatt Lasers 2010 Business License number is 1164 and classification is 8700IT. The Hunter Road location has served MegaWatt Lasers well; however, the business is expanding and a larger facility is now required. Although various properties throughout the southeast have been considered, the owner and staff would prefer to remain on Hilton Head Island. The property located at 89 Arrow Road would be an ideal location for MegaWatt Lasers' current and future business operations.

MegaWatt Lasers currently employs seven (4 Scientist and Engineers, 1 Technician, 1 Administration, 1 Marketing & Sales). MegaWatt Lasers has three main business areas:

- Consulting for government and government contractors in the area of electro-optics and photonics
- Manufacture of solid state laser components
- Contract research and development



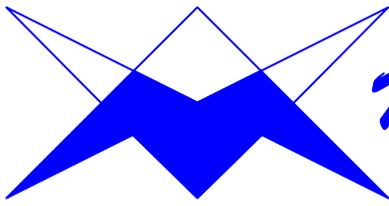
The products manufactured by MegaWatt Lasers are typically small in size. The above images are representative of MegaWatt Lasers' products. The item in the left photograph is a solid-state laser pump chamber. These are typically about 7 inches in length. The most common use for these pump chambers is Lithotripsy (fracturing of urinary tract stones) although they are also used for other medical procedures. The item in the right photograph is an "Eyesafe" Erbium doped glass transmitter. The most common use for these transmitters is for military remote sensing applications such as range finders.

P.O. Box 24190

Hilton Head Island, SC 29925-4190
(843) 342-7221

MWL@mwlasers.com

Facsimile: (843) 342-7223



MegaWatt Lasers, Inc.

MegaWatt Lasers does not sell its products to the general public. All products are sold as components or subsystems to other companies or government entities for incorporation into larger systems. Traffic to MegaWatt Lasers' facility will be limited to mostly employees with an occasional visit by customers or vendors. As with its Hunter Road facility, MegaWatt Lasers can assure you, that its Arrow Road facility will blend in nicely with other businesses in the area. Since MegaWatt Lasers conducts almost no local business, it is desirable to keep the facility as unobtrusive as possible. A business similar to MegaWatt Lasers that is already located in the neighborhood is Vetronix Research Corporation, located at 28 Palmetto Business Park Road.

MegaWatt Lasers is proud of its safety record and has never had any time lost due to an accident or injury. MegaWatt Lasers is not and will not be hazardous, detrimental, or disturbing to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes, water pollution, or general nuisance.

The 89 Arrow Road property is attractive to MegaWatt Lasers because its services already meet all utility requirements of MegaWatt Lasers' business including electrical, water and sewer, storm water, and waste disposal. Since the interior of this building is already finished, it is better suited to MegaWatt Lasers operations than typical light industrial buildings. Other than improvements to the neglected landscaping, the exterior of the facility will remain as is.

Please feel free to contact me if you have any questions or if I may provide further information.

Regards,

Scott J. Hamlin
President
MegaWatt Lasers, Inc.
PO Box 24910
Hilton Head Island, SC 29925-4190

Scott.Hamlin@MegaWattLasers.com

Enclosures:

1. Special Exception letter to surrounding property owners
2. Vicinity Map with overlaid aerial photograph
3. List of land owners within 350 feet of 89 Arrow Road

P.O. Box 24190

Hilton Head Island, SC 29925-4190
(843) 342-7221

MWL@mwlasers.com

Facsimile: (843) 342-7223



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
FROM: Nicole Dixon, *Senior Planner*
DATE: February 4, 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.”

There were no waivers granted by staff since the January Board of Zoning Appeals meeting.