



**The Town of Hilton Head Island  
Board of Zoning Appeals Meeting  
Monday, June 27, 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 – Special Meeting May 3, 2011**

**8. Unfinished Business**

None

**9. New Business**

**Public Hearing**

**VAR100004:** Request for a variance from LMO Sections 16-6-204, Wetland Buffers, 16-5-806-A, Adjacent Use Buffers, 16-6-402, Preservation of Trees and Native Vegetation, and 16-5-1206D, Parking Area Design – Minimum Drive Aisle Width Regulations. Salvatore Tartamella is requesting a variance from adjacent use and wetland buffer requirements, tree preservation requirements and drive aisle width requirements to install a drive aisle to access the rear portion of his property for future development. The property is located off of Blue Bell Lane and is further identified as Parcel 93 on Beaufort County Tax Map # 7.

**10. Board Business**

*Presentation of the Town's Crystal Award to departing board member, Mr. Bob Sharp.*

A farewell reception in appreciation of Mr. Sharp's service to the Board of Zoning Appeals will be held in Council Chambers immediately following today's meeting.

**11. Staff Report**

Waiver Report - *Presented by: Nicole Dixon*

**12. Adjournment**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48

**THE TOWN OF HILTON HEAD ISLAND**  
**Board of Zoning Appeals**  
**Minutes of the Tuesday, May 3, 2011 Special Meeting**  
**10:00a.m. - Benjamin M. Racusin Council Chambers**

**DRAFT**

Board Members Present: Chairman Roger DeCaigny, Vice Chairman Peter Kristian,  
Alan Brenner, Stephen Murphy, and Jack Qualey

Board Members Absent: Michael Lawrence and Bob Sharp, Excused

Council Members Present: None

Town Staff Present: Anne Cyran, Senior Planner  
Nicole Dixon, Senior Planner and BZA Coordinator  
Kathleen Carlin, Board Secretary

---

**1. CALL TO ORDER**

Chairman DeCaigny called today's special meeting to order at 10:00a.m.

**2. ROLL CALL**

**3. INTRODUCTION TO BOARD PROCEDURES**

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

**4. APPROVAL OF THE AGENDA**

Vice Chairman Kristian made a **motion** to **approve** the agenda as presented. Mr. Murphy **seconded** the motion and the motion **passed** with a vote of 5-0-0.

**5. APPROVAL OF THE MINUTES**

Vice Chairman Kristian made a **motion** to **approve** the minutes of the April 25, 2011 meeting as presented. Mr. Qualey **seconded** the motion and the motion **passed** with a vote of 5-0-0.

**6. UNFINISHED BUSINESS**

None

**7. NEW BUSINESS**

**PUBLIC HEARING**

**SER110003:**

Will Wang is requesting a special exception to operate an eating establishment with a drive-thru in the Commercial Center (CC) Zoning District. The subject parcel is located at 4 Southwood Park Drive and is further identified as parcel 233B on Beaufort County Tax Map 8.

1  
2 Ms. Anne Cyran made the presentation on behalf of staff. The staff recommended that  
3 the Board of Zoning Appeals *approve* the application based on the Findings of Fact and  
4 Conclusions of Law contained in the staff report. The staff recommended adding a  
5 condition that a solid wood fence be installed along the back property line to prevent  
6 vehicles' headlights from becoming a nuisance to the neighboring residences.  
7

8 Based on the Findings of Fact and Conclusions of law, the LMO Official determined that  
9 the request for a special exception should be granted to the applicant for the proposed  
10 eating establishment with a drive-thru in the CC Zoning District because it is in  
11 conformance with the Comprehensive Plan and the Land Management Ordinance.  
12

13 In March, the applicant asked staff about the requirements for opening a Dunkin' Donuts  
14 restaurant with a drive-thru in the existing, partially occupied building at 4 Southwood  
15 Park Drive. Staff informed the applicant that the use would require a special exception.  
16 The building was formerly occupied by a bank and has an existing drive-thru lane. A law  
17 firm currently occupies one suite within the building; the restaurant would occupy the  
18 remaining space. The property is bounded by Southwood Park Drive to the north, a  
19 shopping center on the west, a two tenant building on the east and Sandalwood Terrace  
20 on the south.  
21

22 Ms. Cyran presented a visual review of the application including the vicinity map and  
23 the site plan. Ms. Cyran presented the Findings of Fact and the Conclusions of Law. The  
24 applicant was not present at today's meeting for questions or comments. The staff  
25 and the board discussed the condition that a solid wood fence be installed along the back  
26 property line to prevent vehicles' headlights from becoming a nuisance to the  
27 neighboring residences. At the completion of the discussion, Chairman DeCaigny  
28 requested public comments and none were received. Chairman DeCaigny then requested  
29 that a motion be made.  
30

31 Mr. Qualey made a **motion** to **approve** Request for Special Exception Application,  
32 SER110003, based on the Findings of Fact and Conclusions of Law contained in the staff  
33 report with the condition that the applicant install a solid wood fence along the back  
34 property line to prevent vehicles' headlights from becoming a nuisance to neighboring  
35 residences. Vice Chairman Kristian **seconded** the motion and the motion **passed** with a  
36 vote of 5-0-0.  
37

38 **8. BOARD BUSINESS**

39 None  
40

41 **9. STAFF REPORT**

42 Ms. Dixon stated that the regular board meeting on Monday, May 23, 2011 is canceled  
43 due to a lack of agenda items. The next board meeting will be on Monday, June 27,  
44 2011.  
45

46 Vice Chairman Kristian inquired about the status of the Edgewater Property appeals and  
47 Chester C. Williams, Esq., stated that the current issues remain unresolved. Mr. Williams

1 also provided very brief comments regarding the status of the St. James Baptist Church  
2 appeals.  
3

4 **10. ADJOURNMENT**

5 The meeting was adjourned at 10: 15a.m.  
6

7 Submitted By:

Approved By:

8  
9  
10 \_\_\_\_\_  
11 Kathleen Carlin  
12 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  
VARIANCE**

<b>Case #:</b>	<b>Public Hearing Date:</b>
VAR100004	June 27, 2011

<b>Parcel or Location Data:</b>	<b>Property Owner &amp; Applicant</b>
Address: Blue Bell Lane Parcel#: R510 007 000 0093 0000 Zoning: RM-4 (Low to Moderate Density - Residential) COR (Corridor Overlay District) – 500’ of OCRM Critical Line Acreage: 2.58	Sal Tartamella 20 Sweet Bay Lane Hilton Head Island, SC 29926

**Application Summary:**

Sal Tartamella is requesting a variance from Land Management Ordinance (LMO) Sections:  
16-6-204, Wetland Buffers  
16-5-806A, Adjacent Use Buffers  
16-6-402, Preservation of Trees and Native Vegetation

The applicant is requesting a variance from adjacent use buffers, wetland buffers and preservation of trees requirements to install a drive aisle to access the rear portion of his property for future development.

**Background:**

For the past several years, the owner of the property has met with Town staff to discuss the development opportunities for the subject property. The conceptual plans submitted to staff proposed a multi-family development. The property is oddly shaped, with only a narrow strip of land to access the rear portion of the property, which is about 1.25 acres. This narrow strip of land is surrounded by wetlands on one side and a separate parcel containing a power line easement on the other side. There is also a specimen tree located within this narrow area, so the owner is very limited with providing access to the rear portion of the property.

Staff, including a representative from the Natural Resources and Fire & Rescue Departments, met with the applicant several times on site to determine what type of variance to seek which would cause the least

amount of impact to the natural resources while also providing a safe access. The applicant has a permit from DHEC to fill a portion of the wetlands. In order to avoid filling the wetlands, the applicant decided to seek a variance to remove the specimen tree and install a 29' wide drive aisle through the wetland buffer and adjacent use buffer.

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

**Grounds for Variance:**

Sal Tartamella is requesting a variance to install a 20' drive aisle to access the rear portion of his property to facilitate a future multi-family development. Because of the odd shaped lot, the applicant states he would need to either fill the wetlands to provide access to the rear portion of the property, build a bridge over the wetlands or seek a variance to avoid any impacts to the wetlands. The applicant wishes to avoid any wetland disturbance and decided to pursue the variance for the adjacent use and wetland buffer requirements, and to remove the specimen tree.

**Summary of Facts:**

- o The applicant seeks a variance from LMO Sections 16-6-204, Wetland Buffers, 16-5-806A, Adjacent Use Buffers and 16-6-402, Preservation of Trees and Native Vegetation.
- o The applicant wishes to remove a specimen tree and install a 20' drive aisle within the adjacent use and wetland buffer in order to access the rear portion of the property.

**Conclusion of Law:**

- o Applicant may seek a variance from the requested LMO section as set forth in 16-3-1901.

**Staff Summary of Facts and Conclusions of Law:**

**Summary of Facts:**

- o Application was submitted as set forth in LMO Section 16-3-1903.
- o Notice of the Application was published in the Island Packet on May 22, 2011 as set forth in LMO Sections 16-3-110 and 16-3-111.
- o Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
- o The Board has authority to render the decision reached here under LMO Section 16-3-1905.

**Conclusions of Law:**

- o The application is in compliance with the submittal requirements established in LMO Section 16-3-1903.
- o The application and notice requirements comply with the legal requirements established in LMO Sections 16-3-110 and 16-3-111.
- o The applicant submitted an affidavit stating they met the mailed notice requirements as set forth in LMO Section 16-3-111.

*As provided in Section 16-3-1906, Criteria for Approval of Variances, a variance may be granted in an individual case of unnecessary hardship if the Board determines and expresses in writing all of the following findings of fact.*

**Staff Summary of Facts and Conclusions of Law:**

*Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property. (LMO*

*Section 16-3-1906A(1))*

**Findings of Fact:**

- The property is extraordinary because it is very oddly shaped, with only an extremely narrow piece of land that allows for access to the rear portion of the property.
- The property contains both freshwater wetlands and a specimen gum tree in this particular area of land.

**Conclusion of Law:**

- This application does meet this variance criteria as set forth in LMO Section 16-3-1906A(1) because there are extraordinary and exceptional conditions that pertain to this particular piece of property which present obstacles in providing access to the rear portion of the property.

**Staff Summary of Facts and Conclusions of Law:**

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

**Finding of Fact:**

- The subject property is the only one in the vicinity that is oddly shaped and is limited in the ability to provide access.

**Conclusion of Law:**

- This application does meet this variance criteria as set forth in LMO Section 16-3-1906A(2) because there are extraordinary and exceptional conditions pertaining to this property that do not apply to other properties in the vicinity.

**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 Section 16-3-1906A(3))*

**Findings of Fact:**

- LMO Section 16-6-204, Wetland Buffers, requires a 10' minimum/35' average buffer between Multifamily Residential/Nonresidential Pervious Paved Surfaces and Freshwater Wetlands.
- LMO Section 16-5-806A, Adjacent Use Buffers, requires a 25' adjacent use buffer between Multifamily Residential uses and Commercial uses.
- LMO Section 16-6-402, Preservation of Trees and Native Vegetation, states that specimen trees may not be removed unless they are hazardous.

**Conclusions of Law:**

- This application does meet this variance criteria as set forth in LMO Section 16-3-1906A(3) because the application of the LMO does prohibit or restrict the utilization of the property.
- If the variance application is not granted, the use of the property could be restricted. The applicant would have to either construct a bridge over the wetlands, or fill the freshwater wetlands in order to gain access to the 1.25 acre portion of his property.

**Staff Summary of Facts and Conclusions of Law:**

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

**Findings of Fact:**

- The applicant needs to gain access to the rear portion of the property in order to be able to develop the parcel.
- The shape of the property and the obstacles that prevent the applicant from providing access to the rear portion of the property were already there prior to the applicant acquiring the land.

**Conclusion of Law:**

- This application does meet this variance criteria as set forth in LMO Section 16-3-1906A(4) because this hardship is not the result of the applicant’s own actions.

**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 Section 16-3-1906A(5))*

**Findings of Fact:**

- LMO Section 16-6-204, Wetland Buffers, requires a 10’ minimum/35’ average wetland buffer.
- LMO Section 16-5-806A, Adjacent Use Buffers, requires a 25’ adjacent use buffer.
- LMO Section 16-6-402, Preservation of Trees and Native Vegetation, states that specimen trees may not be removed unless they are hazardous. But this section also states that if preservation of a specimen tree causes unnecessary hardship, the applicant may apply for a variance from this section
- The Comprehensive Plan addresses the proposed variance in the following sections of the Natural Resources Element:

Goal 3.1 – Protect Water Quality and Quantity

A. The goal is to preserve all blueways (which includes salt marsh, freshwater wetlands, open canals, ditches and open water systems).

Goal 3.1 – Protect Water Quality and Quantity

D. The goal is to encourage private property owners to incorporate water quality protection measures into their home and/or development.

Implementation Strategy 3.1 – Protect Water Quality and Quantity

E. Require wetland buffers vegetated with native plants for all land-use types.

**Conclusions of Law:**

- This application does meet this variance criteria as set forth in LMO Section 16-3-1906A(5) because the granting of this variance does not substantially conflict with the purposes of the LMO and the Comprehensive Plan.
- Granting the variance to allow the drive aisle to encroach within the wetland buffer and adjacent use buffer will in turn allow for the wetland itself to be preserved.
- Staff concludes that this application is consistent with the Comprehensive Plan for the following reasons:
  - This variance would help prevent a freshwater wetland on the property from being filled, for which a permit has already been obtained. Preserving the wetland ultimately helps to preserve the Old House Creek blueway by providing more filtration of pollutants from water before they reach the creek.
  - The applicant is proposing a pervious surface for the drive aisle, which incorporates water quality protection measures into the development by reducing the amount of impervious surface used in the project.
  - If native plantings are required to be planted in the remaining wetland buffer between the proposed drive aisle and the freshwater wetland by this variance, this requirement will help to enhance the buffer by providing more plants designed to filter pollutants and prevent the

erosion of the banks of the wetland for the purpose of protecting water quality.

**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 Section 16-3-1906A(6)).*

**Findings of Fact:**

- The applicant is proposing to install a drive aisle to gain access to the rear portion of his property.
- The portion of the adjacent property that runs along where the drive aisle is proposed contains a power line easement.
- The granting of the variance would allow for the preservation of the freshwater wetlands on site.
- Freshwater wetlands, especially those fringing salt water marsh, which it does in this case, are being lost both at the local and national scale – primarily due to development and rising sea levels. This resource is highly valuable for both flood control as well as habitat.
- The specimen sweet gum is approximately 45” in diameter at breast height. While it is a healthy specimen and serves extensive ecosystem and aesthetic functions the removal of this tree could be mitigated.

**Conclusions of Law:**

- This application does meet this variance criteria as set forth in LMO Section 16-3-1906A(6) because the granting of this variance will not be a substantial detriment to the adjacent property and the public good.
- The granting of this variance will actually benefit the public good because of the preservation of the freshwater wetlands.
- Natural Resources staff determined that if they had to choose between impacting the wetland or removing the tree, it is more reasonable and would be more beneficial to preserve the wetlands as opposed to the specimen tree because the tree replanting could be accomplished with more assured success than the creation of wetland acreage.

**Staff Recommendation:**

**Staff recommends that the Board of Zoning Appeals *approve with conditions* the application based on those Findings of Facts and Conclusions of Law as stated in the LMO Official Determination and this staff report. The recommended conditions are as follows:**

- The removal of the specimen tree shall be mitigated with the planting of 4 sweet gum trees (10-12’ in height at time of planting) on the subject property.
- The compromised wetland buffer shall be mitigated to enhance the remaining 5’ of buffer which will remain between the road surface and the wetland itself because runoff generated by the road surface can quickly damage the health of the plants and animals within the wetland and cause degradation to the long-term sustainability of the system. A landscaping plan shall be submitted to Natural Resources for approval.

**BZA Determination and Motion:**

The "powers" of the BZA over variances are defined by the South Carolina Code, Section 6-29-800, and in exercising the power, the BZA may grant a variance "in an individual case of unnecessary hardship if the board makes and explains in writing ..." their decisions based on certain findings 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:**

ND

Nicole Dixon, CFM  
*Senior Planner & BZA Coordinator*

June 10, 2011

DATE

**ATTACHMENTS:**

- A) Vicinity Map
- B) Applicant's Narrative
- C) Proposed development concept plan
- D) Survey depicting variance request



## ATTACHMENT B

RS10 007 000 0476 0000

**Sal Tartamella**  
**20 Swet Bay Lane**  
**Hilton Head Island SC 29926**  
**843-290-0509**

Subject Lots 1, 2, and 3 Blue Bell La.

Dear Sirs

I recently acquired the subject property from the former owner and am trying to get my arms around the project.... and what a project it is. The current status is as follows-

The property consists of **3 lots totalling 6.25+ acres of high ground**

Wet lands have been identified and agreed to by DHEC (and the Army Corps of Engineers).

Development access to the back acre is in jeopardy as a result of the existing wet lands being 25' from a property line. Unless access to that back acre is somehow obtained my flexibility regarding future development (and overall value of the land) is severely impaired.

DHEC has received and approved an application to fill a small portion of the wet lands allowing access to the back acre.

In a letter dated May 21, 2010 DHEC issued a positive consistency determination regarding Coastal Zone Management Program requirements subject to recording a set of covenants agreeing to protect, in perpetuity, the remaining wet lands.

Upon recordation of the covenants (which is the mitigation they are requiring) they will issue an "authorization to commence work" placard.

At this point I thought I would be ready to start work filling the wet lands - NOT.

I then discovered the Town has another set of requirements over and above those required by DHEC. In addition mitigation requirements dictated by DHEC may not meet the Towns mitigation requirements.

In speaking with various town employees it was brought to my attention that rather than filling wet lands in order to gain access to the back acre I might apply for a variance to gain access. It was also explained that depending on the end use of the property the Town may have minimal or even no authority over some of the things they would have should I develop the land (or market it as such) to its maximum density.

At this point I am considering the following options for the land

- maximize density - 25 unit development
- doing a minor sub-division (as I understand 5 units or less)
- One single family dwelling
- three single family lots

DHEC requirements have been essentially met for all the above uses. What I need to get an understanding of is the Towns requirements for each of the above uses.

**And oh by the way** - DHEC's NWP-14 approval was granted Nov. 19, 2008 which that by

## ATTACHMENT B

Nov. 19, 2010 I must start (or be contracted to start) work with completion required by Nov. 19 2011. Should the Nov. 19, 2010 or 2011 date not be met the application process (with DHEC and ACE) must be started all over again.

**Sal Tartamella**  
**20 Swet Bay Lane**  
**Hilton Head Island SC 29926**  
**843-290-0509**

Dear Sirs

This is a request to obtain a variance to build 22' wide roadway through a 25' wide area of my property to gain access to an otherwise landlocked 1.25+/- acre section.

This request is being made to facilitate a future 25 unit development for which an NWP-14 permit has been issued by DHEC. In order to avoid filling wet lands, while maximizing the use of my land in accordance with the existing RM-4 zoning, I am submitting the attached application for a variance in accordance with the submittal requirements as indicated below-

- Sections of the LMO from which I am requesting a variance-  
 Article VII Sect 16-5-806 - requiring a 20' buffer - (adjacent use),  
 Article II Sect 16-6-204B for multi family residential use impervious buffer (20'),  
 Article II Sect 16-6-204C Necessary tree removal to accomplish the access road through the necked down section.
- This request meets the requirements of LMO Sect 16-3-1906 as follows:
  1. The only access to the 1+ acre back area is extremely narrow, and mostly wet lands which would have to be filled if no variance was permitted. It is essentially land locked.
  2. This condition is peculiar to this parcel of land.
  3. Access to this area to realize it's full potential RM-4 development cannot be had without either filling wetlands or obtaining a setback/buffer variance for constructing a roadway/driveway. Wet lands alteration is not my preferred method of gaining access to the whole parcel, which I believe is consistant with the Towns philosophy
  4. The need for the variance is not the result of my own actions. The shape of these parcels was developed well before my ownership. I was not involved in the subdivision into the current configuration.
  5. Granting the variance does not substantially conflict with the Comprehensive Plan and purpose of the LMO. The variance would preserve the natural assets of the land by protecting the wet lands and eliminating the fill and excavation of same.
  6. The authorization of this variance will not be detrimental to adjacent property or the public good and the character of the district will not be harmed by the granting of this variance. This variance is for acess only. The buffer requirements I am requesting be waived is adjacent to the wet lands that would not get filled, and a power line easement. This variance would cause no damage to adjacent commercially zoned property.
- 30 day notice to adjacent property owners will be done in accordance with Sect 16-3-111C
- See attached Affidavit of Ownership and Hold Harmless Permission to Enter Property
- Site plan and \$250.00 check attached

Please see the attached correspondence wherein Mr. Richard Cyr indicated his support and willingness to provide water and sewer for development in the area.

Your approval of this variance is requested.

In addition please confirm that

- As the 3 lot parcel currently exists all that need be done to fill the designated wetlands is to

ATTACHMENT B

3/12

comply with the NWP and that filling same does not limit my ability to reconfigure the existing 3 lots into more sensible single family home sites in the future.

- Blue Bell Lane in its current configuration is compatible with the development of 3 home sites on the subject land

Thank you for your consideration,



9/10/10

SJ Tartamella

ATTACHMENT B

4/12

Sal Tartamella  
20 Sweet Bay Lane  
Hilton Head Island SC 20026  
843-682-4442/843-290-0509 cell

May 3, 2010

Richard Cyr (and the #1 PSD Team)  
PSD 1  
Hilton Head Island SC 29926

Dear Richard,

Thank you for giving David and me the time to meet with you and your team last Wed 4/28. I just wanted to summarize what we spoke about to ensure I understand correctly what it is you are offering.

In lieu of the scrambled eggs (document and drawings) I inherited from Mr Crago for sewer hookup you are offering to install a regional lift station (RLS) to accommodate development in the area.

Construction of this improvement would be pursued at the time a landowner applied to the Town for a development permit that would drive the need for the RLS.

I further understand that if someone wanted to purchase my land for the purpose of constructing an estate with 1 or 2 homes, PSD would not install a RLS.

You indicated that a 50x50 foot parcel would be required to be deeded over to PSD for a RLS by the interested party. The central location of my land with respect to the area you are looking to serve is somewhat optimal, along with a few adjacent parcels, including some town owned land fronting Spanish Wells Rd.

As part of the infra-structure one would install on their land they would have to provide a manhole for the "next" person somewhere out by Blue Bell Lane.

From my recollection these were the essential points covered at the meeting. Please advise of any inaccuracies or omissions.

I understand these are very preliminary discussions, and these questions may be premature but.....

In keeping with PSD's goal to get properties on to the sewer system why not (other than the complexities in dealing with local government) pursue with the Town the option to put the RLS on their property thereby putting the local authorities in a proactive ready-to-go mode fully supporting development of the community? No hard costs need be incurred especially given the current economic climate and the oversupply of housing being a deterrent to immediate development.

Is there any possibility for a landowner to provide a right of way in lieu of a deed to accomplish the construct of a RLS? I believe this would retain acreage to be counted in determining the max number of units that can be built by the developer? This is critical on my property as we have only .02 acres to spare to build 25 units.

Again thanks for the opportunity to speak with you and the offer you presented.

Regards,

SJ Tartamella

ATTACHMENT B

From: "Richard Cyr" <rcyr@hhpsd.com>  
Subject: RE: Blue Bell La 4/28 meeting  
Date: Mon, 10 May 2010 08:40:08 -0400  
To: <salnmary@hargray.com>



Sal:

Sorry to take so long to get back to you, but I have been out of the office for most of last week.

In regards to the letter attached to this original e-mail, you did an exceptional job of capturing the essence of our meeting. My comments will deal with the regional lift station:

1. We prefer to locate our facilities on easements whenever possible, therefore ownership of the lift station property is not an issue.
2. The Town of Hilton Head has been hesitant to expend staff, legal and Council resources on the transfer of property/easements unless there is a viable project driving action.

If you have any other questions, please do not hesitate to contact me directly.

Richard Cyr

-----Original Message-----

From: salnmary@hargray.com [mailto:salnmary@hargray.com]  
Sent: Monday, May 03, 2010 5:32 PM  
To: Richard Cyr  
Cc: David Bachelder  
Subject: Blue Bell La 4/28 meeting

Hi Richard

Please see the attached note summarizing the discussion we had at your facility last week. Thanks for meeting with us and your support.

Sal

ATTACHMENT C

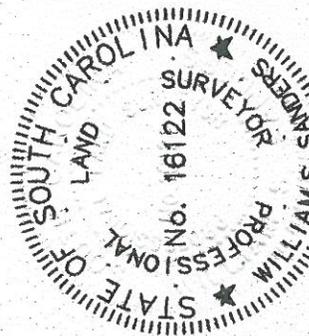
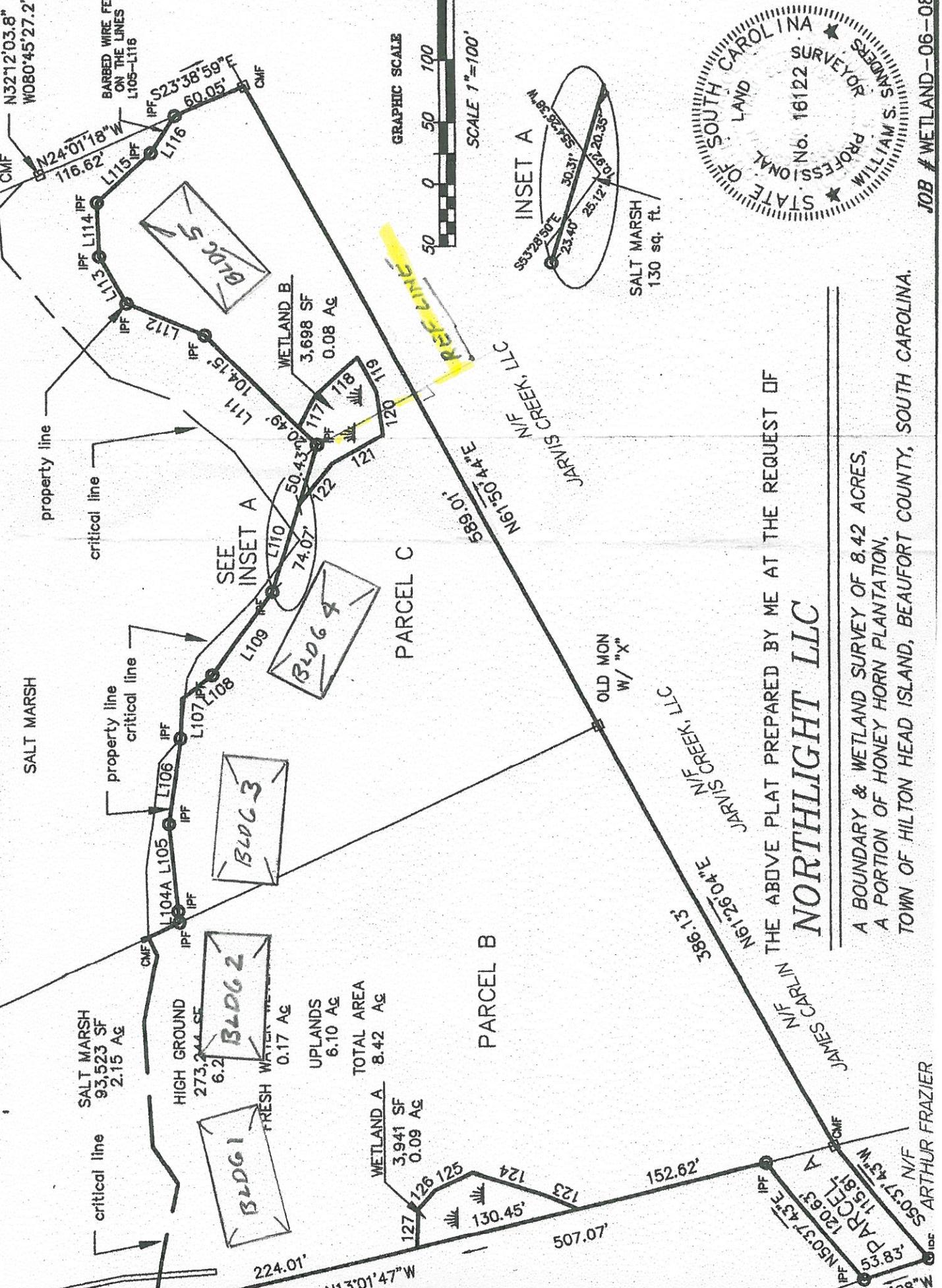
12/14

BUFFER VARIANCE 4 OF 4  
N/F

JARVIS CREEK, LLC

JARVIS CREEK, LLC

MARSHES OF OLD HOUSE CREEK



JOB # WETLAND-06-08

THE ABOVE PLAT PREPARED BY ME AT THE REQUEST OF

**NORTHLIGHT LLC**

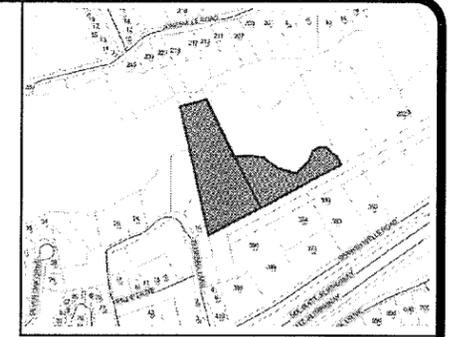
A BOUNDARY & WETLAND SURVEY OF 8.42 ACRES,  
A PORTION OF HONEY HORN PLANTATION,  
TOWN OF HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA.

ATTACHMENT D

- LEGEND**
- ☐ CMS - CONCRETE MONUMENT SET
  - ☐ CMF - CONCRETE MONUMENT FOUND
  - IPS - IRON PIN SET
  - IPF - IRON PIN FOUND
  - # - INDICATES STREET ADDRESS
  - TBM - TEMPORARY BENCH MARK
  - BSL - BUILDING SETBACK LINE

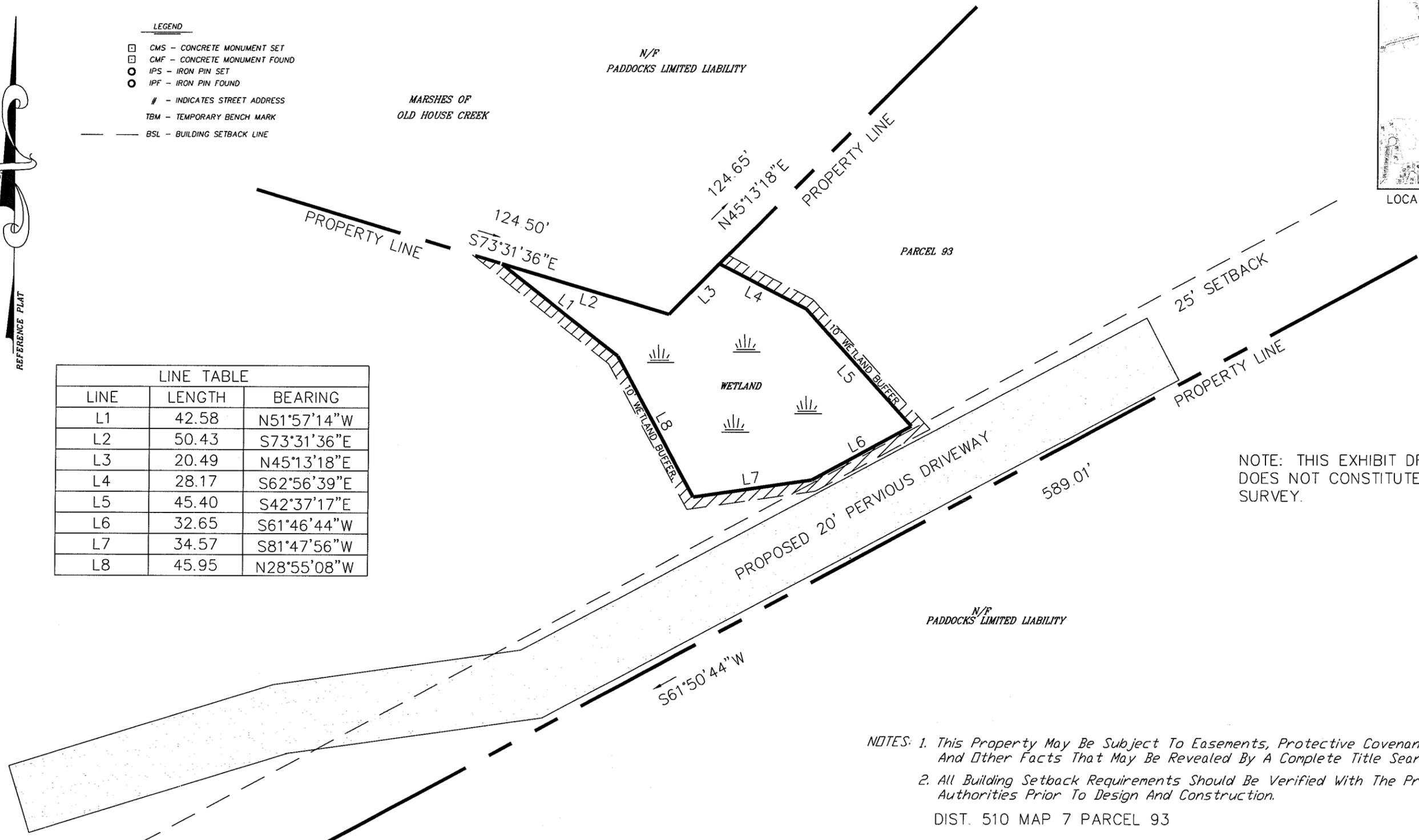
MARSHES OF  
OLD HOUSE CREEK

N/F  
PADDOCKS LIMITED LIABILITY



LOCATION MAP NOT TO SCALE

LINE TABLE		
LINE	LENGTH	BEARING
L1	42.58	N51°57'14"W
L2	50.43	S73°31'36"E
L3	20.49	N45°13'18"E
L4	28.17	S62°56'39"E
L5	45.40	S42°37'17"E
L6	32.65	S61°46'44"W
L7	34.57	S81°47'56"W
L8	45.95	N28°55'08"W



NOTE: THIS EXHIBIT DRAWING DOES NOT CONSTITUTE AN ACTUAL SURVEY.

DRAWN BY B.M.S  
 APPROVED BY W.J.S  
 PARTY CHIEF W.J.S

- NOTES: 1. This Property May Be Subject To Easements, Protective Covenants And Other Facts That May Be Revealed By A Complete Title Search.  
 2. All Building Setback Requirements Should Be Verified With The Proper Authorities Prior To Design And Construction.

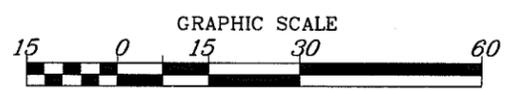
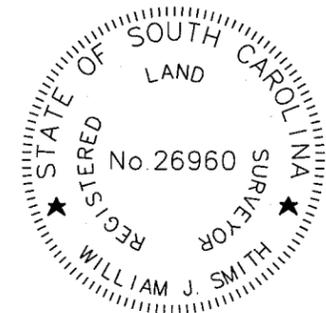
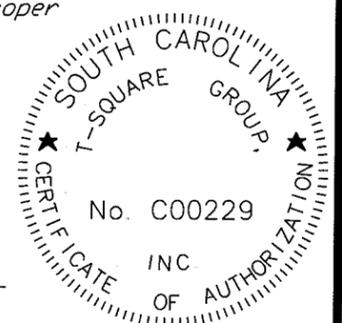
DIST. 510 MAP 7 PARCEL 93

REFERENCE PLAT(s):  
 A PLAT BY WILLIAM S. SANDERS OF  
 A PORTION OF HONEY HORN PLANTATION, DATED 6/6/2008.

THE ABOVE PLAT PREPARED BY ME AT THE REQUEST OF

**SAL TARTAMELLA**

AN EXHIBIT OF A PROPOSED PERVIOUS DRIVEWAY OF PARCEL 93  
 BLUEBELL LANE, A PORTION OF HONEY HORN PLANTATION,  
 TOWN OF HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA.



*W. J. Smith*  
 WILLIAM J. SMITH, PLS # 26960

DATE: APRIL 11, 2011

**T-SQUARE GROUP, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 P.O. Drawer 330  
 139 Burnt Church Road  
 Bluffton, S.C. 29910  
 Phone 843-757-2650 Fax 843-757-5758



# **TOWN OF HILTON HEAD ISLAND**

## *Community Development Department*

**TO:** Board of Zoning Appeals  
**FROM:** Nicole Dixon, CFM, *Senior Planner*  
**DATE:** June 9, 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 last update to the Board of Zoning Appeals.

## Administrative Waivers

### **March- 2011**

1. A project at 2070 Deer Island Road, requested to add a wood walkway through the tidal buffer and to reconstruct decks and stairways attached to non conforming structures. A waiver was granted due to the fact that the property contains a nonconforming structure (deck in tidal buffer). This waiver was granted with a condition that 6 inches of fill be removed out of the tidal buffer. The site will be inspected for compliance as part of the building permit issued for the project.