



The Town of Hilton Head Island
Board of Zoning Appeals Meeting
Monday, August 22, 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 June 27, 2011

8. Unfinished Business

None

9. New Business

Public Hearing

SER110004: John Kelsey is requesting a special exception to operate a liquor store in the Commercial Center (CC) Zoning District. The subject parcel is located at 24 Palmetto Bay Road and is further identified as parcel 368 on Beaufort County Tax Map 15.

Presented by: Anne Cyran

10. Board Business

None

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.

1
2
3 **THE TOWN OF HILTON HEAD ISLAND**
4 **Board of Zoning Appeals**
5 **Minutes of the Monday, June 27, 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, Stephen Murphy and Bob Sharp
10
11 Board Members Absent: Jack Qualey
12
13 Council Members Present: Bill Ferguson
14
15 Town Staff Present: Nicole Dixon, Senior Planner and BZA Coordinator
16 Heather Colin, Development Review Administrator
17 Brian Hulbert, Board Attorney
18 Kathleen Carlin, Board Secretary

19
20 **1. CALL TO ORDER**

21 Chairman DeCaigny called the meeting to order at 2:30p.m.
22

23 **2. ROLL CALL**
24

25 **3. INTRODUCTION TO BOARD PROCEDURES**

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

29 **4. APPROVAL OF THE AGENDA**

30 Vice Chairman Kristian made a **motion** to approve the agenda with the addition of adding
31 the Election of Officers under Board Business. Mr. Brenner **seconded** the motion and the
32 motion **passed** with a vote of 6-0-0.
33

34 **5. APPROVAL OF THE MINUTES**

35 Vice Chairman Kristian made a **motion** to **approve** the minutes of the special May 3, 2011
36 meeting as presented. Mr. Brenner **seconded** the motion and the motion **passed** with a
37 vote of 6-0-0.
38

39 **6. UNFINISHED BUSINESS**

40 None
41

42 **7. NEW BUSINESS**

43 **PUBLIC HEARING**

44 **Public Hearing**

45 **VAR100004:** Request for a variance from LMO Sections 16-6-204, Wetland Buffers,
46 16-5-806-A, Adjacent Use Buffers, 16-6-402, Preservation of Trees and Native
47 Vegetation, and 16-5-1206D, Parking Area Design – Minimum Drive Aisle Width
48 Regulations. Salvatore Tartamella is requesting a variance from adjacent use and wetland

1 buffer requirements, tree preservation requirements and drive aisle width requirements to
2 install a drive aisle to access the rear portion of his property for future development. The
3 property is located off of Blue Bell Lane and is further identified as Parcel 93 on Beaufort
4 County Tax Map # 7.
5

6 Ms. Nicole Dixon made the presentation on behalf of staff. Ms. Dixon presented an
7 overhead review and description of the site. For the past several years, the owner of the
8 property has met with Town staff to discuss the development opportunities for the subject
9 property. The conceptual plans submitted to the staff proposed a multi-family
10 development. The property is oddly shaped, with only a narrow strip of land to access the
11 rear portion of the property, which is about 1.25 acres. This narrow strip of land is
12 surrounded by wetlands on one side and a separate parcel containing a power line easement
13 on the other side. There is also a specimen tree located within this narrow area, so the
14 owner is very limited with providing access to the rear portion of the property.
15

16 Ms. Dixon stated that the staff, including representatives from the Natural Resources and
17 Fire & Rescue Departments, met with the applicant several times on site to determine
18 what type of variance to seek which would cause the least amount of impact to the natural
19 resources while also providing a safe access. The applicant has a permit from DHEC to
20 fill a portion of the wetlands. In order to avoid filling the wetlands, the applicant decided
21 to seek a variance to remove the specimen tree and install a 29' wide drive aisle through
22 the wetland buffer and adjacent use buffer.
23

24 Ms. Dixon presented an in-depth review of the vicinity map, proposed development
25 concept plan, and a survey depicting the variance request. Ms. Dixon presented the staff's
26 Findings of Fact and Conclusions of Law. Based on the Findings of Fact and Conclusions
27 of Law, staff recommended *approval* of the application with the following conditions: (1)
28 the removal of the specimen tree shall be mitigated with the planting of four (4) sweet gum
29 trees (10-12' in height at time of planting) on the subject property; (2) the compromised
30 wetland buffer shall be mitigated to enhance the remaining 5-ft of buffer which will remain
31 between the road surface and the wetland itself, because runoff generated by the road
32 surface can quickly damage the health of the plants and animals within the wetland and
33 cause degradation to the long-term sustainability of the system. A landscaping plan shall be
34 submitted to Natural Resources for approval. This completed the staff's presentation.
35

36 The Board discussed the application and the recommended conditions with the staff.
37 Following this discussion, Chairman DeCaigny requested that the applicant make his
38 presentation.
39

40 The applicant, Mr. Salvatore Tartamella, presented statements in support of the application.
41 Mr. Tartamella reviewed the site and the staff's recommended conditions. Mr. Tartamella
42 stated his appreciation to Ms. Dixon for her assistance with his application. Following
43 final comments by the Board, Chairman DeCaigny requested that a motion be made.
44

45 Mr. Brenner made a **motion to approve** Application for Variance, VAR100004, based on
46 the Findings of Fact and Conclusions of Law contained in the staff's report with the
47 following conditions: (1) the applicant agrees to mitigate the removal of the sweet
48 gum tree by planting six sweet gum trees (10-12-ft. tall) elsewhere on the site; (2) a

1 landscaping plan shall be submitted to Natural Resources for approval which will mitigate
2 the comprised wetland buffer. Vice Chairman Kristian **seconded** the motion and the
3 motion **passed** with a vote of 6-0-0.
4

5 **9. Board Business**

6 Election of Officers - Chairman and Vice Chairman 2011 - 2012

7 Mr. Kristian made a **motion** to re-elect Mr. Roger DeCaigny to serve as Chairman of the
8 Board for the term July 1, 2011 – June 30, 2012. Mr. Brenner **seconded** the motion, and the
9 motion **passed** with a vote of 5-0-0. There were no further nominations for the office of
10 Chairman. Mr. DeCaigny **agreed** to serve as Chairman for the term July 1, 2011 – June 30,
11 2012.
12

13 Mr. Lawrence made a **motion** to re-elect Mr. Peter Kristian to serve as Vice Chairman
14 of the Board for the term July 1, 2011 – June 30, 2012. Mr. Brenner **seconded** the motion
15 and the motion **passed** with a vote of 5-0-0. There were no further nominations for
16 the office of Vice Chairman. Mr. Kristian **agreed** to serve as Vice Chairman for the term
17 July 1, 2011 – June 30, 2012.
18

19 **10. Staff Report**

20 Ms. Dixon presented the staff's Waiver Report to the Board.
21

22 **11. PRESENTATION OF THE TOWN'S CRYSTAL AWARD**

23 Ms. Nicole Dixon presented the Town's Crystal Award to outgoing Board member, Mr. Bob
24 Sharp. Mr. Sharp served on the Board of Zoning Appeals from July 1, 2008 to June 30, 2011.
25 A Farewell Reception in appreciation of Mr. Sharp's service will be held in Council
26 Chambers immediately following today's business meeting. Everyone is invited to attend
27 this event.
28

29 **12. ADJOURNMENT**

30 The meeting was adjourned at 3:15p.m.
31
32

33 Submitted By:

Approved By:

34
35
36 _____
Kathleen Carlin
37 Board Secretary

34
35
36 _____
Roger DeCaigny
37 Chairman
38
39
40



**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
SER110004	Rollers Liquor Store	August 22, 2011

Parcel Data	Owner	Applicant
Address: 24 Palmetto Bay Road Parcel #: R552 015 000 0368 0000 Zoning: Commercial Center (CC), Corridor Overlay (COR)	Palmetto Bay Holdings LLC 17 Plumbridge Lane Hilton Head Island SC 29928	John Kelsey Left Lead Liquors LLC 6 Lagoon Road Hilton Head Island SC 29928

Application Summary

John Kelsey is proposing to operate a Liquor Store in the Commercial Center (CC) Zoning District, which requires special exception approval per Land Management Ordinance (LMO) Section 16-4-1204, Use Table.

Background

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

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

Grounds for a Special Exception

The applicant is requesting special exception approval to operate a liquor store 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 building and that no structural changes are required to accommodate the use. 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

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

Conclusion of Law

1. The applicant may seek a special exception for the proposed use as set forth in LMO

LMO Official Summary of Facts and Conclusions of Law

Summary of Facts

1. The application was submitted as set forth in LMO Section 16-3-1802.
2. Notice of the Application was published in the Island Packet on July 17, 2011 as set forth in LMO Sections 16-3-110 and 16-3-111.
3. Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
4. The applicant submitted an affidavit stating he met the mailed notice requirements as set forth in LMO Section 16-3-111.
5. The Board has authority to render the decision reached here under LMO Section 16-3-1804.

Conclusions of Law

1. The application is in compliance with the submittal requirements established in LMO Section 16-3-1802.
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 **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 enhances the Island’s positive legacies.

Land Use Element:

Section 8.2 – Implication for Comprehensive Plan in 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.

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 needs.

Conclusions of Law

1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805(A).
2. Granting a special exception for this use would facilitate reuse of an existing site and provide flexibility to encourage redevelopment, 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

1. LMO Section 16-4-217 states the purpose of the CC Zoning District is to provide for moderate to high intensity commercial development, especially office and general retail development.
2. The proposed use is a moderate intensity commercial use, which is a use that generates a moderate volume of traffic.

Conclusions of Law

1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805(B).
2. The proposed use will be consistent with the character and purpose statement of the CC Zoning District because the proposed use will be a liquor store that will generate a moderate volume of traffic.

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

1. The proposed liquor store would be located in the Bridge Shops shopping center.
2. The only existing nearby use is another shopping center.

Conclusions of Law

1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805(C).

2. The proposed use is compatible with the existing uses adjacent to and near the property because it will be a moderate intensity commercial use in an area of other moderate to high intensity commercial uses.

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):

Finding of Fact

1. The applicant proposes to operate a Liquor Store, which will not produce any exterior noise, smoke, dust, odor, fumes, water pollution or general nuisance.

Conclusions of Law

1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805(D).
2. The proposed use 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 because the operation of liquor stores will not result in any such nuisances.

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

1. Per LMO Section 16-4-1204, the proposed use is categorized as a Liquor Store, which is permitted in the CC Zoning District with special exception approval.
2. 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

1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805(E).
2. 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 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):

Finding of Fact

1. The subject property is located on Palmetto Bay Road where there are existing curb cuts, a drive aisle and parking spaces.

Conclusions of Law

1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-

- 3-1805(F).
2. The proposed use will be consistent with the existing circulation adjacent to and near the property because the current site has the appropriate infrastructure for vehicular and pedestrian 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

1. The South Island Public Service District provides water and sewer services to the subject parcel.
2. 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

1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805(G).
2. 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

1. The proposed use will be located in an existing building on a developed site.
2. The applicant has no plans to alter the site.

Conclusions of Law

1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805(H).
2. 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):

Finding of Fact

1. LMO Section 16-4-1335 states liquor stores are permitted subject to two standards:
A) the store is not located less than 200 feet from the nearest property line of an existing church or place of worship, private or public school, or residential district;
and B) the store is not located within 500 feet of an existing liquor store.

Conclusions of Law

- 1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805(I).
- 2. The proposed use conforms to the two criteria specified for liquor stores because the store will be located more than 200 feet from existing churches and places of worship, private and public schools and residential districts, and the store will be located more than 500 feet from an existing liquor store.

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

- 1. Staff does not have any findings of facts to show that the proposed use will be contrary to public health, safety or welfare.
- 2. Staff did not receive any comments from the public regarding this application.

Conclusions of Law

- 1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805(J).
- 2. The proposed use will not be contrary to public health, safety or welfare because no evidence was produced to demonstrate that the proposed use will be detrimental and staff did not receive any comments from the public opposing this 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 liquor store 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

July 22, 2011

DATE

REVIEWED BY:

ND

Nicole Dixon, CFM
Senior Planner & BZA Board Coordinator

July 22, 2011

DATE

ATTACHMENTS:

- A) Vicinity Map
- B) Site Map
- C) Photos
- D) Applicant's Narrative



Food Lion



24 Palmetto Bay Road
The Bridge Shops

Publix & Walgreens

BOW CIRCLE

ARCHER ROAD

ARROW ROAD

FOX LANE

OTTER ROAD

PALMETTO BAY ROAD

POSSUM LANE

BEAVER LANE

TARGET ROAD

ACORN LANE

DUNNAGANS ALLEY



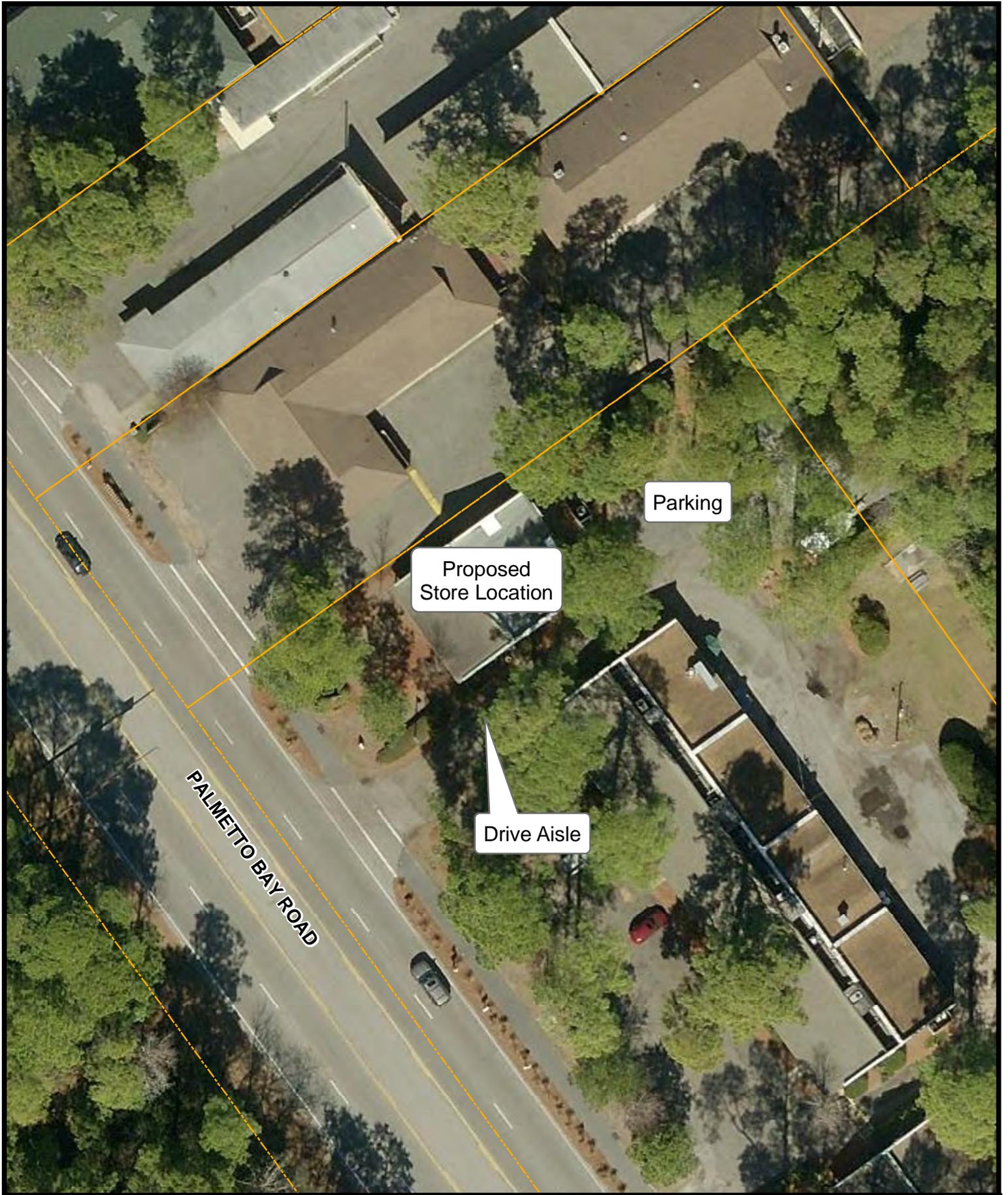
TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-6000

SER110004 Rollers
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.





Parking

Proposed Store Location

Drive Aisle

PALMETTO BAY ROAD



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

SER110004 Rollers
Site 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.



SER110004, Rollers Liquor Store
Attachment C: Photos





SER110004, Rollers Liquor Store
Attachment D: Applicant's Narrative

This application meets the Land Management Ordinance (LMO) Criteria for a Special Exception in the following manner:

1. **The use will be in accordance with the Comprehensive Plan for the Town of Hilton Head Island.** Our business will follow and adhere to the Comprehensive Plan for the Town of Hilton Head Island.
2. **The use will be consistent with the “character and purpose” statement of the applicable district.** Our business will consent to the character and purpose of our tax district on the south end of the island.
3. **The use will be compatible with the existing uses adjacent to and near the property.** Our business will adhere to all of the allowed uses near and around the property.
4. **The use 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.** Our business will in no way negatively affect other tenants and will not hurt the environment in any other way.
5. **The use will not otherwise adversely affect the development of the general neighborhood or of the district in which the use is proposed.** Our business will not disturb the development of the general area around it.
6. **The use will be consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property.** Our business will consent to all existing and planned traffic circulation rules by providing parking to the side and behind our building.
7. **The development will have adequate water and sewer supply, storm water facilities, waste disposal and other public services.** Our business will have adequate water supply and sewer facilities.
8. **The property will be developed in a way that will preserve and incorporate any important natural features that are a part of the site.** Our business will make sure that no natural features are adversely affected.
9. **The property 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 for in Chapter 4 of this Title.** Our business will conform to all conditions for our special exception in the applicable district as set forth by Chapter 4 of the LMO.
10. **The use 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.** Our business will not be contrary to any public health codes and will conform to all public safety standards.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
FROM: Nicole Dixon, CFM, *Senior Planner*
DATE: August 1, 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 June Board of Zoning Appeals meeting.

Administrative Waivers

June - 2011

1. A project at 25 Pembroke Drive, the proposed Walmart expansion (DPR110008): The applicant requested to make some improvements to the parking lot, which is considered a nonconforming site feature. A waiver was granted because the applicant is proposing to bring the parking lot more into conformance with the proposed improvements.

July - 2011

1. A project at 87 Dune Lane: the applicant requested to raise the roof and add heated square feet to an attached nonconforming structure. A waiver was granted due to the fact that the property contains a nonconforming structure (the residence is built within a side setback and buffer). This waiver was granted with a condition that 1 Sabal Palm is planted on the property.
2. A project at 111 Mathews Drive, the Palmetto Electric redevelopment (DPR110005): the applicant requested to remove the impervious materials located within the adjacent use buffer and replace it with storm drainage lines and a vegetated bio-swale. The waiver was granted because the applicant is proposing to establish a vegetated buffer which is currently a nonconforming site feature.