



Town of Hilton Head Island
Board of Zoning Appeals Meeting
Monday, January 23, 2012
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 – Regular Meeting November 28, 2011

8. Unfinished Business

None

9. New Business

Public Hearing

SER110006: Request for Special Exception for a Telecommunications Facility in the Parks and Recreation (PR) Zoning District. Jay Sanders of American Tower Corporation, is proposing to construct a cell tower near the Reverse Osmosis Plant on Jenkins Island. The property is located at 11 Gateway Drive, and is further identified as Parcel 99 on Beaufort County Tax Map 6. *Presented by: Nicole Dixon*

Public Hearing

VAR110005: Clotilde Book is requesting a variance from LMO Section 16-4-704, Forest Beach Neighborhood Character Overlay District Regulations, to allow a proposed addition to the house to encroach into the rear adjacent use setback and buffer. The property is located at 22 Sandpiper Street and is further identified as Parcel 496 on Beaufort County Tax Map 15A. *Presented by: Anne Cyran*

Public Hearing

VAR110006: James Hicks is requesting a variance from LMO Section 16-6-204, Wetland Buffers, to allow proposed additions to the existing house and deck to encroach up to five feet into the wetland buffer. The property is located at 2 Berkshire Court and is further identified as Parcel 256 on Beaufort County Tax Map 15D. *Presented by: Anne Cyran*

Public Hearing

VAR110007: Request for variance from LMO Sections 16-5-704, Adjacent Use Setback and 16-5-806, Adjacent Use Buffer. Brad O’Keefe, with South Island Public Service District, is requesting a variance from the adjacent use setback and buffer to construct a new water supply well. The property is located at 7 Delander Wireless Court, and is further identified as Parcel 918 on Beaufort County Tax Map 14. *Presented by: Nicole Dixon*

10. Board Business

11. Staff Report

Waiver Report - *Presented by: Nicole Dixon*

12. Adjournment

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

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TOWN OF HILTON HEAD ISLAND
Board of Zoning Appeals
Minutes of the Monday, November 28, 2011 Meeting
2:30p.m. - Benjamin M. Racusin Council Chambers

DRAFT

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

Board Members Absent: None

Council Members Present: None

Town Staff Present: Nicole Dixon, Senior Planner
Heather Colin, Development Review Administrator
Kathleen Carlin, Board Secretary

1. CALL TO ORDER

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

2. ROLL CALL

3. INTRODUCTION TO BOARD PROCEDURES

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

Before moving to the next item on the agenda, Vice Chairman Kristian recognized the recent passing of Mr. Charles Raley, a past member of the Board of Zoning Appeals. Vice Chairman Kristian and Chairman DeCaigny acknowledged the contributions made by Mr. Raley during his six-years of service as a member of the Board of Zoning Appeals from July 2003 - June 2009.

4. APPROVAL OF THE AGENDA

Mr. Qualey made a **motion** to **approve** the agenda as presented. Vice Chairman Kristian **seconded** the motion and the motion **passed** with a vote of 7-0-0.

5. APPROVAL OF THE MINUTES

Mr. Stanford made a **motion** to **approve** the minutes of the October 24, 2011 meeting as amended. Vice Chairman Kristian **seconded** the motion and the motion **passed** with a vote of 7-0-0.

6. UNFINISHED BUSINESS

None

1 **7. NEW BUSINESS**

2 **Public Hearing**

3 **SER110005**: Michael McCoy is requesting a special exception to operate a liquor store in
4 the Stoney Mixed Use (SMU) Zoning District. The subject parcel is located at 160 William
5 Hilton Parkway (Fairfield Square) and is further identified as parcel 72A on Beaufort
6 County Tax Map 7.

7
8 Ms. Nicole Dixon made the presentation on behalf of staff. The staff recommended the
9 Board of Zoning Appeals **approve** the application based on the Findings of Fact and
10 Conclusions of Law stated in the staff's report. In October, the applicant asked staff about
11 the requirements for opening a liquor store in the existing, partially occupied building in
12 Fairfield Square at 160 William Hilton Parkway.

13
14 The staff informed the applicant that the use would require a special exception. A
15 convenience store currently occupies one suite within the building; the liquor store would
16 occupy the other suite, which was formerly occupied by a gallery. The property is bound
17 by William Hilton Parkway on the north, Hilton Head Park (Old Schoolhouse Park) on the
18 west, an undeveloped parcel on the east and single family residences on the south.

19
20 The applicant is requesting special exception approval to operate a liquor store in the
21 Stoney Mixed Use (SMU) Zoning District per the requirements of LMO Section 16-4-
22 1204, Use Table. The applicant states in the narrative that the business will operate in an
23 existing building and that no structural changes are required to accommodate the use. The
24 applicant believes the proposed use will be compatible with surrounding uses because all
25 activities will take place in the building and the proposed use will not generate noise, glare,
26 smoke, dust, odor, fumes, water pollution or general nuisance.

27
28 Ms. Dixon stated that the application complies with the required Findings of Fact and
29 Conclusions of Law contained in the staff's report. The applicant was not present at
30 today's meeting for comments or questions from the Board.

31
32 Following staff's presentation, Chairman DeCaigny requested public comments and none
33 were received. The Board briefly discussed the application with the staff. At the
34 completion of this discussion, Chairman DeCaigny requested that a motion be made.

35
36 Vice Chairman Kristian made a **motion** to **approve** Special Exception Application,
37 SER110005 as presented based on the Findings of Fact and Conclusions of Law
38 stated in the staff's report. Mr. Brenner seconded the motion and the motion **passed** with a
39 vote of 7-0-0.

40
41 **9. Staff Report**

42 Waiver Report - Ms. Dixon stated that there are no new waivers to report this month.

43
44 Ms. Dixon stated that the Board's December 19, 2011 regular meeting is canceled due to a
45 lack of agenda items. The next Board meeting will be held on Monday, January 23, 2012.

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10. ADJOURNMENT

The meeting was adjourned at 2:40p.m.

Submitted By:

Approved By:

Kathleen Carlin
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
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**STAFF REPORT
SPECIAL EXCEPTION**

Case #	Name of Development	Public Hearing Date
SER110006	Jenkins Island Telecommunications Facility	January 23, 2012

Parcel Data	Property Owner	Applicant
Address: 11 Gateway Drive Parcel #: R510 006 000 0099 0000 Zoning: Parks and Recreation (PR), Corridor Overlay (COR) Acreage: 53.88	Town of Hilton Head Island One Town Center Court Hilton Head Island, SC 29928	Jay Sanders American Tower Corporation 10 Presidential Way Woburn, MA 01801

Application Summary

Jay Sanders, with American Tower Corporation, is proposing to construct a Telecommunications Facility near the Reverse Osmosis Plant on Jenkins Island, in the Parks and Recreation (PR) Zoning District, which requires special exception approval per Land Management Ordinance (LMO) Section 16-4-1204, Use Table.

Background

The applicant is proposing to construct a 148 foot cell tower for AT&T near the Reverse Osmosis Plant on Town-owned property on Jenkins Island. This tower will improve coverage to in-building and in-vehicle users who are currently experiencing dropped calls and slow data speeds in this area.

On September 20, 2011, Town Council approved the conceptual location of the proposed cell tower.

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

Grounds for Special Exception:

Jay Sanders is requesting special exception approval for a Telecommunications Facility in the PR Zoning District per the requirements of LMO Section 16-4-1204, Use Table. The applicant states in the narrative that the cell tower will be constructed near the existing Reverse Osmosis Plant so that there will be minimal tree disturbance. The applicant believes the proposed use will be compatible with surrounding uses because it will be located near an existing utility and there are sufficient buffers surrounding the use so that the remainder of the property can still be used as a park. The tower will contain telecommunications equipment that will produce little to no noise and will not generate glare, smoke, dust, odor, fumes, water pollution or general nuisance.

Summary of Fact:

- 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 December 18, 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:

Land Use Element:

Goal 8.1 – Existing Land Use

- A. The goal is to have an appropriate mix of land uses to meet the needs of the existing and future populations.

Goal 8.5 – Land Use Per Capita

- A. The goal is to have an appropriate mix and availability of land uses to meet the needs of existing and future populations.

Community Facilities Element:

An Implication for Town Acquired Property on the Island

As the number of Town-owned properties continues to increase careful consideration of future utility is important to long range planning efforts.

Implication for Communications on the Island

As technology improves, it is important for the Town to implement improvements that will help to enhance the services provided to Island residents and visitors.

Implication for Communications on the Island

The Town should continue to monitor available technologies for improvements to the Town’s communications system for emergency management purposes as well as economic development incentives.

Goal 6.4 – Town Acquired Property

B. The goal is to assess the utility and character of Town acquired property.

Goal 6.7 – Communications

A. The goal is to have effective communication services that minimize service interruptions on the Island that support emergency management as well as economic development applications.

Implementation Strategy 6.7 – Communications

A. Communication improvements should be made to improve capacity for economic development (3G) and emergency management through cooperation with service providers.

Economic Development Element:

Potential Strategies with Implications for the Comprehensive Plan

- o Promotion of the Island as world class, but quiet, well-maintained, coastal Island resort community with hi-speed telecommunication capability, road, sea and air access that may lend itself to segments like consulting, some focused medical or medical/sporting research where it is possible to operate with remote capability (“telecommuting”) and also enjoy a rich Island lifestyle.

Some Key Implementation Strategies – 7.7

Encouragement should be given to upgrading electronic telecommunication capability on the Island to facilitate development of the telecommuting market segment. Far too many wireless “cold” spots exist and 3G (third generation) capability on the Island (and higher as it evolves) is limited and spotty. A necessary element of the evolution of the Island’s economy will be the need to embrace the upgrading of reliable wireless capability if the Island is to attract and retain the rapidly growing telecommuting community market segment. Best Management Practice communities, such as Aspen CO, provide excellent learning opportunities to adopt on the Island.

Conclusions of Law:

- Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805(A).
- Increasing the land available for “Telecommunication Facilities” through this Special Exception will help facilitate the construction of infrastructure needed to improve telecommunication services on the Island. This infrastructure is also needed for emergency management services.
- This rezoning will help to meet the market demands for improved cellular service, as well as meet the need for improved emergency management infrastructure, both of which help to improve the quality of life and desirability of the Island.

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 16-4-204, development within the PR Zoning District shall be designed to minimize, as much as possible, the impact on both the environment and the community.
- The proposed cell tower will be constructed near an existing utility facility.
- The purpose of the proposed cell tower is to provide infill cellular service and data service

coverage in this area.

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 PR Zoning District because the tower will be constructed near an existing utility facility so that there is minimal tree disturbance and the reason for the additional tower is to benefit the community.

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 use, which is also on the same property, is a reverse osmosis facility and a planned future Town-owned park.
- The proposed facility will maintain sufficient buffers to allow for continued use of the surrounding property as a future park.
- The parcel already contains sufficient buffering from the adjacent properties and is compatible with the adjacent use which is an RV Resort Park.

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 the existing uses adjacent to and near the property because the proposed use will have limited negative impact on the property or to adjacent properties and will provide increased cellular service coverage to the surrounding properties.

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 proposes to construct a cell tower near an existing utility facility.
- The telecommunications equipment will produce little to no noise.
- The cell tower is an unmanned facility that only requires one to two site visits per month.

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 because it doesn't create any negative impacts to the property.

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 a Telecommunications

<p>Facility, which is permitted in the PR Zoning District with special exception approval.</p> <ul style="list-style-type: none"> • The site already contains a utility facility and the construction of the proposed cell tower will require minimal tree disturbance. • There are sufficient buffers surrounding the utility site and between the adjacent properties. • The proposed tower will improve cellular phone service in the area. <p>Conclusions of Law:</p> <ul style="list-style-type: none"> • 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 there is already an existing utility facility on site and the proposed location of the cell tower will require minimal tree disturbance and won't create any negative impacts. • The proposed tower will benefit the surrounding neighborhood by enhancing the cellular service and E911 coverage in the area.
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<p>LMO Official Summary of Facts and Conclusions of Law</p> <p><i>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):</i></p> <p>Findings of Fact:</p> <ul style="list-style-type: none"> • There is no existing pedestrian circulation adjacent to or near this particular piece of property. • There is an existing access drive that will be utilized to get to the proposed telecommunications facility. <p>Conclusions of Law:</p> <ul style="list-style-type: none"> • 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 circulation adjacent to and near the property because the current site has the appropriate infrastructure for the proposed use and there are no vehicular or pedestrian circulation improvements proposed with this project.

<p>LMO Official Summary of Facts and Conclusions of Law</p> <p><i>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):</i></p> <p>Finding of Fact:</p> <ul style="list-style-type: none"> • The proposed use will not require sewer supply, storm water facilities, waste disposal or other public services. <p>Conclusions of Law:</p> <ul style="list-style-type: none"> • Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805(G). • The proposed use does not require public services.

<p>LMO Official Summary of Facts and Conclusions of Law</p> <p><i>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):</i></p> <p>Findings of Fact:</p>

- The proposed cell tower will be constructed in an existing open area on the property near the reverse osmosis plant and accessed by an existing drive.
- The proposed development will require minimal tree disturbance.

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 the natural features that are a part of the 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:

- Per LMO Section 16-4-1351, there are specific use standards listed for a Telecommunications Facility in the PR Zoning District.

Conclusions of Law:

- Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805(I).
- According to the applicant’s narrative, the proposed use will conform to all of the conditions specified for a Telecommunications Facility. The applicant will be required to obtain an Expedited Development Plan Review permit from the Town to ensure compliance.

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 of 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.
- The purpose of the proposed cell tower is to provide infill cellular service and data service coverage in this area.

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 and in fact will be beneficial to those in the area because the cell tower will improve cellular and data services.

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 Telecommunications Facility in the PR 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:

N.D.

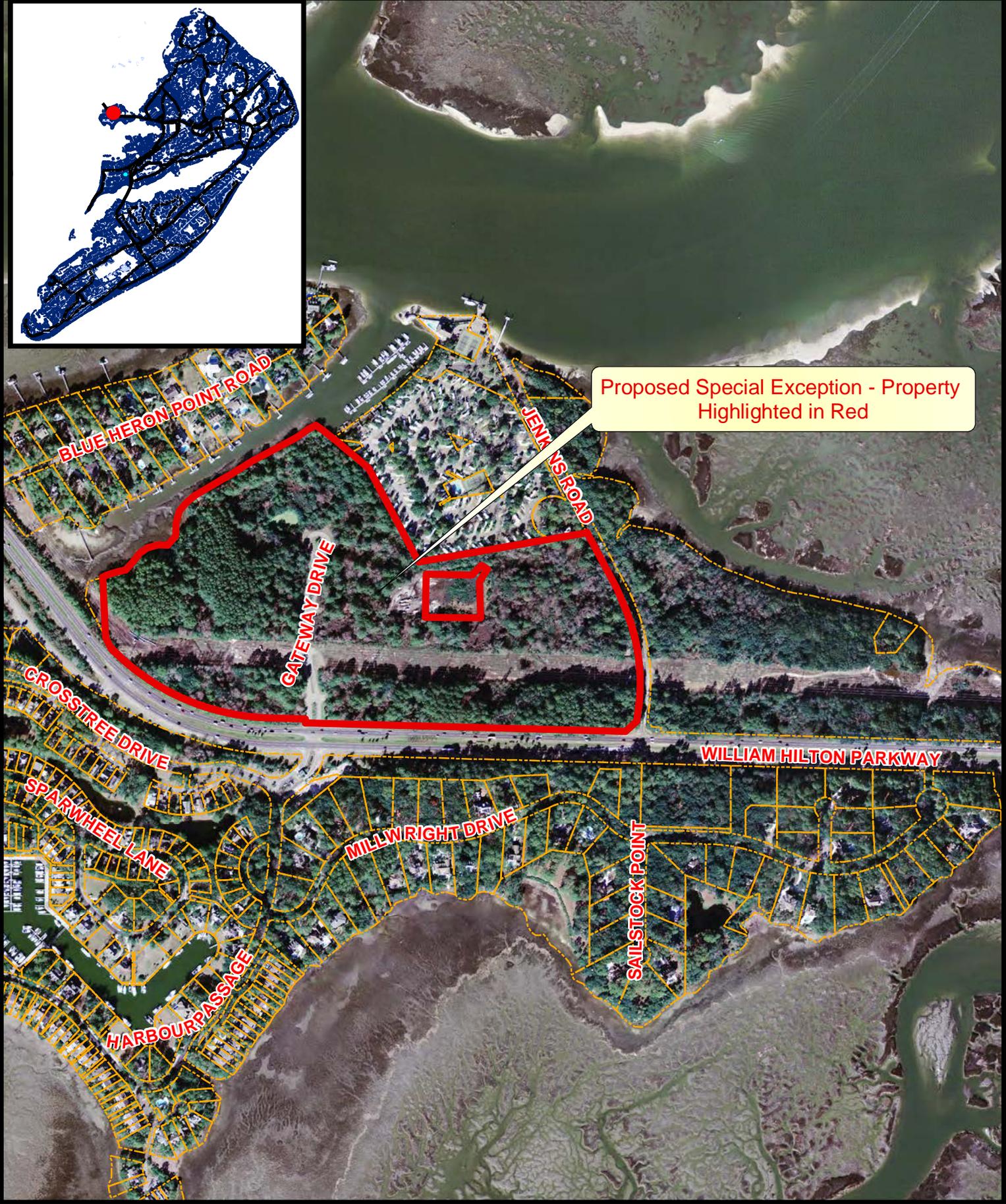
Nicole Dixon, CFM
Senior Planner

December 21, 2011

DATE

ATTACHMENTS:

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



Proposed Special Exception - Property Highlighted in Red


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

Town of Hilton Head Island
ATTACHMENT A
Vicinity Map



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.

ATTACHMENT B



December 6, 2011

Teri B. Lewis, AICP
LMO Official
Community Development Department
One Town Center Court
Hilton Head Island, South Carolina 29928

RE: A narrative requesting a special exception.

Dear Ms. Lewis,

Below is a narrative listing how the proposed telecommunication facility meets the criteria in the LMO Section 16-3-1805.

A. Will be in accordance with the Comprehensive Plan for the Town of Hilton Head Island.

The proposed telecommunication facility will be in accordance with the Comprehensive Plan. Under section 6.7 of the Comprehensive plan the special exception we are applying for will improve communication and E911 coverage.

B. Will be consistent with the "character and purpose" statement of the applicable district.

According to the character and purpose statement of the Parks and Recreation district, the development within this district shall be designed to minimize, as much as possible, the impact on both the environment and community. The proposed telecommunication facility will be minimizing the impact on the environment because it will be located at an existing utility facility and there will be minimal tree disturbance.

C. Will be compatible with existing uses adjacent to and near the property.

The subject property currently has an Osmosis Plant facility located on the current parcel. The proposed telecommunication facility will maintain sufficient buffers to allow for continued use of the surrounding property as a park. There is already existing access that will be used for the propose telecommunication facility. The parcel already contains sufficient buffering from the adjacent properties and is compatible with the adjacent uses.

ATTACHMENT B

- D.** *Will not be hazardous, detrimental or disturbing to the present surrounding land uses due to noise, glare, smoke, odor, fumes, water pollution or general nuisance.*

The proposed telecommunication facility will not be hazardous, detrimental, or disturbing to present surrounding land uses due to noise, glare, smoke, odor, fumes, water pollution or general nuisance. The telecommunication facility will contain telecommunication equipment which will produce little to no noise. Telecommunication facilities are unmanned facilities that only require one to two site visits a month.

- E.** *Will not otherwise adversely affect the development of the general neighborhood or of the district in which the use is proposed.*

The proposed telecommunication facility will not adversely affect the development of the general neighborhood. The adjacent parcels are currently already developed and the Town-owned property surrounding the site is planned for a public park and will be enhanced by the cellular service and E911 coverage.

- F.** *Will be consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property.*

There is no existing pedestrian circulation adjacent to or near this particular piece of property. When the Town Park is designed, it will include pedestrian pathways, but this proposed facility will not have an impact on that design.

- G.** *Will have adequate and sewer supply, storm water facilities, waste disposal, and other public services.*

The proposed telecommunication facility will not require sewer supply, storm water facilities or waste disposal or other public services of this nature. It will provide public cell and E911 service needs to the surrounding area

- H.** *Will be developed in a way that will preserve and incorporate any important natural features that are a part of this site.*

The proposed telecommunication facility will be developed in an existing open area with minimal tree disturbance. There is an existing access drive that will be utilized to get to the proposed telecommunication facility.

- I.** *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.*

Pursuant to Section 16-4-1351, Specific Use Standards, the proposed telecommunication facility meets the specific criteria and conditions.

ATTACHMENT B

- J.** *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.*

The proposed telecommunication facility will not be contrary to the public health, safety and welfare. The reason for the proposed telecommunication facility is to provide infill cellular coverage to the areas near Harbour Passage Road, Millwright Drive and William Hilton Parkway.

Sincerely,



Jay Sanders
Agent for American Tower

ATTACHMENT B GENERAL NOTES

THIS EASEMENT SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF AT&T AND EXCLUSIVELY FOR THE TRANSFERRAL OF THE LEASEHOLD AND THE RIGHTS OF EASEMENT SHOWN HEREON AND SHALL NOT BE USED AS AN EXHIBIT OR EVIDENCE IN THE FEE SIMPLE TRANSFERRAL OF THE SUBJECT PROPERTY NOR ANY PORTION OR PORTIONS THEREOF. NO BOUNDARY SURVEY WAS PERFORMED.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, OR RIGHTS-OF-WAY NOT SHOWN HEREON.

EQUIPMENT USED FOR ANGULAR & LINEAR MEASUREMENTS: LEICA TCRA 1103 ROBOTIC

THE FIELD DATA UPON WHICH THIS EASEMENT SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 20,000+ FEET AND AN ANGULAR ERROR OF 5.0" PER ANGLE POINT AND WAS ADJUSTED USING LEAST SQUARES.

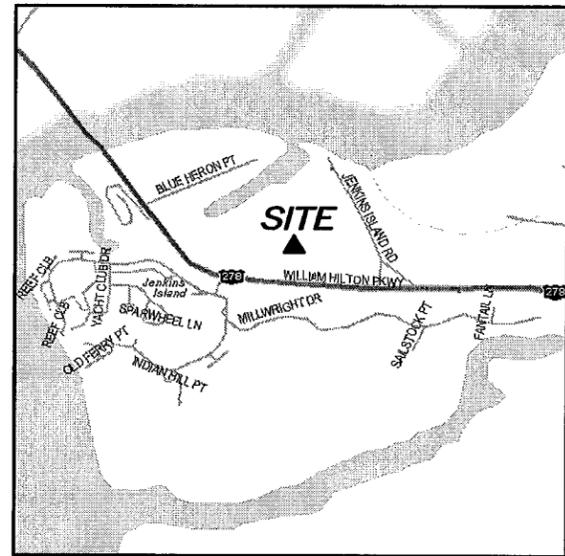
THE PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 100,000+ FEET.

THE 2' CONTOURS SHOWN ON THIS EASEMENT SURVEY ARE ADJUSTED TO NAVD 88 DATUM AND HAVE A VERTICAL ACCURACY OF ± 1'. CONTOURS OUTSIDE THE IMMEDIATE SITE AREA ARE APPROXIMATE.

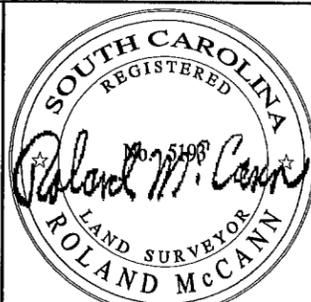
BEARINGS SHOWN ON THIS EASEMENT SURVEY ARE BASED ON GRID NORTH (NAD 83).

THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD AREA (FLOOD ZONE AB - BASE FLOOD ELEVATIONS=15) AS PER F.I.R.M. COMMUNITY PANEL NO. 4500250118D DATED SEPTEMBER 29, 1986.

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM ABOVE GROUND FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.



VICINITY MAP
NOT TO SCALE



NO.	DATE	REVISION
1	12/07/2011	REVISE LEASE - CLC

EASEMENT SURVEY PREPARED BY:
POINT TO POINT LAND SURVEYORS
 810 Jackson Street
 Locust Grove, Georgia 30248
 (p) 678.565.4440 (f) 678.565.4497
 (w) pointtopointsurvey.com



EASEMENT SURVEY PREPARED FOR:



"HHI_BIC_35"

SITE NO.
410-441
HILTON HEAD ISLAND
BEAUFORT COUNTY
SOUTH CAROLINA

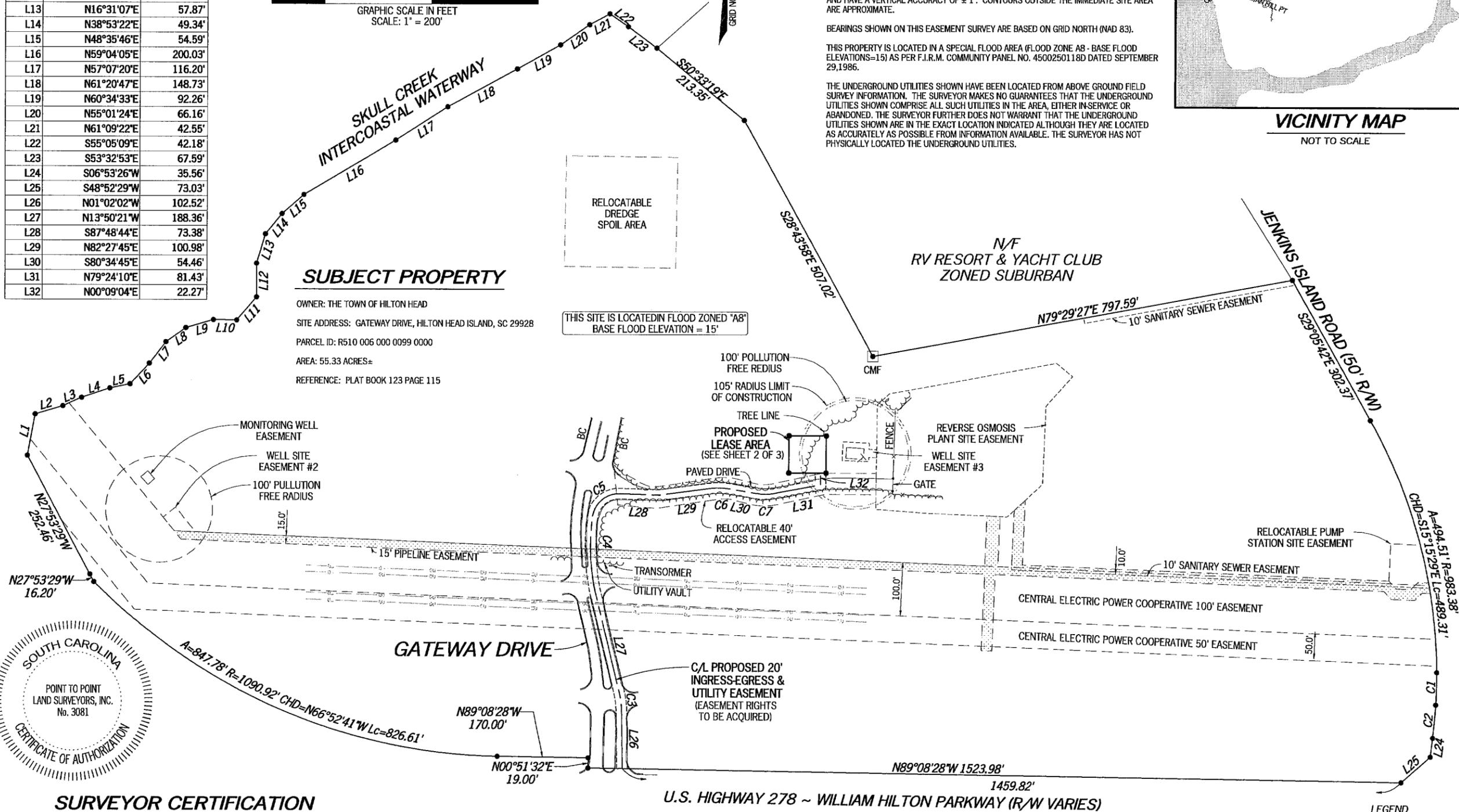
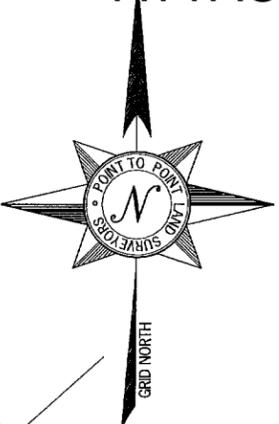
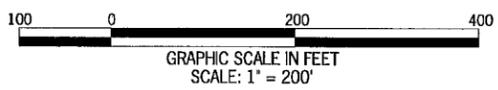
DRAWN BY: NRW	SHEET: 1
CHECKED BY: MW	APPROVED: C. INER
DATE: 14 NOVEMBER, 2011	P2P JOB #: 2011.716
	OF 3

LINE TABLE

LINE	BEARING	DISTANCE
L1	N10°29'09"E	79.22'
L2	N73°15'11"E	54.49'
L3	N65°55'05"E	38.46'
L4	N71°11'44"E	55.44'
L5	N77°59'46"E	38.58'
L6	N42°00'56"E	52.60'
L7	N37°07'20"E	50.91'
L8	N54°38'22"E	46.17'
L9	N73°41'22"E	53.81'
L10	S89°09'33"E	43.89'
L11	N40°37'19"E	57.70'
L12	N00°11'09"W	63.72'
L13	N16°31'07"E	57.87'
L14	N38°53'22"E	49.34'
L15	N48°35'46"E	54.59'
L16	N59°04'05"E	200.03'
L17	N57°07'20"E	116.20'
L18	N61°20'47"E	148.73'
L19	N60°34'33"E	92.26'
L20	N55°01'24"E	66.16'
L21	N61°09'22"E	42.55'
L22	S55°05'09"E	42.18'
L23	S53°32'53"E	67.59'
L24	S06°53'26"W	35.56'
L25	S48°52'29"W	73.03'
L26	N01°02'02"W	102.52'
L27	N13°50'21"W	188.36'
L28	S87°48'44"E	73.38'
L29	N82°27'45"E	100.98'
L30	S80°34'45"E	54.46'
L31	N79°24'10"E	81.43'
L32	N00°09'04"E	22.27'

CURVE TABLE

LINE	ARC	RADIUS	CHD. BRG.	CHD.
C1	60.45'	983.35'	S01°30'12"W	60.44'
C2	62.24'	983.35'	S05°04'40"W	62.23'
C3	44.70'	200.00'	N07°26'12"W	44.61'
C4	143.17'	424.67'	N02°16'00"W	142.49'
C5	72.62'	49.07'	N49°47'22"E	66.18'
C6	29.60'	100.00'	S89°03'30"E	29.49'
C7	40.01'	100.00'	N87°57'27"E	39.75'



SURVEYOR CERTIFICATION

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY SPECIFIED THEREIN.

THIS SURVEY IS NOT FOR RECORDATION PURPOSES.

LEGEND

- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- CMF CONCRETE MONUMENT FOUND
- EP EDGE OF PAVEMENT
- BC BACK OF CURB
- OU OVERHEAD UTILITY
- TR TRANSFORMER
- N/F NOW OR FORMERLY



ATTACHMENT B

Memo

To: Whom It May Concern
From: Greg Knight, AT&T Mobility RF Engineer
Date: 01/05/2012
Re: Proposed Site 410-441 "HHI_BIC_34" preliminary analysis

Please review the following information regarding the proposed AT&T site to be called HHI_BIC_34 (410-441).

AT&T is requesting permission to build a 140ft communications tower facility at the Osmosis Plant near the entrance to Hilton Head Island, SC. This tower will improve coverage to in-building and in-vehicle users in this area.

This is a preliminary study performed using the rough coordinates submitted by the site acquisition agent. The final design, including exact location and antenna azimuths will be done later based on the exact tower location as determined by a survey.

As can be seen on the attached propagation plots, the Windmill Harbor area is currently covered almost exclusively in the Yellow (-92dBm) coverage, which is only sufficient to support in-vehicle users. Also, AT&T customers often report network performance problems (dropped or distorted calls, slow data speeds, etc) when traveling through this area. The proposed site will fully cover the area with Green (-74dBm) coverage, which will support in-building users in most residential and commercial structures.

This site will be designed to support AT&T's existing GSM, "3G" UMTS, and upcoming "4G" LTE networks, to provide the maximum service possible to users in this area in terms of voice and high-speed data applications.

Should you need additional information, please contact me at the following number, (912) 398-5304.

Respectfully,

A handwritten signature in black ink, appearing to read "Greg Knight".

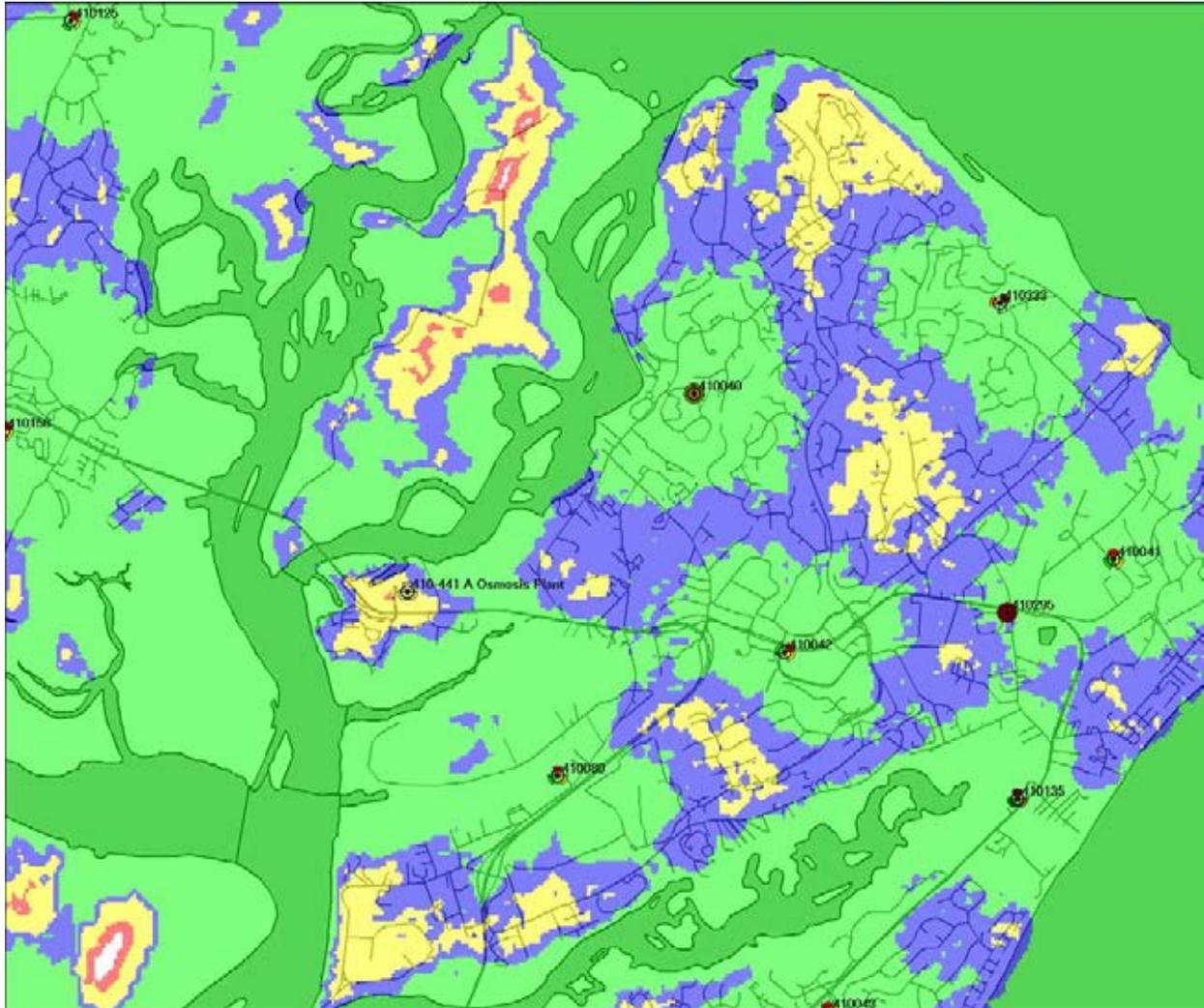
Greg Knight
RF Engineer
AT&T Mobility



ATTACHMENT B

Existing AT&T Coverage

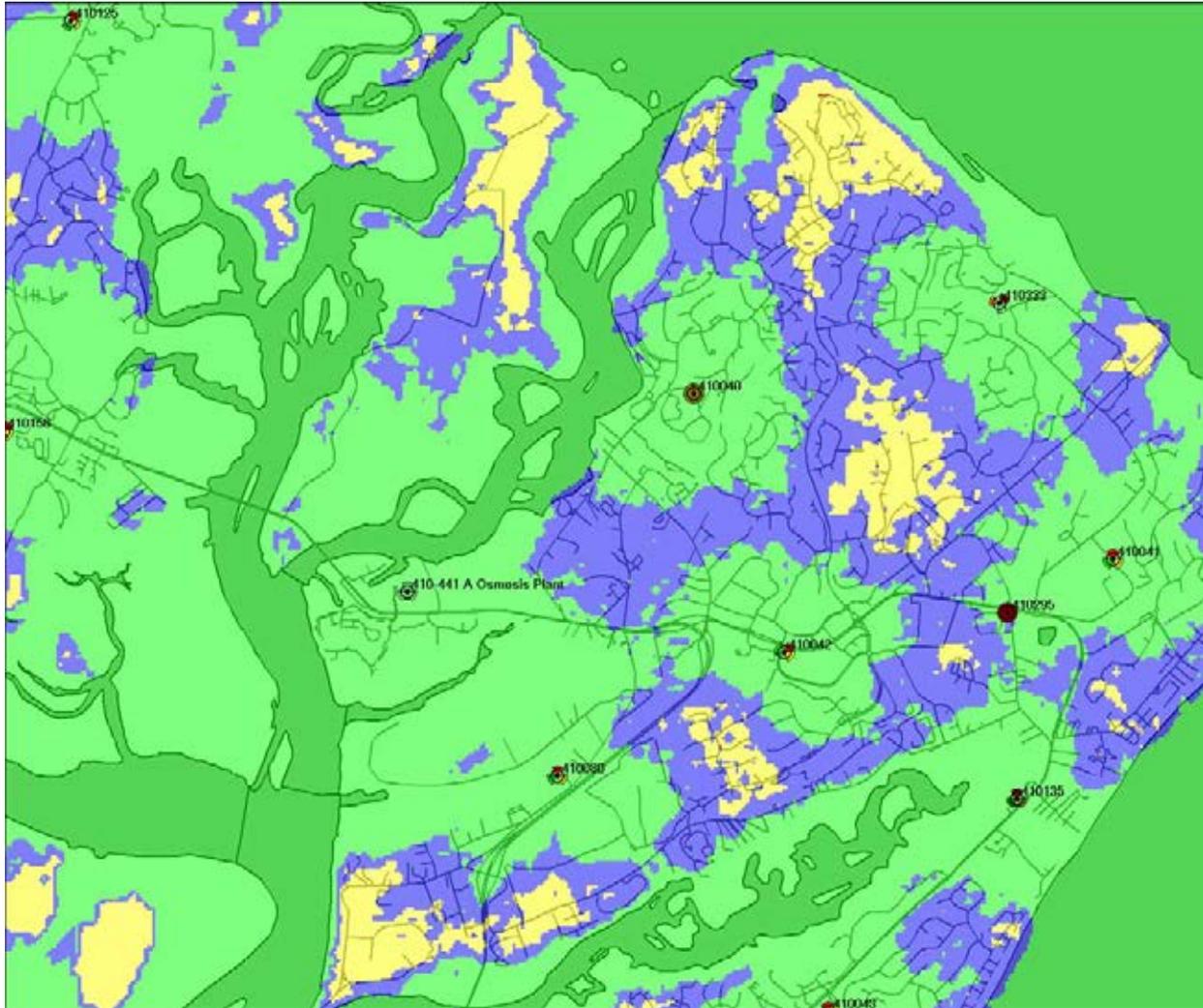
(Green: -74dBm Urban, Blue: -82dBm Suburban, Yellow: -92dBm Rural, Red: -104 dBm Marginal)





ATTACHMENT B

Proposed AT&T Coverage with site 410-441
(Green: -74dBm Urban, Blue: -82dBm Suburban, Yellow: -92dBm Rural, Red: -104 dBm Marginal)





TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court

Hilton Head Island, SC 29928

843-341-4757

FAX 843-842-8908

STAFF REPORT VARIANCE

Case #	Public Hearing Date
VAR110005	January 23, 2012

Parcel or Location Data	Property Owner & Applicant
Address: 22 Sandpiper Street Parcel#: R550 015 00A 0496 0000 Zoning: RS-5 (Residential Single Family) Acreage: 0.30	Clotilde Book 22 Sandpiper Street Hilton Head Island SC 29928

Application Summary

Clotilde Book, the property owner, is requesting a variance from Land Management Ordinance (LMO) Section

16-4-704, Forest Beach Neighborhood Character Overlay District (FBNCOD) Regulations

The applicant is requesting a variance from the rear adjacent use setback and buffer requirement to allow a portion of an addition to her house to encroach into the rear setback and buffer.

Background

Clotilde Book, the property owner, applied for a building permit on November 16, 2011 to build a 525 square foot addition on her 1,260 square foot house, which was built in 1972. Based on a consultant's recommendations to improve energy efficiency, the building plans include two additions to fill out the original H-shaped floor plan and repairs to the roof, insulation and duct work. (See Attachments D and E). The building permit was approved, and the additions and repairs are currently underway. The approved additions will not encroach into any setbacks or buffers. There is an existing shed on the side of the house that is legally non-conforming because it encroaches 42 square feet into the side adjacent use setback and buffers. (See Attachment D.) The total size of that encroachment is 3.5% of the setback and buffer area.

Ms. Book would like to amend the approved building plan to add a gas fireplace in the back of the house. (See Attachment E.) Ms. Book states the fireplace would heat the house warmer and more efficiently than other options. (See Attachment C.) As this property is located in the North Forest Beach Neighborhood Character Overlay District, it is subject to a 12 foot adjacent use setback and buffer on the rear of the property. The proposed fireplace would require a 48 square foot encroachment (12 wide by four feet deep) into this setback and buffer. (See Attachment D.) The total

size of the proposed encroachment would be 3.6% of the setback and buffer area.

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

Grounds for Variance

The applicant is requesting a variance to add a fireplace to her house which would add a 48 square foot encroachment into the 1,320 square foot rear adjacent use setback and buffer area. The applicant states the encroachment is necessary to install a fireplace to efficiently heat her home.

Summary of Facts

- 1. The applicant seeks a variance from LMO Section 16-4-704, Forest Beach Neighborhood Character Overlay District regulations.
- 2. The applicant proposes to construct an addition to her house, a portion of which would encroach into the rear adjacent use setback and buffer.

Conclusion of Law:

- 1. The 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:

- 1. Application was submitted as set forth in LMO Section 16-3-1903.
- 2. Notice of the Application was published in the Island Packet on December 18, 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 Board has authority to render the decision reached here under LMO Section 16-3-1905.

Conclusions of Law:

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

As provided in LMO 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:

- 1. The property is 0.30 acres.
- 2. The property is square in shape.
- 3. The property does not contain wetlands.

Conclusions of Law:

1. This application **does not** meet this variance criteria as set forth in LMO Section 16-3-1906A(1).
2. There are no extraordinary or exceptional conditions pertaining to this property because the parcel is of average size, is square in shape and does not contain any wetlands.

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:

1. There are no extraordinary or exceptional conditions pertaining to this property.

Conclusions of Law:

1. This application **does not** meet this variance criteria as set forth in LMO Section 16-3-1906A(2)
2. There are no extraordinary or exceptional conditions pertaining to this property and therefore there are no conditions to compare 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))

Finding of Fact:

1. There are no extraordinary or exceptional conditions pertaining to this property.

Conclusions of Law:

1. This application **does not** meet this variance criteria as set forth in LMO Section 16-3-1906A(3).
2. There are no extraordinary or exceptional conditions pertaining to this property and therefore the application of the LMO to the property would not effectively prohibit or unreasonably restrict the utilization of the 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:

1. The approved additions to the house do not encroach into the rear adjacent use setback and buffer area.
2. The applicant selected the design of the additions.
3. The applicant could forgo the proposed fireplace or could move the fireplace within the footprint of the approved rear addition.

Conclusions of Law:

1. This application **does not** meet this variance criteria as set forth in LMO Section 16-3-1906A(4)
2. The applicant's selection of a design that requires an encroachment into the rear adjacent use setback and buffer instead of selecting a different design has caused the hardship.

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:

1. The Comprehensive Plan addresses the proposed variance in the following sections:
Natural Resources Element
Goal 3.3 - Protect Quality of Life through Environmental Preservation
D. The goal is to preserve open space (including improvement and enhancement of existing).
Implementation Strategy 3.3 - Protect Quality of Life through Environmental Preservation
B. Investigate incentives to encourage all property owners to replant native trees for those removed and keep buffers undisturbed in accordance with Design Review Guide.
2. Currently one of the four buffer and setback areas on the property is disturbed. The proposed encroachment would increase that to two of the four buffer and setback areas being disturbed.
3. The LMO addresses the proposed variance in the following sections:
 - 16-4-704, Forest Beach Neighborhood Character Overlay District (FBNCOD) Regulations, requires a rear adjacent use setback and buffer equal to ten feet or ten percent of the property's depth, whichever is greater.
 - 16-7-101, Nonconformities – General Provisions, states that the gradual elimination or lessening of nonconformities is generally desirable.
4. The proposed encroachment would make the required buffer and setback nonconforming.
5. The proposed encroachment would make the entire house a legally nonconforming structure.

Conclusions of Law:

1. This application **does not** meet this variance criteria as set forth in LMO Section 16-3-1906A(5).
2. This application substantially conflicts with the Natural Resources Element of the Comprehensive Plan. The parcel currently has a legally non-conforming encroachment in one of the four required buffers. If this request is approved, it would disturb one of the currently undisturbed buffers resulting in two of the four required buffers being disturbed.
3. This application substantially conflicts with the neighborhood's overlay district by permitting a currently conforming buffer and setback area to become nonconforming.
4. This application substantially conflicts with the LMO's goal to reduce nonconformities because it would allow a conforming structure to become nonconforming.

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:

1. The proposed encroachment will not be visible from North Forest Beach Drive. (See Attachment F.)
2. The side adjacent use setback and buffer areas will, for the most part, shield the addition from view of the adjacent properties.

Conclusions of Law:

1. This application **does** meet this variance criteria as set forth in LMO Section 16-3-1906A(6).
2. Granting of this variance will not be a substantial detriment to the adjacent property because it is not visible to North Forest Beach Drive or to properties on either side of the subject parcel.

Staff Recommendation

Staff recommends that the Board of Zoning Appeals *disapprove* the application based on those Findings of Facts and Conclusions of Law as stated in the LMO Official Determination and this staff report.

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:

AC

Anne Cyran, AICP
Senior Planner

December 30, 2011

DATE

REVIEWED BY:

ND

Nicole Dixon, CFM
Senior Planner & BZA Coordinator

January 6, 2012

DATE

ATTACHMENTS:

- A) Vicinity Map
- B) Aerial Photo
- C) Applicant's Narrative
- D) Site Plan
- E) Proposed Floor Plan
- F) Photos



22 Sandpiper Street

BARCELONA DRIVE

SANDPIPER STREET

CARTERS MANOR

PELICAN STREET

NORTH FOREST BEACH DRIVE

NIGHT HAWK STREET

OSPREY STREET

DUNE LANE

QUAL STREET

ROBIN STREET

SEA HAWK LANE



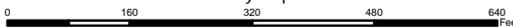
TOWN OF HILTON HEAD ISLAND
 ONE TOWN CENTER COURT
 HILTON HEAD ISLAND, SC 29928
 (843) 341-6000

December 19, 2011

22 Sandpiper Street

VAR110005

Attachment A - Vicinity Map



1 inch = 249 feet



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.



SANDPIPER STREET

NORTH FOREST BEACH DRIVE

ROBIN STREET

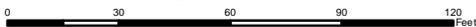


TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, SC 29928
(843) 341-6000

December 19, 2011

22 Sandpiper Street
VAR110005

Attachment B - Aerial Photo



1 inch = 51 feet



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.

Dec 2, 2011

Town of Hilton Head
Community Development Dept

Application for a "Variance"

I am attempting to "Green my Home" through the "Elm Energy Group" who worked on the HDTV green home built in "Traditions" awhile ago. I had a blower test to see where the problems lay so we could address them. The findings from the test showed I needed new duct work completely through out the home, bigger & more return vents, and to seal off my gable end vents and put 5 inches of open cell foam under the entire roof.

I have an H shape house. The connector part was found to be inadequate to accomplish both the 5" insulation and the duct work because the roof did not allow enough room. So it was decided to gain the most efficiency from a major over haul would be to totally encapsulate the middle of the home. We decided a gas fireplace in the middle of the house could heat warmer than the emergency strips on the heat pump and if this room had 5" of foam around it with doors could act as an emergency room for heat if the electricity were to go down. We are adding a new roof over the entire middle of the home high enough to run duct work, foam and attic space to have access to both sides of the homes inside roof area for any future repairs or adjustments. There will be a whole new shingled roof over the entire home before we do the final testing to see how air tight it is for any adjustments.

However to accomplish this adequately with a fire place of about 30,000btu I will need 4 more feet into the back buffer setback for it to be adequate for the home for emergency strip heat reduction, return vents, and total enclosure with proper air flow and install the fireplace. This back of the setback is in fact also connected to a town park open space which buffers my property from the sidewalk and NFB. This park is "au naturel" or virgin forest. There are no trees in the space I need which is approx 4'x12' nor is it within sight of any neighbors view. I am removing my front door on NFB to the Sandpiper St side for access but I have lost frontage on my property from the town placing the new street on my property instead of where the survey map showed it was supposed to go.

Thank you for your consideration in this matter.

Clotilde Book
22 Sandpiper St
Hilton Head Island, SC 29928

Dec 2, 2011

Town of Hilton Head
Board of Zoning Appeals

Outline for Variance Criteria for 22 Sandpiper St:

- A. **There are extraordinary and exceptional conditions pertaining to the particular piece of property.** Yes. This home was built in 1972 with the front door facing the North Forest Beach road & Park side. This is not practical as one can not put a sidewalk nor driveway thru town property to their front door. I am now attempting to swap the front door to Sandpiper St. side and “Green my home” and at the same time by enclosing the middle of my home, all new duct work in the attic and a new roof with 5” of open cell spray foam put in to seal it.
- B. **These conditions do not pertain to other properties in the vicinity.** No. As surrounding homes all have front doors with access to their driveway on the same side which is the Sandpiper St side. All are newer homes that have been updated.
- C. **Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.** Yes. The house was built with the front door facing North Forest Beach rd just 20’ from the property line with future planned additions being put in the “back” of the house on Sandpiper St side. However I need a 4(d)x13(w) space to finish the room with a gas fireplace and soffit overhangs to help heat the home in the winter with the proper return vents for the home and cool in the summer with cross ventilation from the nearby trees. However there are not any trees in the planned area nor 15’ from the final structure when completed. I have left the town park and most of my property as virgin forest with natural native habitat.
- D. **Is not the result of the applicant’s own actions.** No. I am not the original owner who built this home back when the town restrictions were entirely different in 1972 and people had access from NFB directly to their property. Large setbacks on a park were unheard of also.
- E. **Granting of the variance does not substantially conflict with the Comprehensive Plan and the purposes of the LMO.** No. Not anymore than the builder of 20 Sandpiper placed half of the driveway on my property along with placing two stone entrances over the property line on to mine and the street where people back into them because they block our driveways (18 & 22 Sandpiper St) and the town even built the “New” Sandpiper St onto my property. I believe what I am asking for is proper.
- F. **The authorization of the variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by granting the variance.** No. I have the smallest house on the block that has never been upgraded. I am attempting to make the home more utility efficient and upgrade the neighborhood.

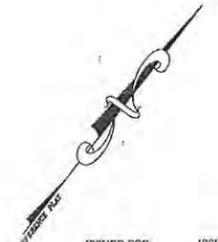
VAR110005, 22 Sandpiper Street Staff Report - Attachment D

LOT 188A



LOT 186

Sandpiper Street



ISSUED FOR: PERMIT
ISSUE DATE: 10-9-11

- NOTES:
- 1) UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN.
 - 2) SEA ISLAND LAND SURVEY, LLC. CERTIFIES TO THE BOUNDARY, TOPOGRAPHIC AND ASBUILT INFORMATION PROVIDED HEREON AS THE DATE OF THE SURVEY. THIS SURVEY MAY BE USED IN DIGITAL FORMAT AS A BASE FOR OTHERS AND ANY REVISIONS OR ADDITIONS MADE HEREAFTER IS NOT THE RESPONSIBILITY OF SEA ISLAND LAND SURVEY, LLC. A HARD COPY AVAILABLE FROM SEA ISLAND LAND SURVEY, LLC. WILL BE THE ONLY OFFICIAL DOCUMENT.
 - 3) SUBJECT PROPERTY DOES NOT APPEAR TO BE AFFECTED BY THE BEACHFRONT SETBACK REQUIREMENTS OF THE S.C. BEACH PROTECTION ACT OF JULY 1, 1988.
 - 4) HORIZONTAL DATUM IS LOCAL.
 - 5) VERTICAL DATUM IS NGVD29.
 - 6) CONTOUR INTERVAL IS 1'.
 - 7) USE OF THIS PROPERTY MAY BE AFFECTED BY THE TERMS OF COVENANTS RELATING TO THIS PLANNED RESIDENTIAL COMMUNITY.
 - 8) BUILDING SETBACKS, WHETHER SHOWN OR NOT, SHOULD BE VERIFIED BY THE LOCAL BUILDING AUTHORITY OR ARCHITECTURAL REVIEW BOARD.
 - 9) THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 - 10) IF IDENTIFICATION OF TREES IS CRITICAL TO DEVELOPMENT, AN ARBORIST SHOULD BE CONSULTED TO VERIFY SUCH TREE IDENTIFICATION.

10' Side Adjacent Use Setback and Buffer

20' Adjacent Street Setback and Buffer

10' Side Adjacent Use Setback and Buffer

LOT 185

LOT 184

LOT 183

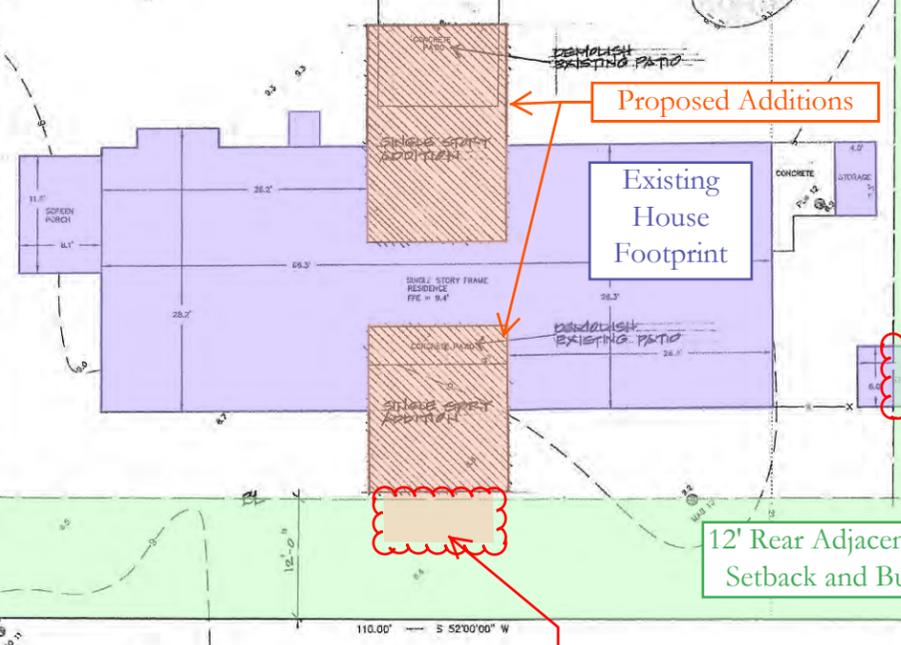
LEGEND & SYMBOLS:

TREE SIZES ARE INCHES IN DIAMETER

SPOT ELEVATION
CONTOUR
3" CONCRETE MONUMENT FOUND
1/2" IRON PIN FOUND
P.C. NAIL FOUND
TEMPORARY BENCH MARK
INVERT ELEVATION
FINISHED FLOOR ELEVATION
HIGH DENSITY POLYETHYLENE PIPE
LIVE OAK
LAUREL OAK
MANGROVE
PALM
PINE
QUIN
TELEPHONE SERVICE
LIGHT POLE
ELECTRIC SERVICE

- REFERENCE PLATS:
- 1) A SUBDIVISION PLAT OF HILTON HEAD BEACH SUBDIVISION NO. 2A, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA. DRAWN: JAN-JUNE 1958. RECORDED IN BOOK 11, PAGE 19, DATED 8/9/58. RCD: BEAUFORT COUNTY, SC. BY: FRED C. HALL, S.C.R.L.S. NO. 1377.
 - 2) A BOUNDARY RECONFIGURATION SURVEY OF HILTON HEAD BEACH SUBDIVISION NO. 2A, HILTON HEAD ISLAND, BEAUFORT COUNTY, S.C. DRAWN: 1/24/02, LAST REVISED: 3/17/03. RECORDED IN BOOK 92, PAGE 107, DATED 4/15/03. RCD: BEAUFORT COUNTY, SC. BY: RALPH O. VANADORE, S.C.R.L.S. NO. 7806.

PROPERTY AREA = 0.30 AC. 13,200 S.F.
ADDRESS: # 22 SANDPIPER STREET
DISTRICT: 550, MAP: 15A, PARCEL: 496
THIS PROPERTY LIES IN F.E.M.A. ZONE A7
BASE FLOOD ELEVATION = 14.0'
COMMUNITY NO. 450250, PANEL: 0013D, DATED: 9/29/86



Proposed Additions

Existing House Footprint

Existing 42 square foot encroachment into the 10' Side Adjacent Use Setback and Buffer

12' Rear Adjacent Use Setback and Buffer

Proposed 4' x 12' (48 sq ft) encroachment into the 12' Rear Adjacent Use Setback and Buffer

Robert S. Tedford, A.I.A.
Architect

BOOK RESIDENCE
22 SANDPIPER STREET
NORTH FOREST BEACH, HILTON HEAD ISLAND, SC 29910

ASBUILT, BOUNDARY, TREE AND TOPOGRAPHIC SURVEY OF: LOT 184, HILTON HEAD BEACH SUBDIVISION NO. 2-A, NORTH FOREST BEACH, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

PREPARED FOR: CLOTILDE BOOK

DATE: 10/20/11 SCALE: 1" = 8'

Sea Island Land Survey, LLC
4D Mathews Court, Hilton Head Island, SC 29926
Tel: (843) 681-3248 Fax: (843) 689-3871
E-mail: sils@sprynet.com
FILE No.: 03168/4 DWG No.: 2-1553



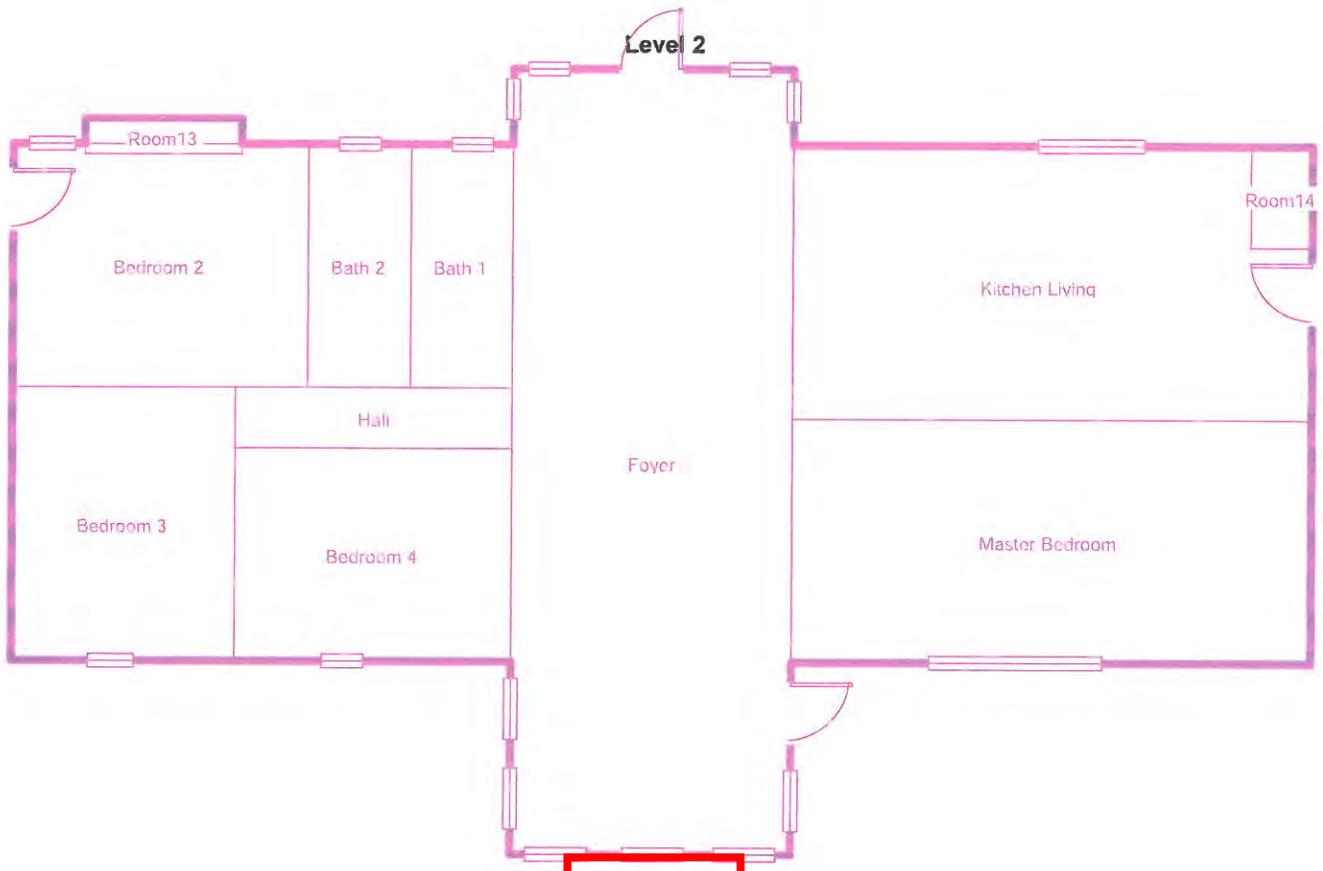
NOT VALID UNLESS EMBOSSED.

SHT. 1 OF 11



VAR110005, 22 Sandpiper Street
Staff Report - Attachment E

Sandpiper Street ↑



Approximate Location of
Proposed Fireplace

North Forest Beach Drive ↓

Job #:
Performed for:
CiCi Book
22 Sandpiper Lane
Hilton Head Island, SC 29928
Phone: 843-301-2424

Elm Energy Group, LLC
PO Box 7066
Hilton Head Island, SC 29938
Phone: 843-296-3715
jamie@elmenerygroup.com

Scale: 1 : 106
Page 1
Right-Suite@ Universal
8.0.22 RSU15427
2011-Nov-14 20:46:38
...k Residence\Book remodel JDK.rup

VAR110005, 22 Sandpiper Street
Staff Report – Attachment F

Addition on the Back of the House



The proposed
fireplace would be
here.

Back of House



The proposed
fireplace would be
here.

View from North Forest Beach Drive





TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court

Hilton Head Island, SC 29928

843-341-4757

FAX 843-842-8908

STAFF REPORT VARIANCE

Case #	Public Hearing Date
VAR110006	January 23, 2012

Parcel or Location Data	Property Owner & Applicant
Address: 2 Berkshire Court Parcel#: R550 015 00D 0256 0000 Zoning: PD-1 (Wexford Plantation) Acreage: 0.25	James Hicks 2 Berkshire Court Hilton Head Island SC 29928

Application Summary

James Hicks, the property owner, is requesting a variance from Land Management Ordinance (LMO) Section

16-6-204.B.1, Wetland Buffers – Minimum Width of Buffer

The applicant is requesting a variance from the wetland buffer requirement to allow a portion of an addition to his house to encroach into the wetland buffer.

Background

The house on the subject parcel was built in 2006, and Jim Hicks, the current owner, purchased it in 2009. There is a lagoon behind the house which is required per LMO Section 16-6-204.B to have a 20 foot wide wetland buffer. Mr. Hicks would like to build an addition on the back of his house to expand the existing screened porch. He would also like to build a staircase on the back of the house that will provide direct access to the back yard. A portion of the proposed addition and the proposed staircase would encroach into the wetland buffer. (See Attachment D.)

Mr. Hicks applied for a variance in December to allow these encroachments. He has not yet designed the addition because he is waiting until this request has been either approved or disapproved.

Staff recommends that, if the variance is approved, that the Board of Zoning Appeals adds a condition that the owner must plant the remaining portion of the wetland buffer with native wetland vegetation per a planting plan approved by Town staff.

Applicant's Grounds for Variance, Summary of Facts and Conclusions of Law
<p>Grounds for Variance The applicant is requesting a variance to add an addition and a staircase to his house which would encroach into the adjacent wetland buffer area. The applicant states the encroachment is necessary to build a staircase that will provide direct access from the house to the back yard.</p> <p>Summary of Facts</p> <ol style="list-style-type: none"> 1. The applicant seeks a variance from LMO Section 16-6-204.B, Wetland Buffers – Minimum Width of Buffer. 2. The applicant proposes to construct an addition and a staircase on the back of his house, portions of which would encroach into the wetland buffer. <p>Conclusion of Law:</p> <ol style="list-style-type: none"> 1. The 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
<p>Summary of Facts:</p> <ol style="list-style-type: none"> 1. Application was submitted as set forth in LMO Section 16-3-1903. 2. Notice of the Application was published in the Island Packet on December 18, 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 Board has authority to render the decision reached here under LMO Section 16-3-1905. <p>Conclusions of Law:</p> <ol style="list-style-type: none"> 1. The application is in compliance with the submittal requirements established in LMO Section 16-3-1903. 2. The application and notice requirements comply with the legal requirements established in LMO Sections 16-3-110 and 16-3-111. 3. The applicant submitted an affidavit stating they met the mailed notice requirements as set forth in LMO Section 16-3-111.

As provided in LMO 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
<p><i>Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property. (LMO Section 16-3-1906A(1))</i></p> <p>Findings of Fact:</p> <ol style="list-style-type: none"> 1. The property is 0.25 acres. 2. The property is rectangular. 3. The property does not contain wetlands. <p>Conclusions of Law:</p> <ol style="list-style-type: none"> 1. This application does not meet this variance criteria as set forth in LMO Section 16-3-

1906A(1).

2. There are no extraordinary or exceptional conditions pertaining to this property because the parcel is of average size, is rectangular in shape and does not contain any wetlands.

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:

1. There are no extraordinary or exceptional conditions pertaining to this property.

Conclusions of Law:

1. This application **does not** meet this variance criteria as set forth in LMO Section 16-3-1906A(2)
2. There are no extraordinary or exceptional conditions pertaining to this property and therefore there are no conditions to compare 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))

Finding of Fact:

1. There are no extraordinary or exceptional conditions pertaining to this property.

Conclusions of Law:

1. This application **does not** meet this variance criteria as set forth in LMO Section 16-3-1906A(3).
2. There are no extraordinary or exceptional conditions pertaining to this property and therefore the application of the LMO to the property would not effectively prohibit or unreasonably restrict the utilization of the 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:

1. The applicant would like to expand an existing screened porch.
2. The applicant could limit the proposed addition to the areas of the yard that are not in the wetland buffer.
3. The house currently has two exits that meet International Building Code standards.
4. The applicant could design a staircase on the back of the house that does not encroach into the wetland buffer.

Conclusions of Law:

1. This application **does not** meet this variance criteria as set forth in LMO Section 16-3-1906A(4).
2. This hardship is the result of the applicant's own actions because the applicant could design the addition and staircase so that they wouldn't encroach into the wetland buffer.

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:

1. The Comprehensive Plan addresses the proposed variance in the following sections:
Natural Resources Element Goal 3.3 - Protect Quality of Life through Environmental Preservation
D. The goal is to preserve open space (including improvement and enhancement of existing).
E. The goal is to enhance, create and maintain vegetated riparian wetland buffers with viewing corridors and windows.
2. The LMO addresses the proposed variance in the following sections:
LMO 16-6-204 states that the placement of structures in the wetland buffer is prohibited.

Conclusions of Law:

1. This application **does not** meet this variance criterion as set forth in LMO Section 16-3-1906A(5).
2. The granting of this variance substantially conflicts with the Comprehensive Plan because the addition and staircase would encroach into the buffer, in contrast with the goals of the Natural Resources Element.
3. The granting of this variance substantially conflicts with the goals of the LMO because the wetland buffer currently does not have any encroachments and the proposed addition and staircase would make the buffer a legally nonconforming site feature and would make the house a legally nonconforming structure.

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:

1. The proposed addition and staircase would not have an effect on the adjacent property.
2. Staff has not received any comments from the public regarding this application.

Conclusions of Law:

1. This application **does** meet this variance criteria as set forth in LMO Section 16-3-1906A(6).
2. There is no evidence that the granting of this variance will be a substantial detriment to adjacent properties or the public good. There is no evidence that the character of the district will be harmed by the granting of this variance.

Staff Recommendation

Staff recommends that the Board of Zoning Appeals *disapprove* the application based on those Findings of Facts and Conclusions of Law as stated in the LMO Official Determination and this staff report. Staff recommends that if the application is approved, that the Board of Zoning Appeals adds a condition that the owner must plant the remaining portion of the wetland buffer with native wetland vegetation per a planting plan approved by Town staff.

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:

AC
Anne Cyran, AICP
Senior Planner

January 6, 2012
DATE

REVIEWED BY:

ND
Nicole Dixon, CFM
Senior Planner & BZA Coordinator

January 6, 2012
DATE

ATTACHMENTS:

- A) Vicinity Map
- B) Aerial Photo
- C) Applicant's Narrative
- D) Site Plan
- E) Photos



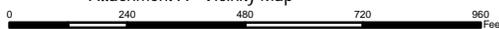
2 Berkshire Court



TOWN OF HILTON HEAD ISLAND
 ONE TOWN CENTER COURT
 HILTON HEAD ISLAND, SC 29928
 (843) 341-6000

December 19, 2011

2 Berkshire Court
 VAR110006
 Attachment A - Vicinity Map



1 inch = 389 feet



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.



BERKSHIRE COURT

FAIRFAX LANE

Subject Parcel

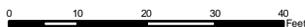


TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, SC 29928
(843) 341-6000

December 19, 2011

2 Berkshire Court
VAR110006

Attachment B - Aerial Photo



1 inch = 28 feet



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.

December 9, 2011

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

Dear Sir/Madam:

My wife and I are submitting this request for a variance to Section 16-5-806 (Required Buffers) and Section 16-6-204 (Wetland Buffers) to enable us to modify our house to correct a design flaw that has resulted in an unusual condition. The house was designed and built without direct access to either the side or the rear yards. It is essential to us that the resulting project, if approved, be visually appealing, enhance our enjoyment of the property, and be compatible with the goals of the LMO and the Comprehensive Plan. We believe we can accomplish all of these objectives if this variance request is approved.

In order to correct the condition we would like to construct a deck on the back of our house that will wrap around our existing screened porch and provide enhanced living space at the back of the house. In order to accomplish this, the deck will need to extend up to five (5) feet beyond the established set-back line. Since there are significant costs required to draw up the plans for the deck, it is our intention to engage the design process only if this request for a variance is approved.

The following items are included in our submission:

- Variance Criteria questions and responses
- A copy of the correspondence will be added once the Town provides a sample.
- Affidavit of ownership and permission to enter property
- Photographs of the area involved in the variance request
- Filing fee
- Site plan with the requested variance area marked

Thank you for your consideration of our request. We look forward to the opportunity to work with the Town to assure a positive outcome.

Sincerely,

Jim Hicks
2 Berkshire Court

Variance Criteria

- 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property.

Response – The house was built in 2006 as a spec – home and was issued a Certificate of Occupancy in late 2006. The builder was unable to find a buyer for the house and eventually went into the foreclosure process and the property was purchased at auction by Coastal States Banks in early 2009. We purchase the house “as is” from the bank and took ownership in June, 2009. We decided to make this home our only home and began the process of identifying projects to enhance the live-ability of this fine home. This house has slightly more than 5,200 square feet of finished and heated space. One of the primary limitations of the home is that there are only two direct exits from the house. One is the front door that opens to the courtyard in the front of the house. The second exit is through the garage that also opens to the courtyard in the front of the house. There are no direct exits to either side or to the rear of the house. This creates a lack of ready access to our yard and more importantly establishes a potentially dangerous condition in the event of an emergency. We believe this creates an “extraordinary and exceptional condition” that warrants a variance to the identified sections of the LMO.

- 2) These conditions do not generally apply to other properties in the vicinity.

Response – There are three other homes currently built on Berkshire Court and no additional homes directly visible from any side of the house. All of the other houses on Berkshire Court have direct access from both the front and the back of their structures. This “extraordinary and exceptional condition” that exists in our house does not exist in any of these other houses.

- 3) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property.

Response - In order to justify the expense of correcting this situation, we propose to modify the structure in a way that is aesthetically appealing and functionally desirable. By constructing a deck that will be compatible with the existing house we will be able to create a grilling area near the kitchen area and create a spa to enhance our enjoyment of the property. It is our intention to provide several steps from the existing porch to the deck that will be lower than kitchen level. Access by stairs to the rear yard will also be added to provide the desired ease of use and safety. In order to have a deck that will be large enough to meet the objectives,

we will need to encroach into the setback by not greater than five feet. The exact distance will be determined once plans are finalized. .

- 4) Is not the result of the applicant's own actions.

Response – The house was designed and completed several years before we took ownership. The requested variance will enable us to correct a design flaw while also adding value to our experience with the property. The identified condition is not the result of our actions.

- 5) Granting the variance does not substantially conflict with the Comprehensive Plan and the purposes of the LMO.

Response – The requested variance is a minor change required by an extraordinary and exceptional condition. As such it will not conflict with the Comprehensive Plan and the purposes of the LMO.

- 6) The authorization of the variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance.

Response – The property is on the corner of Berkshire Court and Fairfax Lane and as such has adjacent private property only on the east side of the house. The variance requested is minor and, if approved, will not have substantial challenges to either property or to the character of the district. If the variance is approved, the designed project must be approved by the Wexford ARC to assure the planned deck, spa, and steps are compatible with the community standards.

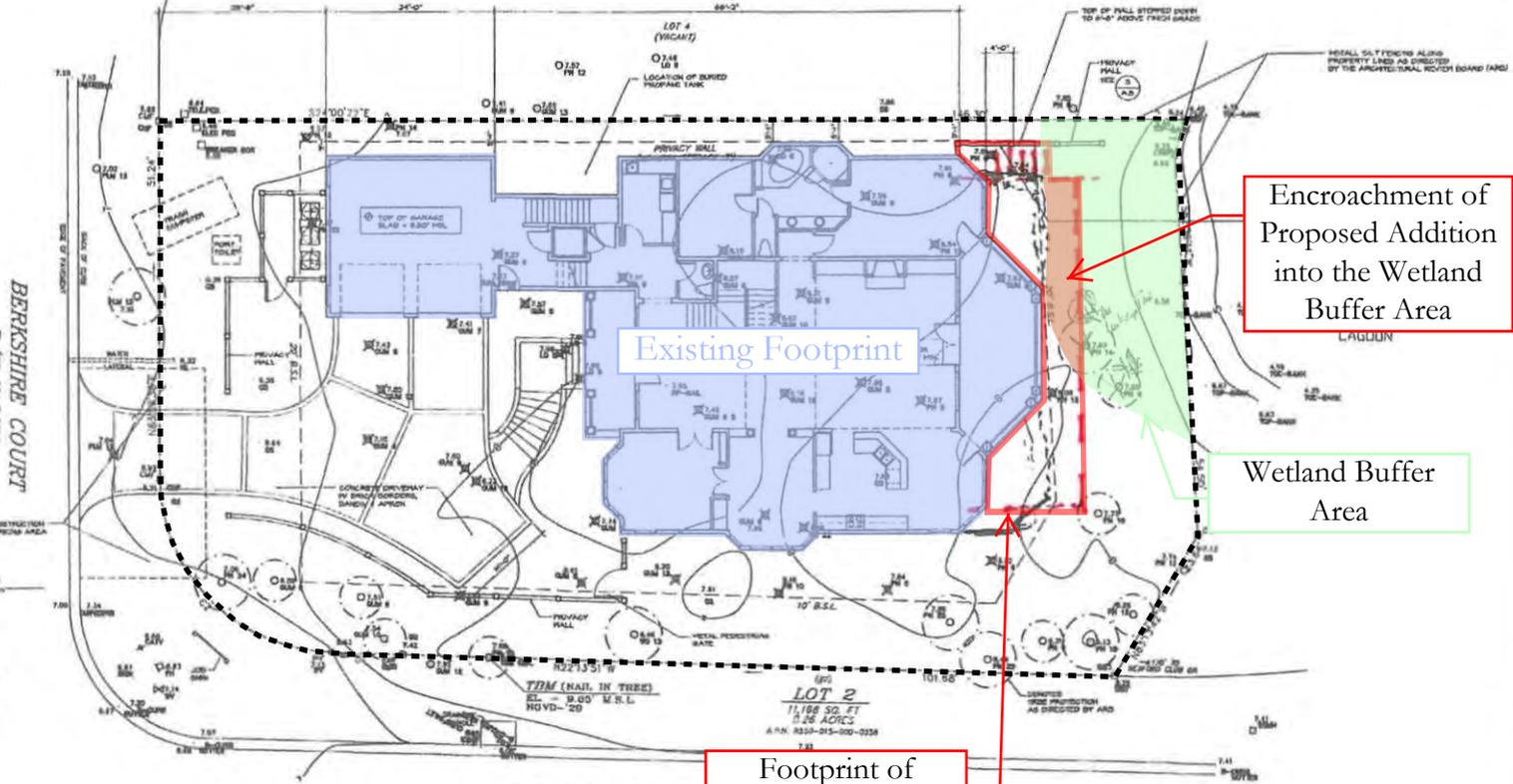
The house is built in a section of Wexford that has smaller lots that are referred to as "Garden or Patio" homes. The Architectural Guidelines for these homes are different from the homes built on full size lots. The Wexford Architectural Guidelines for these homes states the "rear yard building set-back shall be 10' for any patio or deck areas".

VAR110006, 2 Berkshire Court Staff Report - Attachment D



CURVE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C1	10.24	1914.78	10.22	N2°34'40"W	0°18'21"
C2	30.36	25.90	34.71	N2°02'04"E	87°55'08"

LINE TABLE		
LINE	LENGTH	BEARING
L1	5.20	S80°02'13"W



- NOTES:**
1. THIS SET OF PLANS IS FOR THE PROPOSED CONSTRUCTION OF A TWO STORY WOOD FRAME BUILDING ON LOT 2, 2 BERKSHIRE COURT, WEXFORD PLANTATION, HILTON HEAD ISLAND, SOUTH CAROLINA. THE EXISTING BUILDING IS TO BE DEMOLISHED AND THE PROPOSED BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE AND THE REGULATIONS OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.
 2. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE AND THE REGULATIONS OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.
 3. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE AND THE REGULATIONS OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.
- REFERENCE PLAN:**
- A PLAN OF LOTS 2, 3, 4 & 5, BLOCK "H" OF "A" & "B" OF WEXFORD PLANTATION, HILTON HEAD ISLAND, SOUTH CAROLINA, AS SHOWN ON THE RECORD PLANS OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, FILED 08/17/05.

DESIGN CRITERIA:

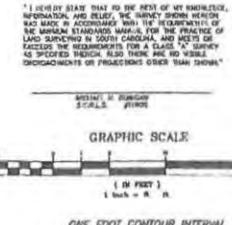
PROJECT DESCRIPTION	TWO STORY WOOD FRAME BUILDING ON EXISTING LOT 2 OF BLOCK "H" OF WEXFORD PLANTATION, HILTON HEAD ISLAND, SOUTH CAROLINA.
DESIGN CRITERIA FOR CODE COMPLIANCE	2003 INTERNATIONAL RESIDENTIAL CODE
POPULATION CLASSIFICATION	R3 - RESIDENTIAL
TYPE OF CONSTRUCTION	V - 0
BASES WIND SPEED	130 MPH
EXPOSURE CATEGORY	I
IMPORTANT FACTOR	0
SEISMIC DESIGN CATEGORY	0
ASSUMED MIN. SOIL BEARING	3000 PSF
MEAN ROOF HEIGHT	12'-10"

SITE PLAN

TOTAL PAVED AREA	HAZARDOUS AREA
11,168 SF	6,500 SF (43%)

SITWORK NOTES:

1. CONTRACTOR TO VERIFY EXISTING AND SETBACK REQUIREMENTS PRIOR TO CONSTRUCTION.
 2. PRIOR TO CONSTRUCTION ALL OUTLINE AREA, PLUS APPROX. 5 FEET ON EACH SIDE, SHOULD BE STRIPPED OF ALL VEGETATION, TOP SOIL, ROCK MATERIAL, AND EXISTING PAVEMENTS, FORDHAM GRASSES, & COARSE SAND.
 3. SITE DRAINAGE SHOULD BE ESTABLISHED TO PREVENT WATER PENETRATING WITHIN THE CONSTRUCTION AREA AND TO FACILITATE THE STORM WATER REMOVAL. ALL RUN-OFF SHALL BE DIRECTED AWAY FROM STRUCTURES AND TO APPROVED DRAINAGE AREAS.
 4. COORDINATE WITH DRAINAGE PLAN, SHEET SP-3, TO LOCATE UTILITY, DISPOSED/IN, AND DRAINAGE, ETC.
- X DENOTED TREE TO BE REMOVED



A TREE AND TOPOGRAPHIC SURVEY
OF
LOT 2 BERKSHIRE COURT
A PORTION OF
BLOCK "H", WEXFORD PLANTATION
HILTON HEAD ISLAND, WEXFORD PLANTATION, SOUTH CAROLINA

SCALE: 1" = 8'
DATE: 10/17/05
JOB No: 35,6781

SURVEYED BY: BM
DRAWN BY: LBP
CHECKED BY: MFD

CENTRAL SURVEYING CO., INC.
1000 W. 10TH STREET
WILMINGTON, DE 19804
(302) 441-1100

A Single Family Residence for:
Joey Spado
Lot 2 Berkshire Court
Wexford Plantation
Hilton Head Island, South Carolina

Sodermann Architects, Inc.
P.O. Box 5488
Hilton Head Island, SC 29929
Tel: 843-340-0728
Fax: 843-340-0720

JOB NO: 3000.27
DATE: 11-01-03
DRAWN BY: SMO
CHECKED BY:

REVISIONS:
01-08-06
03-03-04

SHEET
SP.1

VAR110006, 2 Berkshire Court
Staff Report – Attachment E

Back of the House, Southeast Side



Back of the House, Southwest Side



Back of House, Area of Proposed Addition





**TOWN OF HILTON HEAD ISLAND
COMMUNITY DEVELOPMENT DEPARTMENT**

One Town Center Court	Hilton Head Island, SC 29928	843-341-4757	FAX 843-842-8908
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**STAFF REPORT
VARIANCE**

Case #:	Public Hearing Date:
VAR110007	January 23, 2012

Parcel or Location Data:	Property Owner & Applicant
Address: 7 Delander Wireless Court Parcel#: R550 014 000 0918 0000 Zoning: RS-4 (Residential Single Family) Acreage: .24	Brad O'Keefe South Island Public Service District 2 Genesta Street Hilton Head Island, SC 29928

Application Summary:
<p>Brad O'Keefe with the South Island Public Service District (SIPSD) is requesting a variance from Land Management Ordinance (LMO) Sections:</p> <p style="text-align: center;">16-5-704, Adjacent Use Setback 16-5-806, Adjacent Use Buffer</p> <p>The applicant is requesting a variance from the adjacent use setback and buffer to construct a new aquifer storage and recovery well.</p>

Background:
<p>The subject property is currently used by the SIPSD as a key part of the Island's public water supply infrastructure. The property contains an elevated water storage tank that provides operating, emergency and fire fighting water storage volumes.</p> <p>The SIPSD relies on wells that withdraw groundwater from the Upper Floridian Aquifer for a significant part of the public water supply. Studies have indicated that the Upper Floridian Aquifer groundwater levels are declining as a result of regional over-drafting and some are experiencing failures due to saltwater intrusion. Recent studies conclude that other wells located in the vicinity of the subject property will fail within the next several years due to saltwater intrusion.</p> <p>The SIPSD has been working with their engineering and geohydrologist consultants who recommend that the SIPSD replace the failed Upper Floridian Aquifer wells with aquifer storage and recovery wells that are finished in the Middle Floridian Aquifer. The location of the new wells is constrained by several parameters, such as</p>

having to be in proximity to large diameter transmission and distribution pipelines. The subject property meets all of the requirements, but the location of the existing water storage tank limits the possible locations for the new well on the site due to requirements for safely setting and operating the well drilling rig and related equipment.

In order to meet the safety requirements, the new well needs to be located within the adjacent use setback and buffer. The applicant has discussed the situation with staff and has decided to seek a variance in order to be able to use the property for a new well site.

The property is surrounded by vacant Town-owned land to the south and east, and by multifamily residential uses to the north and west. The applicant has received temporary construction easements and a pollution free radius easement from the Town for the construction of the proposed well site.

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

Grounds for Variance:

The applicant is requesting a variance to construct a new aquifer storage and recovery well on the subject property due to the failure of other wells in the vicinity because of saltwater intrusion. Because of the existing water storage tank on site and other safety requirements, the applicant states in the narrative that their only option for placing the well on this site is to locate the well within the adjacent use setback and buffer from the Town-owned property.

Summary of Facts:

- The applicant seeks a variance from LMO Sections 16-5-704, Adjacent Use Setback and 16-5-806, Adjacent Use Buffer.
- The applicant is proposing to construct a new aquifer storage and recovery well within the adjacent use setback and buffer.

Conclusion of Law:

- 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:

- Application was submitted as set forth in LMO Section 16-3-1903.
- Notice of the Application was published in the Island Packet on December 18, 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 Board has authority to render the decision reached here under LMO Section 16-3-1905.

Conclusions of Law:

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

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:
<p><i>Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property. (LMO Section 16-3-1906A(1))</i></p> <p>Findings of Fact:</p> <ul style="list-style-type: none">○ The property is extraordinary because it is small in size and already contains a water storage tank.○ The property is exceptional because the site meets all the parameters required in placing an aquifer storage and recovery well. <p>Conclusion of Law:</p> <ul style="list-style-type: none">○ 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 when trying to fit the new well on it.

Staff Summary of Facts and Conclusions of Law:
<p><i>Criteria 2: These conditions do not generally apply to other properties in the vicinity. (LMO Section 16-3-1906A(2))</i></p> <p>Findings of Fact:</p> <ul style="list-style-type: none">○ The other properties in the vicinity are much larger in size and do not currently contain an existing utility facility.○ The applicant has evaluated other parcels in the vicinity and has determined that they do not provide the unique features and advantages of the subject property for the intended well. <p>Conclusion of Law:</p> <ul style="list-style-type: none">○ 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:
<p><i>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))</i></p> <p>Findings of Fact:</p> <ul style="list-style-type: none">○ LMO Section 16-5-704, Adjacent Use Setback, requires a 30 foot setback between a utility and a recreational use.○ LMO Section 16-5-806, Adjacent Use Buffer, requires a 30 foot buffer with a structural element between a utility and a recreational use.○ The property is small in size and already contains a water storage tank. <p>Conclusions of Law:</p> <ul style="list-style-type: none">○ 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 SIPS D will not be able to construct the new well on this 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 proposed aquifer storage and recovery well is required because of the failure of the existing Upper Floridian Aquifer wells.
- The decline in groundwater levels and saltwater intrusion is not cause by the applicant.
- There are certain parameters that need to be met in order to place a new well and this property happens to meet all the parameters.
- The applicant needs to meet certain safety requirements in respect to the existing water storage tank already on site.
- The applicant did modify the planned well piping design in order to meet the setback and buffer from the multifamily residential property to the west.

Conclusions 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.
- The applicant is limited with the constraints of the site and the lack of other sites in the vicinity that meet the parameters required to construct a new aquifer storage and recovery well.

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 16-5-704, Adjacent Use Setback, requires a 30 foot setback between a utility and a recreational use.
- LMO Section 16-5-806, Adjacent Use Buffer, requires a 30 foot buffer with a structural element between a utility and a recreational use.
- The Comprehensive Plan addresses the proposed variance in the following sections:

Community Facilities Element:

- **An Implication for Utilities**
Adequate water service should be provided for both domestic use and fire and safety purposes.
- **An Implication for Utilities**
Saltwater intrusion increases the need to evaluate viable water source solutions to ensure that the Town will have an adequate water supply in the future.

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.
- The applicant is proposing to locate the new well within the adjacent use setback and buffer, but there will still be approximately 8 feet of setback and buffer and an existing fence remaining once the well is constructed.
- This application is consistent with the Comprehensive Plan because the granting of this variance will allow SIPSD to improve the Island's water infrastructure and address salt water intrusion problems by replacing a failed Upper Floridian Aquifer well with an aquifer storage and recovery well and build a new well to the Middle Floridian Aquifer.

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 construct a new aquifer storage and recovery well due to the failure of other wells in the vicinity
- There is already a public water supply utility facility on the subject property.

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 the variance will allow additional utility facilities that are compatible and complementary to the current use and will benefit the public good.

Staff Recommendation:

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

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

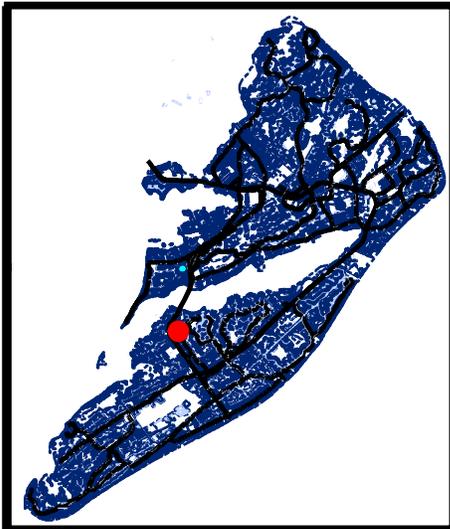
Nicole Dixon, CFM
Senior Planner & BZA Coordinator

December 22, 2011

DATE

ATTACHMENTS:

- A) Vicinity Map
- B) Applicant's Narrative
- C) Proposed site plan



Proposed Variance - Property Highlighted in Red


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

Town of Hilton Head Island
ATTACHMENT A
Vicinity Map



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.

ATTACHMENT B

Narrative Attachment to Variance Submittal for Drilling and Equipping Palmetto Bay ASR Well

Background

The subject property (Tax Parcel ID No. R552-014-000-0918-0000) is currently used by the Applicant as a key part of the Hilton Head Island public water supply infrastructure. The property is now occupied by an elevated water storage tank that provides operating, emergency, and fire fighting water storage volumes as required by the South Carolina Department of Health and Environmental Control.

The Applicant relies on wells that withdraw groundwater from the Upper Floridan Aquifer (UFA) for a significant part of the public water supply. Numerous studies have indicated that the UFA groundwater levels are declining as a result of regional over-drafting. As a consequence, the Applicant has experienced failure of a nearby UFA well due to seawater intrusion. Recent studies have concluded that additional wells located in the vicinity of the subject property will fail within the next five years due to seawater intrusion.

The Applicant's professional engineering and geohydrologist consultants have recommended replacement of the failed UFA wells with aquifer storage and recovery (ASR) wells that are finished in the Middle Floridan Aquifer (MFA). The location of the ASR wells is constrained by a number of factors, including:

- Must be in proximity to large diameter transmission and distribution pipelines.
- Must have proximity to UFA wells that will become undrinkable due to salt water intrusion in the near term to maintain localized water system pressure requirements under peak fire flow conditions.
- Must be located on property compatible with the proposed utility usage.

The subject property meets these requirements. However, the location of the existing elevated water storage tank limits the possible locations for the new ASR well on the site due to requirements for safely setting and operating the well drilling rig and related equipment. Applicant has modified the planned well piping design in order to meet the 30 foot buffer

ATTACHMENT B

requirement (LMO Section 16-6-204) to the southwest property line; however, Applicant is unable to meet the buffer requirement to the southeast and northeast property lines. A variance is required in order to use the site for the proposed ASR well.

Variance Criteria of LMO 16-3-1906

1. Extraordinary and exceptional conditions pertaining to the particular piece of property.

The subject property has the required proximity to existing large diameter water distribution piping, UFA wells that are anticipated to become undrinkable, and an existing water elevated water storage tank that make it a suitable site for replacement of nearby UFA wells that have failed or will fail due to saltwater intrusion.

2. These conditions do not generally apply to other properties in the vicinity.

The Applicant and its consultants have evaluated other parcels and determined that they do not provide the unique features and advantages of the subject property for the intended ASR well.

3. The application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

The location of the existing elevated water tank on the subject property does not allow the construction of the proposed ASR well if the buffer ordinance is applied.

4. The conditions are not the result of the applicant's own actions.

The proposed ASR well is required because of the failure of existing UFA wells. The decline in UFA groundwater levels, resulting in well failures due to saltwater intrusion, is due to regional over-drafting by numerous parties other than the Applicant.

5. The variance does not substantially conflict with the Comprehensive Plan and the purposes of the LMO.

The subject property is currently used for public water supply utility facilities. The proposed variance will allow additional utility facilities that are compatible and complementary to the current use.

ATTACHMENT B

6. The variance will not be of substantial detriment to adjacent property or the public good.

The adjacent property is owned by the Town and is used for recreational purposes. The proposed use of the subject property will not produce odors, noise, dust, or other nuisances incompatible with the adjacent property or the public good.

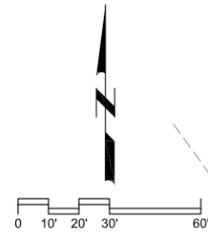
ATTACHMENT C

GENERAL NOTES:

1. XXXX

KEY NOTES:

XXXX



LEGEND

N.T.S.	NOT TO SCALE
CO	CLEAN OUT
FH	FIRE HYDRANT
LP	LAMP POST
MH	MAN HOLE
RP	RADIO POLE
WM	WATER METER
WV	WATER VALVE
TREE SIZES ARE INCHES IN DIAMETER	
BG	BLACK GUM
CHY	CHERRY
G	GUM
LA	LAUREL OAK
PLM	PALM
PN	PINE
TAL	TALLOW
WLO	WILLOW OAK
WO	WATER OAK

A PALMETTO BAY GRADING AND PAVING PLAN
 SCALE: 1" = 30'
 FILE: 6365d10-010-101



Know what's below.
 Call before you dig.

LAST SAVED BY: schmitz

REV	DATE	BY	DESCRIPTION

DESIGNED	TFS
DRAWN	SDW
CHECKED	-
DATE	-

**CONCEPTUAL DESIGN
 NOT FOR CONSTRUCTION**

ASR SYSTEMS

ASR SYSTEMS LLC
 540 NE 5th AVENUE
 GAINESVILLE, FL 32601
 PH: 325-336-3820 FAX: 325-373-2381
 SC COA# 2668

carollo

CAROLLO ENGINEERS, INC.
 12592 W. EXPLOERE DRIVE #200
 BOISE, ID, 83713
 PH: 208-376-2288 FAX: 208-376-2251
 SC COA# 2285



SOUTH ISLAND PUBLIC SERVICE DISTRICT

2015 WATER SUPPLY IMPROVEMENTS

CIVIL

**ASR SITE 2 (PALMETTO BAY)
 GRADING AND PAVING PLAN**

VERIFY SCALES
 BAR IS ONE INCH ON ORIGINAL DRAWING

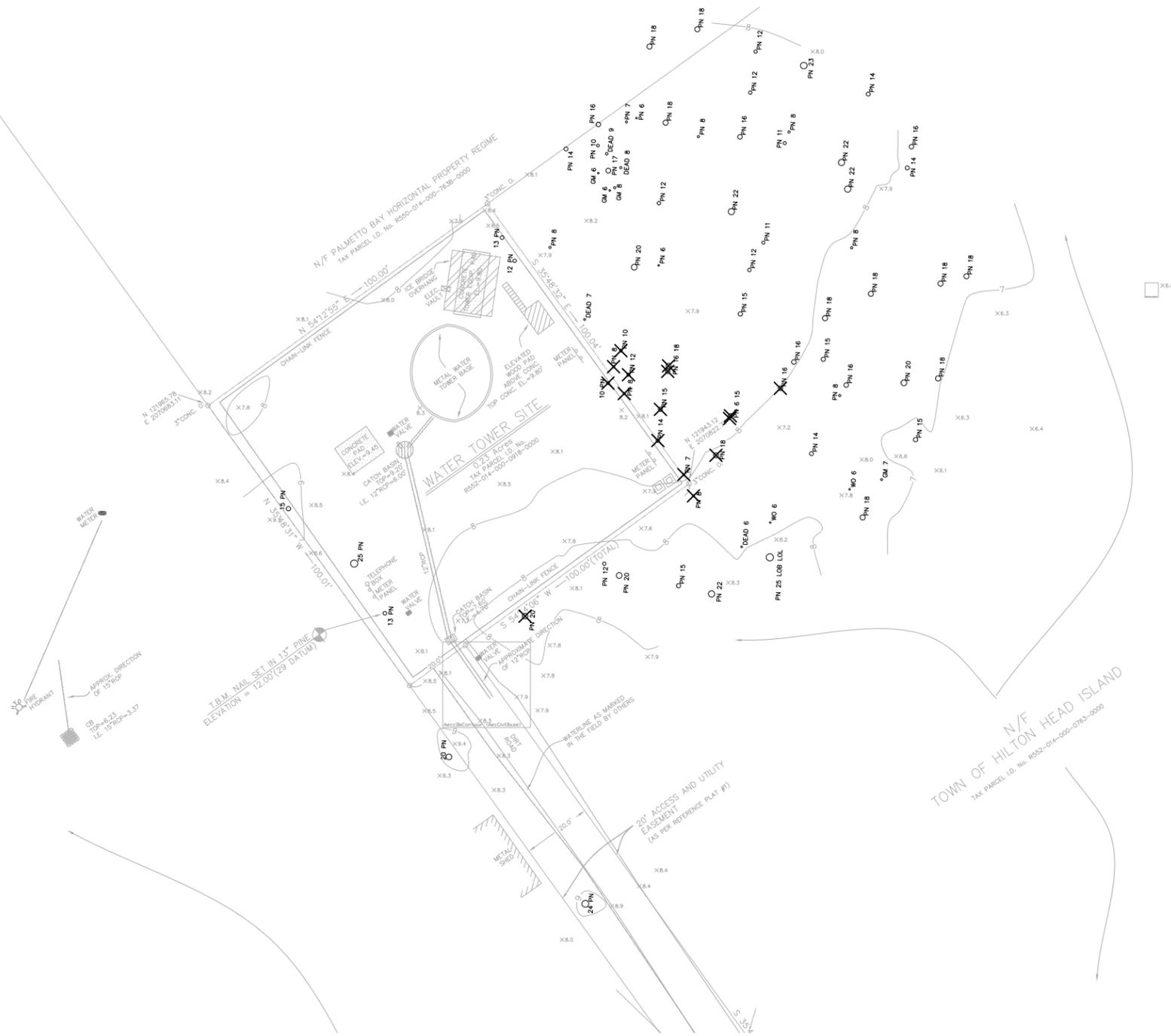
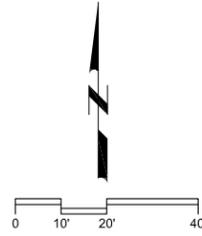
 IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

JOB NO.
 6563D.10

DRAWING NO.
C-2

SHEET NO.
 OF XXX

ATTACHMENT C



A TREE REMOVAL PLAN - PALMETTO BAY
 SCALE: 1" = 20'
 FILE: FILE

LEGEND

N.T.S.	NOT TO SCALE
CO	CLEAN OUT
FH	FIRE HYDRANT
LP	LAMP POST
MH	MAN HOLE
RP	RADIO POLE
WM	WATER METER
WV	WATER VALVE
TREE SIZES ARE INCHES IN DIAMETER	
BG	BLACK GUM
CHY	CHERRY
G	GUM
LA	LAUREL OAK
PLM	PALM
PN	PINE
TAL	TALLOW
WLO	WILLOW OAK
WO	WATER OAK
X	TREE REMOVAL



Know what's below.
 Call before you dig.

LAST SAVED BY: schmitz

REV	DATE	BY	DESCRIPTION

DESIGNED MM
DRAWN SDW
CHECKED -
DATE

**CONCEPTUAL DESIGN
 NOT FOR CONSTRUCTION**

ASR SYSTEMS LLC
 540 NE 5th AVENUE
 GAINESVILLE, FL 32601
 PH: 325-336-3820 FAX: 325-373-2381
 SC COA# 2668

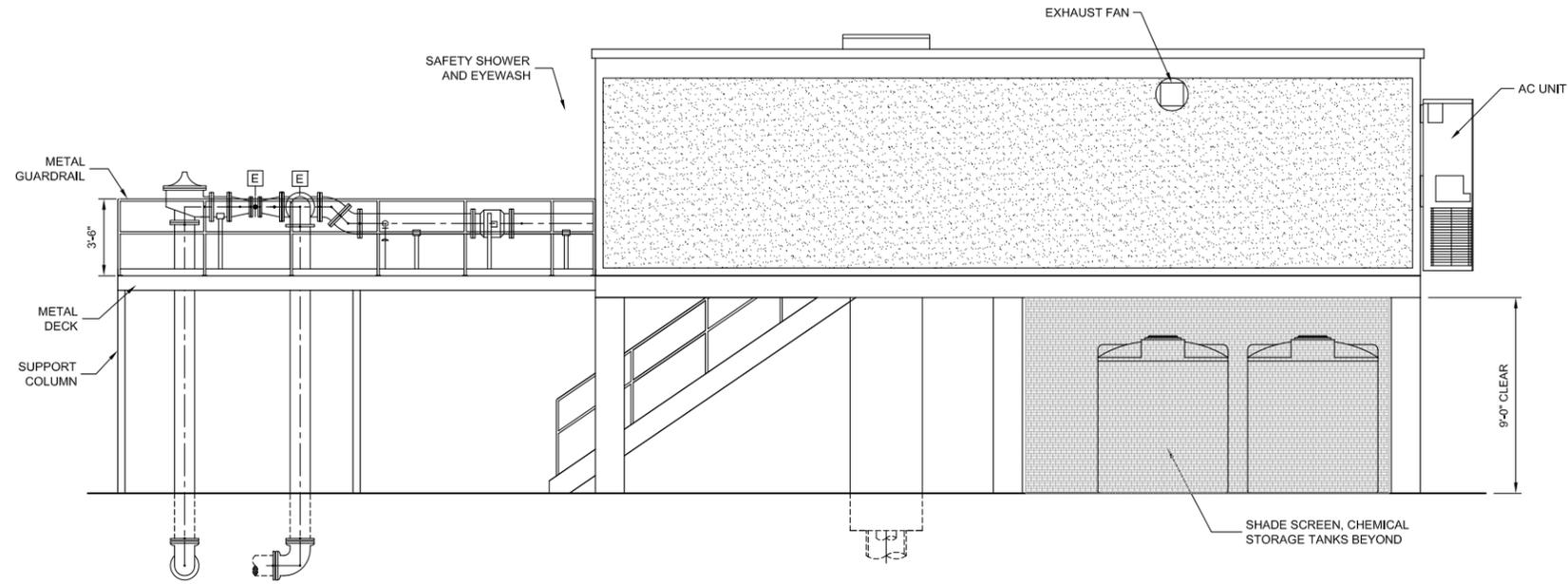
CAROLLO ENGINEERS, INC.
 12592 W. EXPLOERE DRIVE #200
 BOISE, ID, 83713
 PH: 208-376-2288 FAX: 208-376-2251
 SC COA# 2285



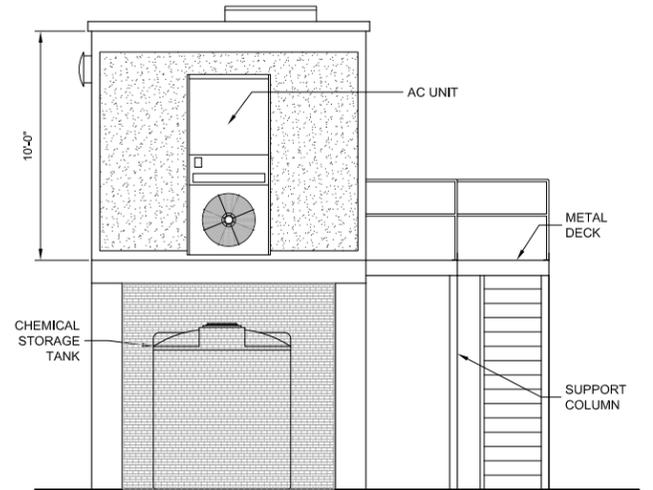
SOUTH ISLAND PUBLIC SERVICE DISTRICT
 2015 WATER SUPPLY IMPROVEMENTS
 CIVIL
**ASR SITE 2 (PALMETTO BAY)
 TREE REMOVAL PLAN**

VERIFY SCALES	JOB NO. 6563D.10
BAR IS ONE INCH ON ORIGINAL DRAWING	DRAWING NO. C-6
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY	SHEET NO. OF XXX

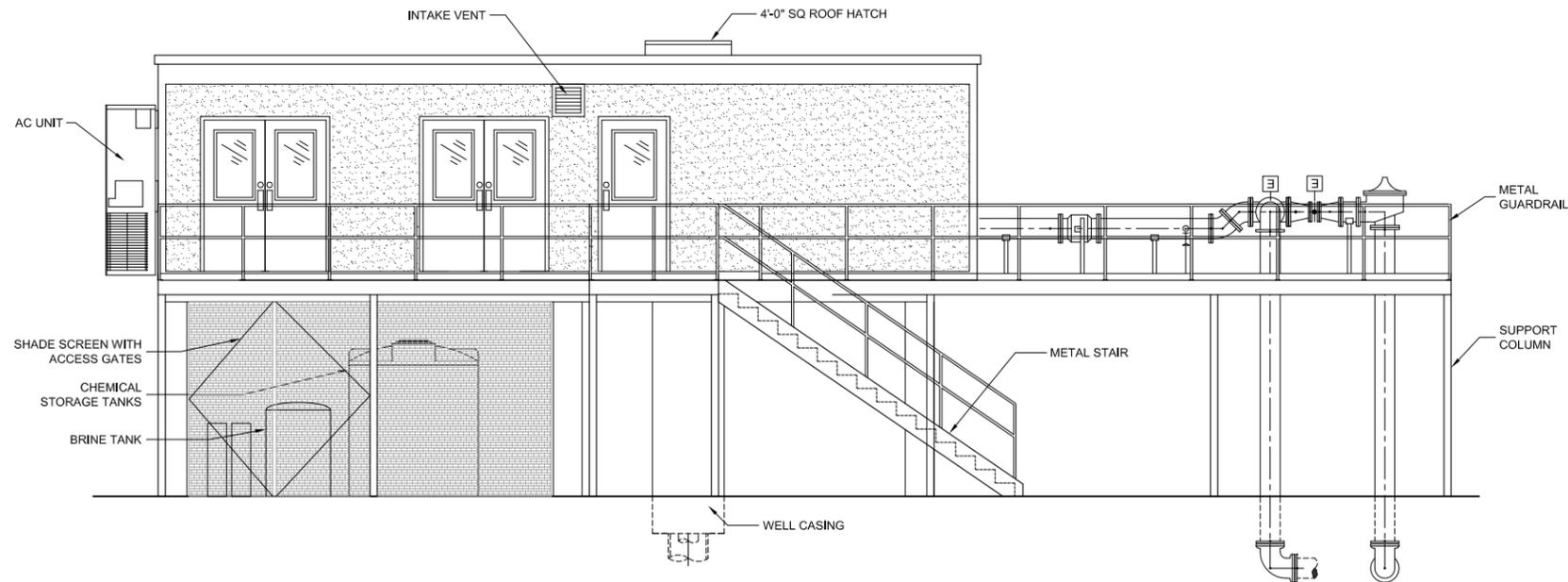
ATTACHMENT C



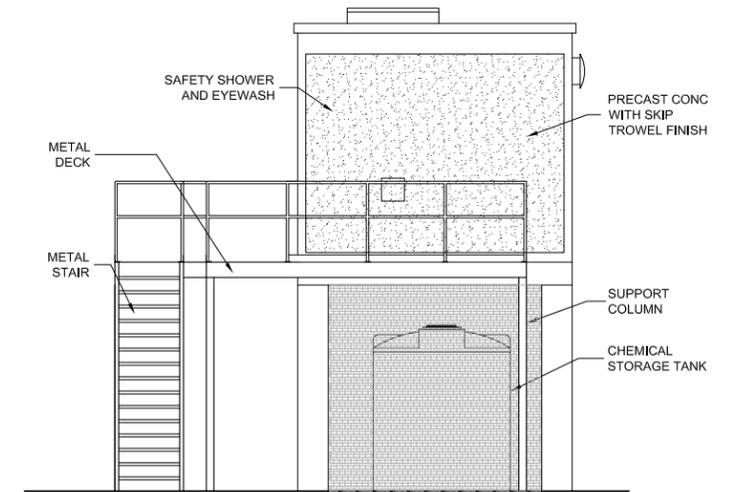
SOUTHEAST ELEVATION
SCALE 1/4"=1'-0"



NORTHEAST ELEVATION
SCALE 1/4"=1'-0"



SOUTHWEST ELEVATION
SCALE 1/4"=1'-0"



SOUTHWEST ELEVATION
SCALE 1/4"=1'-0" (PIPING NOT SHOWN)

DATE: \$Time\$

jshband

REV	DATE	BY	DESCRIPTION

DESIGNED	JCA
DRAWN	JCA
CHECKED	
DATE	

**CONCEPTUAL DESIGN
NOT FOR CONSTRUCTION**



ASR SYSTEMS LLC
540 NE 5th AVENUE
GAINESVILLE, FL 32601
PH: 325-336-3820 FAX: 325-373-2381
SC COA# 2668



CAROLLO ENGINEERS, INC.
12592 W. EXPLOERE DRIVE #200
BOISE, ID, 83713
PH: 208-376-2288 FAX: 208-376-2251
SC COA# 2285



SOUTH ISLAND PUBLIC SERVICE DISTRICT
2015 WATER SUPPLY IMPROVEMENTS
ARCHITECTURAL
**ASR SITE 2 (PALMETTO BAY)
ARCHITECTURAL ELEVATIONS**

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING
0 1" 1"
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

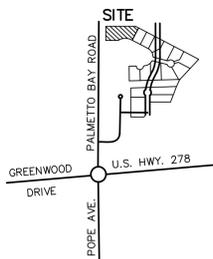
JOB NO.
6563D.10
DRAWING NO.
A-4
SHEET NO.
16 OF XXX

RADIUS = 100.00'
RADIUS POINT COORDINATES:
N. 121,929.83
W. 2,070,780.04

SPECIAL NOTE

Some or all areas on this plat are flood hazard areas and have been identified as having at least a one percent chance of being flooded in any given year by rising tidal waters associated with possible hurricanes. Local regulations require that certain flood hazard measures be incorporated in the design and construction of structures in these designated areas. Reference shall be made to the development covenants and restrictions of this development and requirements of the Town Building Official. In addition, federal law requires mandatory purchase of flood insurance as a prerequisite to federally insured mortgage financing in these designated flood hazard areas.

VICINITY MAP
N.T.S.



CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	185.00'	106.07'	54.54'	104.63'	S 65°24'54" W	32°51'06"
C2	185.00'	51.55'	25.94'	51.39'	S 41°00'23" W	15°57'58"
C3	185.00'	35.35'	17.73'	35.30'	S 27°33'00" W	10°56'54"
C4	185.00'	157.62'	63.95'	152.90'	S 57°25'57" W	48°49'01"

LINE	BEARING	DISTANCE
L1	N 35°36'13" W	12.58'
L2	N 54°23'47" E	31.27'
L3	S 54°59'34" W	5.15'
L4	S 81°50'00" W	10.58'
L5	N 72°43'07" E	44.75'
L6	S 35°48'32" E	30.00'
L7	S 54°14'06" W	80.00'
L8	N 35°49'31" W	30.00'
L9	N 54°12'55" E	50.00'
L10	S 35°48'32" E	100.00'
L11	S 54°14'06" W	50.00'

SPECIAL NOTE:

OFF-SITE MODIFICATION TO EXISTING OUTLET CONTROL STRUCTURE: THE CONTRACTOR ADDED FLASHBOARDS TO THE EXISTING TRIPLE-FLASHBOARD RISER LAGOON OUTLET STRUCTURE. THE STRUCTURE IS LOCATED IN THE LAGOON NORTH OF ARROW ROAD. FLASHBOARDS WERE ADDED TO THE OUTER TWO EXISTING RISER STRUCTURES ONLY, SUCH THAT THE TOP OF THE FLASHBOARDS ARE AT ELEVATION 5.24' (USING SAME DATUM AND BENCHMARK AS ON-SITE IMPROVEMENTS). FOR DRAWDOWN PURPOSE, TEN (10) 1.5-INCH DIAMETER HOLES WERE DRILLED IN THE FLASHBOARD WITH INVERT ELEVATION OF 4.79'. THE HOLES ARE EVENLY SPACED ALONG THE WIDTH OF THE FLASHBOARD.

LEGEND:

- SPOT ELEVATION
- + CONC. O. CONCRETE MONUMENT, OLD (FOUND)
- I.N. IRON PIN, NEW (SET)
- I.O. IRON PIN, OLD (FOUND)
- T.B.M. TEMPORARY BENCH MARK
- CMP CORRUGATED METAL PIPE
- PVC POLYVINYL CHLORIDE PIPE
- I.E. INVERT ELEVATION
- RCP REINFORCED CONCRETE PIPE
- TEL TELEPHONE BOX
- ICV IRRIGATION CONTROL VALVE
- WM WATER METER
- CO CLEAN OUT
- LP LIGHT POLE
- FDC FIRE DEPARTMENT CONNECTION
- SDMH STORM DRAIN MANHOLE

SPECIAL NOTE:

ALL AS-BUILT, TREE & TOPOGRAPHIC SURVEY INFORMATION SHOWN WAS TAKEN FROM REFERENCE #4 AND WAS NOT UPDATED AT THIS TIME. THIS PLAT WAS PREPARED TO SHOW PROPOSED EASEMENTS ONLY.

REFERENCE PLATS:

- BOUNDARY CONSOLIDATION SURVEY OF REVISED LOT 9, 2.29 ACRES, FORMERLY LOTS 9, 11 & 12, PALMETTO BUSINESS PARK DRIVE, DATED: 11/17/2009; LATEST REVISION: 12/14/2009, BY: TERRY G. HATCHELL, S.C.R.L.S. No. 11059, RECORDED: PB 129, PG. 119, 12/21/09.
- BOUNDARY, TREE & TOPOGRAPHIC SURVEY OF LOT 9 & LOT 11, PALMETTO BUSINESS PARK DRIVE, A SECTION OF PALMETTO BUSINESS PARK, DATED: 06/23/06; LAST REVISION: 7/30/2010, BY: TERRY G. HATCHELL, S.C.R.L.S. No. 11059.
- STAKING PLAN, S.I.P.S.D. ADMINISTRATION BUILDING, SOUTH ISLAND PUBLIC SERVICE DISTRICT TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, DATED: 12/06/2010, BY: HEATH E. DUNGAN, S.C.P.E. No. 20291.
- AS-BUILT & TREE SURVEY WITH ELEVATIONS OF SOUTH ISLAND P.S.D. ADMINISTRATION BUILDING, REVISED LOT 9 & 0.23 ACRE WATER TOWER SITE & 20' ACCESS & UTILITY EASEMENT, PALMETTO BUSINESS PARK DRIVE, A SECTION OF PALMETTO BUSINESS PARK, DATED: 09/19/2011, BY: TERRY G. HATCHELL, S.C.R.L.S. No. 11059.

NOTES

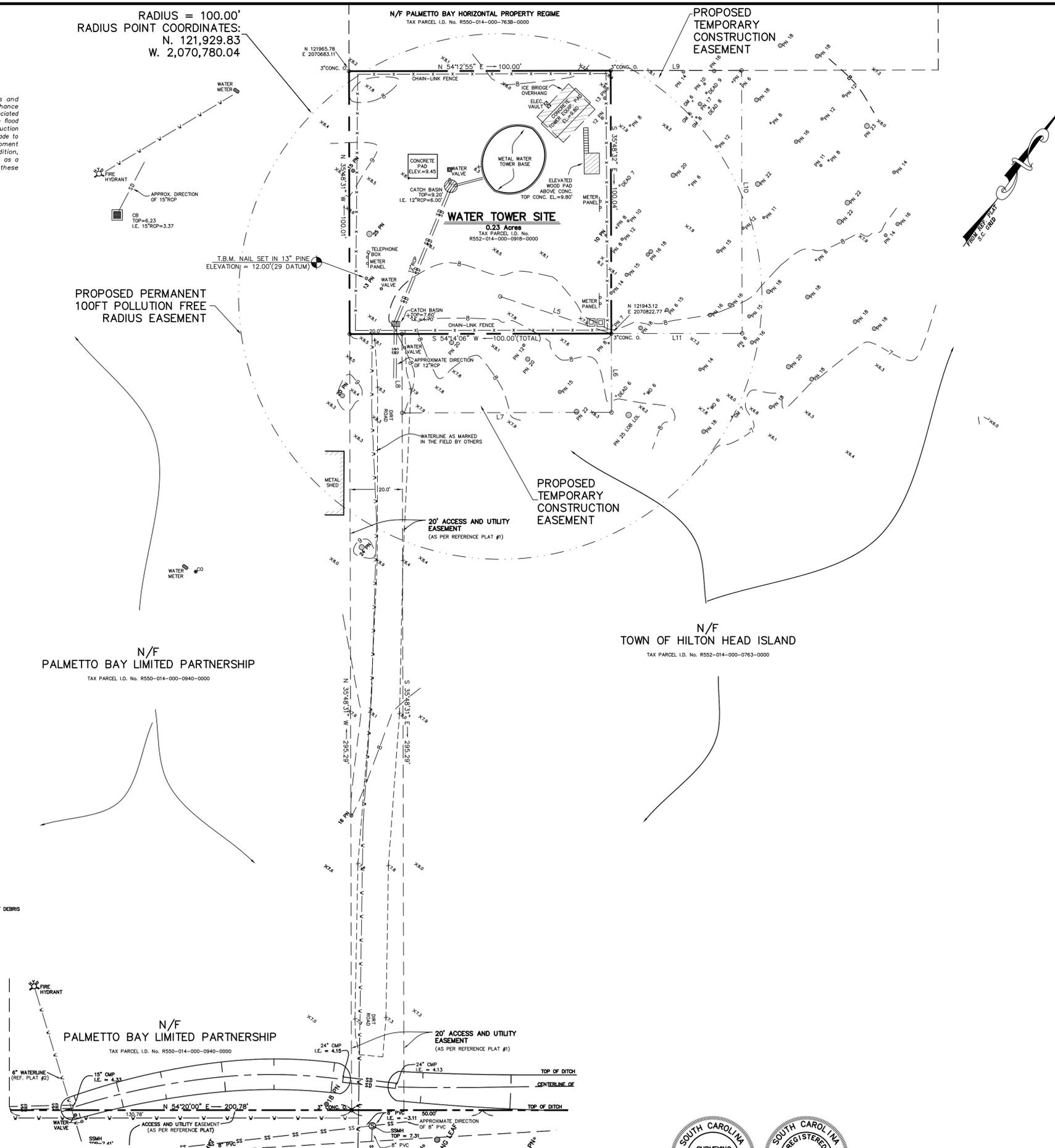
- I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO OBVIOUS, APPARENT OR VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
- AS OF THE DATE OF THIS SURVEY THIS PROPERTY IS LOCATED IN ZONE 1-2. A SPECIAL FLOOD HAZARD ARE AS DETERMINED BY H.U.D. PANEL 7-D, COMMUNITY No. 450250, MAP DATED 09/29/86, BASE ELEVATION 14.0'. FLOOD HAZARD ZONE AND BASE ELEVATION SHOULD BE VERIFIED BY PROPER TOWN OR COUNTY BUILDING INSPECTIONS DEPARTMENT.
- BUILDING SETBACKS WHICH EXIST FOR THIS LOT, SHOWN OR NOT SHOWN ON THIS SURVEY, ARE EXPLAINED IN THE COVENANTS, EASEMENTS AND SETBACKS SHOULD BE VERIFIED THROUGH THE APPROPRIATE ARCHITECTURAL REVIEW BOARD OR BUILDING AGENCY.
- ABOVE AND UNDER GROUND UTILITIES AND STRUCTURES SHOWN ARE FROM FIELD OBSERVATION OR FROM PLANS PROVIDED BY WARD EDWARDS ENGINEERING AND THE CONTRACTOR. SURVEYING CONSULTANTS DOES NOT CERTIFY TO THERE ACTUAL LOCATION.
- THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT.
- STATE PLANE COORDINATES SHOWN ARE BASED ON BEAUFORT COUNTY GIS.

PREPARED FOR: SOUTH ISLAND PUBLIC SERVICE DISTRICT

ADDRESS: #2 GENESTA STREET
TAX PARCEL I.D. NO. R552-014-000-0901-0000

N/F PALMETTO BAY LIMITED PARTNERSHIP
TAX PARCEL I.D. No. R550-014-000-0940-0000

N/F TOWN OF HILTON HEAD ISLAND
TAX PARCEL I.D. No. R552-014-000-0763-0000



EASEMENT PLAT OF PROPOSED
**PERMANENT 100FT POLLUTION FREE
RADIUS EASEMENT &
TEMPORARY CONSTRUCTION EASEMENTS**

IN FAVOR OF
0.23 ACRE WATER TOWER SITE

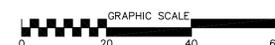
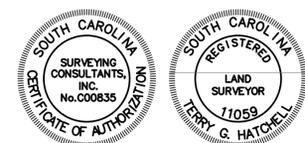
A SECTION OF
PALMETTO BUSINESS PARK

HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

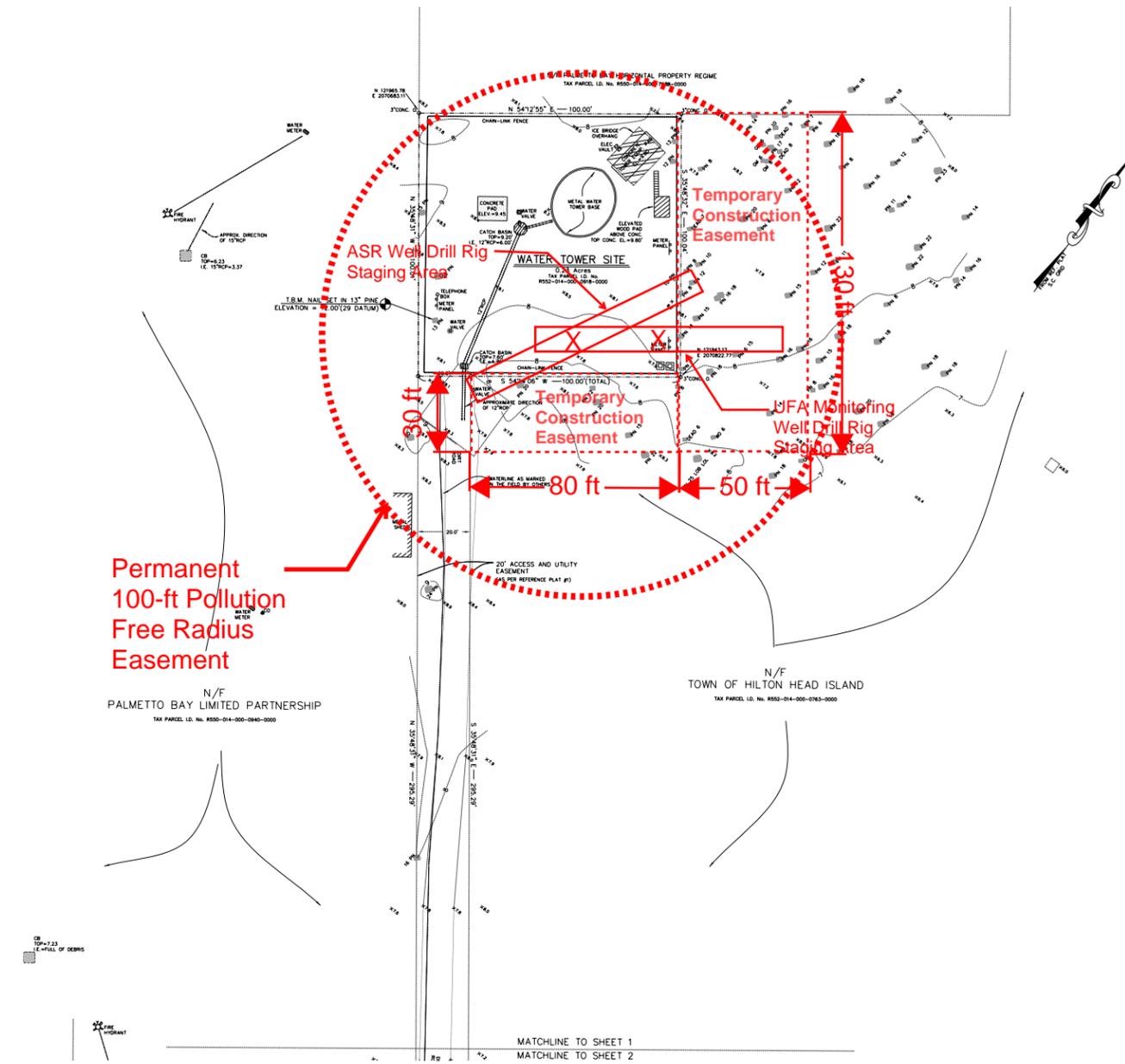
SCALE: 1" = 20' DATE: 10/27/2011 JOB NO: SC83104C

SG SURVEYING CONSULTANTS

17 Sherrington Drive, Suite C, Bluffton, SC 29910
SC Telephone: (843) 815-3304 FAX: (843) 815-3305
GA Telephone: (912) 656-2776



ATTACHMENT C



LEGEND

- 4 9.5 SPOT ELEVATION
- CONC. O. CONCRETE MONUMENT, OLD (FOUND)
- I.N. IRON PIN, NEW (SET)
- I.O. IRON PIN, OLD (FOUND)
- T.B.M. TEMPORARY BENCH MARK
- CMP CORRUGATED METAL PIPE
- PVC POLYVINYL CHLORIDE PIPE
- I.E. INVERT ELEVATION
- RCP REINFORCED CONCRETE PIPE
- TEL TELEPHONE BOX
- ICV IRRIGATION CONTROL VALVE
- WV WATER VALVE
- WM WATER METER
- CO CLEAN OUT
- LP LIGHT POLE
- FDC FIRE DEPARTMENT CONNECTION
- SDMH STORM DRAIN MANHOLE

SITE PLAN

SCALE: 1" = 30'
FILE: FILE

DATE: 5/15/15

REV	DATE	BY	DESCRIPTION

DESIGNED TFS	
DRAWN SDW	
CHECKED -	
DATE	



CAROLLO ENGINEERS, INC.
12592 W. EXPLOERE DRIVE #200
BOISE, ID, 83713
PH: 208-376-2288 FAX: 208-376-2251
SC COA# 2285



SOUTH ISLAND PUBLIC SERVICE DISTRICT
2015 WATER SUPPLY IMPROVEMENTS
CIVIL
PALMETTO BAY ASR WELL

VERIFY SCALES BAR IS ONE INCH ON ORIGINAL DRAWING	JOB NO. XX.XX
0 1" IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY	DRAWING NO. C-00
	SHEET NO. OF XXX



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
FROM: Nicole Dixon, CFM, *Senior Planner*
DATE: January 5, 2012
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 November Board of Zoning Appeals meeting.

Administrative Waivers

December - 2011

1. A project at 11 Pelican Street: the applicant requested to construct an addition to a currently nonconforming residential structure (the existing house was located within the setback & buffer). A waiver was granted with a condition that the 38" Date Palm be relocated to the buffer in the front right corner of the property.
2. A project at 2066 Deer Island Road: the applicant requested to construct a deck addition to a currently nonconforming residential structure (the existing structure was located within the tidal buffer). A waiver was granted with the conditions that the asphalt walkway be removed and replaced with pervious pavers and that the trash enclosure and slab underneath be removed.