



**Town of Hilton Head Island**  
**Board of Zoning Appeals Meeting**  
**Monday, December 17, 2012 at 2:30p.m**  
**Benjamin M. Racusin Council Chambers**  
**AGENDA**

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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 of September 24, 2012
8. **Unfinished Business**  
None
9. **New Business**  
**Public Hearing**  
**VAR120006:** Request for variance from LMO Section 16-5-1503, Elevation of Sites. The Town of Hilton Head Island is requesting a variance to raise the site elevation to 5 feet above existing grade in some areas in order to build the new Fire Station #6 to a finished floor elevation of 20 feet. The property is located at 12 Dalmatian Lane, and is further identified as Parcel 19 on Beaufort County Tax Map 12. *Presented by: Nicole Dixon*
10. **Board Business**
11. **Staff Report**  
a) 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, September 24, 2012 Meeting**  
**2:30p.m. - Benjamin M. Racusin Council Chambers**

**DRAFT**

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

Board Members Absent: None

Council Members Present: Bill Ferguson

Town Staff Present: Nicole Dixon, Senior Planner & Board Coordinator  
Jill Foster, Deputy Director, Community Development Department  
Kathleen Carlin, Secretary

**1. Call to Order**

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

**2. Roll Call**

**3. Freedom of Information Act Compliance**

Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and Town of Hilton Head Island requirements.

**4. Introduction to Board Procedures**

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

**5. Approval of the Agenda**

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

**6. Approval of the Minutes**

Vice Chairman Kristian made a **motion** to **approve** the minutes of the August 27, 2012 meeting as presented. Mr. Lawrence **seconded** the motion and the motion **passed** with a vote of 7-0-0.

**8. Unfinished Business**

**VAR120002:** Request for variance from LMO Section 16-6-402, Preservation of Trees and Native Vegetation. Cary Corbitt, with Sea Pines Resort, is requesting a variance to remove two specimen trees at Harbour Town Golf Links in order to alleviate shade problems on two greens of the golf course. The property is located at 11 Lighthouse Lane, and is further identified as Parcel 304 on Beaufort County Tax Map 17. Chairman DeCaigny opened the public hearing for the application.

1 Chairman DeCaigny reported that he and Mr. Stephen Murphy were absent from the Board's  
2 August 27<sup>th</sup> meeting when Application for Variance VAR120002 was first reviewed.  
3 According to the Rules of Procedure, any member who is not present at the initial review of an  
4 application should consider recusing himself from the second review unless they believe they  
5 are informed enough to make an educated decision on the application.  
6

7 In addition, Chairman DeCaigny stated that since he was not present at the August 27<sup>th</sup> meeting,  
8 he would like to request that Vice Chairman Kristian assume the duties of Chairman for this  
9 application. Acting Chairman Kristian assumed the role of Chairman for this application.  
10

11 In compliance with the Board's Rules of Procedure, Acting Chairman Kristian asked Mr.  
12 DeCaigny and Mr. Murphy if they believe that they are knowledgeable enough about  
13 Application for Variance VAR120002 to participate in today's discussion and action. Mr.  
14 DeCaigny and Mr. Murphy stated that they believe they are knowledgeable enough about  
15 VAR120002 to participate in the discussion and action. Acting Chairman Kristian then  
16 requested a motion be made that will allow Mr. DeCaigny and Mr. Murphy to participate in  
17 today's discussion and action on VAR120002.  
18

19 Mr. Stanford made the **motion** to allow Mr. DeCaigny and Mr. Murphy to participate in today's  
20 discussion and action on this application. Mr. Brenner **seconded** the motion and the motion  
21 **passed** by the members who were present at the August 27<sup>th</sup> meeting (Mr. Kristian, Mr.  
22 Stanford, Mr. Brenner, Mr. Lawrence and Mr. Campbell). Acting Chairman Kristian then  
23 requested that the staff make their presentation on VAR120002.  
24

25 Ms. Nicole Dixon made the presentation on behalf of staff. Ms. Dixon began her presentation by  
26 providing a brief history of the initial review of the application. At the August 27, 2012 meeting the  
27 Board requested that action on VAR120002 be postponed to September 24<sup>th</sup> based on their need for  
28 additional information from the applicant. The Board asked the applicant to provide more complete  
29 details regarding their efforts to manage the growth of the tree in an effort to save the tree. The  
30 Board asked that the applicant to provide a complete record of their pruning efforts. In response to  
31 this request, the applicant provided the tree management documentation to the Board and to staff.

32 Ms. Dixon reported that after carefully reviewing this documentation, the staff has changed their  
33 position on VAR120002. The applicant has provided the proper documentation to justify why  
34 removal of the tree is the only option available to them. The staff finds that Application for Variance  
35 VAR120002 meets the six required criteria. Ms. Dixon reviewed the six required criteria with the  
36 Board. Ms. Dixon also presented a letter of opposition to the variance request that has been received  
37 by staff. Following staff's presentation, Acting Chairman Kristian requested that the applicant make  
38 his presentation.

39 Mr. Cary Corbitt, with Sea Pines Resort, presented statements in support of the application. The  
40 Board and Mr. Corbitt discussed the August 27<sup>th</sup> review of the application as well as the additional  
41 documentation that has since been provided. Mr. Corbitt reiterated that the only option available to  
42 them is to remove the tree. Following the applicant's presentation, Acting Chairman Kristian  
43 requested comments from the public.

44 Mr. Peter Ovens, citizen, presented statements in opposition to the request for variance. Mr. Ovens  
45 stated that the specimen tree should be preserved. The applicant should continue to manage the

1 growth of the specimen tree by selective pruning. If the Board does approve the application for  
2 variance, Mr. Ovens stated that an educational component on tree removal should be provided to  
3 local school children. Following these public comments, Chairman DeCaigny stated that the public  
4 hearing for the application is closed.

5 The Board discussed the initial review of the application as well as the supporting documentation that  
6 was provided by the applicant. Based on review of today's documentation, the Board stated that they  
7 believe the applicant has satisfied all six required criteria. Following final discussion by the Board,  
8 Acting Chairman Kristian requested that a motion be made.

9 Mr. Lawrence made a **motion** to **approve** Application for Variance VAR120002 as presented  
10 by staff. Mr. Stanford **seconded** the motion and the motion **passed** with a vote of 7-0-0.  
11 Chairman DeCaigny thanked Vice Chairman Kristian for his assistance in conducting this  
12 portion of the meeting.

13  
14 **9. New Business**  
15 **Public Hearing**

16 **SER120003:** Barry Bennett is requesting a special exception from Land Management  
17 Ordinance Section 16-4-1204, Use Table, to allow commercial cleaning use (Other Light  
18 Industrial Service) in the Commercial Center (CC) Zoning District. The property is located at  
19 114 Arrow Road and is further identified as parcel 114 on Beaufort County Tax Map 15.  
20 Chairman DeCaigny requested that the staff make their presentation.

21  
22 Ms. Nicole Dixon stated that she will make the staff's presentation on SER120003 on behalf of  
23 Ms. Anne Cyran, case manager. The staff recommended that the Board of Zoning Appeals  
24 *approve* the application based on the Findings of Fact and Conclusions of Law stated in the staff  
25 report. Based on these Findings of Fact and Conclusions of law, the LMO Official has  
26 determined that this request for a special exception should be granted to the applicant for the  
27 proposed commercial cleaning service in the CC Zoning District. The application is in  
28 conformance with the Comprehensive Plan and the Land Management Ordinance.

29  
30 Mr. Barry Bennett is proposing to operate a commercial laundry service (classified as Other  
31 Light Industrial Service) in the Commercial Center (CC) Zoning District, which requires special  
32 exception approval per Land Management Ordinance (LMO) Section 16-4-1204, Use Table.

33  
34 In July, the applicant asked staff about the requirements for operating a commercial laundry  
35 service in an existing, unoccupied suite at 114 Arrow Road. Staff informed the applicant that  
36 the commercial laundry service use would require a special exception. The property is bound  
37 by Arrow Road on the east, 112 Arrow Road (Hilton Head Bicycle Company) and 110 Arrow  
38 Road (IWL Photography) on the north, an undeveloped easement on the west and 116 Arrow  
39 Road (Shore Beach Services) on the south. The suite, which is approximately 2,380 square feet,  
40 was previously occupied by Island Events, which used the space as a warehouse.

41  
42 The staff believes that the use will be compatible with surrounding uses because all activities  
43 will take place in the building and the proposed use will not generate noise, glare, smoke, dust,  
44 odor, fumes, water pollution or general nuisance. The staff recommends that the application be  
45 *approved*. Following the staff's presentation, Chairman DeCaigny requested that the applicant  
46 make his presentation.

1 The applicant, Mr. Barry Bennett, owner of Pelican Cleaning, appeared before the Board. The  
2 applicant stated that he had nothing new to add to the staff's presentation. The owner of the  
3 building, Mr. John Meyer, requested an opportunity to speak. Mr. Meyer presented brief  
4 comments regarding the intent of this new business. The Board thanked Mr. Meyer for his  
5 comments. Chairman DeCaigny then requested public comments and none were received.  
6 Chairman DeCaigny stated that the public hearing for this application is closed.  
7

8 The Board discussed the intent of the application. Following their discussion, Chairman  
9 DeCaigny requested that a motion be made.  
10

11 Vice Chairman Kristian made a **motion** to **approve** SER120003 based on the Findings of Fact  
12 and Conclusions of Law stated in the staff report. Mr. Brenner **seconded** the motion and the  
13 motion **passed** with a vote of 7-0-0.  
14

15 **10. Board Business**

- 16 a) Chairman DeCaigny reported that Mr. Stephen Murphy was sworn in for a second three-year  
17 term on September 24, 2012.  
18 b) The Board adopted the Board of Zoning Appeals Schedule of Meetings for 2013.  
19

20 **11. Staff Report**

- 21 a) Ms. Nicole Dixon presented the Waiver Report.  
22 b) Ms. Jill Foster presented the staff's report on State Training. Ms. Foster stated that the  
23 South Carolina Planning Education Advisory Committee (SCPEAS), which oversees mandatory  
24 training for municipal and county boards and commissions, has approved the staff's proposed  
25 new Training Program. New members must receive six (6) hours of Orientation Training  
26 during their first year; whereas other members must maintain three (3) hours training in  
27 subsequent years. The approved program is geared toward training that is more specific to the  
28 issues that are facing Hilton Head Island.  
29

30 Ms. Foster presented an overview of the training topics that will be presented by staff. The first  
31 training session on the topic of Variances will be presented to the BZA on Monday, October 22,  
32 2012. The second training session on the topic of Design Guidelines will be presented  
33 following the DRB meeting on Tuesday, October 23, 2012. All Board members are invited to  
34 attend the training sessions to complete their mandated training requirements. Ms. Foster  
35 requested that the Board contact her if they have any questions. The Board thanked Ms. Foster  
36 for developing and presenting the new Training Program.  
37

38 **12. Adjournment**

39 The meeting was adjourned at 3:35p.m.  
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42 Submitted By:

Approved By:

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45 Kathleen Carlin  
46 Secretary  
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44 \_\_\_\_\_  
45 Roger DeCaigny  
46 Chairman  
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**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**

<b>Case #:</b>	<b>Public Hearing Date:</b>
VAR120006	December 17, 2012

<b>Parcel or Location Data:</b>	<b>Property Owner &amp; Applicant</b>
Project Name: Fire Station 6 Address: 12 Dalmatian Lane Parcel#: R520 012 000 0019 0000 Zoning: PD-1 (Planned Development) – Palmetto Dunes Resort	Town of Hilton Head Island Julian Walls One Town Center Court Hilton Head Island, SC 29928

**Application Summary:**

The Town of Hilton Head Island is requesting a variance from LMO Section 16-5-1503, Elevation of Sites, to raise the site elevation to 5 feet above existing grade in some areas in order to build the new Fire Station #6 to a finished floor elevation of 20 feet.

**Background:**

On behalf of the Town of Hilton Head Island, Matt Brown with Stewart Cooper Newell Architects, submitted a development project review application in October of 2012 to construct the new Fire Station #6. The building is proposed to be elevated to 20 feet Mean Sea Level (MSL) using up to five feet of fill in some areas, which is prohibited by LMO Section 16-5-1503, Elevation of Sites. According to the applicant and the Town’s Fire Chief, the new fire station must be constructed at 20 feet MSL in order to provide a safe haven for Fire & Rescue personnel as well as to provide a fully functioning critical service facility before, during and after a Category 3 or lower hurricane.

In order to accommodate hurricane storm surge issues, a 20 foot finished floor elevation for all new fire stations was a policy that was implemented after the completion of Fire Station #3 and before the design began for Fire Station #7. Fire Stations #4, 5 and 7 are built at an elevation of 20 feet. In 2008, the Town received variance approval from the Board of Zoning Appeals, for Fire Station #5, to elevate the site with more than 3 feet of fill in order to build the station to 20 feet MSL.

The subject parcel is located within Palmetto Dunes Resort Master Plan and is surrounded by Town-owned land, a debris storage yard, a recycling area and the St. Andrews multi-family development. The current Fire Station #6 building will be utilized by Palmetto Dunes for a guest pass office. The new Fire Station #6 will be constructed further down Dalmatian Lane in an already cleared portion of the property.

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

**Grounds for Variance:**

The Town is requesting a variance from LMO Section 16-5-1503, Elevation of Sites, to raise the site elevation to 5 feet above existing grade in some areas in order to build the new Fire Station #6 to a finished floor elevation of 20 feet. In order to accommodate hurricane storm surge issues, the Town needs to build critical facilities to handle the winds and be at an elevation that can safely keep crews on the island to provide emergency assistance in a category 3 storm.

**Summary of Facts:**

- o The applicant seeks a variance from LMO Section 16-5-1503, Elevation of Sites, to raise the site elevation to 5 feet above existing grade in some areas in order to build the new Fire Station #6 to a finished floor elevation of 20 feet.
- o Fire and Rescue staff needs to be able to stay on the island in the event of a natural disaster to provide emergency assistance.

**Conclusions of Law:**

- o The LMO States you can raise a site with up to 3 feet of fill and the fire station building needs to be raised 5 feet, therefore the applicant is seeking a variance from the requested LMO section as set forth in 16-3-1901.
- o It is Fire & Rescue Department policy to build new fire stations to 20 feet MSL so that they can be at an elevation less likely to have any floodwater in order to safely keep crews on the island.

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

**Summary of Facts:**

- o Application was submitted as set forth in LMO Section 16-3-1903.
- o Notice of the Application was published in the Island Packet on November 11, 2012 as set forth in LMO Sections 16-3-110 and 16-3-111.
- o Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
- o The Board has authority to render the decision reached here under LMO Section 16-3-1905.

**Conclusions of Law:**

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

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

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

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

**Findings of Fact:**

- o Fire and Rescue must locate their stations as call volume and response times dictate.

- The property is owned by the Town of Hilton Head Island.
- The existing site elevation is at approximately 15 feet and would have three feet of water coverage during a category three storm.
- It is Fire & Rescue Department policy to build new fire stations to 20 feet MSL.

**Conclusions of Law:**

- This application does meet this variance criteria as set forth in LMO Section 16-3-1906A(1).
- Even though the property doesn't contain any extraordinary conditions such as specimen trees or wetlands that would be impacted by the development, the location of the property and the need to elevate the building in regards to providing adequate emergency response makes the property exceptional.
- The new location for Fire Station #6 was selected due to its proximity to the surrounding neighborhoods and the necessary response times required to adequately respond to emergency situations.

**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))*

**Findings of Fact:**

- There are no other fire stations in the vicinity that would provide adequate emergency response to the surrounding neighborhoods.
- There are no other sites in the vicinity that would be able to accommodate a 20 foot MSL building without having to provide more than 3 feet of fill.

**Conclusions of Law:**

- This application does meet this variance criteria as set forth in LMO Section 16-3-1906A(2) because there are extraordinary or exceptional conditions pertaining to this property that do not apply to other properties in the vicinity.
- There are no other properties in the vicinity that are required to elevate their buildings to 20 feet in order to be considered a critical facility for emergency response, nor are there any properties in the vicinity that would be able to accommodate such a facility without having to provide more than 3 feet of fill.

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

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

**Findings of Fact:**

- Pursuant to LMO Section 16-5-1503, Elevation of Sites, elevating a site more than 3 feet above existing grade is prohibited.
- The existing site elevation is at approximately 15 feet and would have three feet of water coverage during a category three storm.
- Current data suggests that Island evacuation for a hurricane will exceed 30 hours, with Fire & Rescue personnel being the last to evacuate.
- It is Fire & Rescue Department policy to build new fire stations to 20 feet MSL so that they can handle the winds and be at an elevation less likely to have any floodwater in order to safely keep crews on the island.

**Conclusions of Law:**

- This application does meet this variance criteria as set forth in LMO Section 16-3-1906A(3).
- Not allowing more than three feet of fill to elevate the fire station to 20 feet MSL would effectively prohibit the use of the fire station as a safe haven for personnel and as a critical service facility during a category 3 storm due to the risk of floodwater.
- If Fire and Rescue staff does not have a safe structure to stay in during a storm, they will have to evacuate as well and there would not be any emergency assistance available to the community.

**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 new location for Fire Station #6 was selected due to its proximity to the surrounding neighborhoods and the necessary response times required to adequately respond to emergency situations.
- Fire and Rescue must locate their stations as call volume and response times dictate.
- The existing site elevation is at approximately 15 feet and would have three feet of water coverage during a category three storm.
- It is Fire & Rescue Department policy to build new fire stations to 20 feet MSL so that they can handle the winds and be at an elevation less likely to have any floodwater in order to safely keep crews on the island.

**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.
- This site was chosen in order to provide adequate emergency response to the surrounding neighborhoods and not allowing more than three feet of fill to elevate the fire station to 20 feet MSL would effectively prohibit the use of the fire station as a safe haven for personnel and as a critical service facility during a category 3 storm due to the risk of floodwater.

**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:**

- Pursuant to LMO Section 16-5-1503, Elevation of Sites, elevating a site more than 3 feet above existing grade is prohibited. The intent of this provision is to alleviate any stormwater runoff problems that would be created by elevated sites onto adjacent properties.

The Comprehensive Plan is silent on this issue; however, the Comprehensive Emergency Management Plan (CEMP) addresses the proposed variance in the following:

- Basic Plan I. Introduction, A. Purpose (Mission), states the goal of the CEMP is to maximize the efficiency and effectiveness of available resources and to speed recovery from natural disasters.
- Basic Plan, ESF #4, Firefighting, Primary, Fire & Rescue Division, states it is a priority to provide initial disaster assessment.
- Basic Plan, ESF #7, Resource Support, Primary, Administrative – Operations states staging areas must be identified prior to an emergency.
- CEMP Vol. IV, Recovery Plan, Sec. I – Recovery Basic Plan I, B, Purpose 1 is to anticipate what will be needed to restore the community to full functioning as rapidly as possible.

**Conclusions of Law:**

- This application does meet this variance criteria as set forth in LMO Section 16-3-1906A(5) because the variance does not substantially conflict with the Comprehensive Plan and purposes of the LMO.
- Although the application is contrary to LMO Section 16-5-1503, any concern for stormwater runoff onto adjacent properties has been dealt with in the stormwater design for the site. The runoff will be captured, stored and released so as not to create flooding issues on adjacent sites.
- Granting the variance would meet several goals of the Comprehensive Emergency Management Plan by protecting available resources, aiding quick recovery from disasters, providing initial disaster assessment, providing a staging area for emergency services, providing a fully functioning fire station after a Category 3 or lower hurricane, and providing emergency service before, during, and after disasters.

**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:**

- Staff has not received any opposition or comments regarding this variance request.
- Allowing additional elevation for the fire station will allow Fire & Rescue staff to remain safe and in operation during category 3 hurricanes.
- Any concern for stormwater runoff onto adjacent properties has been dealt with in the stormwater design for the site. The runoff will be captured, stored and released so as not to create flooding issues on adjacent sites.
- The Design Review Board has reviewed and approved the design of the building and landscaping will be installed to buffer the neighboring sites.

**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 detriment to the adjacent property and the public good.
- The stormwater concerns will be addressed by appropriate stormwater design for the site; additional landscaping and trees will provide buffer for an elevated building from adjacent properties; and the general public and fire and rescue personnel will benefit from an elevated, safer facility in the event of a natural disaster.

**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

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Nicole Dixon, CFM

*Senior Planner & BZA Coordinator*

November 21, 2012

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DATE

**ATTACHMENTS:**

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



Proposed Variance - New Fire Station #6



## ATTACHMENT B

25 October 2012

To: Town of Hilton Head Island Board of Zoning & Appeals  
One Town Center Court  
Hilton Head Island, SC 29926

From: Stewart Cooper Newell Architects, PA  
Matthew Brown, NCARB – Project Manager

Re: Fire Station #6 Variance Request

Fire & Rescue is requesting a variance of the LMO, Sec. 16-5-1503. Elevation of Sites. It reads that sites *shall not be elevated with fill material to a height greater than 3 feet above existing grade. The fill material shall be retained under the footprint of the structure.*

The Town and Fire Rescue Department (F&R) has required that this new station be designed at 20' floor elevation to accommodate hurricane storm surge issues. The requirement for the 20' floor elevation for all new fire stations was implemented after the completion of Fire Station 3 and before the design began for Fire Station 7. Fire Station 4 and 7 are at 20' elevation.

The decision to set the floor elevations at 20' came as a result of the increase in the evacuation times for hurricanes. In 1999 the evacuation time was projected to be between 14 and 18 hours. As of 2008, the estimates were at 30 hours. With this extended evacuation time projected, it isn't likely that F&R will be able to evacuate all of the public that desire to leave. We may be able to evacuate some of our personnel prior to the rush but since F&R personnel must be the last to go; we will be stuck in traffic along with others leaving our personnel in harm's way. Therefore, we need to build critical facilities to handle the winds and be at the elevation that we can safely keep crews here. They must be provided an area of safe haven. Fire Stations 1, 4, 5 & 7 were designed with an importance factor of 1.5 which converts to approximately 154 mph. With the addition of hurricane screening and the anticipated elevation of 20' we will have established facilities that we can staff up to category 3 storms.

The existing site elevation is at approximately 15' and would have 3' of water coverage during a Cat 3 storm. As such, we have raised the site elevation by 5' in some areas to reach the required 20' finished floor level. This will allow this station to be used during a Cat 3 storm or less.

We respectfully requested that the Board of Zoning and Appeals grant Fire Station #6 a variance to allow raising the grade of the site as required facilitating a new finished floor elevation of 20' above sea level.

Pursuant to section 16-3-1906 the following findings document both the design team and F&R's reasoning for requesting the variance.

**Extraordinary or Exceptional Conditions:**

The project site was selected due to the location's proximity to the surrounding neighborhoods and the necessary response times required to adequately respond to emergency situations. F&R does not have the luxury of selecting premium sites but must locate their stations as call volume and response times dictate.

**Alternate Properties in the Vicinity:**

It is our understanding that there are no other sites in the vicinity that allow for a 20' floor level and allow proper access to roadways in order to adequately respond to emergency calls. F&R did extensive research regarding site availability along with Town Planning to select the site which met the primary needs of the Department and the surrounding community. This site was the best option.

**Ordinance Application and Ability to Utilize the Property:**

Based on the reasoning provided by F&R in the attached description of the *Comprehensive Emergency Management Plan* (CEMP) requirements, application of this ordinance requirement would hinder the ability of the Department to adequately perform their duty to the community during the event of a Category 3 hurricane which is precisely when their services are in direst need.

**Result of Applicant's Own Actions:**

The deviation from the Ordinance is mandated to allow the Department to perform their duties during a natural disaster and comply with the intent of the CEMP.

**Comprehensive Plan and LMO Impact:**

Granting this variance will not substantially conflict with either the Comprehensive Plan or the intent of the LMO. This has been documented in the previous variance application approval for Fire Station #5 in 2008.

**Affects to Adjacent Property, Public Good and Character of the District:**

Approval will not affect adjacent property owners. The main concern will be stormwater runoff onto adjacent sites which has been dealt with in the stormwater design for the site. The runoff will be captured, stored and released at such a rate so as not to create flooding issues on adjacent sites. The Public Good will be vastly improved by this approval as it will allow the Station to remain operational during Category 3 hurricanes and provide a safe haven for neighboring residents. Lastly, the character of the district will not be undermined as the appearance of the Station has been vetted by the DRB and landscape buffers have been provided to shelter neighboring sites from harsh views.

## Comprehensive Emergency Management Plan Compliance Documentation

The following information has been provided by the Fire & Rescue Department to document how this variance request will allow them to accomplish the goals and requirements set forth in the Hilton Head Island *Comprehensive Emergency Management Plan*.

### **CEMP, Basic Plan, I. Introduction, A. Purpose (Mission), 1.**

*The Town of Hilton Head Island Emergency Management, in cooperation with Town administration, Town departments and other members of our community and in an effort to maximize the efficiency and effectiveness of available resources, endeavors to mitigate, prepare for, respond to, and recover from natural and man-made disasters which threaten the lives, safety, or property of the citizens of Hilton Head Island by: ... Describing predetermined actions (responsibilities, tasks) to be taken by Town departments and other cooperating organizations and institutions to eliminate or mitigate the effects of these threats and to respond effectively and recover from an emergency or disaster.*

*To maximize the efficiency and effectiveness of available resources. ... and recover from natural ... disaster ... is a clear requirement of the CEMP. Construction of fire stations within the Town that can survive the ravages of a natural disaster such as a category 3 hurricane is much more prudent than having such a facility off island. It will take less time for F&R to evacuate the public and will allow us to respond much sooner if we are responding from within the Town instead of off island.*

### **CEMP, Basic Plan, Annex I, 1. Emergency Services Measures.**

*The Fire & Rescue Division provides rapid, effective, and efficient response to all residents and visitors requests for emergency assistance, including fire, pre-hospital emergency medical, and rescue services.*

It is impossible to provide *rapid* responses to residents if all units are evacuated off island. This variance will support our ability to provide this type of response.

### **CEMP, Basic Plan, ESF #4, Firefighting, Primary, Fire & Rescue Division (Pg. 4-1).**

*Emergency ... When notified of an emergency situation, send response teams/personnel, equipment, and vehicles to the emergency site, staging areas, or other location, as appropriate.*

- *Manage fire/rescue resources, direct fire operations, rescue injured people during emergency operations, and determine the need, as appropriate, for evacuation of the immediate area in and around the emergency scene.*
- *Provide initial disaster assessment.*
- *Report the need for rescue, the numbers of dead or injured, damage to buildings, public facilities such as roads and bridges, and utilities. (Compiled by dispatch and communicated to the EOC.)*

It is clear that many residents will remain on HHI during a mandatory evacuation. When a storm has passed they will be calling for assistance. If units are not located on HHI we will not be able to *respond*

*teams/personnel, equipment, and vehicles to the emergency site. Clearly, having survivable fire stations can assist in our need to provide initial disaster assessment and to report the need for rescue, etc.*

**CEMP, Basic Plan, ESF #7, Resource Support, Primary, Administrative – Operations (Pg. 7-1).**

*Pre-Emergency ... Work with Hilton Head Emergency Management to: ... Identify staging area locations and resources needed.*

The creation of a fire station with a finished elevation of 20' will provide the Town an additional area of safe haven for emergency response personnel and will serve as a *staging area* for personnel and equipment.

**CEMP, Basic Plan, ESF #9, Search & Rescue, Primary, Fire & Rescue Division (Pg. 9-1).**

*Pre-Emergency: ... Work with Hilton Head Emergency Management to ... Develop a system to quickly identify and establish Town-wide search and rescue grids.*

The establishment of search grids is a first step in conducting search and rescue operations. To have facilities that search operations can originate from provide for more effective rescue operations.

**CEMP, Vol. IV, Recovery Plan, Sec. I – Recovery Basic Plan, I., B, Purpose 1.**

*The purpose of recovery planning is to anticipate what will be needed to restore the community to full functioning as rapidly as possible.*

No community can return to *full functioning* status until certain infra-structure is restored. The sooner a fire station can be reestablished following a hurricane, the sooner a community can return to *full functioning* status. A flooded and damaged fire station will not serve this purpose.

**CEMP, Vol. IV, Recovery Plan, RF #2,, Economic Restoration & Development, 4.**

*It is the policy of the Town of Hilton Head Island to: ... Assist citizens and the private sector businesses in reestablishing normal activities and operations as quickly as possible.*

Citizens or private sector businesses cannot *reestablish normal activities* until certain infra-structure is restored. The sooner a fire station can be reestablished following a hurricane the sooner *citizens or private sector businesses* can return to *normal activities*. A flooded and damaged fire station will not serve this purpose.

**CEMP, Vol. IV, Recovery Plan, RF #3, Continuation of Government, 1.**

*It is the policy of the Town of Hilton Head Island to ensure that every effort will be made to restore normal Town government operating and decision making processes as quickly as possible.*

The elevation of this fire station to 20' is an effort to ensure *that every effort will be made to restore normal Town government operating and decision making processes as quickly as possible*. Continuity of operations cannot be achieved without facilities to make it happen.



## ATTACHMENT D



Pictures of Fire Station 5 that previously received a variance to raise the elevation of existing grade with fill material. An example of what Station 6 will look like if the variance is approved.



# **TOWN OF HILTON HEAD ISLAND**

*Community Development Department*

**TO:** Board of Zoning Appeals  
**FROM:** Nicole Dixon, CFM, *Senior Planner*  
**DATE:** November 28, 2012  
**SUBJECT:** Administrative Waivers

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

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

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

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

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

## Administrative Waivers

### **September - 2012**

1. A project at 4 Shelter Cove Lane (Marriott Sunset Point & Harbour Point): the applicant requested to make improvements to an existing non-conforming deck, which is located in the adjacent use buffer. A waiver was granted because the footprint of the existing deck was not going to be expanded and because the applicant was bringing the site more into compliance with the LMO by adding landscaping to the adjacent use buffer.

### **October – 2012**

2. The project known as the Mathews Connectivity Project: the Town was the applicant for this project, which includes drainage and roadway improvements and establishes on-street parking. Currently the roads and parking are non-conforming and do not meet design standards. A waiver was granted due to the applicant bringing the streets, parking and landscaping more into compliance with the LMO.