



Town of Hilton Head Island
Board of Zoning Appeals Meeting
Monday, April 23, 2012
2:30 p.m. Council Chambers
AGENDA

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 March 26, 2012

8. Unfinished Business

None

9. New Business

Public Hearing

VAR120001: Request for variance from LMO Section 16-6-402, Preservation of Trees and Native Vegetation. John Ware, with Heritage Villas, is requesting a variance to remove a specimen tree in order to re-align the drive aisle for safety reasons. The property is located at 107 Lighthouse Road, and is further identified as Parcel 1083 on Beaufort County Tax Map 17.

Presented by: Nicole Dixon

Public Hearing

SER120001: Martin Olsen is requesting a special exception for an Other Light Industrial Service use in the Commercial Center (CC) Zoning District pursuant to LMO Section 16-4-1204 to operate a property management office and commercial cleaning service. The property is located at 87 Arrow Road and is further identified as parcel 837 on Beaufort County Tax Map 14.

Presented by: Anne Cyran

10. Board Business

11. Staff Report

Waiver Report - *Presented by: Nicole Dixon*

12. Adjournment

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TOWN OF HILTON HEAD ISLAND
Board of Zoning Appeals
Minutes of the Monday, March 26, 2012 Meeting
2:30p.m. - Benjamin M. Racusin Council Chambers

DRAFT

7 Board Members Present: Chairman Roger DeCaigny, Vice Chairman Peter Kristian,
8 Alan Brenner and Michael Lawrence
9
10 Board Members Absent: Stephen Murphy and Glen Stanford, Excused
11
12 Council Members Present: None
13
14 Town Staff Present: Nicole Dixon, Senior Planner & Board Coordinator
15 Heather Colin, Development Review Administrator
16 Teri Lewis, LMO Official
17 Richard Spruce, Plans Administrator
18 Kathleen Carlin, Board Secretary

19
20 **1. CALL TO ORDER**

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

23 **2. ROLL CALL**

24
25 **3. INTRODUCTION TO BOARD PROCEDURES**

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

28 **4. APPROVAL OF THE AGENDA**

29 Vice Chairman Kristian made a **motion** to **approve** the agenda as presented. Mr. Brenner
30 **seconded** the motion and the motion **passed** with a vote of 4-0-0.
31

32 **5. APPROVAL OF THE MINUTES**

33 Vice Chairman Kristian made a **motion** to **approve** the minutes of the January 23, 2012
34 meeting as amended. Mr. Brenner **seconded** the motion and the motion **passed** with a vote
35 of 4-0-0.
36

37 **6. UNFINISHED BUSINESS**

38 **Public Hearing**

39 **VAR110006:** James Hicks is requesting a variance from LMO Section 16-6-204, Wetland
40 Buffers, to allow proposed additions to the existing house and deck to encroach up to five
41 feet into the wetland buffer. The property is located at 2 Berkshire Court and is further
42 identified as Parcel 256 on Beaufort County Tax Map 15D.
43

44 Ms. Nicole Dixon made the presentation on behalf of staff (Ms. Anne Cyran, project
45 manager, was not available). Ms. Dixon briefly reviewed the history of the application. At
46 the January 23, 2012 Board meeting the application was tabled to allow time for the applicant
47 to clarify his plans and provide a clearer, more detailed submission. The revised submittal

1 provided by the applicant requests an eighteen inch encroachment into the adjacent wetland
2 buffer instead of the five feet originally requested. The staff report has been updated to
3 reflect this revision. The staff's recommendation, however, has not changed. Following the
4 staff's presentation, Chairman DeCaigny requested that the applicant make his presentation.
5

6 Mr. James Hicks presented statements in support of his application. The applicant and the
7 Board discussed the eighteen inch encroachment into the adjacent wetland buffer (instead of
8 the five feet originally requested), the original design of the house, and aesthetics. The Board
9 and the applicant discussed staff's recommendation that the setbacks in the wetlands be
10 mitigated if the application be approved. Mr. Hicks reviewed the six required criteria in
11 support of his application. Mr. Hicks stated that he believes all six required criteria have been
12 met.
13

14 A couple of the Board members stated that they believe the application should be approved
15 because it has met the required criteria (based partly on the minor nature of the variance, the
16 original design of the house and aesthetics). Vice Chairman Kristian stated that he would be
17 unable to support a motion for approval because he does not believe the application has met
18 all six of the required criteria. Following this discussion, Chairman DeCaigny requested
19 public comments and none were received.
20

21 Following final comments by the Board, Chairman DeCaigny requested that a motion be
22 made.
23

24 Mr. Lawrence made a **motion** that the BZA should **approve** VAR110006 based on the fact
25 that the encroachment is not substantial and that the applicant's argument that the aesthetics
26 of the property would be improved by keeping the deck addition symmetrical with the
27 existing house. The variance would be approved on the condition that the wetland buffer be
28 mitigated as recommended by staff. Mr. Brenner **seconded** the motion. Prior to a vote being
29 taken, Chairman DeCaigny requested that Mr. Lawrence support his motion with a review of
30 the six required criteria.
31

32 The Board agreed to take a five-minute recess to allow time for the maker of the motion to
33 formulate his opinion on the criteria. Following the recess, Mr. Lawrence stated that he
34 believes the application has met the following six criteria.
35

36 Criteria # 1: The minor nature of the variance requested suggests that disapproval would be
37 an extraordinary reaction to the situation presented.
38

39 Criteria # 2: These conditions do not generally apply to other properties in the vicinity.
40

41 Criteria # 3: The application of the ordinance to this particular piece of property would
42 create architectural discord.
43

44 Criteria # 4: The hardship is the result of the original design of the house and not a result of
45 the applicant's own action.
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47 Criteria # 5: Granting the variance does not substantially conflict with the Comprehensive
48 Plan and the purposes of the LMO.

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Criteria # 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.

Mr. Brenner, as second to the motion, stated that he agrees with the criteria as stated by Mr. Lawrence. Chairman DeCaigny requested that a vote be taken. The motion for approval of VAR110006 **passed** with a vote of 3-1-0. Vice Chairman Kristian stated that he is opposed to the motion because he does not believe the application has met all six of the required criteria.

7. NEW BUSINESS

None

**8. Staff Report
Waiver Report**

Ms. Dixon stated that there are no new waivers to report this month.

9. ADJOURNMENT

The meeting was adjourned at 3:30p.m.

Submitted By:

Approved By:

Kathleen Carlin
Secretary

Roger DeCaigny
Chairman



**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:
VAR120001	April 23, 2012

Parcel or Location Data:	Property Owner	Applicant
Address: 107 Lighthouse Road Parcel#: R550 017 000 1083 0000 Zoning: PD-1 (Planned Development) – Sea Pines Plantation Acreage: 13.75	The Landmarks Group Inc 880 Johnson Ferry Road NE Atlanta, GA 30342	John Ware Ware Associates 725 Starlight Drive Atlanta, GA 30342

Application Summary:

John Ware, Board President of Heritage Villas, is requesting a variance from Land Management Ordinance (LMO) Section 16-6-402, Preservation of Trees and Native Vegetation. The applicant is requesting a variance to remove a specimen tree in order to re-align the drive aisle for pedestrian and vehicular safety.

Background:

The applicant submitted an Expedited Development Plan Review application for drive aisle and parking lot improvements. While reviewing the site plan, staff identified that the proposed improvements, which include the realignment of the drive aisle, would result in the removal of a specimen tree. Staff informed the applicant that a specimen tree could not be removed without a variance.

Staff met on site as part of the application review process. During the site visit, staff discussed alternatives that could be presented to the applicant that would improve access to the site without having to remove the specimen tree. Fire & Rescue staff voiced their concern with the alignment of the existing drive aisle, and had a fire truck maneuver the turn into the development. The fire truck was able to turn into the drive aisle, but had to make a very wide turn and while coming through the entrance, blocked the entire drive aisle. If there was a vehicle sitting at the entrance waiting to pull out, the truck would not have been able to pull into the development. Fire & Rescue staff supports removal of the tree so that the drive aisle can be re-aligned and brought into compliance for safety reasons.

The alternative staff discussed and presented to the applicant, was the possibility of creating a one way in and one way out drive aisle, creating a median in between the two drive aisles to save the trees. But after discussing the alternative with the applicant, it was brought to staff's attention that there are three manhole vaults in the area that cannot be removed or relocated, making the creation of a new one way drive exit not feasible. The applicant decided that the alternative ideas have been exhausted and that they need to request the variance to remove the tree for safety reasons.

Applicant's Grounds for Variance, Summary of Facts and Conclusions of Law:
<p>Grounds for Variance:</p> <p>The applicant is requesting a variance to remove a specimen Live Oak tree in order to relocate the drive aisle entrance from Lighthouse Road approximately 35 feet south. The applicant states that the existing drive entrance intersects the street at an angle of approximately 45 degrees making it difficult for the bike path users and automobile drivers to see each other, particularly at low light times. The applicant states in the narrative that the new location will allow a 90 degree intersection that will provide a normal traffic condition with greater safety. The applicant also agrees with staff, that a fire truck cannot easily make the turn into the development during an emergency if another vehicle is in the drive aisle waiting to enter the street.</p> <p>Summary of Facts:</p> <ul style="list-style-type: none"> ○ The applicant seeks a variance from LMO Section 16-6-402, Preservation of Trees and Native Vegetation. ○ The applicant is proposing to remove a specimen tree in order to re-align the drive aisle for safety reasons. <p>Conclusion of Law:</p> <ul style="list-style-type: none"> ○ 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> <ul style="list-style-type: none"> ○ Application was submitted as set forth in LMO Section 16-3-1903. ○ Notice of the Application was published in the Island Packet on March 18, 2012 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. <p>Conclusions of Law:</p> <ul style="list-style-type: none"> ○ 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 there is a lagoon that bisects the property with multifamily residential development on both sides of the lagoon. ○ The property was developed in 1973/1974, prior to the incorporation of the Town and prior to the

adoption of the LMO.

- Without Town regulations in place at that time, the drive aisle that serves Phase 2 of the development, which is 55 units, was built at a 45 degree angle to Lighthouse Road which has resulted in an unsafe condition.
- There are several specimen trees on the property, but two 36 inch Live Oaks exist right next to the drive aisle which prohibits the re-alignment of the drive aisle.

Conclusions of Law:

- This application does meet this variance criteria as set forth in LMO Section 16-3-1906A(1) because there are extraordinary and exceptional conditions that pertain to this particular piece of property.
- The large lagoon, the way the site was developed in the 1970's and the specimen trees are all exceptional conditions which prohibit the un-safe drive aisle from being re-aligned.

Staff Summary of Facts and Conclusions of Law:

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

Finding of Fact:

- The other properties in the vicinity are not bisected by a large lagoon, nor were their drive aisles constructed at a 45 degree angle.

Conclusion of Law:

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

Staff Summary of Facts and Conclusions of Law:

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

Findings of Fact:

- LMO Section 16-6-402, Preservation of Trees and Native Vegetation, states that specimen trees may not be removed unless they are hazardous.
- There is a 36 inch Live Oak tree, which is specimen size pursuant to LMO Section 16-6-408.

Conclusions of Law:

- This application does meet this variance criteria as set forth in LMO Section 16-3-1906A(3) because the application of the LMO does restrict the safe utilization of the property.
- If the variance application is not granted, the applicant will not be able to re-align the drive aisle to make it safer for pedestrians and vehicles and the drive aisle will remain an unsafe condition.

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 property was developed in 1973/1974, prior to the incorporation of the Town and prior to the adoption of the LMO.
- Without Town regulations in place at that time, the drive aisle that serves Phase 2 of the development was built at a 45 degree angle to Lighthouse Road which has resulted in an unsafe condition.

- There are several specimen trees on the property, but two of them exist right next to the drive aisle which prohibits the re-alignment of the drive aisle.

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 natural features of the site, the way it was developed in the 1970’s and is unable to re-align the drive aisle to make it safe without receiving variance approval to remove one of the specimen trees.

Staff Summary of Facts and Conclusions of Law:

Criteria 5: Granting of the variance does not substantially conflict with the Comprehensive Plan and the purposes of the LMO. (LMO Section 16-3-1906A(5))

Findings of Fact:

- LMO Section 16-6-402, Preservation of Trees and Native Vegetation, states that specimen trees may not be removed unless they are hazardous. But this section also states that if preservation of a specimen tree causes unnecessary hardship, the applicant may apply for a variance from this section.

The Comprehensive Plan addresses the proposed variance in the following sections:

Cultural Resources Element

Goal 2.3 - Community Character

- A. Preserve and enhance natural and physical environments that reflect character of the Island.
- G. The following components should be used to protect Island Character:
 - i. Preserve significant existing site features, trees and vegetation.

3.3 Positive Impacts of Environmental Preservation on Quality of Life – Implications for the Comprehensive Plan

- The Town needs to maintain healthy beaches and creeks, invest in well-planned green space and protect mature tree canopies in order to enhance and support mental and physical health, economic vitality and a high quality of life.

Goal 3.3 Protect Quality of Life through Environmental Preservation

- B. The goal is to maintain human health through natural resource preservation.
- D. The goal is to preserve open space (including improvement and enhancement of existing).

9.1 Road Network – Implications for the Comprehensive Plan

- The Town owns less than 2% of the roads on the Island and has limited authority to maintain or service roads it does not own. Coordination with the County, State and PUDs to ensure proper safety and road maintenance is important on the nearly 98% of roads not owned by the Town.

Goal 9.1 Road Network

- A. The goal is to improve the road network by creating safe and convenient access and interconnections to all areas of the Island while protecting community investments, neighborhoods, and the natural environment.
- D. The goal is to maintain all roads on Hilton Head Island to ensure safety and adequate access.

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.

- Although this application would remove a specimen tree and negatively impact the natural resources of the site, the safety concerns with regard to the current access to this development on a main road through Sea Pines Plantation outweigh the natural resources impact.

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)).

Finding of Fact:

- The applicant is proposing to remove one specimen tree near the existing drive aisle in order to re-align the drive aisle to make it safe for pedestrians and vehicles.

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 granting of the variance will allow a non-conforming and unsafe drive aisle to be improved, which will benefit the adjacent properties, public good and the character of the district.

Staff Recommendation:

Staff recommends that the Board of Zoning Appeals *approve the application, with the condition that the applicant plant 3 category 1 trees to mitigate for the loss of the 36 inch Live Oak specimen tree,* 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

March 28, 2012

DATE

ATTACHMENTS:

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



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.

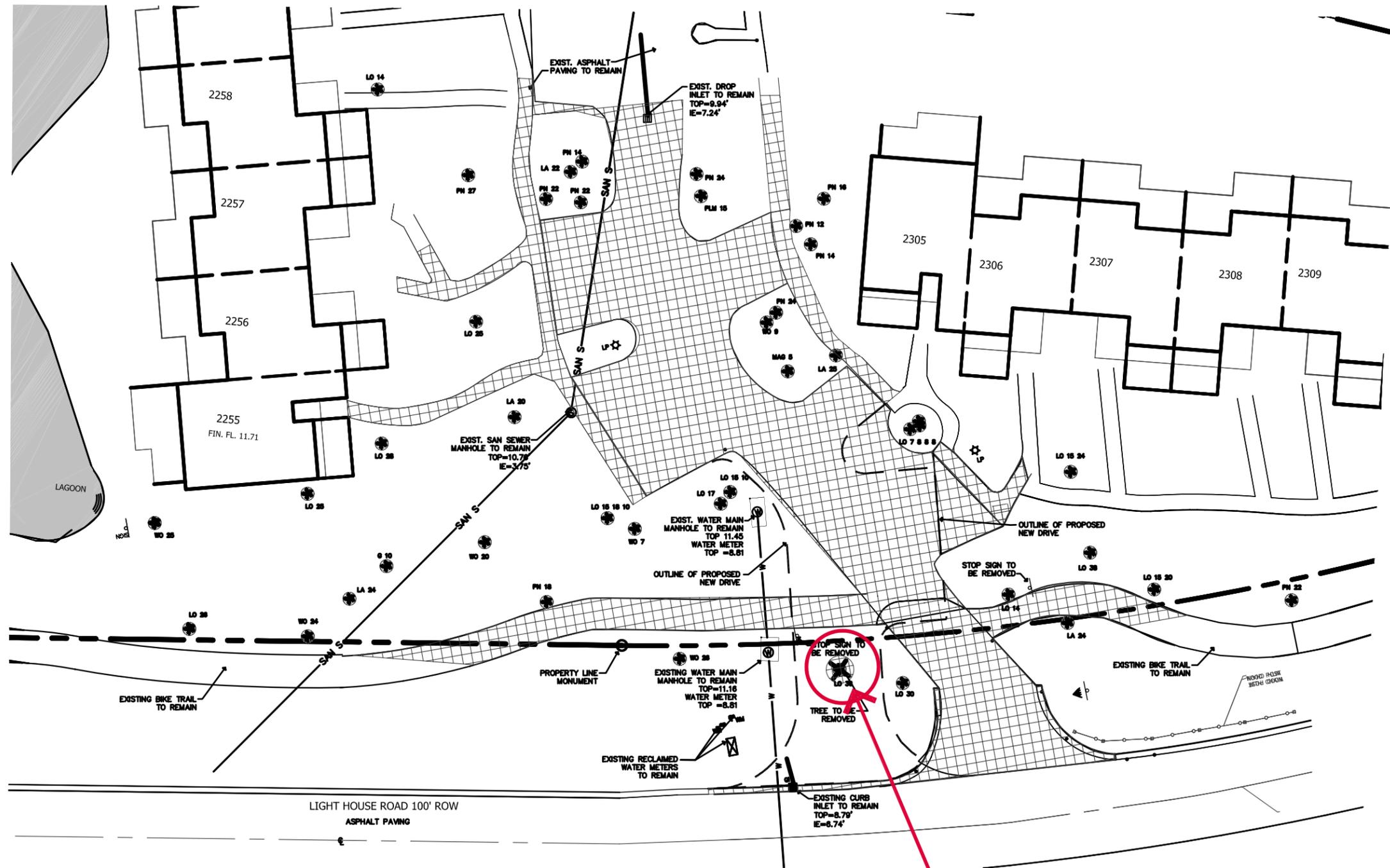
ATTACHMENT B

Attachment No.1 Heritage Villas - 107 Lighthouse Road

The variance approval criteria of LMO section 16-3-1906, for removal of a tree is met as follows:

Required findings:

1. The unique condition at the property, which was built in 1973/1974, is that the only drive entrance into Phase 2 (55 units) was built at a 45 degree angle to Lighthouse Road. The result is that an unsafe condition has existed and since asphalt repair is needed it was thought that it would be a good time to realign the driveway. There are two unsafe conditions that exist. 1) Heavy pedestrian and bicycle traffic crossing the angular drive and poor visibility in times of low light when drivers are making left turns into the drive. 2) The Fire Department determined that the existing condition is not satisfactory for Fire Truck entry if another vehicle is in the narrow drive.
2. Other properties commonly have the normally required 90 degree drive entrance angle which drivers and pedestrians expect.
3. The purpose of the variance is for permission to remove one (1) Oak Tree which prevents the drive from being moved to the East approximately 35 feet. Other options also involve tree removal. The use of the property is not affected by relocating the drive entrance.
4. The existing condition exists because the original site plan was approved (permitted) with that configuration. None of the current owners were part of that design or permitting process.
5. The variance does not conflict with anything except the additional expense to the owners and the removal of the tree.
6. The variance will not negatively affect the adjacent property or public good or character of the district and it will provide a safer condition for drivers and pedestrians.



DEMOLITION PLAN

SCALE: 1"=30'-0"



SCALE IN FEET



TREE TO BE REMOVED



JOHN M. WARE, P.E.

ARCHITECT/ENGINEER
725 STARLIGHT DR
ATLANTA, GA
30342
TEL (404) 252-7947
www.john@wareassoc.com

project
MODIFICATIONS TO
HERITAGE VILLAS
ENTRANCE No.2 &
DRAINAGE

address
HERITAGE VILLAS
SEA PINES PLANTATION
HILTON HEAD, SC

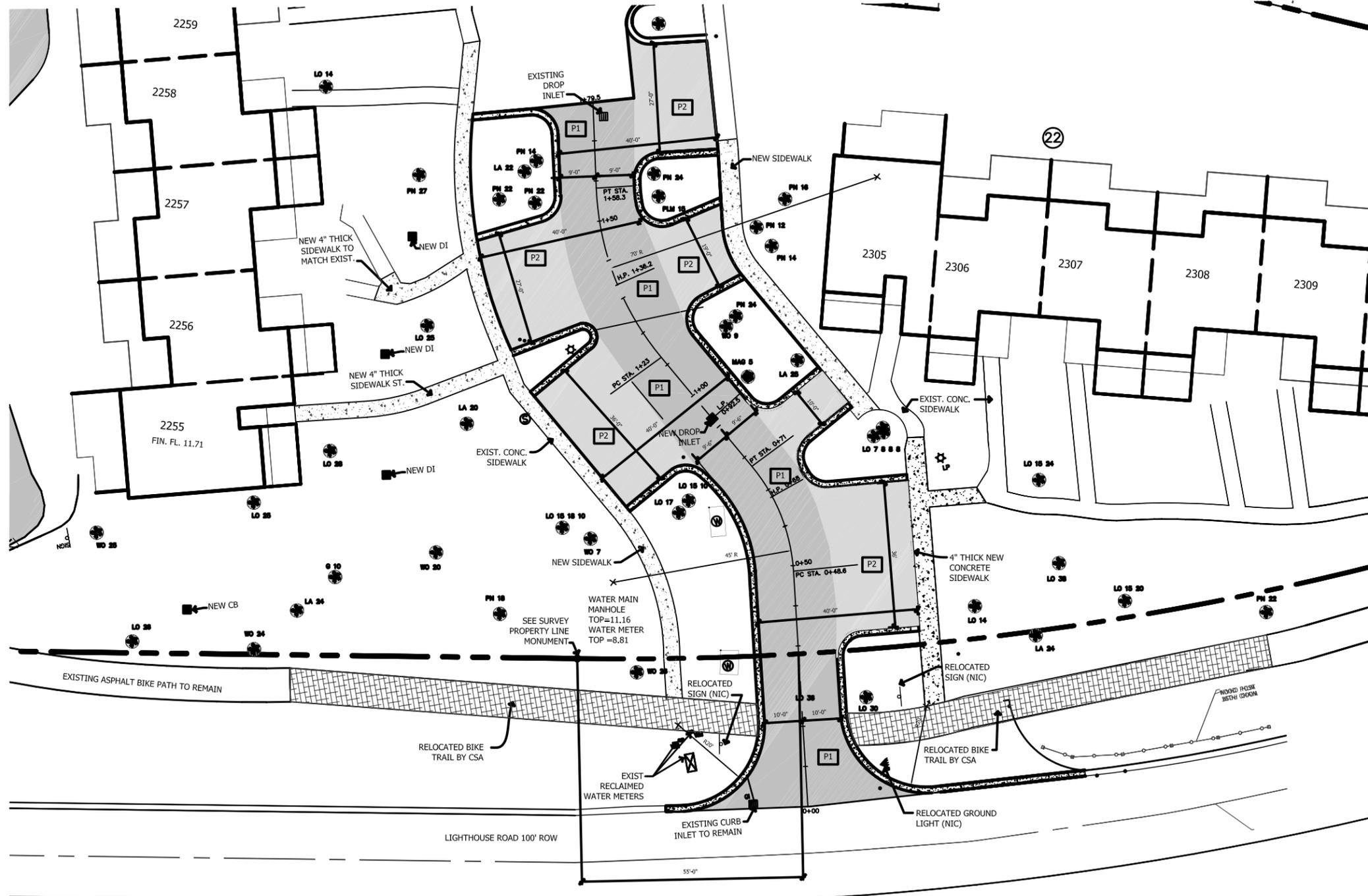
sheet description
**DEMOLITION
PLAN**

drawn IB
checked JMW

job 11-504
date 02-30-2012

of

ATTACHMENT C



SITE AND PAVING PLAN

SCALE: 1"=30'-0"



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project
 MODIFICATIONS TO
 HERITAGE VILLAS
 ENTRANCE No.2 &
 DRAINAGE

address
 HERITAGE VILLAS
 SEA PINES PLANTATION
 HILTON HEAD, SC

sheet description
**SITE AND
 PAVING PLAN**

drawn IB
 checked JMW

job 11-504
 date 02-30-2012

of

ATTACHMENT D



ATTACHMENT D





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

One Town Center Court

Hilton Head Island SC 29928

843-341-4757

FAX 843-842-8908

**STAFF REPORT
SPECIAL EXCEPTION**

Case #	Name of Development	Public Hearing Date
SER120001	Reflections Services	April 23, 2012

Parcel Data	Owner & Applicant
Address: 87 Arrow Road Parcel #: R552 014 000 0837 0000 Zoning: Commercial Center (CC), Corridor Overlay (COR)	Martin Olsen Reflections Services PO Box 21221 Hilton Head Island SC 29925

Application Summary

Martin Olsen is proposing to operate a commercial cleaning service (classified as Other Light Industrial Service) in the Commercial Center (CC) Zoning District, which requires special exception approval per Land Management Ordinance (LMO) Section 16-4-1204, Use Table.

Background

In February, the applicant asked staff about the requirements for operating a property management and commercial laundry service in an existing, unoccupied building at 87 Arrow Road. Staff informed the applicant that the commercial laundry service use would require a special exception.

The property is bound by Arrow Road on the southwest, 89 Arrow Road (Megawatt Lasers) on the southeast, Wexford Plantation on the northeast and 85 Arrow Road (Marriott Operations Center) on the northwest.

The building was previously occupied by Plantation Cabinetry. The parcel shares a drive aisle entrance with 89 Arrow Road.

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

Grounds for Special Exception

The applicant is requesting special exception approval to operate a commercial cleaning service (classified as Other Light Industrial Service) in the Commercial Center (CC) Zoning District per the requirements of LMO Section 16-4-1204, Use Table. The applicant states in the narrative that the business will operate in an existing building and that no structural changes will be required to accommodate the use. The applicant believes the proposed use

will be compatible with surrounding uses because all activities will take place in the building and the proposed use will not generate noise, glare, smoke, dust, odor, fumes, water pollution or general nuisance.

Summary of Facts

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

Conclusion of Law

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

LMO Official Summary of Facts and Conclusions of Law

Summary of Facts

- A. The application was submitted as set forth in LMO Sections 16-3-1802.
- B. Notice of the Application was published in the Island Packet on March 18, 2012 as set forth in LMO Sections 16-3-110 and 16-3-111.
- C. Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
- D. The applicant submitted an affidavit stating he met the mailed notice requirements as set forth in LMO Section 16-3-111.
- E. The Board has authority to render the decision reached here under LMO Section 16-3-1804.

Conclusions of Law

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

As provided in 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

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 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 the existing and future populations.

Goal 8.6 – Build-Out

- B. The goal is to consider develop regulations and requirements to maintain the Island character and meet the needs of the community as it approaches build out.

Goal 8.10 – Zoning Changes

- A. Consider focusing higher intensity land uses in areas with available sewer connections.

Conclusions of Law

- 1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805.A.
- 2. This application would allow other light industrial service uses within a commercial corridor bringing a mixture of land uses to meet the needs of the population.
- 3. This application would allow a high intensity use to be located where sewer connection has already been established and where is would meet the needs of the surrounding community.

LMO Official Summary of Facts and Conclusions of Law

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

Findings of Fact

- 1. The purpose statement of the Commercial Center (CC) Zoning District is, “to provide for moderate to high intensity commercial development, especially office and general retail development. Residential development as a component of a PUD is allowed, and traffic and pedestrian interconnections throughout this district are strongly encouraged.”
- 2. The proposed use will be a moderate intensity commercial use.

Conclusions of Law

- 1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805.B.
- 2. The proposed use will be a moderate intensity commercial use in a district meant for moderate to high intensity commercial development.

LMO Official Summary of Facts and Conclusions of Law:

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

Findings of Fact

- 1. The proposed use is a property management office with commercial cleaning.
- 2. The existing uses adjacent to and near the property include a laser manufacturer, the United States Post Office, a furniture consignment store and a resort operations center with a commercial laundry facility.

Conclusions of Law

1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805.C.
2. The proposed use will be compatible with existing uses adjacent to and near the property because the nearby uses include the same uses as those proposed.

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

1. The proposed use will be located in an existing building.
2. No alterations are required to the exterior of the building to accommodate the proposed use.
3. The proposed laundry facility will be properly ventilated to prevent dust and lint from leaving the building.
4. No other potential nuisances were identified.

Conclusions of Law

1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805.D.
2. The proposed use will not be hazardous, detrimental or disturbing to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes, water pollution or general nuisance because the only potential nuisance – lint from dryers – will be contained within the building.

LMO Official Summary of Facts and Conclusions of Law

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

Findings of Fact

1. There are very few undeveloped properties in the general neighborhood or in the surrounding district.
2. No adverse affects of the proposed use were identified.

Conclusions of Law

1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805.E.
2. The proposed use will not otherwise adversely affect the development of the general neighborhood or of the district in which the use is proposed because the proposed use will be located in an area that is already developed and the proposed use poses no adverse affects to other properties.

LMO Official Summary of Facts and Conclusions of Law

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

Findings of Fact

- 1. The proposed use will be located in a building on a developed site.
- 2. The applicant does not propose any changes to the site to accommodate the proposed use.

Conclusions of Law

- 1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805.F.
- 2. The proposed use will be consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property because the existing, developed site will not be altered.

LMO Official Summary of Facts and Conclusions of Law

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

Findings of Fact

- 1. The proposed location is already developed and has water and sewer service, storm water facilities and other public services.
- 2. The applicant will contract with an agency to provide waste disposal services.

Conclusions of Law

- 1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805.G.
- 2. The proposed use will have an adequate water and sewer supply, storm water facilities, waste disposal and other public services because the use will be located in an existing building on a developed site that already provides such services.

LMO Official Summary of Facts and Conclusions of Law

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

Findings of Fact

- 1. The proposed use will be located on a developed site.
- 2. The applicant does not propose any changes to the site to accommodate this use.

Conclusions of Law

- 1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805.H.
- 2. The proposed use will be developed in a way that will preserve and incorporate any important natural features that are a part of the site because the proposed use will not change the existing developed site.

LMO Official Summary of Facts and Conclusions of Law

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

Findings of Fact

1. LMO Sec. 16-4-1333, Specific Use Standards – Light Industrial, states light industrial uses are permitted subject to the following standards:
 - A. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503, other than US Highway 278.
2. The proposed use will be located on a site with direct access to Arrow Road.
3. LMO Sec. 16-5-503, Street Hierarchy, categorizes Arrow Road as a minor arterial.

Conclusions of Law

1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805.I.
2. The proposed use will conform to the specific criteria specified for the proposed use, as set forth in Chapter 4 of this Title because, as required, the proposed use will be located on a site with direct access to a minor arterial road.

LMO Official Summary of Facts and Conclusions of Law

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

Findings of Fact

1. The proposed use will have no external affects.
2. The proposed use will pose no safety risks.
3. The proposed use will not have an affect on the public welfare.

Conclusions of Law

1. Staff concludes that this application meets the criteria as set forth in LMO Section 16-3-1805.J.
4. The proposed use will not be contrary to the public health, safety and welfare because no adverse affects to the public health, safety or welfare were identified.

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 commercial cleaning service in the CC Zoning District because it is in conformance with the Comprehensive Plan and the Land Management Ordinance.

Staff Recommendation

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

BZA Determination and Motion

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

a party or the board's own motion, if the board determines the record is insufficient for review.”

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

PREPARED BY:

AC

Anne Cyran, AICP
Senior Planner

29 March 2012

Date

REVIEWED BY:

ND

Nicole Dixon, CFM
Senior Planner & BZA Board Coordinator

29 March 2012

DATE

ATTACHMENTS:

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

Special Exception Review Criteria

Reflections Services, Inc. proposed use of lot 87 Arrow Rd (36 Palmetto Bay Commercial legal address) meets the Review Criteria as per 16-3-1805 in the following manner:

1. **The use will be in accordance with the Comprehensive Plan for the Town Of Hilton Head Island.** Our business will follow and adhere to the Comprehensive Plan for the Town of Hilton Head Island and is the same as many business ventures in the area.
2. **The use will be consistent with the character and purpose of the applicable district.** Our business will consent to the character and purpose of our tax district on the south end of the island and “CC” classification.
3. **There will be compatible with the existing uses adjacent to and near the property.** The building will adhere to all allowed uses near and around the property with many businesses in the area the same use.
4. **The use will not be hazardous, detrimental or disturbing to present surrounding land uses due to noise, glare smoke, dust, odor, fumes, water pollution or general nuisance.** Our business will no way negatively affect other tenants and will not hurt the environment in any way. The entire building is insulated and designed with safety in mind.
5. **The use will not otherwise adversely affect the development of the general neighborhood or of the district in which the use is proposed.** Our business will not disturb the development of the general area around it as property management is an approved use.
6. **The use will be consistent with existing and planned pedestrian and vehicle circulation adjacent to and near the property.** Our business will comply to existing and planned traffic circulation rules and will prove parking in front and side of our building.
7. **The development will have adequate water and sewer supply, storm water facilities, waste disposal and other public services.** Our business will have adequate water supply and sewer facilities as designed by our mechanical engineer.
8. **The property will remain in a way that will preserve and incorporate any important natural features that are a part of the site.** Our business will make sure no natural features are adversely affected, with the building exterior remaining as it exists.
9. **The property will conform to specific criteria or conditions specified for that use by the special exception in the applicable district or for the proposed use as set forth in Chapter 4 of this title.** Our business will conform to all conditions for our special exception in the applicable district as set forth by chapter 4 of the LMO and the main use meets “CC” requirements.
10. **The use will not be contrary to the public health, safety and welfare, provided that a denial based exclusively on this language shall include explicit findings regarding the way in which granting the special exception would be contrary to the public health, safety and welfare.** Our business will not be contrary to any public health codes and will conform to all public safety standards and the main use of property management with the associated services.

Reflections Services, Inc, established in 1983 has grown as Hilton Head has grown over the past three decades and looks forward to the continuing being located on Hilton Head Island.

Martin Olsen

ReflectionsServices, Inc.



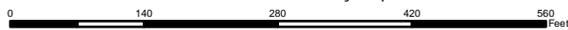


Subject Parcel
87 Arrow Road



TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, SC 29928
(843) 341-6000
March 6, 2012

Reflections Services
SER120001
Attachment B - Vicinity Map



1 inch = 199 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.



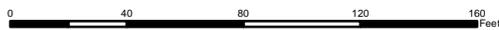
Subject Parcel

ARROW ROAD



TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, SC 29928
(843) 341-6000
March 6, 2012

Reflections Services
SER120001
Attachment C - Aerial Photo



1 inch = 65 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.

SER120001, Reflections Services
Staff Report: Attachment D – Photos

Front of Site



Side of Site





TOWN OF HILTON HEAD ISLAND

Community Development Department

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

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