



Town of Hilton Head Island
Board of Zoning Appeals Meeting
Monday, July 23, 2012 2:30p.m
Benjamin M. Racusin 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 April 23, 2012
8. **Swearing in Ceremony for New BZA Member and Returning BZA Member**
Mr. Irv Campbell and Mr. Michael Lawrence *Performed by: Mayor Drew Laughlin*
9. **Unfinished Business**
None
10. **New Business**
Public Meeting
APL120001: Request for Appeal from Thomas C. Taylor. The appellant is appealing the Town's decision (made on August 4, 2011) that the parking supply at Broad Creek Marina is in compliance with the Land Management Ordinance (LMO).
Review of this application is postponed until August 27, 2012 at 2:30p.m
11. **Board Business**
 - a) Nomination and Election of Officers July 1, 2012 – June 30, 2013
 - b) Appointment of Board of Zoning Appeals Secretary July 1, 2012 – June 30, 2013
12. **Staff Report**
Waiver Report
Mandatory Training will be held in Conference Room # 3 following the business meeting.
13. **Adjournment**
Please note that a quorum of Town Council may result if four or more Town Council members attend this meeting.

1 **TOWN OF HILTON HEAD ISLAND**
2 **Board of Zoning Appeals**
3 **Minutes of the Monday, April 23, 2012 Meeting**
4 **2:30p.m. - Benjamin M. Racusin Council Chambers**

DRAFT

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7 Board Members Present: Chairman Roger DeCaigny, Alan Brenner, Stephen Murphy
8 and Glenn Stanford
9
10 Board Members Absent: Vice Chairman Peter Kristian; Michael Lawrence, Excused
11
12 Council Members Present: Bill Ferguson
13
14 Town Staff Present: Nicole Dixon, Senior Planner & Board Coordinator
15 Heather Colin, Development Review Administrator
16 Joheida Fister, Fire Marshal
17 Teri Lewis, LMO Official; Brian Hulbert, Staff Attorney
18 Kathleen Carlin, Board Secretary

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20
21 **1. CALL TO ORDER**

22 Chairman DeCaigny called the meeting to order at 2:30p.m.
23

24 **2. ROLL CALL**

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

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

29 **4. APPROVAL OF THE AGENDA**

30 Mr. Stanford made a **motion to approve** the agenda as presented. Mr. Brenner **seconded** the
31 motion and the motion **passed** with a vote of 4-0-0.
32

33 **5. APPROVAL OF THE MINUTES**

34 Mr. Brenner made a **motion to approve** the minutes of the March 26, 2012 meeting as
35 presented. Mr. Stanford **seconded** the motion and the motion **passed** with a vote of 4-0-0.
36

37 **6. UNFINISHED BUSINESS**

38 None
39

40 **7. NEW BUSINESS**

41 **Public Hearing**

42 **VAR120001:** Request for variance from LMO Section 16-6-402, Preservation of Trees and
43 Native Vegetation. John Ware, with Heritage Villas, is requesting a variance to remove a
44 specimen tree in order to re-align the drive aisle for safety reasons. The property is located at
45 107 Lighthouse Road, and is further identified as Parcel 1083 on Beaufort County Tax Map
46 17. Chairman DeCaigny opened the public hearing for the application and requested that
47 staff make their presentation. Ms. Nicole Dixon made the presentation on behalf of staff.

1 The staff recommended that the Board of Zoning Appeals *approve* the application with the
2 condition that the applicant plant three (3) Category 1 trees to mitigate for the loss of the 36-
3 inch Live Oak specimen tree, based on the Findings of Facts and Conclusions of Law stated
4 in the LMO Official Determination.
5

6 Ms. Dixon presented an overhead review of the vicinity map, the proposed site plan and
7 photos of the site including the tree proposed for removal. The applicant is requesting a
8 variance to remove a specimen tree in order to re-align the drive aisle for pedestrian and
9 vehicular safety. The applicant submitted an Expedited Development Plan Review
10 application for drive aisle and parking lot improvements. While reviewing the site plan, staff
11 identified that the proposed improvements, which include the realignment of the drive aisle,
12 would result in the removal of a specimen tree. Staff informed the applicant that a specimen
13 tree could not be removed without a variance.
14

15 Staff met on site as part of the application review process. During the site visit, staff
16 discussed alternatives that could be presented to the applicant that would improve access to
17 the site without having to remove the specimen tree. Fire & Rescue staff voiced their
18 concern with the alignment of the existing drive aisle, and had a fire truck maneuver the turn
19 into the development. The fire truck was able to turn into the drive aisle, but had to make a
20 very wide turn and while coming through the entrance, blocked the entire drive aisle. If there
21 was a vehicle sitting at the entrance waiting to pull out, the truck would not have been able to
22 pull into the development. Fire & Rescue staff supports removal of the tree so that the drive
23 aisle can be re-aligned and brought into compliance for safety reasons.
24

25 The alternative staff discussed and presented to the applicant, was the possibility of creating
26 a one way in and one way out drive aisle, creating a median in between the two drive aisles
27 to save the trees. But after discussing this alternative with the applicant, it was brought to
28 staff's attention that there are three manhole vaults in the area that cannot be removed or
29 relocated, making the creation of a new one way drive exit not feasible. The applicant
30 decided that the alternative ideas have been exhausted and that they need to request the
31 variance to remove the tree for safety reasons.
32

33 Ms. Joheida Fister, Fire Marshal, presented statements in support of the application on behalf
34 of Fire & Rescue. The Board and the staff discussed plans for realignment of the drive aisle.
35 At the completion of staff's presentation, Chairman DeCaigny requested that the applicant
36 make his presentation.
37

38 Mr. John Ware, Board President of Heritage Villas, presented statements in support of the
39 application. The Board and the applicant discussed the realignment plan and the staff's
40 recommended mitigation plan. Following final discussion, Chairman DeCaigny requested
41 public comments and the following were received: Citizen, Mr. Kent James, presented
42 statements in opposition to removal of the specimen tree. All possible options should be
43 explored to save the tree. Following public comments, Chairman DeCaigny stated that the
44 public hearing for this application is closed. Following final discussion by the Board,
45 Chairman DeCaigny requested that a motion be made.
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1 Mr. Stanford made a **motion to approve** Request for Variance Application, VAR120001, as
2 presented by staff subject to the mitigation requirements imposed by the staff for replacement
3 trees and landscaping. Mr. Brenner **seconded** the motion and the motion **passed** with a vote
4 of 4-0-0.
5

6 **Public Hearing**

7 **SER120001**: Mr. Martin Olsen is requesting a special exception for an Other Light
8 Industrial Service use in the Commercial Center (CC) Zoning District pursuant to LMO
9 Section 16-4-1204 to operate a property management office and commercial cleaning
10 service. The property is located at 87 Arrow Road and is further identified as parcel 837 on
11 Beaufort County Tax Map 14.
12

13 Ms. Nicole Dixon made the presentation on behalf of Ms. Anne Cyran, case manager, for the
14 application. The staff recommended that the Board approve the application based on the
15 Findings of Fact and Conclusions of Law contained in the staff report. The LMO Official
16 states that the application for special exception should be granted to the applicant because it
17 is in conformance with the Comprehensive Plan and the Land Management Ordinance.
18

19 In February 2012, the applicant asked staff about the requirements for opening a property
20 management and commercial laundry service in an existing, unoccupied building at 87
21 Arrow Road. Staff informed the applicant that the commercial laundry service use would
22 require a special exception.
23

24 The applicant is requesting special exception approval to operate a commercial cleaning
25 service (classified as Other Light Industrial Service) in the Commercial Center (CC) Zoning
26 District. The applicant states in the narrative that the business will operate in an existing
27 building and that no structural changes will be required to accommodate the use. The
28 applicant believes the proposed use will be compatible with surrounding uses because all
29 activities will take place in the building and the proposed use will not generate noise, glare,
30 smoke, dust, odor, fumes, water pollution or general nuisance. Ms. Dixon stated that the
31 application complies with the Summary of Facts and Conclusions of Law. Following the
32 staff's presentation, Chairman DeCaigny requested that the applicant make his presentation.
33

34 The applicant, Mr. Martin Olsen, presented statements in support of the application. The
35 applicant stated that they have washers and dryers only with no dry cleaning performed.
36 They are more of a housekeeping service rather than commercial cleaning service.
37 Following the applicant's presentation, Chairman DeCaigny requested public comments and
38 none were received. Chairman DeCaigny stated that the public hearing for the application is
39 closed. Following final comments by the Board, Chairman DeCaigny requested that a
40 motion be made.
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42 Mr. Stanford made a **motion to approve** Application for Special Exception SER120001 as
43 presented by the staff. Mr. Brenner **seconded** the motion and the motion **passed** with a vote
44 of 4-0-0.
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46 **8. Staff Report**

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9. ADJOURNMENT

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

Submitted By:

Approved By:

Kathleen Carlin
Secretary

Roger DeCaigny
Chairman

DRAFT



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
FROM: Nicole Dixon, CFM, *Senior Planner*
DATE: July 17, 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 last Board of Zoning Appeals meeting.

Administrative Waivers

May - 2012

1. A project at 7 Old Fort Drive: the applicant requested to replace an existing non-conforming deck with a new deck in the tidal buffer. A waiver was granted with the conditions that 50 square feet of the existing deck be removed closest to the OCRM line and that a construction fence be installed to protect the marsh area during construction.
2. A project at 55 Gardner Drive: the applicant for the addition of the gym building at the Hilton Head Christian Academy requested a waiver from the requirement of upgrading the access drive to a right-of-way. A waiver was granted because the property is already developed using the access that exists, and with the current improvements on the property, it would make the upgrading of the access to a right of way infeasible.

June – 2012

3. A project at 107 Lighthouse Drive: the applicant for the parking and drive aisle improvements for Heritage Villas requested to make improvements to the existing parking lot, which was non-conforming. A waiver was granted due to the applicant bringing parts of the parking lot into compliance with the LMO.
4. A project at 18 Bittern Street: the applicant requested an addition to a house that was considered non-conforming because it encroached into the side setback and buffer. A waiver was granted with the condition that the existing cement driveway be removed and replaced with pervious material.