Town of Hilton Head Island
Board of Zoning Appeals Meeting
Monday, April 22, 2013 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 – March 25, 2013 Meeting

8. Unfinished Business
Public Hearing
VAR130003: Request for variance from LMO Sections 16-5-202, General Requirements, 16-5-1201, Off-Street Parking Required, 16-5-704, Minimum Required Setback Area, 16-5-806, Required Buffers and 16-5-508, Street Intersections. Bret Pruehs with McNair Law Firm, on behalf of CJT Real Property, LLC, is requesting a variance from these sections to change the use designation of the existing multi-family residential development from a horizontal property regime to a single family attached major subdivision. The property is located at 2 Tidal Bluff Road, and is further identified as Parcel 17 on Beaufort County Tax Map 5. *Presented by: Nicole Dixon*

9. New Business
Public Hearing
VAR130004: Charlie Wire, on behalf of the Hilton Head Public Service District, is requesting a variance from Land Management Ordinance Section 16-5-704, Minimum Required Setback Area, Section 16-5-806, Required Buffers, Section 16-5-1207, Parking Area Design, and Section 16-5-706, Setbacks for Fences, to allow a new pump station to encroach into the adjacent street setback and buffer, the adjacent use setback and buffer, to eliminate a parking median for access to the pump station and to install a 6 foot tall fence in the adjacent street setback. The property is Barker Field Extension, located at 160 Mitchelville Road and is further identified as parcel 6B on Beaufort County Tax Map 5. *Presented by: Anne Cyran*

Public Hearing

VAR130005: Roger Freedman is requesting a variance from Land Management Ordinance Section 16-5-704, Minimum Required Setback Area, and Section 16-5-806, Required Buffers, to allow an aerial ropes course to be located in an adjacent use setback and buffer. The property is called Zip Line Hilton Head, located at 33 Broad Creek Marina Way and is further identified as parcel 379 on Beaufort County Tax Map 11. *Presented by: Nicole Dixon*

Please note that the public hearing for this application is postponed until further notice.

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.

TOWN OF HILTON HEAD ISLAND
Board of Zoning Appeals
Minutes of the Monday, March 25, 2013 Meeting
2:30p.m. - Benjamin M. Racusin Council Chambers **DRAFT**

Board Members Present:	Chairman Roger DeCaigny, Vice Chairman Peter Kristian, Alan Brenner, Irv Campbell, Michael Lawrence, Stephen Murphy and Glenn Stanford
Board Members Absent:	None
Council Members Present:	Bill Harkins
Town Staff Present:	Nicole Dixon, Senior Planner & Board Coordinator Anne Cyran, Senior Planner Heather Colin, Development Review Administrator 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 December 17, 2012 meeting as presented. Mr. Stanford **seconded** the motion and the motion **passed** with a vote of 7-0-0.

7. Unfinished Business
None

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8. New Business

Public Hearing

VAR130002: Louise Cohen is requesting a variance from Land Management Ordinance Section 16-5-704, Minimum Required Setback Area, and Section 16-5-806, Required Buffers, to allow an existing mobile home to encroach into the adjacent street setback, and adjacent use setback and buffer. The property is located at 187 Gum Tree Road and is further identified as parcel 48 on Beaufort County Tax Map 3. Chairman DeCaigny introduced the application and opened the public hearing. Chairman DeCaigny then requested that the staff make their presentation.

Ms. Anne Cyran made the presentation on behalf of staff. The staff recommended that the Board of Zoning Appeals *approve* the application based on the LMO Official Determination and the Findings of Facts and Conclusions of Law contained in the staff's report.

Ms. Cyran presented an in-depth overhead review of the application including an aerial photo, an aerial photo with the mobile home location, site photos, an aerial photo with setbacks and buffers, and an aerial photo with mobile home location, setbacks and buffers. The subject parcel is located at 187 Gum Tree Road in the RM-4 Zoning District. The parcel is bisected by Gum Tree Road. The subject parcel is bounded by three residential parcels on the southwest; three undeveloped parcels on the northwest; an undeveloped parcel and Chinaberry Ridge on the northeast, and two single family parcels on the southeast. The portion of the subject parcel that requires the variance is the rectangle to the southwest of Gum Tree Road.

In mid-January, Mr. Madison Robinson, a mobile home mover, and Mr. Mario Gomez, the future resident of the mobile home, asked Community Development Department staff whether a mobile home could replace a house that had been demolished. The staff advised them to apply for a mobile home placement permit.

In early February, the staff noticed that a new mobile home had been placed on the subject parcel. Also in early February, Mr. Robinson and Mr. Gomez applied for a mobile home placement permit. They informed the staff that the mobile home had been placed on the parcel, but it did not have utility service. Staff advised them that the home had been placed without first obtaining a mobile home placement permit, in violation of the LMO. The mobile home had been placed within an adjacent street setback, an adjacent use setback and an adjacent use buffer, also in violation of the LMO. The staff advised Mr. Robinson and Mr. Gomez that the mobile home needed to be moved out of these areas to be brought into compliance with the LMO.

Mr. Robinson and Mr. Gomez informed the staff that the parcel is too narrow to locate the mobile home in an area that doesn't encroach into setbacks or buffers. Staff advised them that their alternative to removing the mobile home from the parcel is to apply for a variance from the LMO.

Per LMO Section 16-7-707.C, a mobile home in a nonconforming location (i.e. encroaching into a buffer) can be replaced by another mobile home in the same location if the replacement is complete within a year of the original home's removal. That

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provision of the LMO does not apply to this situation, however, because the house and related structures had been demolished in September of 2007.

In early February, Ms. Louise Cohen, the property owner, submitted the application for a variance from the adjacent street setback, the rear adjacent use setback and the rear adjacent use buffer to allow the mobile home to remain in its current location. The home encroaches into 954 square feet (or 5.5 percent) of the 17,336 square foot adjacent street setback. It encroaches into 244 square feet (or 2.7 percent) of the 9,040 square foot rear adjacent use setback and buffer.

Ms. Cyran reviewed the Findings of Fact and Conclusions of Law with the Board. Following the staff's presentation, Chairman DeCaigny requested that the applicant make their presentation. The applicant was present at the meeting but did not have any additional comments. Chairman DeCaigny requested public comments on this application and none were received. Chairman DeCaigny then stated that the public hearing for this application is closed.

The Board discussed the application with the staff. Following final comments by the Board, Chairman DeCaigny requested that a motion be made.

Mr. Campbell made a **motion** to **approve** Application for Variance, VAR130003, as submitted based on the Findings of Fact and Conclusions of Law contained in the staff's report. Vice Chairman Kristian **seconded** the motion and the motion **passed** with a vote of 7-0-0.

Public Hearing

VAR130003: Request for variance from LMO Sections 16-5-202, General Requirements, 16-5-1201, Off-Street Parking Required, 16-5-704, Minimum Required Setback Area, 16-5-806, Required Buffers and 16-5-508, Street Intersections. Bret Pruehs with McNair Law Firm, on behalf of CJT Real Property, LLC, is requesting a variance from these sections to change the use designation of the existing multi-family residential development from a horizontal property regime to a single family attached major subdivision. The property is located at 2 Tidal Bluff Road, and is further identified as Parcel 17 on Beaufort County Tax Map 5. Chairman DeCaigny introduced the application and opened the public hearing. Chairman DeCaigny then requested that the staff make their presentation.

Ms. Nicole Dixon made the presentation on behalf of staff. The staff recommended that the Board of Zoning Appeals *approve* the application based on the Findings of Facts and Conclusions of Law stated in the LMO Official Determination and contained in the staff's report. Ms. Dixon presented an in-depth overhead review of the application including the vicinity map, the applicant's narrative, an as-built of the property, and proposed subdivision plan.

The applicant is requesting a variance from the above referenced sections of the LMO in order to meet the requirements to change the use designation of the subject property from a Multi-Family Residential to a Single Family Residential Major Subdivision. The applicant has no plans at this time to change the development of the land. The layout and design will

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remain the same. The development will function the same way it was originally intended. The only change the applicant is proposing is to change the use designation.

The applicant met with the staff several times over the last year to discuss their desire to modify the use designation of the existing Tidal Bluff development from a multi-family residential to a single family attached major subdivision. The built environment, consisting of fifteen buildings with two units in each separated by firewalls, will not change. Boundary lines will be inserted between the current units on a subdivision plat. In order to do so, the applicant needs to comply with the subdivision requirements that are outlined in the LMO. Because the development is existing, the applicant is limited with what site changes he can make. He is proposing to make Tidal Bluff Road a right-of-way, which is a requirement for a major subdivision, but there are several subdivision requirements that the applicant cannot meet.

The applicant is requesting a variance to change the use designation of the existing Tidal Bluff development from a multi-family residential development to a single family attached major subdivision. Currently Tidal Bluff is owned by CJT Real Property, LLC who rents the units to long term tenants. The owner wishes to terminate the horizontal property regime and re-configure the development as thirty single family residences. The applicant states that the change in legal structure is desirable because lenders in the current real estate market prefer to lend to owners whose security is single family residences as opposed to condominium units.

Ms. Dixon reviewed the Findings of Fact and Conclusions of Law contained in the staff's report. Following the staff's presentation, Chairman DeCaigny requested that the applicant make his presentation.

Mr. Bret Pruehs, McNair Law Firm, presented statements in support of the application. The Board, the applicant, and the staff discussed the requested change in use designation of the property from condominium (Multi-Family Residential) to Single Family Residential Major Subdivision. Ms. Dixon stated that in order to turn the property into a Single -Family attached subdivision the applicant needs to meet the subdivision regulations outlined in the LMO. Additional paving in some of the areas will be required along the edge of the drive aisle. The development will continue to exist and function as it does today. Ms. Dixon reviewed the four sections of the LMO pertaining to the application.

Vice Chairman Kristian stated his concern with changing the use from condominium (Multi-Family Residential) to a Single Family Residential Major Subdivision. Ms. Dixon stated that the property is owned by one property owner.

Mr. Bret Pruehs and the Board discussed several issues including the ownership of the property and future plans for the property. The property owner has no plans at this time to sell the property. The owner plans to operate the property as it exists today. The Board stated concern with the application's inability to meet LMO requirements. The Board stated their concern with granting a variance for financial gain as well as potential displacement of the property's renters. Selling the property off to individual investors could pose a real concern with upkeep and maintenance.

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Ms. Dixon stated that the Town has no jurisdiction in overseeing covenants. The Property Owners Association (POA) will continue to maintain the common space for this property. The Board stated concern with taking action on this application that will ultimately result in the deterioration of the property. The Board stated that they are not comfortable approving the application as presented today because they have concerns with future maintenance and upkeep of the property. The Board stated that they would like to receive assurance from the applicant on what the covenants contain prior to taking action on the application.

The Board requested a brief recess in their deliberations at 3:40p.m. The Board reconvened the meeting at 3:50p.m. Following final discussion between the Board, the applicant, and the staff, the applicant requested that action by the Board on this application be postponed to the April 22, 2013 meeting. This will allow time for the staff to research a couple of outstanding issues. The Board granted the request. Chairman DeCaigny stated that action on Application for Variance Request VAR130003 is remanded to the April 22, 2013 meeting.

9. Board Business

None

10. Staff Report

Ms. Dixon presented the Waiver Report to the Board.

11. Adjournment

The meeting was adjourned at 4:30p.m.

Submitted By:	Approved By:
_____	_____
Kathleen Carlin Secretary	Roger DeCaigny Chairman

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TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
FROM: Nicole Dixon, CFM, *Senior Planner*
DATE April 8, 2013
SUBJECT: VAR130003 – Tidal Bluff

At the March 25, 2013 meeting of the Board of Zoning Appeals, staff presented the variance application for the Tidal Bluff development, which was a request for a variance from several LMO requirements in order to change the use designation of the property from Multi-Family residential to a Single Family Residential Subdivision.

During discussion of the application, the density of the existing development was questioned. Currently the property is zoned RM-4 (Low to Moderate Density Residential), which allows 4 dwelling units per net acre. The Tidal Bluff development currently consists of 15 buildings with 2 units per building, totaling 30 residential units. Tidal Bluff is 4.96 acres, which would permit 19 residential units with the current RM-4 zoning. The question was raised that if the density is currently non-conforming, would the applicant be able to go though the subdivision process should the BZA approve the variance. The applicant requested the application be remanded to the April 22 meeting in order to give staff time to research this issue.

The Tidal Bluff development was originally approved under the name Dillon Road Duplex and consisted of two phases. The first phase was for 12 units and was approved in December of 1997. The second phase was approved in June of 1998 for the additional 18 units. At the time of the approvals, the property was zoned M-2 (Community Mixed Use). The M-2 zoning district permitted up to 4 dwelling units per net acre, but if property was within 500 feet of the critical line, 8 dwelling units per net acre was allowed. This property is located within 500 feet of the critical line and allowed a maximum of 39 units; therefore the 30 existing units were conforming at the time of approval and conformed to the permitted density.

In 1999 with the Ward 1 Master Plan rezoning, the zoning district was changed from M-2 to RM-4. When this rezoning took place, the provision for allowing a greater density if located within 500 feet of the critical line was removed from the density regulations, which caused the Tidal Bluff development to become legally non-conforming.

Based on staff review of Chapter 7, Nonconformities, of the LMO, there are no provisions that would prohibit the subdivision from being approved, should the BZA grant the variance. There will be no expansion or relocation of the nonconformity or any changes to the nonconformity; therefore the nonconformity can continue. Single Family Residential uses are permitted in the RM-4 zoning district; staff recommends approval of VAR130003.

	TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT		
One Town Center Court	Hilton Head Island SC 29928	843-341-4757	FAX 843-842-8908

STAFF REPORT
VARIANCE

Case #	Address of Development	Public Hearing Date
VAR#130004	160 Mitchelville Road	April 22, 2013

Parcel Data	Owner	Applicant
Parcel Name: Barker Field Extension Tax Map ID: Map 5, Parcel 6B Address: 160 Mitchelville Road Zoning District: WMU Overlay District: COR	Town of Hilton Head Island One Town Center Ct Hilton Head Island SC 29928	Charlie Wire Hilton Head Public Service District PO Box 21264 Hilton Head Island SC 29925

Application Summary

The Community Development Department received a variance request from Charlie Wire, on behalf of the Hilton Head Public Service District, for the following Sections of the Land Management Ordinance (LMO):

16-5-704, Minimum Required Setback Area
16-5-706, Setbacks for Fences
16-5-806, Required Buffers
16-5-1207, Parking Area Design

The applicant is requesting the variance to allow a new pump station to encroach into the adjacent street setback and buffer, the adjacent use setback and buffer, to eliminate a parking median for access to the pump station and to install a 6 foot tall fence in the adjacent street setback.

Background

The subject parcel is known as Barker Field Extension and is located at 160 Mitchelville Road in the WMU Zoning District. As shown on the Vicinity Map (Attachment A), the subject parcel is bounded by: Mitchelville Road on the southwest; an undeveloped parcel on the northwest; Port Royal Sound on the northeast; and two undeveloped parcels on the southeast.

On September 20, 2005, Town Council adopted Resolution 2005-25 to establish policies and action strategies regarding island-wide sewer service. One policy is to work with the Hilton Head Public Service District (HHPSD) to build sewer infrastructure on Town-owned

property to help decrease the cost of providing sewer service to residents. The Resolution identified the Barker Field Extension site as a preferred location for future sewer infrastructure. The site was selected because it has cleared open space and it is the best location based on engineering needs for the system.

On February 6, 2011, Town Council approved in concept the conveyance of permanent easement rights to Hilton Head Public Service District for the establishment of a sanitary sewer pump station and its required infrastructure at Barker Field Extension in the location proposed in this application. The pump station would serve the Town's property, which is using a septic system, and 91 other properties in the area.

The final easement has not been approved. If the variance request is approved, the easement agreement would be sent to Town Council for final approval.

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

Grounds for Variance

The applicant is applying for a variance from LMO Section 16-5-704, Minimum Required Setback Area, Section 16-5-706, Setbacks for Fences, Section 16-5-806, Required Buffers, and Section 16-5-1207, Parking Area Design to allow a new pump station to encroach into the adjacent street setback and buffer, the adjacent use setback and buffer, to eliminate a parking median for access to the pump station and to install a 6 foot tall fence in the adjacent street setback. The applicant states the variance is needed because the proposed location will minimize the encroachment of the pump station on the nearby athletic fields and adjacent open space.

Summary of Facts

1. Applicant seeks a variance from LMO Section 16-5-704, Minimum Required Setback Area, Section 16-5-706, Setbacks for Fences, Section 16-5-806, Required Buffers, and Section 16-5-1207, Parking Area Design.
2. The applicant is proposing to allow a new pump station to encroach into the adjacent street setback and buffer, the adjacent use setback and buffer, to eliminate a parking median for access to the pump station and to install a 6 foot tall fence in the adjacent street setback.

Conclusion of Law

1. Applicant may seek a variance from the requested LMO sections as set forth in 16-3-1901.A.

Staff Determination

Staff recommends that the Board of Zoning Appeals **approve** the application based on the Findings of Facts and Conclusions of Law.

Staff Summary of Facts and Conclusions of Law

Summary of Facts

1. Application was submitted as set forth in LMO Section 16-3-1903.
2. Notice of the Application was published in the Island Packet on Sunday, March 17, 2013, as set forth in LMO Sections 16-3-110 and 16-3-111.
3. Notice of the Application was posted as set forth in LMO Sections 16-3-110 and 16-

3-111.

4. Notice of the Application met the mailing criteria in LMO Sections 16-3-110 and 16-3-111.
5. Staff received an affidavit of compliance from the applicant as set forth in LMO Section 16-3-111.
6. The Board has authority to render the decision reached here under LMO Section 16-3-1905.

Conclusions of Law

1. The application is in compliance with the submittal requirements established in LMO Section 16-3-1903.
2. The application and notice requirements comply with the legal requirements established in LMO Sections 16-3-110 and 16-3-111.

As provided in Section 16-3-1906, Criteria for Approval of Variances, staff has based its recommendation on analysis of the following criteria:

Staff Summary of Facts and Conclusions of Law

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

Findings of Fact

1. The site is unusually shaped, with a rectangle of upland in the northwest, a wetland in the north, northeast and south, and a smaller area of upland in the northeast.
2. The Town is preserving the wetlands and will not develop that area.
3. The only areas available for development on the parcel are the two upland areas.

Conclusions of Law

1. This application meets the variance criteria as set forth in LMO 16-3-1906.A.1.
2. The subject parcel is unusually shaped and contains wetlands, which restricts the location of development on the parcel to two upland areas.

Staff Summary of Facts and Conclusions of Law

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

Findings of Fact

1. A few other parcels in the vicinity are unusually shaped.
2. The other unusually shaped parcels in the vicinity are not developed.
3. A few other parcels in the vicinity contain wetlands.
4. The other parcels in the vicinity containing wetlands have wetlands on one side of the parcel, not through the middle of the parcel.

Conclusions of Law

1. This application meets the variance criteria as set forth in LMO 16-3-1906.A.2.
2. Though other properties in the vicinity are unusually shaped and contain wetlands, the subject parcel is unique in that is the only developed parcel with wetlands separating the two upland areas.

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 16-3-1906.A.3) **Findings of Fact** 1. The proposed pump station is located in the only remaining upland area on the site. 2. The specific location of the proposed station was selected because the station will encroach less into the athletic field area where fewer soccer balls and other equipment may accidentally fall into the enclosure. **Conclusions of Law** 1. This application meets the variance criteria as set forth in LMO 16-3-1906.A.3. 2. Given the limited amount of developable area on the parcel, the pump station would be located in an area that will have the least amount of impact on the existing public amenities.

Staff Summary of Facts and Conclusions of Law
Criteria 4: This hardship is not the result of the applicant's own actions. (LMO 16-3-1906.A.4). **Finding of Fact** 1. Based on a recommendation from Town and HHPSD staff, Town Council approved the location of the proposed station in September 2005. **Conclusions of Law** 1. This application meets the variance criteria as set forth in LMO 16-3-1906.A.4. 2. Town Council approved the location of the proposed pump station, and HHPSD is applying for the variance necessary to locate the pump station in that area.

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 16-3-1906.A.5) **Findings of Fact** 1. The Comprehensive Plan addresses the application in the following section: **<u>Community Facilities Element</u>** 6.5 Utilities - Implications for the Comprehensive Plan Adequate sewer service should be provided Island-wide to improve public health, safety and welfare, reduce detrimental impacts on the Island's environment and accommodate growth and redevelopment. 6.5 Utilities - Goals E. The goal is to have sewer service Island-wide. 6.5 Utilities - Implementation Strategies B. Continue to Implement the Town's Sewer Policy. 2. The Comprehensive Plan does not speak to the specific site design issues in this application. 3. The proposed pump station would encroach into the adjacent street setback and the adjacent use setback and buffer, which is prohibited by the LMO. 4. LMO Section 16-5-701 states, "The function of a setback is to provide separation

between structures and property lines or between structures and the street right-of-way line. Setbacks facilitate adequate air circulation and light by allowing natural areas to separate developments."

5. LMO Section 16-5-801 states, "A. The function of buffer areas is to provide aesthetically acceptable visual and spatial separation between adjacent land uses. B. The purpose of buffer areas is to enable the juxtaposition of land uses of different types, thereby accommodating the developer, the adjacent land owners and the public's interest in a visually attractive environment. To minimize any negative effects that a land use will impose on its neighbors, buffers shall be provided between uses and adjacent to public streets."
6. The location of the proposed pump station is already cleared and contains no vegetation.
7. The proposed pump station will be underground. The only vertical structure above ground will be a 6 foot tall fence.

Conclusions of Law

1. This application meets the variance criteria as set forth in LMO 16-3-1906.A.5.
2. The approval of the application would not conflict with the Comprehensive Plan because the project is supported by the Town's Sewer Policy and will increase the availability of sewer service in one of the largest un-served areas on the Island.
3. The proposed pump station would not substantially conflict with the purposes of the LMO because the existing area is cleared and the equipment will be located underground.

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 16-3-1906.A.6).

Findings of Fact

1. Staff did not identify any detriment to the adjacent property, the public good or the character of the district that would be caused by granting the variance.
2. The authorization of the variance will allow the construction of a pump station to provide sewer service to the Barker Field Extension and 91 other properties.
3. Staff has not received any comments regarding the variance application.

Conclusions of Law

1. This application meets the variance criteria as set forth in LMO 16-3-1906.A.6.
2. There is no evidence that granting the variance would be a substantial detriment to adjacent property, the public good or the character of the district.
3. Granting the variance will provide a significant benefit to the public.

PREPARED BY:

AC

Anne Cyran, AICP
Senior Planner

27 March 2013
DATE

REVIEWED BY:

ND	March 28, 2013
Nicole Dixon, CFM	DATE
Senior Planner & BZA Coordinator	

ATTACHMENTS

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

Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-6000

Barker Field Pump Station

VAR130004

Attachment A - Vicinity Map

0 360 720 1,080 1,440 Feet

1 inch = 642 feet

N W E S

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.

Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-6000

Barker Field Pump Station

VAR130004

Attachment B- Aerial Photo

0 10 20 30 40 Feet

1 inch = 31 feet

N W E S

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.

LOWCOUNTRY
ENGINEERING CONSULTANTS, LLC
35 Professional Village Circle • Beaufort, SC 29907

February 28, 2013

Variance Request LMO Section 16-5-704-A&B, Section 16-5-806-A&B, and Section 16-5-1207-G

Hilton Head Public Service District
Proposed Baygall Pump Station
Mitchelville Road (Located at Barker Field Extension)
Town of Hilton Head Island

NARRATIVE

Background: The Baygall/Fish Haul Area of Hilton Head Island is one of the few remaining sections of the Hilton Head Public Service District's service area that is not served by a sanitary sewer system. The HHPSD proposes to install gravity sewer, low pressure sewer, and a pump station to serve the area. The new pump station will be constructed at the Barker Field Extension Athletic Complex which is on Town of Hilton Head Island owned property.

Construction of the pump station will include the installation of an 8' diameter wetwell, 4' square valve vault, 2' diameter manhole, gravity sewer and forcemain piping, an electrical panel, and a pole mounted antennae located within a 30'x30' site with a 6' tall aluminum fence around the perimeter. The proposed location of the pump station is at the southwest corner of the Town owned property as shown on the attached diagram. The applicant is requesting a variance from five sections of the LMO's Design and Performance Standards as follows:

- Adjacent Use Setback (Sec 16-5-704-A)
- Adjacent Street Setback (Sec 16-5-704-B)
- Adjacent Use Buffer (Sec 16-5-806-A)
- Adjacent Street Buffer (Sec 16-5-806-B)
- Parking Area Design (Sec 16-5-1207-G)
- Setbacks for Fences (Sec. 16-5-706)

Variance Criteria

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

The Barker Field Extension Athletic Complex is located on Town owned property. The approximately 26 acre property has lighted athletic fields, restrooms, parking, pathways and

boardwalks. Adjacent use includes residential properties to the west and east, and the Barker Field Athletic fields to the South. This property is used exclusively for athletic events and for the recreational enjoyment of the public. The pump station location was chosen to minimize the encroachment on the athletic playing fields and adjacent open space. Locating the pump station in accordance with the applicable LMO sections would place the pump station and its fence in open space that is currently used for warm-ups and team meetings prior to competition. In addition, the pump station is located within a locked fenced area; so any balls that are thrown or kicked into the area could not be easily retrieved.

Vehicle access will be provided across an existing grassed median. The existing grass will be removed and the median will be reconstructed with grass paving to the extents shown. Grass paving will support vehicle traffic and is essentially grass sod laid over geotextile fabric. The installation of the grass paving and the access lane designation will prevent landscaping the median with anything other than grass. In addition, allowing access across the median eliminates the need for another access point (driveway) off of Mitchelville Road.

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

The Barker Field Extension and the Barker Field Athletic Complex are located on both sides of Mitchelville Road. The adjacent properties are residential and have no need for individual pump stations. The pump station and sewer infrastructure will have the capability of serving the entire un-sewered Baygall/Fish Haul area.

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

This property is used exclusively for athletic events and for the recreational use and enjoyment of the public. The pump station location, with Town Staff input and agreement was chosen to minimize the impact to the existing fields and facilities. The proposed location allows ease of construction and maintenance of the pump station facilities without adversely affecting athletic events.

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

The conditions imposed on the proposed pump station site are not the result of the Hilton Head Public Service District's own actions but rather are the results of the LMO restrictions being imposed on previously developed property.

The top of the wetwell, manhole, and vault are all at or below ground level but within the setbacks/buffers as shown on the attached diagram. A 6' fence will be constructed around the perimeter of the 30'X30' site. The fence will be located along the property/right of way lines as shown. The 6' fence along the right-of-way line at the front of the pump station site will require a

variance. The 6′ fence is needed to keep An electrical panel and utility pole with antennae will be located within the fenced area. The HHPSD representatives have met on site with the Town of Hilton Head Staff who support the proposed location.

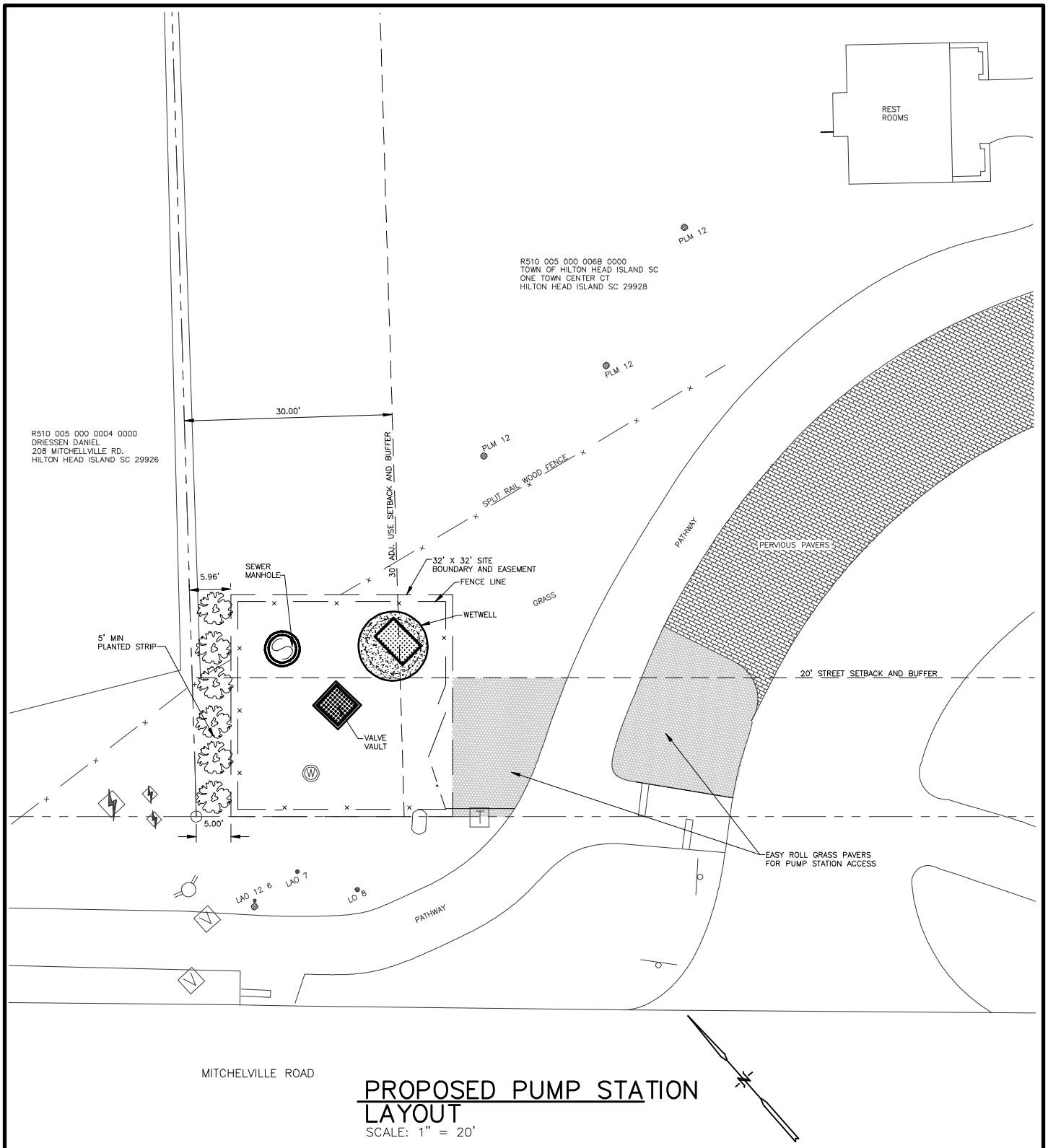
5. Granting of the variance does not substantially conflict with the Comprehensive Plan and the purposes of this Land Management Ordinance

Locating the pump station as shown does not substantially conflict with the Comprehensive Plan and the purposes of the LMO. Installation of the below ground infrastructure will have no impact on adjacent properties. Per the LMO Section 16-5-704 Minimum Setback Areas, "Minimum setback distances are for structures up to 20 feet in height, measured from the minimum elevation required by FIRM/FEMA or average pre-development grade where no FIRM/FEMA floor elevation is established." For the most part the pump station components will be at or below ground level. In addition, installation of the fence will be along the property lines and right of way lines and will be similar to fence installations at the Barker Field complex and the adjacent properties. The granting of the variances ensures full use of the Town's Athletic Facilities as they were designed.

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.

The Hilton Head Public Service District believes that the granting of the variance will not be of substantial detriment to adjacent properties and is for the public good. Locating the pump station away from the athletic fields and park facilities ensures that there will be very little impact to the use of the complex. The installation of the pump station and the sewer infrastructure will be beneficial to all property owners in the area. The character of the district will not be harmed by the granting of the variance.

VAR130004, Barker Field Pump Station
Staff Report Attachment D - Site Plan



PROPOSED PUMP STATION LAYOUT
SCALE: 1" = 20'

BAYGALL
PUMP STATION AND SEWER
HILTON HEAD PUBLIC SERVICE DISTRICT
HILTON HEAD ISLAND, SOUTH CAROLINA

LOWCOUNTRY
ENGINEERING CONSULTANTS, LLC
36 PROFESSIONAL VILLAGE CIRCLE • BEAUFORT, SOUTH CAROLINA 29907
OFFICE 843.524.1213 • FAX 843.524.1301 WWW.LOWCOUNTRYENGINEER.COM

PROPOSED PUMP STATION LAYOUT

CITY/TOWN: HILTON HEAD ISLAND
COUNTY: BEAUFORT, SOUTH CAROLINA
APPLT.: HHPSD
DATE: FEBRUARY 2013
PAGE: 1

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VAR130004, Barker Field Pump Station
Staff Report Attachment E - Site Photos

VAR130004, Barker Field Pump Station
Staff Report Attachment E - Site Photos

TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
FROM: Nicole Dixon, CFM, *Senior Planner*
DATE April 3, 2013
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 March Board of Zoning Appeals meeting.

Administrative Waivers

March - 2013

1. A project at 107 Lighthouse Road (Heritage Villas): the applicant requested to make improvements to an existing non-conforming parking lot: it lacked the required drive aisle and parking space width, didn't meet parking design standards, etc. A waiver was granted because the applicant was making improvements that were bringing the site more into compliance with the LMO by adding pavement in some areas to increase the drive aisle and parking space width, etc.

2. A project at 99 South Sea Pines Drive (Tower Beach): the applicant requested to make improvements to an existing non-conforming parking lot: it lacked the required drive aisle and parking space width, didn't meet parking design standards, etc. A waiver was granted because the applicant was making improvements that were bringing the site more into compliance with the LMO by revising the layout of the parking to meet parking design standards, adding landscaping and medians, etc.