



**Town of Hilton Head Island
Board of Zoning Appeals
Regular Meeting
Monday, January 27, 2014 2:30p.m
Benjamin M. Racusin Council Chambers
REVISED 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 the Minutes** – December 16, 2013 Regular Meeting and January 6, 2014 Special Meeting
8. **Old Business
Hearing**
APL130006: Request from Curtis L. Coltrane on behalf of Alethea W. Jackson and David Jackson. The appellant is appealing the Town's action on June 12, 2013 to permit 217 Beach City Road, LLC to place manufactured homes on the lots lying within the 32 lot single family subdivision known as Beach City Place. *Presented by: Teri Lewis*
9. **New Business
Hearing**
APL130008: Request from Brad Wainwright. The appellant is appealing the Town's decision on October 23, 2013 to issue approval of a minor zoning map amendment to change the land use designation on a portion of parcel 60 on Tax Map 3 from 'Open Space' to 'Open Space/Telecommunication Facilities'. *Presented by: Teri Lewis*
10. **Board Business**
11. **Staff Reports**
Waiver Report
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, December 16, 2013 Meeting
2:30p.m. - Benjamin M. Racusin Council Chambers

DRAFT

Board Members Present: Chairman Peter Kristian, Vice Chairman Glenn Stanford, Irvin Campbell, David Fingerhut, P. Jeffrey North and Steve Wilson

Board Members Absent: Michael Lawrence

Council Members Present: None

Town Staff Present: Nicole Dixon, Senior Planner & Board Coordinator
Anne Cyran, Senior Planner
Brian Hulbert, Board Attorney
Teri Lewis, LMO Official
Heather Colin, Development Review Administrator
Kathleen Carlin, Secretary

1. Call to Order

Chairman Kristian 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 Kristian welcomed the public and introduced the Board's procedures for conducting the business meeting.

5. Approval of the Agenda

Chairman Kristian and Ms. Nicole Dixon stated that a change has been made to today's agenda. The applicant for Application for Appeal 130008 has requested that the review of this application be postponed to the January 27, 2014 meeting. Chairman Kristian stated that he will recuse himself from review of this application on January 27, 2014 based on a professional conflict of interest. Following these comments, Chairman Kristian requested that a motion for approval of the revised agenda be made.

Vice Chairman Stanford made a **motion** to **approve** the agenda as revised. Mr. Fingerhut **seconded** the motion and the motion **passed** with a vote of 6-0-0.

6. Approval of the Minutes

Chairman Kristian requested that a **motion** be made to **approve** the minutes of the November 25, 2013 meeting.

Vice Chairman Stanford made a **motion** to **approve** the minutes of the November 25, 2013 meeting as presented. Mr. Fingerhut **seconded** the motion and the motion **passed** with a vote of 5-0-0.

8. Unfinished Business

None

9. New Business

Public Hearing

VAR130012: Tim Wright is requesting variances from Land Management Ordinance Section 16-5-704, Minimum Required Setback Area, and Section 16-5-806, Required Buffers. The applicant proposes to: build a street adjacent to an existing lift station and eliminate the adjacent street setback and buffer area between the street and the lift station; to build a street adjacent to the property line of five adjacent parcels and eliminate the adjacent street setback and buffer area between the street and those parcels; and to build an RV and boat storage area surrounded by a drive aisle that would encroach into the adjacent use setback and buffer areas next to four adjacent parcels. One parcel is located at 330 Spanish Wells Road. The other parcels are not addressed. The parcels are further identified as parcels 147, 147B, 438 and 440 on Beaufort County Tax Map 7. Chairman Kristian introduced the application and opened the public hearing. Chairman Kristian 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 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 a review of the site plan, the vicinity map, and several aerial photos.

The applicant proposes to construct a new street adjacent to an existing lift station which would eliminate the adjacent street setback and buffer area between the new street right of way and the lift station. The applicant proposes to build a new street adjacent to the property line of four adjacent parcels which would eliminate the adjacent street setback and buffer area between the street and the parcels. The applicant proposes to build an RV and boat storage area that would encroach into the adjacent use setback and buffer areas next to four adjacent parcels.

One parcel is located at 330 Spanish Wells Road. The parcels are located in the IL (Light Industrial) Zoning District, however, the owner has submitted an application to rezone the parcels to the RM-4 (Low Density Residential) Zoning District. Parcel 147B is bound by Spanish Wells Road to the southeast, High Tide Carpet Cleaning and Rainbow International to the northeast, an undeveloped parcel to the northwest, and a furniture warehouse to the southwest.

Parcel 147 is bound by: six undeveloped parcels used for storage to the southeast; an undeveloped parcel used as a driveway to the northeast; eight parcels to the northwest, one

of which is developed with a single-family house and two of which are used for storage; and an undeveloped parcel (Parcel 440) to the southwest.

Parcel 440 is bound by: a portion of Spanish Wells Business Center II and an undeveloped parcel used for storage to the east; a portion of Spanish Wells Business Center II to the south; two undeveloped parcels to the west; and an undeveloped parcel to the north.

Mr. Tim Wright approached Town staff in April 2012 with a conceptual plan to develop a major single family subdivision on Old House Creek. The proposed development would combine five undeveloped parcels, two parcels covered by a power line easement and power lines, a parcel that serves as an access road, and a Town-owned parcel, Parcel 147B.

The Hilton Head Public Service District recently built a 2,025 square foot lift station in the eastern corner of Parcel 147B. A drainage ditch runs from the front to the back of Parcel 147B and cuts off the western third of the parcel from the rest of the parcel. Also, a 10 foot utility easement runs along three sides of the parcel.

A power line easement and power lines owned by Santee Cooper cover Parcels 147 and 440. Parcel 147 currently is an unimproved access road.

The applicant is applying for a variance from LMO Sec. 16-5-704, Minimum Required Setback Area, and Section 16-5-806, Required Buffers to: to build a street adjacent to an existing lift station and eliminate the adjacent street setback and buffer area between the street and the lift station; to build a street adjacent to the property line of four adjacent parcels and eliminate the adjacent street setback and buffer area between the street and those parcels; and to build an RV and boat storage area surrounded by a drive aisle that would encroach into the adjacent use setback and buffer areas next to four adjacent parcels. The applicant states the variance is needed to develop the streets and a boat and RV storage area for a proposed single family residential subdivision. Ms. Cyran reviewed the staff's Findings of Fact and Conclusions of Law. Following the staff's presentation, Chairman Kristian requested that the applicant make his presentation.

Mr. Tim Wright presented statements in support of his application. Following the applicant's presentation, Chairman Kristian requested public comments and none were received. Chairman Kristian then closed the public hearing for this application.

The Board briefly discussed the application and Chairman Kristian then requested that a motion on the application be made.

Vice Chairman Stanford made a **motion** to **approve** Application for Variance VAR130012 with the condition that the fence is to be built as proposed. The application is approved based on the Findings of Fact and Conclusions of Law contained in the staff's report. Mr. Fingerhut **seconded** the motion and the motion **passed** with a vote of 6-0-0.

10. Board Business

Revisions to Rules of Procedure

Ms. Nicole Dixon presented a brief history of the proposed revisions to the Rules of Procedure. At the November 25, 2013 meeting, the staff presented the draft revisions to the Rules of Procedure, which included procedures on how the Board shall handle a Motion to Dismiss request and other types of motions. At that meeting the Board stated that they would e-mail their comments to the staff. The staff received brief comments from Vice Chairman Stanford which have been included in the document.

Ms. Dixon reviewed the proposed revisions with the Board. Following the Board's review Chairman Kristian requested public comments and the following were received: Chester C. Williams, Esq., presented comments on Page 18, Section II, Motion to Dismiss. The Board discussed the comments provided by Mr. Williams.

Mr. North, Brian Hulbert, Staff Attorney, and the Board discussed the proposed language contained Section II, sub-paragraph 1. Following their discussion Chairman Kristian requested that a motion be made.

Mr. North made a **motion to adopt** the modified language to Section II as discussed by the Board today. Vice Chairman Stanford **seconded** the motion and the motion **passed** with a vote of 6-0-0. Chairman Kristian then requested that a motion be made for the Board to adopt the entire Rules of Procedures document as revised.

Mr. Fingerhut made a **motion** to adopt the entire Rules of Procedures document as revised today. Mr. North **seconded** the motion and the motion **passed** with a vote of 6-0-0.

On a separate topic, Chester C. Williams, Esq., presented public statements in opposition to the LMO Rewrite Committee's proposed language that would allow Applications for Appeal before the Board of Zoning Appeals to be public hearings (rather than public meetings). The Board discussed the proposed change in language and the Board stated that they are concerned with the proposed change in language. The Board stated that Applications for Appeal before the Board of Zoning Appeals should continue to be public meetings (rather than public hearings). Ms. Teri Lewis stated that staff will forward the BZA's concerns on this matter to the Town's attorney as well as the LMO Rewrite Committee.

11. Staff Report
Waiver Report

Ms. Dixon stated that there have been no administrative waivers granted by staff since the November 2013 Board meeting.

12. Adjournment

The meeting was adjourned at 3:20p.m.

Submitted By:

Approved By:

Kathleen Carlin
Secretary

Peter Kristian
Chairman

DRAFT

TOWN OF HILTON HEAD ISLAND
Board of Zoning Appeals
Minutes of the Special Meeting on Monday, January 6, 2014
2:30p.m. - Benjamin M. Racusin Council Chambers

DRAFT

Board Members Present: Chairman Peter Kristian, Vice Chairman Glenn Stanford, Irvin Campbell, Michael Lawrence, P. Jeffrey North and Steve Wilson

Board Members Absent: David Fingerhut

Council Members Present: None

Town Staff Present: Anne Cyran, Senior Planner
Nicole Dixon, Senior Planner & Board Coordinator
Brian Hulbert, Board Attorney
Kathleen Carlin, Secretary

1. Call to Order

Chairman Kristian 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 Kristian welcomed the public and introduced the Board's procedures for conducting today's business meeting.

5. Approval of the Agenda

Chairman Kristian requested that a motion be made to approve the agenda. Vice Chairman Stanford made a **motion** to **approve** the agenda as presented. Mr. Lawrence **seconded** the motion and the motion **passed** with a vote of 6-0-0.

6. Approval of the Minutes

Chairman Kristian stated that the approval of the December 16, 2013 meeting minutes is deferred to the January 27, 2014 meeting.

7. New Business

Public Hearing

VAR130014:

Jane Carnahan is requesting a variance from Land Management Ordinance Section 16-5-704, Minimum Required Setback Area, and Section 16-5-806, Required Buffers. The applicant proposes to build a staircase and landing in the 20 foot exterior boundary setback

and buffer of the Mulberry Place II subdivision. The subject parcel is located at 29 Bellhaven Way. The parcel is further identified as parcel 51 on Beaufort County Tax Map 11C. Chairman Kristian introduced the application and opened the public hearing. Chairman Kristian 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 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 a review of the vicinity map, an aerial photo, the subdivision plan, and as-built survey.

The subject parcel is located at 29 Bellhaven Way in the RM-8 (Residential Moderate Density) Zoning District. The subject parcel is bound by Shelter Cove on the northeast; a single family residence on the northwest; Bellhaven Way on the southwest; and single family residences on the south and southeast.

The applicant applied for a building permit in October 2013 to construct a five foot wide by seventeen foot long staircase and landing on the back of her house as a second exit from the first floor, which is important in case of an emergency. The building permit was denied because the proposed staircase and landing would encroach into the subdivision's exterior boundary setback and buffer.

The subject parcel is located in the Mulberry Place Phase II subdivision, Mulberry Place Phase II was approved in May 1995. In November 1996, Thomas Brencko, Manager of Current Planning, wrote a letter outlining changes to the approval. The letter states that, "Pursuant to the Memorandum of Understanding regarding the Yacht Cove Residential Development, setbacks and buffers along the external boundaries (of the subdivision) shall be maintained in accordance with the original approvals. In (the case of Mulberry Place Phase II), the minimum setback is 30 feet."

The original approvals and Memorandum of Understanding referenced in the letter were not included in the subdivision's file. Without the approvals or memorandum, it is unclear why a 30 foot exterior boundary setback and buffer was required for this subdivision. At the time the subdivision was approved in 1995, the LMO required a 20 foot exterior boundary setback and buffer for subdivisions. This requirement was the same whether a subdivision was part of the exterior boundary of a PUD or outside of a PUD. (Subdivisions located inside PUDs are not subject to the same setback and buffer standards as outside PUDs). The LMO still requires a 20 foot exterior boundary setback and buffer for all single family residential subdivisions.

Since Mulberry Place Phase II was developed, many of the applicant's neighbors built structures in the exterior boundary setback and buffer. These structures include staircases and landings similar to the one proposed by the applicant, as well as porches. These additions were built either without building permits or building permits that were approved in error. The Yacht Cove Property Owners Association has approved the applicant's proposed staircase and landings.

Ms. Cyran and the Board reviewed the staff's Findings of Fact and Conclusions of Law. Following the staff's presentation Chairman Kristian stated that it may be a good idea for the Yacht Cove Property Owners Association to appear before the Planning Commission to

request a 20 foot setback requirement for all properties in the subdivision. Ms. Cyran agreed with this idea on behalf of staff. Following this discussion, Chairman Kristian requested that the applicant make her presentation.

Ms. Jane Carnahan presented statements in support of the application. The Board and the applicant discussed the proposed staircase and landing in the exterior boundary setback and buffer. Following the applicant's presentation, Chairman Kristian requested public comments and none were received. Chairman Kristian then closed the public hearing for this application.

The Board discussed the application and at the completion of their discussion, Chairman Kristian requested that a motion be made.

Mr. North made a **motion** to **approve** Application for Variance VAR130014 with the condition that the administrative decision made by the Board of Zoning Appeals is based on the information that the 30 foot setback applies to this subdivision since the memorandum of understanding mentioned in the staff's report cannot be found. Approval of the application is based on the Findings of Fact and Conclusions of Law contained in the staff's report. Vice Chairman Stanford **seconded** the motion and the motion **passed** with a vote of 6-0-0.

8. Adjournment

The meeting was adjourned at 2:50p.m.

Submitted By:

Approved By:

Kathleen Carlin
Secretary

Peter Kristian
Chairman



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
VIA: Nicole Dixon, *Senior Planner and Board Coordinator*
FROM: Teri Lewis, *LMO Official*
DATE: November 6, 2013
SUBJECT: Appeal 130008

Staff has received an appeal from Brad Wainwright regarding the October 23, 2013 approval of an administrative rezoning for a portion of parcel 60 as identified on Beaufort County Tax Map 3. The land use on the subject parcel was previously designated as 'Open Space'; the rezoning changed the land use designation to 'Open Space/Telecommunications Facilities'. Staff made the decision to approve the request for a minor zoning map amendment (in conformance with Land Management Ordinance (LMO) Section 16-3-1707.A.3) after determining that the amendment had the support of the affected property owners. The referenced LMO section requires that the applicant send a letter to all property owners within 100 feet of the property proposed for a telecommunications facility; five property owners were determined to be located within 100 feet of the subject property. Upon notification, two property owners responded in favor of the request, two property owners responded opposed to the request and one property owner did not respond. Property owners were notified that if they chose not to respond to the notification they would be considered not opposed to (or in favor of) the request. With three out of five property owners in favor of the request, staff made the determination that a majority of the property owners supported the request to change the land use designation from 'Open Space' to 'Open Space/Telecommunications Facilities'.

The appellant is appealing the Town's decision to issue the minor zoning map amendment on the grounds that (1) the LMO lacks a definition as to who is an 'affected' property owner and (2) it is illegal for the Administrator to rezone restricted open space via a minor amendment.

Per the Code of Laws of South Carolina, specifically 6-29-800.B, upon receipt of an appeal staff is required to immediately transmit to the board all the papers constituting the record upon which the action appealed from was taken. The record as attached consists of the following documents: Appeal Application, Appellants Narrative, Survey indicating the property owners the appellant believes should be considered 'affected property owners', Approval of Minor Zoning Map Amendment ZMA130005, copy of LMO Section 16-3-1707.A, sample notification letter, responses from the affected property owners within 100 feet of the subject property and the ZMA130005 file.

Staff reserves the right to submit additional documents.

If you have any questions, please contact Teri Lewis at 341-4698 or teril@hiltonheadislandsc.gov.



Town of Hilton Head Island
 Community Development Department
 One Town Center Court
 Hilton Head Island, SC 29928
 Phone: 843-341-4757 Fax: 843-842-8908
www.hiltonheadislandsc.gov

FOR OFFICIAL USE ONLY
 Date Received: 11/04/13
 Accepted by: JCO
 App. #: APL 13008
 Meeting Date: _____

Applicant/Agent Name: Brad Wainwright Company: —
 Mailing Address: 28 White Tail Deer Lane City: Hilton Head Island State: SC Zip: 29926
 Telephone: 843 342 7902 Fax: — E-mail: bradwainwright@aol.com

APPEAL (APL) SUBMITTAL REQUIREMENTS

If you are interested in submitting your appeal electronically please call 843-341-4757 for more information.

The following items must be attached in order for this application to be complete:

- A detailed narrative stating the Town Official or Body who made the decision, the date of the decision being appealed, the decision being appealed, the basis for the right to appeal, the grounds of the appeal, cite any LMO Section numbers relied upon; **and** a statement of the specific decision requested of the review body.
- Any other documentation used to support the facts surrounding the decision.
- Filing Fee - \$100.00 cash or check made payable to the Town of Hilton Head Island.

To the best of my knowledge, the information on this application and all additional documentation is true, factual, and complete. I hereby agree to abide by all conditions of any approvals granted by the Town of Hilton Head Island. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale.

I further understand that in the event of a State of Emergency due to a Disaster, the review and approval times set forth in the Land Management Ordinance may be suspended.

Applicant/Agent Signature: BK Wainwright Date: 11-4-2013

Appeal of Minor Zoning Map Amendment (ZMA 130005)

On October 23, 2013, an administrative rezoning occurred per the attached October 23, 2013 letter from Jayme Lopko. Parcel ID: A portion of Beaufort County Tax Map R510 003 000 0060 0000, adding telecommunications facility to open space.

The Land Management Ordinance (LMO) Section 16-3-1707.A.3 does reference notification of real property within 100 feet of the parcel under consideration. LMO also states if the change does not have the support of the affected property owners, the request for a minor amendment will be denied. The LMO does not define "affected" property owners. It **does not** state that being 100 feet from the parcel is a condition for being included as an "affected" property owner.

Seven property owners on White Tail Deer Lane and two property owners from Dolphin Head Drive object to this project. The last name of the nine property owners opposed includes: Angelo, Kaplan, Argent, Moss, Premo, Genzer, Brower, Wahl and Wainwright. Survey information provided by the Town of Hilton Head is attached which lists the owners of the property and shows their relative proximity to the project. Each property referenced is within 350 feet of the subject parcel. Some are as close as 100 feet. The landscape view of these nine property owners will be permanently changed from natural open space to "open space/telecommunications" if this project is approved.

The decision to add "telecommunications facilities" as permitted use by a minor amendment is appealed. This appeal is based on the lack of definition in the LMO as to who is an "affected" property owner. The nine property owners listed above do not support this project and considered themselves "affected" by this potential project. The present view of natural open space will be permanently changed if this project is approved. Also, the property owners have discussed that their property value may be affected due to the close proximity to a cell tower and cell tower compound.

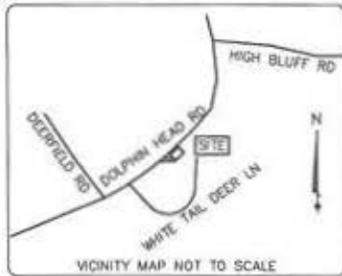
The applicant also questions the legality of an "Administrator" to rezone restricted open space via a minor amendment.

Thank you for your consideration to this appeal.



Brad Wainwright
28 White Tail Deer Lane
Hilton Head Island, SC 29926

Dated November 4, 2013



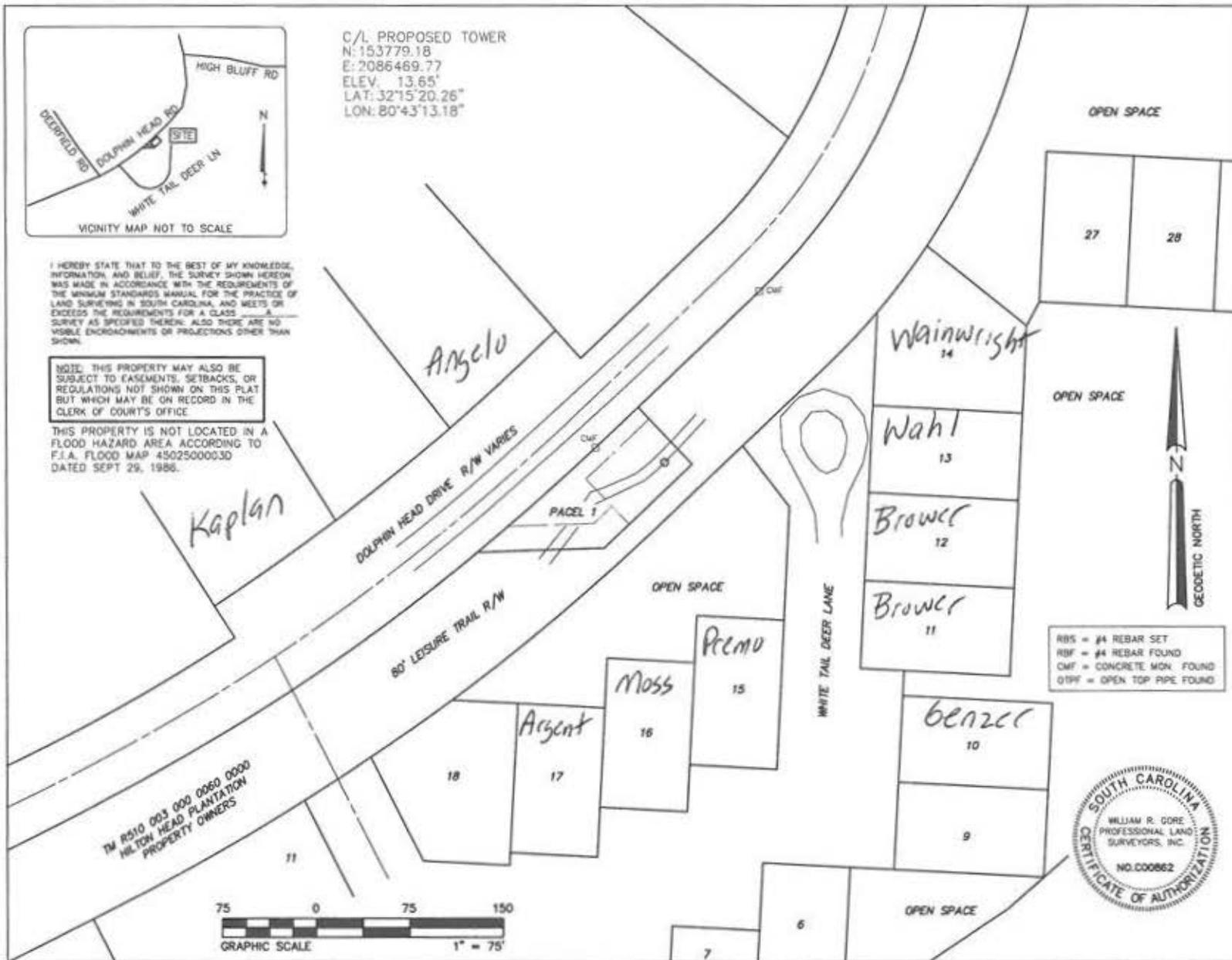
C/L PROPOSED TOWER
 N: 153779.18
 E: 2086469.77
 ELEV. 13.65'
 LAT: 32°15'20.26"
 LON: 80°43'13.18"

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS _____ SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

NOTE: THIS PROPERTY MAY ALSO BE SUBJECT TO EASEMENTS, SETBACKS, OR REGULATIONS NOT SHOWN ON THIS PLAT BUT WHICH MAY BE ON RECORD IN THE CLERK OF COURT'S OFFICE

THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA ACCORDING TO F.I.A. FLOOD MAP 4502500003D DATED SEPT 29, 1986.

TM R510 003 000 0060 0000
 HILTON HEAD PLANTATION
 PROPERTY OWNERS



RBS = #4 REBAR SET
 RBF = #4 REBAR FOUND
 CMF = CONCRETE MON. FOUND
 OTRF = OPEN TOP PIPE FOUND



OPEN SPACE

OPEN SPACE

OPEN SPACE

OPEN SPACE

RAW LAND SURVEY
 WHITE TAIL DEER LANE
 PINELAND S/D HILTON HEAD

FOR: CROWN CASTLE
 SITE: DOLPHIN HEAD
 RUN: B13914
 ADDRESS: WHITE TAIL DEER LANE
 HILTON HEAD ISLAND, S.C. 29926
 BEAUFORT COUNTY

CROWN CASTLE
 3100 DORRISON WAY, SUITE 200, CHARLOTTE, NC 28217
 NATIONAL SURVEY SERVICES COORDINATOR BY:

GEO LINE SURVEYING, INC.
 1340 NW 104th Terrace, Suite A, Alachua, FL 32310
 Phone: (904) 418-0500 Fax: (904) 483-8888
 www.geolineinc.com

SURVEY WERE PERFORMED BY:

William R. Gore
 PROFESSIONAL LAND SURVEYORS, INC.

1804 CENTRAL AVE. AUGUSTA, GEORGIA 30904
 TEL: (706) 738-8771 FAX: (706) 738-8248

DRAWN BY: WHO CHECKED BY: MRG J01 #

- SURVEYOR'S NOTES**
1. BASIS OF BEARING GEODEIC NORTH
 2. NO SURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
 3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
 4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA EXCEPT AS NOTED.

SURVEYOR'S CERTIFICATION
 I HEREBY CERTIFY TO CROWN CASTLE AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

WILLIAM R. GORE PROFESSIONAL LAND SURVEYING

William R. Gore
 WILLIAM R. GORE
 LAND SURVEYOR - S.C. 11811

Date: 04-02-2013





TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Hilton Head Plantation Master Plan File
FROM: Jayme Lopko, AICP, *Senior Planner*
DATE: October 23, 2013
SUBJECT: Minor Zoning Map Amendment (ZMA130005)

The Town has reviewed the criteria of Section 16-3-1707.A.3 *Minor Amendments* of the Land Management Ordinance and has approved an administrative rezoning to add "telecommunications facilities" as a permitted use on the property further described below.

Parcel and Zoning Information

Parcel ID: A portion of Beaufort County Tax Map R510 003 000 0060 0000
(subdivided out but has not received a new parcel ID)

Existing Zoning: PD-1, Planned Development

Proposed Zoning: PD-1, Planned Development

Existing Land Use Designation: Open Space

Proposed Land Use Designation: Open Space/Telecommunications Facilities

Background Information

The subject property is open space according to the approved master plan. Telecommunications Facilities are being added as a permitted use as these two uses can coexist. The location for the proposed telecommunications facility will provide enhanced residential services.

Staff determined that the request is approved based on compliance to:

LMO Section 16-3-1707.A.3 *Change in land use designation of any non-single family residential use to allow a telecommunications facility.*

- a. *The applicant requesting such a change shall send a written notification to all property owners within 100 feet of the subject parcel at their last known address, the record of ownership and last known address being that which is currently on file at the Beaufort County Assessor's Office. In cases where the owners of record of real property within 100 feet of the parcel under consideration are part of a condominium or*

time-share development, the applicant shall also notify the regime/association manager. The notification shall be sent by first class mail no less than 30 calendar days prior to the scheduled Design Review Board (DRB) meeting. The written notification shall be approved by the Administrator prior to being mailed, and the notification shall state that all comments about the proposed amendment shall be directed to the Administrator. The applicant shall submit to the Administrator not less than 7 calendar days prior to the DRB meeting an affidavit of compliance with the notice requirement including a list of all owners to which a notice was mailed.

- b. The applicant requesting such a change shall submit to the Administrator written consent from the PUD property owners' association.*
- c. If the Administrator determines that the change does not have the support of the affected property owners, the request for a minor amendment will be denied. The applicant may then propose to rezone the Official Zoning Map as described in Chapter 3, Article XV [Amendments to Zoning Map].*

Five property owners were determined to be located within 100 feet of the subject parcel. Upon notification, two property owners responded in favor of the request, two property owners responded opposed to the request, and one property owner did not respond. Property owners were notified that if they choose not to respond to the notification, they would be considered not opposed to (or in favor of) the request. With three out of five property owners in favor of the request, the Administrator determines that a majority of the affected property owners support the request.

Although this information was not considered in the determination, staff received 316 emails in support of the request and 17 emails opposed to the request (one containing a petition with 57 signatures). Staff is also aware that the Property Owner's Association for Hilton Head Plantation took a resident survey in 2012 that resulted in a response of 84% that would not object to a cell tower in Hilton Head Plantation.

Sec. 16-3-1707. – Minor Amendments

- A. The following minor amendments to PUD master plans listed in Sec. 16-4-209, Sec. 16-4-604 or associated master plan text shall be reviewed and, if appropriate, approved by the Administrator:
1. Changes which result in a decrease in assigned density or intensity for a specific parcel, either residential or nonresidential.
 2. Change in land use designation from multifamily to single family or a change from any other use to open space/passive recreation.
 3. Change in land use designation of any non-single family residential use to allow a telecommunications facility.
 - a. The applicant requesting such a change shall send a written notification to all property owners within 100 feet of the subject parcel at their last known address, the record of ownership and last known address being that which is currently on file at the Beaufort County Assessor's Office. In cases where the owners of record of real property within 100 feet of the parcel under consideration are part of a condominium or time-share development, the applicant shall also notify the regime/association manager. The notification shall be sent by first class mail no less than 30 calendar days prior to the scheduled Design Review Board (DRB) meeting. The written notification shall be approved by the Administrator prior to being mailed, and the notification shall state that all comments about the proposed amendment shall be directed to the Administrator. The applicant shall submit to the Administrator not less than 7 calendar days prior to the DRB meeting an affidavit of compliance with the notice requirement including a list of all owners to which a notice was mailed.
 - b. The applicant requesting such a change shall submit to the Administrator written consent from the PUD property owners' association.
 - c. If the Administrator determines that the change does not have the support of the affected property owners, the request for a minor amendment will be denied. The applicant may then propose to rezone the Official Zoning Map as described in Chapter 3, Article XV [Amendments to Zoning Map].

September 20, 2013

RE: Notice of Zoning Map Amendment Application

Dear Property Owner:

Pursuant to the Town of Hilton Head Island's Land Management Ordinance, Section 16-3-171A.3, you are hereby notified and invited to comment upon application ZMA130005.

ZMA130005: An application to amend the Land Management Ordinance Section 16-4-102, the Official Zoning Map, by amending the Hilton Head Plantation Master Plan to add Telecommunications Facilities as a permitted use on property located at 68 Dolphin Head Drive.

Documents related to the proposed amendment are available for public inspection between 8:00am and 4:30pm, Monday through Friday, at the Information Center, located at One Town Center Court, Hilton Head Island. If you have questions regarding this case, please contact Jayme Lopko at 341-4695.

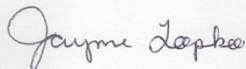
Comments regarding this application are to be sent via email or mail by Tuesday October 22, 2013 to:

Jayne Lopko
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
jaymel@hiltonheadislandsc.gov

By not responding to this notification, you will be considered in support of or not opposed to this application.

If you have already responded to this application, your comments are already part of the record and you do not need to respond again.

Sincerely,



Jayne Lopko, AICP
Senior Planner

LETTERS FROM PROPERTY OWNERS WITHIN 100 FEET OF THE SUBJECT PROPERTY

Dear Ms. Lopko:

I am opposed to the request to install a Telecommunications Facilities as permitted use on the property located at 68 Dolphin Head Drive, reference Case # DR 130032 as communicated in an 8/9/2013 memo from Mr. Terry Thomas of EMEGC.

The proposed use violates "open space" restrictions. The property that was conveyed to the Hilton Head Property Owners Association (HHPPOA) as open space states that property is restricted to "Open Space and no other use whatever". This was addressed by Mr. Chester Williams in his March 22, 2013 letter to Shea Farrar. I assume you have a copy of this correspondence.

Easement rights of HHPPOA was also addressed in Mr. Williams March 22, 2013 (page 3). My understanding is the HHPPOA does not have the right under the Amended POA Covenants to dedicate or transfer any easements to any person or entity other than a "public or private utility" . I do not believe that either EMEGC or Crown Castle International are private or public utilities.

The subject property is owned by the property owners of Hilton Head Plantation (HHPPOA). The proposed use of this property has not been approved by a vote of the property owners.

Some other items I have noticed with the documentation process includes : Mr. Peter Kristian signed as owner on the affidavit of ownership. It seems to me that the owner should be indicated as HHPPOA with Mr. Kristian signing as General Manager, not owner. Also, the certified letter I received from EMEGC on the public hearing date failed to mention comments could be sent via email or mail and that by not responding to this notification, you will be considered in support of or not opposed to this application.

Please consider this email my opposition to this project in the event I cannot attend the September 10, 2013 Public Hearing.

Regards,
Barry Moss

My wife and I would like to go on record opposing the construction of the 140' monopine communication tower located at 68 Dolphin Head Drive. We feel that the tower would devalue our property Lot 10 directly across Dolphin Head Drive. Let's face it Hilton Head Plantation is a gated residential area. Commercial enterprises should not be allowed. Michael and Muriel Angelo

Jayme- Please consider this email Hilton Head Plantation POA's Official support for the Cell tower/Monopine project planned for the area between White Tail Deer Lane and Dolphin Head Drive in Hilton Head Plantation.

Peter Kristian, GM

Jayme,

I want you to know that I am a resident of a house on Dolphin Head Drive very close to the location of the cell tower to be installed to improve our cell phone reception and I am strongly IN FAVOR of the tower's installation. I have been walking out into my driveway in order to get acceptable phone reception and am eager to have the new cell phone tower in place to improve my communications no only with family members in other states, but also with local callers. But even more important than improving my personal

cell phone service, I think it is imperative to have this new cell phone tower to improve the quality of phone service for all the residents in Hilton Head Plantation, which in turn will enhance the value of our homes.

The objections I have heard based on both appearance and detriment to our health seem ludicrous. We won't see the tower way above the trees, and I don't believe the allegations that our health will be impacted by proximity to the tower.

Thank you for hearing my opinion and my ENDORSEMENT of the cell phone tower at 68 Dolphin Head Drive in Hilton Head Plantation.

Mary-Stuart Alderman

Ms. Lopko,

I am one of the neighboring property owners who has received the Notice of Zoning Map Amendment Application ZMA130005, regarding the addition of Telecommunications Facilities as a permitted use on property located at 68 Dolphin Head Drive. For eleven years, I have owned and lived in the home at 67 Dolphin Head Drive, which is directly across Dolphin Head Drive from the proposed site. I wish to express my full, strong support for the Amendment, and also for the subsequent construction of the proposed telecommunications tower as soon as possible. The reasons for my support are as follows:

- 1) Wireless voice and data reception is intermittent at best through much of Hilton Head Plantation, including my neighborhood. That is simply unacceptable in a community where most families require good reception for family communications, business, and emergencies. Reliable reception is no longer an optional part of life today - it is a necessity. This is a quality of life issue, and communities without decent reception will not fare well in the coming years.
- 2) I have attended the meetings where studies have presented the best technologies and optimal tower sizes and locations for Hilton Head Plantation. The studies and conclusions seem well-reasoned and credible to me, so I believe the proposed location on Dolphin Head Drive will provide the most benefit to me and my neighbors throughout this part of the Island.
- 3) In my view, the visual impact of the tower and facilities will be minimal. The angled views toward the top of the tower will be effectively screened by the thick tree cover on all sides. It is the ground level views that will be of most concern, and I am convinced that the equipment enclosure, the landscaping, and the access drive will be completed in a way that will effectively mitigate any significant view concerns.
- 4) I have researched health and safety issues related to cell towers and telecommunications equipment, and I do not believe that the health and safety of the site's closest neighbors, including my family, will be affected.
- 5) Property values are always of concern when changes are made in a community. In my opinion, any negative impact caused by the physical presence of a tower in this location will be very minimal, if any. Conversely, the positive property value impact of much improved voice and data reception will be significant, I believe.

6) In sum, this Amendment and the proposed improvements are for the common good of the citizens of Hilton Head Plantation and Hilton Head Island. I hope that decisions on this Amendment will be based not only upon the minimal impacts to immediate neighbors, but rather upon the need to improve this essential service for the common good of the broader community.

Thank you for accepting my comments. Could you please acknowledge receipt of this email, so I can know it has been received?

John D. Alderman



Town of Hilton Head Island
 Community Development Department
 One Town Center Court
 Hilton Head Island, SC 29928
 Phone: 843-341-4757 Fax: 843-842-8908
www.hiltonheadislandsc.gov

| | |
|------------------------------|-------|
| FOR OFFICIAL USE ONLY | |
| Date Received: | _____ |
| Accepted by: | _____ |
| App. #: ZMA | _____ |
| Meeting Date: | _____ |

Applicant/Agent Name: Terry Thomas Company: E.M. Enterprises General Contractors, Inc.
 Mailing Address: 3615 E Lake Ave City: Tampa State: FL Zip: 33610
 Telephone: 813-241-9000 Fax: 813-241-9001 E-mail: terry.thomas@emegc.com

Project Name: Hilton Head Plantation Project Address: 68 Dolphin Head Dr. Hilton Head Island, SC
 Parcel Number [PIN]: R5 1 0 0 0 3 0 0 0 0 0 6 0 0 0 0
 Zoning District: _____ Overlay District(s): _____ Requested District: _____
 PD-1 Existing Land Use: Open Space PD-1 Proposed Land Use: Open Space/Telecommunications

ZONING MAP AMENDMENT (ZMA) SUBMITTAL REQUIREMENTS

Digital Submissions may be accepted via e-mail by calling 843-341-4757. The following items must be attached in order for this application to be complete:

- Affidavit of Ownership and Hold Harmless Permission to Enter Property
- A narrative that explains the reason(s) for the rezoning request and how the request meets the criteria of LMO Section 16-3-1505. Review Criteria.
- A copy of correspondence providing notice of a public hearing to all land owners of record within three hundred and fifty (350) feet on all sides of the parcel(s) being considered for the zoning map amendment. Such notice shall be mailed by first class mail thirty days (30) prior to the Planning Commission meeting per LMO Section 16-3-111C. Mailed Notice. A sample letter can be obtained at the time of submittal. Also provide a list of owners of record to receive notification. The Town can assist in providing this listing by calling 843-341-4757.
- _____ Where applicable, a copy of correspondence requesting written comments from the appropriate property owners' association regarding the requested amendment per LMO Section 16-3-1502.B. The Town can assist in providing this information by calling 843-341-4757.
- A boundary map prepared and sealed by a registered land surveyor. Submit an 11X17 inch (or smaller) reproducible copy of the plan.
- Filing Fee - \$500 cash or check made payable to the Town of Hilton Head Island

Are there recorded private covenants and/or restrictions that are contrary to, conflict with, or prohibit the proposed request? If yes, a copy of the private covenants and/or restrictions must be submitted with this application. YES NO

To the best of my knowledge, the information on this application and all additional documentation is true, factual, and complete. I hereby agree to abide by all conditions of any approvals granted by the Town of Hilton Head Island. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale.

I further understand that in the event of a State of Emergency due to a Disaster, the review and approval times set forth in the Land Management Ordinance may be suspended.

Terry Thomas
 SIGNATURE

8-6-13
 DATE



August 6, 2013

Town of Hilton Head Island
Community Development Department

Re: Crown Castle International -Application for Stealth Monopine Tower
Telecommunications Site Development, 68 Dolphin Head Dr., Hilton Head Island, SC

Our application is for a stealth monopine 140' in height. Crown Castle International will be the owner of the tower and Verizon Wireless is the anchor tenant with the need to provide improved service in the designated search area. The tower is centered at coordinates 32° 15' 20.26" N 80° 43' 13.18" W. The tower height needed by Verizon Wireless is 140' as communicated by their RF Engineer. There are no existing towers in the search area and there are no tall structures of adequate height therefore there are no collocation possibilities.

The proposed location was chosen because it is at the center of the search area; it is zoned "Open Space" and is not adjacent to residentially zoned properties. We are asking to change the zoning designation from "Open Space" to "Open Space/ Telecommunications" The current use of the parent tract is a recreational trail and mostly wooded with tall pines. The proposed tower will be designed with a 33' fall radius so as not to interfere with any surrounding structures. The monopine is designed to accommodate up to four cell carriers including Verizon Wireless. A landscape buffer will be installed to help the facility blend into the surroundings. We intend to fully comply with all sections of the code regarding this site development application.

Sincerely,

Terry Thomas
Site Development Manager
E.M. Enterprises General Contractors, Inc.
3615 E. Lake Ave.
Tampa, Fl 33610
office (813)470-7773
Cell (727)254-7458
fax (813)241-9001
terry.thomas@emegc.com



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
FROM: Nicole Dixon, CFM, *Senior Planner*
DATE: January 22, 2014
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 have been no administrative waivers granted by staff since the December Board of Zoning Appeals meeting.